

# MITIGATED NEGATIVE DECLARATION

**FILE:** DR19-0006

**PROJECT NAME:** Cool General Retail

**NAME OF APPLICANT:** Woodcrest REV

**ASSESSOR'S PARCEL NOS.:** 071-500-037-000

**SECTION:** 4 T: 12N R: 9E

**LOCATION:** East side of State Route 49 south of the intersection with Northside drive in the Cool area, El Dorado County (Attachment 1).

- GENERAL PLAN AMENDMENT:**                      **FROM:**                      **TO:**
- REZONING:**                      **FROM:**                      **TO:**
- TENTATIVE PARCEL MAP**   
**SUBDIVISION (NAME):**
- CONDITIONAL USE PERMIT TO ALLOW:**
- OTHER:** Design Review for 9,100 square foot retail store

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**REASONS THE PROJECT WILL NOT HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT:**

- NO SIGNIFICANT ENVIRONMENTAL CONCERNS WERE IDENTIFIED DURING THE INITIAL STUDY.**
- MITIGATION HAS BEEN IDENTIFIED WHICH WOULD REDUCE POTENTIALLY SIGNIFICANT IMPACTS.**
- OTHER:**

In accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), State Guidelines, and El Dorado County Guidelines for the Implementation of CEQA, the County Environmental Agent analyzed the project and determined that the project will not have a significant impact on the environment. Based on this finding, the Planning Department hereby prepares this MITIGATED NEGATIVE DECLARATION. A period of thirty (30) days from the date of filing this mitigated negative declaration will be provided to enable public review of the project specifications and this document prior to action on the project by COUNTY OF EL DORADO. A copy of the project specifications is on file at the County of El Dorado Planning Services, 2850 Fairlane Court, Placerville, CA 95667.

**This Mitigated Negative Declaration was adopted by the \_\_\_\_\_ on \_\_\_\_\_.**

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Executive Secretary



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

**INITIAL STUDY  
ENVIRONMENTAL CHECKLIST**

**Project Title:** Design Review Permit DR19-0006/Cool General Retail

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

**Contact Person:** Evan Mattes, Senior Planner

**Phone Number:** (530) 621-5994

**Applicant's Name and Address:** Steve Powell, Woodcrest REV; 1410 Main Street, Ste C, Ramona, CA 92065

**Project Agent's Name and Address:** Same as above.

**Project Engineer's Name and Address:** MPA Architects; 3578 30th Street, San Diego, CA 92104

**Project Location:** The project site is located on the east side of State Route 49 (SR 49), south of the intersection with Northside Drive in the community of Cool, El Dorado County, California (see **Figure 1**).

**Assessor's Parcel Number:** 071-500-037

**Acres:** 1.69 acres

**Sections:** USGS Auburn 7.5-minute Quadrangle, Sec.18 T:12N R:9E

**General Plan Designation:** Commercial (C)

**Zoning:** General Commercial (CG) w/ Design Control (DC) overlay

**Description of Project:** Design Review Permit for the construction of a 9,100 square foot (s.f.) building for commercial/retail uses (Dollar General Store) and associated on-site improvements including driveway, parking lot, utility, lighting, signage and landscaping on an approximately 1.68-acre undeveloped parcel located on the south side of Northside Drive, east of SR 49 in the County Rural Center of Cool.

**Surrounding Land Uses and Setting:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	General Commercial with Design Control overlay (GC-DC)	Commercial (C)	Vacant
<b>North</b>	General Commercial with Design Control overlay (GC-DC)	Commercial (C)	Commercial, US Post Office, Restaurant, Offices
<b>South</b>	General Commercial with Design Control overlay (GC-DC)	Commercial (C)	Vacant
<b>East</b>	General Commercial with Design Control overlay	Commercial (C)	Vacant

	(GC-DC)		
<b>West</b>	Community Commercial -Design Control (CC-DC)/Transportation Corridor (TC)	Commercial (C)	Commercial Shopping Center and California State Route 49
<p><b>Environmental Setting:</b> The undeveloped project site consists of gently sloping to flat topography. Elevations at the site range from approximately 1,525 to 1,555 feet above mean sea level (msl), for a difference of about 30± feet across the entire site. Drainage within the subject property generally flows to the southeast. The site is bordered by commercial development to the north, east, and west, as well as vacant property to the south. Most of the vegetation on the site consists of moderate amounts of annual weeds/grasses, along with small to large trees scattered throughout the subject site (see <b>Figure 2</b>).</p>			
<p>Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement)</p> <ol style="list-style-type: none"> <li>1. CalTrans - Encroachment Permit (if required)</li> <li>2. Georgetown Public Utilities District for water service connection</li> <li>3. El Dorado County – Grading permit, encroachment permit, building permits, septic permit</li> <li>4. El Dorado County Fire District – Building plan review</li> </ol>			

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
X	Biological Resources		Cultural Resources		Energy
	Geology / Soils		Greenhouse Gas Emissions		Hazards & Hazardous Materials
	Hydrology / Water Quality		Land Use / Planning		Mineral Resources
	Noise		Population / Housing		Public Services
	Recreation		Transportation/Traffic	X	Tribal Cultural Resources
	Utilities / Service Systems		Wildfire		

**DETERMINATION**

**On the basis of this initial evaluation:**

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by Mitigation Measures based on the earlier analysis as described in attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects: a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION**, pursuant to applicable standards; and b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or Mitigation Measures that are imposed upon the proposed project, nothing further is required.

Signature:  Date: 4/21/2020

Printed Name: Evan Mattes, Project Planner For: El Dorado County

Signature:  Date: 4/21/20

Printed Name: Rommel (Mel) Pabalinas, Current Planning Manager For: El Dorado County



## **PROJECT DESCRIPTION**

### Introduction

This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts resulting from the proposed project. The project would allow construction and operation of a 9,100 s.f. commercial retail building.

### Project Description

The project applicant proposes to construct a 9,100 sq. ft. commercial retail building (Dollar General) on a 1.69-acre site. The single-story building would have a maximum height of 33 feet. The building would be located in the southerly half of the project site, facing the intersection of Highway 49 and Northside Drive (see **Figure 3**). The project design is in the style of new traditional, Western false front architecture. The design is responsive to community input and designed to replicate the “Boardwalk” project on the west side of SR 49. The building has a central entrance, and parapet walls extending along the building façade (see **Figure 5**). The project would include parking for 31 vehicles, a refuse enclosure for solid waste, landscaping, an on-site septic system, and on-site stormwater treatment.

Dollar General hours of operation are Monday thru Sunday 8am to 10pm. Typically, there would be 3 employees during a normal shift and 4-5 customers at a time during peak hours.

Project landscaping would include tree plantings in the parking lot, and a variety of shrubs and ground cover around the parking lot and building. The two mature oak trees at the northwest corner of the property would be preserved, and the area around them left in a natural state. The eastern end of the property would be left undisturbed except where the dedicated septic field would be located. .

A monument sign would be located at the northwest corner of the project, near the corner of State Route 49 and Northside Drive. The sign would be approximately 50 s.f., approximately 11 feet above ground surface (at the highest point). The design is a wood framed (or optional steel frame) sign, with channelized internally illuminated letters on a wood grain background.

Project lighting includes at least one parking lot fixture and building mounted lighting (“gooseneck” or similar downward shielding light fixtures).

### Project Location and Surrounding Land Uses

The Project site fronts on the East side of Highway 49 (Golden Chain Highway) and the south side of Northside Drive, North of Highway 193 (Georgetown Road) approximately 400 feet, in the community of Cool, El Dorado County, California (see Figure 1). The site is designated Commercial in the General Plan and is zoned General Commercial (GC). The project is within a Rural Center (Cool) as designated by the General Plan. There are no other special designations applicable to the site.

The undeveloped project site consists of gently sloping to flat topography. Elevations at the site range from approximately 1,525 to 1,555 feet above mean sea level (msl), for a difference of about 30± feet across the entire site. Drainage within the subject property generally flows to the southeast. Most of the vegetation on the site consists of moderate amounts of annual weeds/grasses, along with small to large trees scattered throughout the subject site (see Figure 2 and **Figure 4**). There is an existing graded pad area in the center of the site that has been incorporated into the site design.

There is a commercial building north of the project site (across Northside Drive) that includes a restaurant, offices, and a U.S. Post Office, totaling approximately 8,800 s.f. The parcel immediate east is vacant, while further east is a cellular tower (approximately 225 feet). To the south is a vacant parcel and then Highway 193. South of Highway 193 is a retail shopping center, anchored by a Holiday Market. To the west, on the other side of Highway 49, is the central commercial area of Cool, which includes several restaurants, retail stores, a feed and ranch supply store, a

gas station, auto repair, and a veterinary hospital. Fire Station No. 72 of the El Dorado County Fire Protection District is located northwest of the project site, on St. Florian Ct. The Olmstead Loop Trailhead, part of the Auburn State Recreation Area, is located next to the Fire Station.

### Project Characteristics

#### 1. Transportation/Circulation/Parking

##### *Project Area Roadways*

**State Route 49 (SR 49)** serves north-south traffic throughout the Sierra Nevada foothills. In and near El Dorado County, State Route 49 runs from Plymouth in Amador County through Diamond Springs, Placerville, Coloma, Pilot Hill, and Cool to Auburn in Placer County. In the vicinity of the project site, SR 49 is a 2-lane facility with no frontage improvements. The posted speed limit is 45 mph.

**Northside Drive** is a 2-lane (privately maintained) local street that intersects State Route 49 approximately 600 feet north of SR 193.

**State Route 193 (SR 193)** runs easterly from SR 49 in Cool to an intersection on SR 49 north of Placerville. In the vicinity of the project site, SR 193 is a 2-lane facility with no frontage improvements, although a separated bike path exists along the north side of the road. The posted speed limit is 55 mph.

##### *Project Area Intersections*

**State Route 49 / St Florian Court** intersection is a “Tee” intersection controlled by an eastbound stop sign on St Florian Court. A northbound left turn lane is present on SR 49. The St Florian Court approach is a single lane, and there are no crosswalks present.

**State Route 49 / Northside Drive** intersection is a “Tee” intersection controlled by a westbound stop sign on Northside Drive. A Two-Way-Left-Turn-Lane is present on SR 49. The Northside Drive approach is a single lane, and there are no crosswalks present.

**State Route 49 / Commercial Driveway** intersection is a “Tee” controlled by a stop sign on eastbound Commercial Driveway. A Two-Way-Left-Turn-Lane is present on SR 49. The Commercial Driveway is a private drive, and there are no crosswalks present.

**State Route 49 / State Route 193** intersection is a four-way intersection controlled by an all-way stop with an overhead flasher. SR 49 has separate left turn lanes on each approach. A southbound right turn lane exists, and the northbound thru lane is wide enough to allow right turns outside of the queue of northbound traffic. The SR 193 westbound approach is wide enough to act as a combined left-thru lane and a separate right turn lane, and the eastbound leg is a single lane private drive. Crosswalks exist on the south and east side of the intersection.

**USPS Driveway / Northside Drive** intersection is a “Tee” controlled by a stop sign on the southbound USPS Driveway. There are no auxiliary lanes or crosswalks present.

##### *Project Components*

Access to the project site is proposed via a single, 40-foot wide driveway on Northside Drive. The driveway would be approximately 35 feet from the USPS driveway to the west and approximately 655 feet from the Cool Boat and RV Storage across Northside Drive to the east. As previously mentioned, the project’s Northside Drive frontage is currently unimproved, and other than the driveway access improvements, development of the project would not include additional improvements along the Northside Drive frontage, except as noted to maintain the 24-foot street width.

Onsite, the project proposes to develop a parking lot with 31 parking spaces.

In terms of onsite circulation, regular truck deliveries would consist of 1-2 full size trucks visiting the store each week. The project proponents anticipate that smaller single unit trucks may visit the site each day. The project would result in trucks turning into the site and turning first right into the parking aisle that runs parallel to Northside Drive. From that point the truck would back into the aisle towards the store's rear door. After completing the delivery, the trucks would proceed to Northside Drive. This is a common Dollar General Store configuration, and the parking layout is wide enough to accommodate these movements.

The project would include a Class 2 bike land/path on the east side of SR 49 adjacent to the property frontage. This improvement would either be constructed by the applicant or subject to an in-lieu fee.

## 2. Utilities and Infrastructure

The project site is served by Georgetown Divide Public Utility District for water. The project would connect to the existing water service on the west side of the property adjacent to SR 49. As the site is not served by a wastewater system, an on-site septic system would be installed. The proposed JET J-1000 NSF certified septic system would be located northeast of the building. The project would connect to the existing stormwater collection system in Northside Drive, and would include an on-site drainage retention area, to the northwest of the parking lot.

An existing overhead electrical line owned by PG&E crosses the property from west to east. This line would be relocated to the north, in coordination with PG&E, to avoid the proposed building. PG&E would provide electrical service to the site.

New privately-maintained road improvements to bring Northside Drive into compliance with minimum pavement width requirements would be constructed on the south side of Northside Drive from the proposed driveway to the easterly property line.

## 3. Construction Considerations

The project is a vacant previously disturbed parcel. Planned construction would avoid the two mature oak trees at the front (north side) of the property. It is anticipated that the project grading would either be balanced or may require the import of a small amount of fill for the building site.

### Project Schedule and Approvals

This Initial Study and proposed Mitigated Negative Declaration is being circulated for public and agency review for a 30-day period. Written comments on the Initial Study should be submitted to the project planner indicated in the Summary section, above. Following the close of the written comment period, the Initial Study and proposed Mitigated Negative Declaration will be considered by the Lead Agency, El Dorado County, in a public meeting and will be adopted if it is determined to be in compliance with CEQA.

The project requires design review approval by the County.

## **EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. If the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is a fair argument that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of Mitigation Measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the Mitigation Measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used, or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

**ENVIRONMENTAL IMPACTS**

<b>I. AESTHETICS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			X	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c. Substantially degrade the existing visual character quality of the site and its surroundings?			X	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal regulations are applicable to aesthetics in relation to the proposed project.

***State Laws, Regulations, and Policies***

In 1963, the California State Legislature established the California Scenic Highway Program, a provision of the Streets and Highways Code, to preserve and enhance the natural beauty of California (Caltrans, 2015). The state highway system includes designated scenic highways and those that are eligible for designation as scenic highways.

There are no officially designated state scenic corridors in the vicinity of the project site.

***Local Laws, Regulations, and Policies***

The County has several standards and ordinances that address issues relating to visual resources. Many of these can be found in the County Zoning Ordinance (Title 130 of the County Code). The Zoning Ordinance consists of descriptions of the zoning districts, including identification of uses allowed by right or requiring a special-use permit and specific development standards that apply in particular districts based on parcel size and land use density. These development standards often involve limits on the allowable size of structures, required setbacks, and design guidelines. Included are requirements for setbacks and allowable exceptions, the location of public utility distribution and transmission lines, architectural supervision of structures facing a state highway, height limitations on structures and fences, outdoor lighting, and wireless communication facilities.

Visual resources are classified as 1) scenic resources or 2) scenic views. Scenic resources include specific features of a viewing area (or viewshed) such as trees, rock outcroppings, and historic buildings. They are specific features that act as the focal point of a viewshed and are usually foreground elements. Scenic views are elements of the broader viewshed such as mountain ranges, valleys, and ridgelines. They are usually middle ground or background elements of a viewshed that can be seen from a range of viewpoints, often along a roadway or other corridor.

A list of the county's scenic views and resources is presented in Table 5.3-1 of the El Dorado County General Plan EIR (p. 5.3-3). This list includes areas along highways where viewers can see large water bodies (e.g., Lake Tahoe and Folsom Reservoir), river canyons, rolling hills, forests, or historic structures or districts that are reminiscent of El Dorado County's heritage.

Several highways in El Dorado County have been designated by the California Department of Transportation (Caltrans) as scenic highways or are eligible for such designation. These include U.S. 50 from the eastern limits of the Government Center interchange (Placerville Drive/Forni Road) in Placerville to South Lake Tahoe, all of SR 89 within the county, and those portions of SR 88 along the southern border of the county.

Rivers in El Dorado County include the American, Cosumnes, Rubicon, and Upper Truckee rivers. A large portion of El Dorado County is under the jurisdiction of the USFS, which under the Wild and Scenic Rivers Act may designate rivers or river sections to be Wild and Scenic Rivers. To date, no river sections in El Dorado County have been nominated for or granted Wild and Scenic River status.

**Discussion:** A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

- a. **Scenic Vista:** A scenic vista is a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. No scenic vistas have been officially designated for the project site or vicinity in the General Plan (El Dorado County, 2003). While the proposed project would introduce a new commercial development to the project site, it would not result in a substantial adverse effect to a scenic vista. Impacts would be **less than significant**.
- b. **Scenic Resources:** Highway 49 throughout El Dorado County is classified as an "Eligible State Scenic Highway – Not Officially Designated." The nearest scenic highway designation is on U.S. 50 between and within the City of Placerville and the Tahoe Basin. This designation occurs approximately 19 miles southeast of the proposed project area. The project area would not be visible from the scenic highway; therefore, the project would have **no impact** to aesthetic resources within the proximity of a state scenic highway.
- c. **Visual Character:** The proposed project would result in the construction of a new 9,100-square foot retail store in the community of Cool. Parking facilities are also a part of the project. These elements may result in a change to the visual character of the site by increasing the number of urban structures on otherwise vacant land. However, the site is designated and zoned for commercial land uses and therefore intended to accommodate commercial development under the El Dorado County General Plan. The proposed project would be required to comply with County development standards. The project is subject to design review to ensure it would be consistent with the surrounding commercial uses. The project design reflects the character of the existing commercial development, as shown in **Figure 6**, which shows the commercial development west of SR 49. The project design, architectural treatments, and associated improvements substantially conform to the El Dorado County Design Guide and would not substantially detract from this commercial district. Therefore, construction of the project would not substantially degrade the character of the site or its surroundings, as the new retail store building would be consistent with existing development in the area. This impact is **less than significant**.
- d. **Light and Glare:** The proposed project would result in a new building and parking area, both of which may result in an increase of artificial light and glare into the existing environment. Potential sources of light and glare include external building lighting, parking lot lighting, an illuminated sign, and building windows. The introduction of new sources of light and glare may contribute to nighttime light pollution and result in impacts to nighttime views in the area. However, the project would be required to comply with County design standards and outdoor lighting associated with the project would be required to meet the County Zoning Ordinance Section 130.14.170 (Outdoor Lighting). Outdoor lighting associated with the project would be required to be shielded to avoid potential glare affecting day or nighttime views for those that live or travel through the area. In complying with County regulations, the proposed project impact

would be **less than significant** regarding the creation of a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

**FINDING:** With adherence to El Dorado County Code of Ordinances (County Code), for this Aesthetics category, impacts would be less than significant.

<b>II. AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by California Department of forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Locally Important Farmland (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				<b>X</b>
b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				<b>X</b>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				<b>X</b>
d. Result in the loss of forest land or conversion of forest land to non-forest use?				<b>X</b>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				<b>X</b>

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal regulations are applicable to agricultural and forestry resources in relation to the proposed project.

***State Laws, Regulations, and Policies***

**Farmland Mapping and Monitoring Program**

The Farmland Mapping and Monitoring Program (FMMP), administered by the California Department of Conservation (CDC), produces maps and statistical data for use in analyzing impacts on California’s agricultural resources (CDC 2008). FMMP rates and classifies agricultural land according to soil quality, irrigation status, and other criteria. Important Farmland categories are as follows (CDC 2013a):

**Prime Farmland:** Farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. These lands have the soil quality, growing season, and moisture supply needed to produce sustained high yields. Prime Farmland must have been used for irrigated agricultural production at some time during the 4 years before the FMMP's mapping date.

**Farmland of Statewide Importance:** Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Farmland of Statewide Importance must have been used for irrigated agricultural production at some time during the 4 years before the FMMP's mapping date.

**Unique Farmland:** Farmland of lesser quality soils used for the production of the state's leading agricultural crops. These lands are usually irrigated but might include non-irrigated orchards or vineyards, as found in some climatic zones. Unique Farmland must have been cropped at some time during the 4 years before the FMMP's mapping date.

**Farmland of Local Importance:** Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

#### California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (commonly referred to as the Williamson Act) allows local governments to enter into contracts with private landowners for the purpose of preventing conversion of agricultural land to non-agricultural uses (CDC 2013b). In exchange for restricting their property to agricultural or related open space use, landowners who enroll in Williamson Act contracts receive property tax assessments that are substantially lower than the market rate.

#### Z'berg-Nejedly Forest Practice Act

Logging on private and corporate land in California is regulated by the 1973 Z'berg-Nejedly Forest Practice Act. This Act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry (CALFIRE) works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs.

**Discussion:** A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
- The amount of agricultural land in the County is substantially reduced; or
- Agricultural uses are subjected to impacts from adjacent incompatible land uses.

a. **Farmland Mapping and Monitoring Program:**

The FMMP El Dorado County Important Farmland map classifies the project site as Urban and Built-up Land (DOC 2016). The project site is designated for commercial uses and is not located within or adjacent to lands designated with the Agricultural (A) General Plan Land Use Overlay. As such, the project would not result in the conversion of any farmland to non-agricultural use and would have **no impact**.

- b. **Agricultural Uses:** The project site is not located within a Williamson Act Contract, would not conflict with existing zoning for agricultural use, and would not affect any properties under a Williamson Act Contract. There would be **no impact**.

- c.-d. **Loss of Forest land or Conversion of Forest land:** The site is not designated as Timberland Preserve Zone (TPZ) or other forest land according to the EDC General Plan and Zoning Ordinance. The project site does not support forested areas. No conversion of forest or timber lands would occur as a result of the project. There would be **no impact**.



- e. **Conversion of Prime Farmland or Forest Land:** The project would not result in conversion of existing lands designated by the EDC General Plan and/or zoned for agricultural uses, nor is the site designated TPZ or other forestland according to the El Dorado General Plan and Zoning Ordinance. The project site is designated for commercial uses by the EDC General Plan and is zoned for commercial development. There would be **no impact**.

**FINDING:** The project site does not contain agricultural resources and no impacts would be anticipated to result from the project.

<b>III. AIR QUALITY. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			X	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
d. Expose sensitive receptors to substantial pollutant concentrations?			X	
e. Create objectionable odors affecting a substantial number of people?			X	

**Regulatory Setting:**

Criteria air pollutants are defined as pollutants for which the federal and state governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The federal and state standards have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. The Clean Air Act is implemented by the U.S. Environmental Protection Agency (USEPA) and sets ambient air limits, the National Ambient Air Quality Standards (NAAQS), for the following criteria air pollutants: particulate matter of aerodynamic radius of 10 micrometers or less (PM10), particulate matter of aerodynamic radius of 2.5 micrometers or less (PM2.5), carbon monoxide (CO), nitrogen dioxide (NO2), ground-level ozone (O3), sulfur dioxide (SO2), and lead. Of these criteria pollutants, particulate matter and ground-level O3 pose the greatest threats to human health. The California Air Resources Board (CARB) sets standards for criteria pollutants in California that are more stringent than the NAAQS and include the following additional contaminants: visibility-reducing particles, hydrogen sulfide (H2S), sulfates, and vinyl chloride.

USEPA and CARB regulate various stationary sources, area sources, and mobile sources. USEPA has regulations involving performance standards for specific sources that may release toxic air contaminants (TACs), known as hazardous air pollutants (HAPs) at the federal level. In addition, USEPA has regulations involving emission criteria for off-road sources such as emergency generators, construction equipment, and vehicles. CARB is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB also establishes passenger vehicle fuel specifications.

The proposed project is located within the Mountain Counties Air Basin (MCAB), which is comprised of seven air districts: the Northern Sierra Air Quality Management District (AQMD), Placer County Air Pollution Control District (APCD), Amador County APCD, Calaveras County APCD, the Tuolumne County APCD, the Mariposa County APCD, and a portion of the El Dorado County AQMD (EDCAQMD), which consists of the western portion of El Dorado County. The EDCAQMD manages air quality for attainment and permitting purposes within the west slope portion of El Dorado County.

Air quality in the project area is regulated by the EDCAQMD. CARB and local air districts are responsible for overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality-related sections of environmental documents required to comply with CEQA. The AQMD regulates air quality through the federal and state Clean Air Acts, district rules, and its permit authority.

The USEPA and State also designate regions as “attainment” (within standards) or “nonattainment” (exceeds standards) based on the ambient air quality. El Dorado County is in nonattainment status for both federal and state O3 standards and for the state PM10 standard, and is in attainment or unclassified status for other pollutants (CARB 2019).

The EDCAQMD has adopted thresholds to address the significance of air quality impacts resulting from a project in the Guide to Air Quality Assessment (EDCAQMD 2002). These mass daily thresholds are for reactive organic gases (ROG) (also termed volatile organic compounds or VOCs) and oxides of nitrogen (NOx), which are O3 precursors. According to the EDCAQMD, if ROG and NOx are less than significant during construction and operations, then exhaust emissions of other pollutants (such as CO, NO2, PM10, and SO2) from the operation of equipment and other vehicles would also be considered less than significant.

**Table 3-1**  
**EDCAQMD Air Quality Significance Thresholds**

Pollutant	Construction	Operation
<i>Criteria Pollutants Mass Daily Thresholds (pounds per day)</i>		
ROG	82	82
NO <sub>x</sub>	82	82

Source: EDCAQMD 2002.

Notes: EDCAQMD = El Dorado County Air Quality Management District; ROG = Reactive Organic Gases; NOx = oxides of nitrogen.

For qualitative screening, ROG and NO<sub>x</sub> Emissions may be assumed to not be significant during construction if:

- The project encompasses 12 acres or less of ground that is being worked at one time during construction and at least one of the recommended mitigation measures related to such pollutants is incorporated into the construction of the project; or
- The project proponent commits to pay mitigation fees in accordance with the provisions of an established mitigation fee program in the district (or such program in another air pollution control district that is acceptable to EDCAQMD); or
- Daily average fuel use is less than 337 gallons per day for equipment from 1995 or earlier, or 402 gallons per day for equipment from 1996 or later

For fugitive dust, if dust suppression measures will prevent visible emissions beyond the boundaries of the project, further calculations to determine particulate emissions are not necessary. For the other criteria pollutants, including CO, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>2</sub>, sulfates, lead, and H<sub>2</sub>S, a project is considered to have a significant impact on air quality if it will cause or contribute significantly to a violation of the applicable national or state ambient air quality standard(s).

Naturally occurring asbestos (NOA) is also a concern in El Dorado County because it is known to be present in certain soils and can pose a health risk if released into the air. The EDCAQMD has adopted an El Dorado County Naturally Occurring Asbestos Review Area Map that identifies those areas more likely to contain NOA (El Dorado County 2005).

The *Guide to Air Quality Assessment* also includes a Table (Table 5.2) listing project types with potentially significant emissions during operations.

The EDCAQMD has developed the *Guide to Air Quality Assessment* to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. A substantial adverse effect on air quality would occur if:

- Emissions of ROG and NO<sub>x</sub> will result in construction or operation emissions greater than 82 pounds per day;
  - Emissions of PM<sub>10</sub>, CO, SO<sub>2</sub> and NO<sub>2</sub>, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS). Special standards for O<sub>3</sub>, CO, and visibility apply in the Lake Tahoe Air Basin portion of the County; or
  - Emissions of TACs cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable EDCAQMD, State and USEPA regulations governing toxic and hazardous emissions.
- a. **Air Quality Plan:** As mentioned previously, the MCAB is currently non-attainment for O<sub>3</sub> (state and federal ambient standards) and particulate matter (PM<sub>10</sub>) (state ambient standard). While an air quality plan exists for O<sub>3</sub>, none currently exists for particulate matter. The Sacramento Regional 2008 NAAQS (National Ambient Air Quality Standards) 8-Hour Ozone Attainment Plan and Reasonable Further Progress Plan (Ozone Attainment Plan) was developed for application within the Sacramento region, including the MCAB portion of El Dorado County (EDCAQMD *et al.* 2017). If a project can demonstrate consistency with the Ozone Attainment Plan for ROG and NO<sub>x</sub> emissions, it would be determined that it would not have a significant cumulative impact with respect to O<sub>3</sub>.

Projects within the MCAB portion of the County must demonstrate Ozone Attainment Plan consistency with the following four indicators:

1. The project does not require a change in the existing land use designation (e.g., a general plan amendment or rezone), or projected emissions of ROG and NO<sub>x</sub> from a project are equal to or less than the emissions anticipated for the site if development under the existing land use designation;
2. The project does not exceed the “project alone” significance criteria;
3. The lead agency for the project requires the project to implement any applicable emission reduction measures contained in and/or derived from the Ozone Attainment Plan; and
4. The project complies with all applicable district rules and regulations.

The first way to assess project compliance with the Ozone Attainment Plan is to ensure that the population density and land use are consistent with the growth assumptions used in the plans for the MCAB. The project includes no uses that would generate a long-term increase in population and does not require a change in land use designations applied to the project site. Therefore, the project would be consistent with the regional growth forecasts and would not conflict with or exceed the assumptions of the Ozone Attainment Plan.

The second criterion assesses a project’s contribution to existing air quality violations. Criteria air pollutant emissions associated with construction and operation of the project were estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. As discussed in b) below, it was determined that the project would not contribute to an air quality violation because construction and operational emissions would not exceed the EDCAQMD thresholds of significance for ROG or NO<sub>x</sub> emissions.

The third criterion is compliance with control measures in the Ozone Attainment Plan. Most of the control strategies in the Ozone Attainment Plan include measures in the categories of transportation and stationary sources. The non-regulatory control measures include; on-road and off-road mobile incentive programs, and an emerging/voluntary urban forest development program. These are followed by the

regulatory control measures, which include; indirect source rules and a variety of stationary and area-wide source control measures. CARB's strategy for reducing mobile source emissions includes the following: new engine standards, reducing emissions from in-use fleet, requiring the use of cleaner fuels, supporting the use of alternative fuels, and pursuing long-term advanced technology measures. The project would result in no conflict with CARB's strategy for controlling mobile source emissions. In addition, the project would be required to adhere to EDCAQMD Rule 215 – Architectural Coatings, which restricts the VOC content of coatings.

The final criterion is compliance with the EDCAQMD rules and regulations. The EDCAQMD has adopted rules designed specifically to address a variety of air quality impacts through measures that construction and operational related air quality emissions. The project would be required by law to comply with all applicable rules and regulations. Rules designed to control air pollutant emissions, and which may be applicable to the project include:

- Rule 210 related to the discharge of air contaminants
- Rule 215 related to application of architectural coatings.
- Rule 223 related to fugitive dust
- Rule 223-1 related to construction related fugitive dust
- Rule 223-2 related to asbestos
- Rule 224 relates to application of cutback or emulsified asphalt for paving.

Notably, pursuant to Rule 223-1, any activities associated with future plans for grading and construction would require a Fugitive Dust Control Plan (FDCP) for grading and construction activities. Such a plan would address grading measures and operation of equipment to minimize and reduce the level of defined particulate matter exposure and/or emissions to a less than significant level.

In summary, the project would not conflict with the growth assumptions for the region, does not exceed the EDCAQMD significance thresholds, would be consistent with all control measures of the Ozone Attainment Plan, and would comply with applicable EDCAQMD rules. Based on these considerations, the project would not conflict with or obstruct implementation of an applicable air quality plan. The impact would be **less than significant**.

b-c. **Air Quality Standards and Cumulative Impacts:** The following discussion evaluates the potential for the project's construction and operational emissions to result in a considerable contribution to the region's cumulative air quality impact.

### **Construction**

Construction of the project would result in the addition of pollutants to the local air shed caused by soil disturbance, fugitive dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions. Therefore, such emission levels can only be estimated, with a corresponding uncertainty in precise ambient air quality impacts. Fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions would primarily result from earthwork activities. NO<sub>x</sub> and CO emissions would primarily result from the use of construction equipment and motor vehicles.

Construction of the project is anticipated to occur over a 4.5-month (135 day) period. For the purpose of this analysis, construction activities were assumed to begin in September 2020 and would be completed in February 2021. Construction scenario assumptions, including phasing, equipment mix, and vehicle trips, were based on information provided by the applicant and CalEEMod generated default values. Complete detailed construction assumptions are included in Appendix A. Table 3-2 presents the estimated maximum unmitigated daily construction emissions generated during construction of the project.

**Table 3-2  
 Maximum Daily Unmitigated Construction Emissions**

Year	ROG	NO <sub>x</sub>
	Pounds per Day	
2020	2.11	18.39
2021	36.82	14.11
<b>Maximum Daily Emissions</b>	<b>36.82</b>	<b>18.39</b>
<i>EDCAQMD Threshold</i>	82	82
<b>Threshold exceeded?</b>	<b>No</b>	<b>No</b>

**Source:** See Appendix A for detailed results.

**Notes:** EDCAQMD = El Dorado County Air Quality Management District; ROG = reactive organic gases; NO<sub>x</sub> = oxides of nitrogen  
 The values shown are the maximum summer or winter daily emissions results from CalEEMod.

As shown in Table 3-2, ROG and NO<sub>x</sub> emissions would not exceed the EDCAQMD significance thresholds; therefore, the project would have a less than significant impact. According to the EDCAQMD, if ROG and NO<sub>x</sub> are less than significant during construction, then exhaust emissions of other pollutants from the operation of equipment and other vehicles would also be considered less than significant. Further, existing regulations implemented at issuance of building and grading permits would ensure that any construction related fugitive dust emissions would be reduced to acceptable levels. Therefore, the project would result in a **less than significant** impact in regard to criteria air pollutant emissions generated during construction.

**Operation**

Operation of the proposed project would generate criteria pollutant emissions from mobile sources (vehicular traffic), area sources (consumer products, natural gas hearths, architectural coatings, and landscaping equipment), energy sources (natural gas consumption). CalEEMod was used to estimate daily emissions from project-related operational sources for year 2022, the first full year after completion of construction. Table 3-3 summarizes the operational emissions criteria pollutants that would be generated from the project. Operational emissions were then compared to the EDCAQMD operational thresholds.

**Table 3-3  
 Maximum Daily Unmitigated Operational Emissions**

Year	ROG	NO <sub>x</sub>
	Pounds per Day	
Area	0.26	<0.01
Energy	<0.01	0.02
Mobile	1.39	3.59
<b>Total</b>	<b>1.65</b>	<b>3.61</b>
<i>EDCAQMD Threshold</i>	82	82
<b>Threshold exceeded?</b>	<b>No</b>	<b>No</b>

**Source:** See Appendix A for detailed results.

**Notes:** EDCAQMD = El Dorado County Air Quality Management District; ROG = reactive organic gases; NO<sub>x</sub> = oxides of nitrogen  
 The values shown are the maximum summer or winter daily emissions results from CalEEMod.

As indicated in Table 3-3, operational emissions of ROG and NO<sub>x</sub> would not exceed the EDCAQMD significance thresholds resulting from development of the project. Furthermore, if ROG and NO<sub>x</sub> are less than significant during construction, then exhaust emissions of other pollutants would also be considered less than significant. Therefore, the project impact would be **less than significant** in regard to criteria air pollutant emissions generated during operations.

- d. **Sensitive Receptors:** The CEQA Guidelines (14 CCR 15000) identify sensitive receptors as facilities that house or attract children, the elderly, people with illnesses, or others that are especially sensitive to the effects of air pollutants. Hospitals, schools, and convalescent hospitals are examples of sensitive receptors. The discussion below reviews the significance of emissions within the context of potential impacts to sensitive receptors. Sensitive receptors in the vicinity of the project include single family residences east of the project site, the nearest of which is approximately 775 feet away.

#### **Toxic Air Contaminants**

TACs are defined as substances that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or potential hazard to human health. Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The EDCAQMD recommends an incremental cancer risk threshold of 10 in 1 million (with implementation of best available control technology for toxics). “Incremental cancer risk” is the net increased likelihood that a person continuously exposed to concentrations of TACs resulting from a project over a 9-, 30-, and 70-year exposure period will contract cancer based on the use of standard California Office of Environmental Health Hazard Assessment (OEHHA) risk-assessment methodology (OEHHA 2015). In addition, some TACs have non-carcinogenic effects. EDCAQMD recommends a Hazard Index of 1 or more for acute (short-term) and chronic (long-term) non-carcinogenic effects. The TAC that would potentially be emitted during construction activities associated with development of the proposed project would be diesel particulate matter (DPM).

Diesel particulate matter emissions would be emitted from heavy equipment operations and heavy-duty trucks. Heavy-duty construction equipment is subject to a CARB Airborne Toxics Control Measure for diesel construction equipment to reduce diesel particulate emissions. According to the OEHHA, health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 30-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period and duration of activities associated with the proposed project. The 4.5-month duration of the proposed construction activities would only constitute about 1.25% of the total 30-year exposure period. The active construction period for the proposed project would be approximately 135 days, after which construction-related TAC emissions would cease. EDCAQMD considers implementation of “project alone” mitigation requirements, and compliance with all applicable emission limits and mitigation measures required by the USEPA, CARB, EDCAQMD rules and regulations, and local ordinances sufficient for a finding of less than significant related to TACs. As discussed previously, the project would result in a less than significant impact pertaining to exhaust PM<sub>10</sub> emissions, which is a surrogate for DPM. Due to the relatively short period of exposure, the substantial distance to the nearest sensitive receptor, and minimal particulate emissions generated, TACs emitted during construction would not be expected to result in concentrations causing significant health risks, which would be a less-than-significant impact.

NOA is also a TAC that could be generated during earthmoving activities in areas of El Dorado County. The project site has not been identified as an area containing NOA (Bole and Associates 2019). However, compliance with EDCAQMD Rule 223-2 (Fugitive Dust - Asbestos Hazard Mitigation) would ensure that any potential exposure to NOA during project construction would be minimized.

Operation of the project would not result in any non-permitted direct emissions (e.g., those from a point source such as diesel generators) or result in substantial diesel vehicle trips (i.e., delivery trucks). According to the *Traffic Impact Analysis* (KD Anderson 2019), the project would result in approximately 1 to 2 full size delivery trucks per week, with smaller single unit trucks potentially visiting daily. Based on the above considerations, the project would not result in exposure of sensitive receptors in the vicinity of the project site to substantial TAC concentrations due to operations. This impact would be less than significant.

### Health Effects of Criteria Air Pollutants

ROG and NO<sub>x</sub> are precursors to O<sub>3</sub>, for which the MCAB is designated as nonattainment with respect to the NAAQS and California Ambient Air Quality Standards (CAAQS). Thus, existing O<sub>3</sub> levels in the MCAB are at unhealthy levels during certain periods. The health effects associated with O<sub>3</sub> are generally associated with reduced lung function. Because the project involves construction or operational activities that would not result in ROG or NO<sub>x</sub> emissions that would exceed the EDCAQMD thresholds, the project is not anticipated to substantially contribute to regional O<sub>3</sub> concentrations and the associated health impacts.

CO, PM<sub>10</sub>, and other pollutants are evaluated for significance by comparison against the NAAQS and CAAQS. A project would be considered significant if it is projected to cause a violation of any NAAQS and/or CAAQS. The MCAB portion of El Dorado County is classified as attainment (or unclassified) for all NAAQS and CAAQS for CO, PM<sub>2.5</sub>, NO<sub>2</sub>, SO<sub>2</sub>, sulfates, lead, and H<sub>2</sub>S, and is classified as nonattainment for the state 24-hour PM<sub>10</sub> standard.

Emissions of CO, PM<sub>10</sub>, and other pollutants generated from operation of the project would be considered significant if:

1. The project's contribution by itself would cause a violation of the AAQS, or
2. The project's contribution plus the background level would result in a violation of the AAQS and either
  - a. A sensitive receptor is located within a quarter-mile of the project, or
  - b. The project's contribution exceeds 5% of the AAQS

The EDCAQMD considers lead, sulfates, and H<sub>2</sub>S to be less than significant except from industrial sources that result in these pollutants being directly emitted. The project would not include these sources and thus any potential emissions of lead, sulfates, and H<sub>2</sub>S would be less than significant.

The EDCAQMD considers projects that fall below the significance levels for ROG and NO<sub>x</sub> emissions to also fall below significance thresholds for the other criteria air pollutants, including CO, NO<sub>2</sub>, PM<sub>10</sub>, and SO<sub>2</sub>. As discussed in b) above, ROG and NO<sub>x</sub> emission would be below the thresholds of significance during project construction and operations. Therefore, project emissions of other criteria air pollutants would also be less than significant.

Visibility impacts are controlled through state and federal regulatory programs that govern vehicle emissions and through mitigation required for O<sub>3</sub> precursors and particulate matter. Due to these regulatory controls, EDCAQMD assumes that visibility impacts from projects in the MCAB portion of the County are less than significant.

In summary, the proposed project would not make a potentially significant contribution to regional concentrations of nonattainment pollutants and would not result in a significant contribution to the adverse health impacts associated with those pollutants. Therefore, impacts would be less than significant.

- e. **Objectionable Odors:** Other emissions associated with the project are anticipated to be limited to odors, which is assessed herein. The occurrence and severity of potential odor impacts depend on numerous factors. The nature, frequency, and intensity of the source; wind speed and direction; and the sensitivity of receiving location each contributes to the intensity of the impact. Although offensive odors seldom cause physical harm, they can be annoying, cause distress, and generate citizen complaints.

Common sources of odors include wastewater treatment plants, landfills, transfer stations, composting facilities, refineries, chemical plants, and food processing plants (EDCAQMD 2002). The proposed project would include development of a retail store, which is not anticipated to generate new odors or increase

emissions of odors. During project construction, exhaust from equipment may produce discernible odors typical of most construction sites. Potential odors produced during construction would be attributable to concentrations of unburned hydrocarbons from the tailpipes of construction equipment. However, such odors would disperse rapidly from the project site and generally occur at magnitudes that would not affect substantial numbers of people. Accordingly, impacts associated with odors would be **less than significant**.

**Mitigation Measures:** None Required.

**FINDING:** The project would not affect the implementation of regional air quality regulations or management plans. The project would not be anticipated to cause substantial adverse effects to air quality, nor exceed established significance thresholds for air quality impacts.

<b>IV. BIOLOGICAL RESOURCES.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		<b>X</b>		
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				<b>X</b>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				<b>X</b>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			<b>X</b>	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			<b>X</b>	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

**Endangered Species Act**

The Endangered Species Act (ESA) (16 U.S. Code [USC] Section 1531 *et seq.*; 50 Code of Federal Regulations [CFR] Parts 17 and 222) provides for conservation of species that are endangered or threatened throughout all or a



substantial portion of their range, as well as protection of the habitats on which they depend. The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) share responsibility for implementing the ESA. In general, USFWS manages terrestrial and freshwater species, whereas NMFS manages marine and anadromous species.

Section 9 of the ESA and its implementing regulations prohibit the “take” of any fish or wildlife species listed under the ESA as endangered or threatened, unless otherwise authorized by federal regulations. The ESA defines the term “take” to mean “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 USC Section 1532). Section 7 of the ESA (16 USC Section 1531 *et seq.*) outlines the procedures for federal interagency cooperation to conserve federally listed species and designated critical habitats. Section 10(a)(1)(B) of the ESA provides a process by which nonfederal entities may obtain an incidental take permit from USFWS or NMFS for otherwise lawful activities that incidentally may result in “take” of endangered or threatened species, subject to specific conditions. A habitat conservation plan (HCP) must accompany an application for an incidental take permit.

#### Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 USC, Chapter 7, Subchapter II) protects migratory birds. Most actions that result in take, or the permanent or temporary possession of, a migratory bird constitute violations of the MBTA. The MBTA also prohibits destruction of occupied nests. USFWS is responsible for overseeing compliance with the MBTA.

#### Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c), first enacted in 1940, prohibits "taking" bald eagles, including their parts, nests, or eggs. The Act provides criminal penalties for persons who "take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof." The Act defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The definition for "Disturb" includes injury to an eagle, a decrease in its productivity, or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present.

#### Clean Water Act

Clean Water Act (CWA) section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the aforementioned waters (33 CFR Section 328.3). Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, vernal pools, and water-filled depressions (33 CFR Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of U.S. Army Corps of Engineers (USACE) under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of CWA.

Section 401 of the CWA requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the U.S. In California, the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs) issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and its water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that may result in the discharge to waters of the U.S. (including wetlands or vernal pools) must also obtain a Section 401 water quality certification to ensure that any such discharge will comply with the applicable provisions of the CWA.

#### ***State Laws, Regulations, and Policies***

### California Fish and Game Code

The California Fish and Game Code includes various statutes that protect biological resources, including the Native Plant Protection Act of 1977 (NPPA) and the California Endangered Species Act (CESA). The NPPA (California Fish and Game Code Section 1900-1913) authorizes the Fish and Game Commission to designate plants as endangered or rare and prohibits take of any such plants, except as authorized in limited circumstances.

CESA (California Fish and Game Code Section 2050–2098) prohibits state agencies from approving a project that would jeopardize the continued existence of a species listed under CESA as endangered or threatened. Section 2080 of the California Fish and Game Code prohibits the take of any species that is state listed as endangered or threatened, or designated as a candidate for such listing. California Department of Fish and Wildlife (CDFW) may issue an incidental take permit authorizing the take of listed and candidate species if that take is incidental to an otherwise lawful activity, subject to specified conditions.

California Fish and Game Code Section 3503, 3513, and 3800 protect native and migratory birds, including their active or inactive nests and eggs, from all forms of take. In addition, Section 3511, 4700, 5050, and 5515 identify species that are fully protected from all forms of take. Section 3511 lists fully protected birds, Section 5515 lists fully protected fish, Section 4700 lists fully protected mammals, and Section 5050 lists fully protected amphibians.

### Streambed Alteration Agreement

Sections 1601 to 1606 of the California Fish and Game Code require that a Streambed Alteration Application be submitted to CDFW for any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake. As a general rule, this requirement applies to any work undertaken within the 100-year floodplain of a stream or river containing fish or wildlife resources.

### California Native Plant Protection Act

The California Native Plant Protection Act (California Fish and Game Code Section 1900–1913) prohibits the taking, possessing, or sale of any plants with a state designation of rare, threatened, or endangered (as defined by CDFW). The California Native Plant Society (CNPS) maintains a list of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Plants of California (CNPS 2001). Potential impacts to populations of CNPS-listed plants receive consideration under CEQA review.

### Forest Practice Act

Logging on private and corporate land in California is regulated by the Z'Berg-Nejedly Forest Practices Act (FPA), which took effect January 1, 1974. The act established the Forest Practice Rules (FPRs) and a politically-appointed Board of Forestry to oversee their implementation. The California Department of Forestry (CALFIRE) works under the direction of the Board of Forestry and is the lead government agency responsible for approving logging plans and for enforcing the FPRs. A Timber Harvest Plan (THP) must be prepared by a Registered Professional Forester (RPF) for timber harvest on virtually all non-federal land. The FPA also established the requirement that all non-federal forests cut in the State be regenerated with at least three hundred stems per acre on high site lands, and one hundred fifty trees per acre on low site lands.

### ***Local Laws, Regulations, and Policies***

The County General Plan also include policies that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that address potential impacts on special-status plant species or create opportunities for habitat improvement. The El Dorado County General Plan designates the Important Biological Corridor (IBC) (Exhibits 5.12-14, 5.12-5 and 5.12-7, El Dorado County, 2003). Lands located within the overlay district are subject to the following provisions, given that they do not interfere with agricultural practices:

- Increased minimum parcel size;
- Higher canopy-retention standards and/or different mitigation standards/thresholds for oak woodlands;
- Lower thresholds for grading permits;
- Higher wetlands/riparian retention standards and/or more stringent mitigation requirements for wetland/riparian habitat loss;
- Increased riparian corridor and wetland setbacks;
- Greater protection for rare plants (e.g., no disturbance at all or disturbance only as recommended by U.S. Fish and Wildlife Service/California Department of Fish and Wildlife);
- Standards for retention of contiguous areas/large expanses of other (non-oak or non-sensitive) plant communities;
- Building permits discretionary or some other type of “site review” to ensure that canopy is retained;
- More stringent standards for lot coverage, floor area ratio (FAR), and building height; and
- No hindrances to wildlife movement (e.g., no fences that would restrict wildlife movement).

**Discussion:** A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;
- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

The biological resources discussion is based on the Biological Assessment and Wetland Determination report prepared by Bole & Associates (Revised February 18, 2020) to assess the project’s potential impact to federal and state special status plants and wildlife species and their habitats (attached as Appendix B of this Initial Study).

The subject property is located in the foothills of the Sierra Nevada Mountain range. The site consists of gently rolling topography, with a central portion that is predominantly level with gravel surfacing. The eastern portion of the site slopes up to an elevation of approximately 1,550 feet; the central portion is at approximately 1,530 feet. The property slopes sharply towards the west in the western portion of the site to an elevation of approximately 1,520 feet. The vegetation series, according to Sawyer and Keeler-Wolf (1995), is California Annual and Non- Native Grassland Series. A number of large and small diameter blue oak, interior live oak, and gray pine were located throughout the site, primarily in the eastern portion of the site.

- a. **Special Status Species and Sensitive Natural Communities:** As noted in the biological assessment, potential special status species were considered based on field survey results, a review of the Federal Endangered and Threatened Species list for El Dorado County, California Natural Diversity Database (CNDDB), CNPS literature, and database information provided by the USFWS (IPaC Federal listed species database for Auburn 7 ½ Minute Quad). Special status wildlife species identified as potentially occurring within the project vicinity include Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*), Yates snail (*Ammonitella yatesii*), Alabaster Cave harvestman (*Banksula californica*), obscure bumble bee (*Bombus caliginosus*), Morrison bumble bee (*Bombus morrisoni*), western bumble bee (*Bombus occidentalis*), Cosumnes stripetail (*Cosumnoperia hypocrena*), vernal pool andrenid bee (*Andrena subapasta*), vernal pool fairy shrimp (*Branchinecta lynchi*), California linderiella (*Linderiella occidentalis*), western pearlshell (*Margaritifera falcate*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Emys marmorata*), coast horned lizard (*Ohrynosoma Blainvillii*), Delta smelt (*Hypomesus transpacificus*), Central Valley Steelhead (*Oncorhynchus mykiss Irideos pop. 11*), Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), North American porcupine (*Emys marmorata*), Fisher - West Coast DPS (*Pekania pennanti*), tricolored blackbird (*Agelaius tricolor*), white-tailed kite (*Ellanus leucurus*), American peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), California black rail (*Laterallus jamaicensis*

*coturniculus*), osprey (*Pandion hallaetus*), purple martin (*Progne subis*), and bank swallow (*Riparia riparia*). 17 special status plant species were identified as occurring within the project vicinity. Onsite surveys did not reveal the presence of any special status wildlife or plant species or their specific micro-habitat. No sensitive habitats were identified within the site boundary. Based on the specific habitat characteristics of subject property, the report concluded that no special status plant or wildlife species would be impacted by this project.

The report concluded that while raptor species, including the red-tailed hawk and barn owl, may forage within the ruderal non-native grasslands (onsite), that the native and non-native trees within the site are too small to provide nesting habitat for these species, and no nests have been observed to date. However, project implementation could impact nesting raptors or other protected migratory birds in the project vicinity, which are protected under the Migratory Bird Treaty Act, due to construction activities such as tree and vegetation removal, ground disturbances, heavy equipment use. According to the California Department of Fish and Wildlife (CDFW) Code 3503, "take" of the nest or eggs of any bird is prohibited, except upon approval from the California Department of Fish and Wildlife. Disturbance of active nests can be avoided during construction through appropriate measures. Impacts would be anticipated to be **less than significant** with adherence to General Plan Policies and the following mitigation measures:

BIO-1: If project-related activities are scheduled during the nesting season (typically February 1 to September 30), a focused survey for nests shall be conducted by a qualified biologist within three (3) days prior to the beginning of project-related activities. The qualified biologist shall survey the area within a minimum 500-foot radius around the project area. If an active nest is found, a non-disturbance buffer shall be established around the nest. The width of the buffer shall be determined by the qualified biologist based on the species of bird, its general tolerance of disturbance, and the type of activity proposed. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey shall be conducted.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and implement the avoidance measures determined by the qualified biologist prior to initiation of construction activities. This mitigation measure shall be noted on grading and construction plans. If a pre-construction survey is required, the applicant shall provide evidence of the survey to the Planning and Building Department to verify compliance prior to issuance of grading and building permits.

Monitoring Responsibility: El Dorado County Planning and Building Department.

- b, c. **Riparian Habitat and Wetlands:** Using the methodologies described in the 1987 Wetland Delineation Manual, Marcus H. Bole & Associates found no federal jurisdictional wetland habitats within the boundaries of the proposed site development. There would be **no impact** to riparian habitat or wetlands.
- d. **Migration Corridors:** The biological assessment found that the project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with any established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites. The project is not within a County-designated IBC. The project has the potential to impact nesting raptors and other migratory birds and that was discussed earlier in Section "a" above. As conditioned, mitigated (BIO-1), and with adherence to County Code, impacts would be anticipated to be **less than significant**.
- e. **Local Policies:** El Dorado County Code and General Plan Policies pertaining to the protection of biological resources would include protection of rare plants, setbacks to riparian areas, and mitigation of impacted oak woodlands. Rare plants were discussed above in the Special Status Species section. Policy 7.4.4.4 of the General Plan establishes the native oak tree canopy retention and replacement standards. Impacts to oak woodlands have been addressed in the El Dorado County General Plan EIR, available for review online at [https://www.edcgov.us/Government/planning/pages/final\\_environmental\\_impact\\_report\\_%28eir%29.aspx](https://www.edcgov.us/Government/planning/pages/final_environmental_impact_report_%28eir%29.aspx) or at El Dorado County Planning Services offices located at 2850 Fairlane Court, Placerville, CA, 95667. Mitigation in the form of General Plan policies has been developed to mitigate impacts to less than significant levels. The County's oak resources reporting and impact mitigation requirements are outlined in

El Dorado County’s Oak Resources Management Plan (ORMP) and codified in County Ordinance No. 5061. Adherence to the ORMP would mitigate impacts to oak woodland to **less than significant**.

An Oak Resources Technical Report was prepared for the project site (February 2020), and included as Appendix C of this Initial Study. The property contains eleven (11) native oak and pine trees concentrated along the eastern boundary and the northwest corner. The site contains eight (8) Individual Native Oak Trees, one (1) of which is classified as a Heritage Tree. No Oak Woodlands were mapped on the project site. A summary is provided in Table 4-1.

**Table 4-1  
 Individual Tree Data – DR19-0006/Cool Dollar General Project Site**

Tree ID <sup>1</sup>	Botanical Name	Common Name	Total Trunk Diameter (in.)	Individual Native Oak Tree	Heritage Tree	Retain
1	<i>Quercus douglasii</i>	Blue oak	21	Yes	No	No <sup>2</sup>
2	<i>Quercus douglasii</i>	Blue oak	19	Yes	No	Yes
3	<i>Quercus wislizeni</i>	Interior live oak	40	Yes	Yes	No
4	<i>Pinus sabiniana</i>	Gray pine	17	No	No	No
5	<i>Quercus douglasii</i>	Blue oak	15	Yes	No	No
6	<i>Quercus douglasii</i>	Blue oak	21	Yes	No	No
7	<i>Quercus wislizeni</i>	Interior live oak	27	Yes	No	No
8	<i>Pinus sabiniana</i>	Gray pine	16	No	No	No
11	<i>Quercus douglasii</i>	Blue oak	20	Yes	No	No
12	<i>Pinus sabiniana</i>	Gray pine	7	No	No	No
13	<i>Quercus wislizeni</i>	Interior live oak	24	Yes	No	No

**Notes:** 1. Trees #9 and 10 included in the project’s Revised Biological Assessment are located off-site and are not included in this report.  
 2. The project’s grading plan identifies that Tree #1 will be retained; however, grading activity will disturb approximately 50% of this tree’s root area. Post-construction survival of Tree #1 with this level of root disturbance is unlikely, therefore, it has been identified as an impact for the purposes of this report.

As presented in Table 4-1, a total of seven (7) Individual Native Oak Trees will require removal, which includes one (1) Heritage Tree (Tree #3). The project is not exempt from mitigation requirements and does not qualify for mitigation reductions, as outlined in County Ordinance 5061, Section 130.39.050. Mitigation for Individual Native Oak Tree and Heritage Tree impacts is therefore required, as outlined in County Ordinance 5061, Section 130.39.070(C)(2). As outlined, mitigation shall be reached according to the following options:

- In-lieu fee payment of \$37,944. This is calculated based on an in-lieu fee of \$153/diameter inch for removed Individual Native Oak Trees (128 total inches) plus \$459/diameter inch for removed Heritage Trees (40 total inches).
- Off-site replacement planting consistent with Section 2 of the County’s ORMP within an area subject to a Conservation Easement or acquisition in fee title by a land conservation organization. Replacement sizes and quantities shall be consistent with Table 4 in the ORMP. Based on a review of the project site and proposed development plan, the site is not large enough to accommodate on-site replacement trees. A Replacement Planting Plan shall be prepared, consistent with Section 2.4 of the ORMP, if this mitigation option is selected.

In addition to the mitigation requirements listed above, it is recommended that the tree protection recommendations outlined in Attachment C of the Oak Resources Technical Report be implemented to minimize construction-related impacts to retained Tree #2.

- f. **Adopted Habitat Conservation Plans:** This project would not conflict with the provisions of an adopted Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be **no impact**.

**FINDING:** No special status species or sensitive habitat was identified on the project site. Mitigation measures would avoid any potential impacts to nesting raptors or migratory birds. Compliance with the ORMP would mitigate impacts to protected oak trees on the project site. For this Biological Resources category, impacts would be less than significant with mitigation.

<b>V. CULTURAL RESOURCES.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b. Cause a substantial adverse change in the significance of archaeological resource pursuant to Section 15064.5?			X	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d. Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

The National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic resources. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. The criteria for listing in the NRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history (events);
- B. Are associated with the lives of persons significant in our past (persons);
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (architecture); or
- D. Have yielded or may likely yield information important in prehistory or history (information potential).

***State Laws, Regulations, and Policies***

California Register of Historical Resources

Public Resources Code Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR includes all properties listed as or determined to be eligible for listing in the National Register of Historic Places (NRHP), including properties evaluated under Section 106 of the

National Historic Preservation Act. The criteria for listing are similar to those of the NRHP. Criteria for listing in the CRHR include resources that:

1. Are associated with the events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Are associated with the lives of persons important in our past;
3. Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
4. Have yielded, or may be likely to yield, information important in prehistory or history.

The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

#### The California Register of Historic Places

The California Register of Historic Places (CRHP) program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act. The criteria for listing in the CRHP include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
- B. Are associated with the lives of persons important to local, California or national history.
- C. Embody the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values.
- D. Have yielded, or have the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The State Office of Historic Preservation sponsors the California Historical Resources Information System (CHRIS), a statewide system for managing information on the full range of historical resources identified in California. CHRIS provides an integrated database of site-specific archaeological and historical resources information. The State Office of Historic Preservation also maintains the California Register of Historical Resources (CRHR), which identifies the State's architectural, historical, archeological and cultural resources. The CRHR includes properties listed in or formally determined eligible for the National Register and lists selected California Registered Historical Landmarks.

Public Resources Code (Section 5024.1[B]) states that any agency proposing a project that could potentially impact a resource listed on the CRHR must first notify the State Historic Preservation Officer, and must work with the officer to ensure that the project incorporates "prudent and feasible measures that will eliminate or mitigate the adverse effects."

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Section 5097.98 of the California Public Resources Code stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or

his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

#### CEQA and CEQA Guidelines

Section 21083.2 of CEQA requires that the lead agency determine whether a project may have a significant effect on unique archaeological resources. A unique archaeological resource is defined in CEQA as an archaeological artifact, object, or site about which it can be clearly demonstrated that there is a high probability that it:

- Contains information needed to answer important scientific research questions, and there is demonstrable public interest in that information;
- Has a special or particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.
- Although not specifically inclusive of paleontological resources, these criteria may also help to define “a unique paleontological resource or site.”

Measures to avoid, conserve, preserve, or mitigate significant effects on these resources are also provided under CEQA Section 21083.2.

Section 15064.5 of the CEQA Guidelines notes that “a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Substantial adverse changes include physical changes to the historic resource or to its immediate surroundings, such that the significance of the historic resource would be materially impaired. Lead agencies are expected to identify potentially feasible measures to mitigate significant adverse changes in the significance of a historic resource before they approve such projects. Historic resources are those that are:

- listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR) (Public Resources Code Section 5024.1[k]);
- included in a local register of historic resources (Public Resources Code Section 5020.1) or identified as significant in an historic resource survey meeting the requirements of Public Resources Code Section 5024.1(g); or
- determined by a lead agency to be historically significant.

CEQA Guidelines Section 15064.5 also prescribes the processes and procedures found under Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.95 for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the project site. This includes consultation with the appropriate Native American tribes.

CEQA Guidelines Section 15126.4 provides further guidance about minimizing effects to historical resources through the application of mitigation measures. Mitigation measures must be legally binding and fully enforceable.

The lead agency having jurisdiction over a project is also responsible to ensure that paleontological resources are protected in compliance with CEQA and other applicable statutes. Paleontological and historical resource management is also addressed in Public Resources Code Section 5097.5, “Archaeological, Paleontological, and Historical Sites.” This statute defines as a misdemeanor any unauthorized disturbance or removal of a fossil site or remains on public land and specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute would apply to any construction or other related project impacts that would occur on state-owned or state-managed lands. The County General Plan contains policies describing specific, enforceable measures to protect cultural resources and the treatment of resources when found.



**Discussion:** In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or property that is historically or culturally significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

a. **Historic, Archeological Resources, Paleontological Resources, Human Remains:** A Cultural Resources Inventory was prepared for the project by Sean Michael Jensen, M.A. (included as Appendix D to this Initial Study). The report documented results of a records search of the North Central Information Center (NCIC), an intensive pedestrian survey of the project site, and consultation with the Native American Heritage Commission (NAHC).

The NCIC records search, which was conducted on May 22, 2019 (NCIC File No. ELD-19-56), indicated that approximately 90 percent of the identified Area of Potential Effect (consisting of the project site plus a .25-mile radius) had been subjected to previous archaeological investigation, and that aside from a mapping error, no prehistoric or historic-era sites had been documented within the APE.

The intensive-level pedestrian survey of the APE, undertaken on May 30, 2019, failed to identify any evidence of prehistoric or historic-era use or occupation within the APE. As noted in the Cultural Resources Inventory report, the absence of such materials might best be explained by the extensive disturbance to which most of the property has been subjected. The report concluded that no historic properties are present within the project area and no historic properties would be affected by development of the project, as presently proposed. Likewise, no significant historical resources, or unique archaeological resources are located within the APE. Project impacts would be **less than significant**.

Consultation was undertaken with the Native American Heritage Commission (NAHC) regarding sacred land listings for the property. An information request letter was delivered to the NAHC on May 16, 2019. With no response, a second request letter was submitted to the NAHC on May 28, 2019. To date, no response has been received from the NAHC.

- b. Based on the absence of significant historical resources/unique archaeological resources/historic properties within the APE, the report recommends archaeological clearance for the project as presently proposed. Standard conditions of approval imposed by the County on the project would address the accidental discovery of any previously unidentified resources during construction and result in project impacts that are **less than significant**.
- c. Neither the cultural resources report nor the geotechnical investigation prepared for the project site (Earth Strata 2019) indicate a high potential for paleontological or unique geologic resources. This impact would be **less than significant**.
- d. The Cultural Resources Inventory prepared for the project, which included a records search and an intensive pedestrian survey of the site, did not find evidence of potential human remains. In the unlikely event that human remains are discovered during construction, the County's standard conditions of approval requiring compliance with CEQA Guidelines Section 15064.5(e) would result in project impacts that are **less than significant**.

**FINDING:** No significant cultural resources have been identified on the project site.

<b>VI. ENERGY.</b> <i>Would the project:</i>				
<b>Would the proposal:</b>	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in potential significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			<b>X</b>	
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			<b>X</b>	

**Impact Discussion:**

- a. **Energy Consumption:** The short-term construction and long-term operation of the project will require the consumption of energy resources in several forms at the project site and within the project area. Construction and operational energy consumption is evaluated in detail below.

**Electricity**

*Construction Use*

Temporary electric power for as-necessary lighting and electronic equipment such as computers inside temporary construction trailers would be provided by Pacific Gas & Electric (PG&E). The electricity used for such activities would be temporary and minor.

*Operational Use*

The operational phase would require electricity for multiple purposes including building heating and cooling, lighting, appliances, electronics, and for water and wastewater treatment and conveyance. The estimation of operational building energy and water and wastewater was based on the CalEEMod default assumptions for a free-standing discount store and parking lot. Table 6-1 presents the electricity demand for the project.

**Table 6-1  
 Project Operations - Electricity Demand**

Project Facility	kWh/Year
<i>Building and Lighting Electricity Demand</i>	
Free Standing Discount Store	123,032.00
Parking Lot	4,340.00
<i>Water/Wastewater Electricity Demand</i>	
Free Standing Discount Store	5,093.31
<b>Total</b>	<b>132,465.31</b>

Source: Appendix A.  
 Notes: kWh = kilowatt-hour.

For disclosure, in comparison, for El Dorado County, electricity demand in 2018 was 1,219 million kWh (CEC 2018a). The project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Title 24, Part 11, contains additional energy measures that are applicable to project under California Green Building Standards Code (CALGreen). Prior to project approval, the applicant would ensure that the project would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Therefore, due to the limited amount of electricity use for the project compared to El Dorado County consumption, and the inherent increase in efficiency of building code regulations, the project would not result in a wasteful use of energy. Impacts related to operational electricity use would be less than significant.

**Natural Gas**

*Construction Use*

Natural gas is not anticipated to be required during construction of the proposed project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed below under the “petroleum” subsection. Any minor amounts of natural gas that may be consumed as a result of project construction would have a negligible contribution to the project’s overall energy consumption.

*Operational Use*

The project does not include the use of natural gas. No natural gas service connection is proposed. Natural gas is typically used in retail commercial buildings for uses including building heating and cooling. Conservatively, default natural gas generation rates in CalEEMod for the project land use and climate zone were used, as shown in Table 6-2.

**Table 6-2  
 Typical Natural Gas Demand**

<b>Project Facility</b>	<b>kBtu/year</b>
Free Standing Discount Store	65,611.00

Source: Appendix A

Notes: kBtu = thousand British thermal units.

As shown in Table 6-2, if the project were to use natural gas, it would consume approximately 65,611 thousand British thermal units (kBtu) per year. For disclosure, in comparison, in 2018, PG&E delivered approximately 32 million therms (3.2 billion kBtu) to El Dorado County (CEC 2018b). The project would also be built in accordance with the current Title 24 standards at the time of construction and CALGreen. Therefore, due to the limited amount of natural gas use for the project, and the inherent increase in efficiency of building code regulations, the project would not result in a wasteful use of energy. Impacts related to operational natural gas use would be less than significant.

**Petroleum**

*Construction Use*

Heavy-duty construction equipment associated with construction activities would rely on diesel fuel, as would haul and vendor trucks involved in the soil export from, and delivery of materials to, the project site. Construction workers would travel to and from the project site throughout the duration of construction. It is assumed in this analysis that construction workers would travel to and from the site in gasoline-powered light-duty vehicles.

Heavy-duty construction equipment of various types would be used during each phase of project construction. Appendix A lists the assumed equipment usage for each phase of construction. The project’s

construction equipment is estimated to operate a total combined 6,032 hours based on CalEEMod defaults assumptions.

Fuel consumption from construction equipment was estimated by converting the total carbon dioxide (CO<sub>2</sub>) emissions from each construction phase to gallons using the conversion factors for CO<sub>2</sub> to gallons of gasoline or diesel. The conversion factor for gasoline is 8.78 kilograms per metric ton CO<sub>2</sub> per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO<sub>2</sub> per gallon (The Climate Registry 2019). The estimated diesel fuel usage from construction equipment is shown in Table 6-3.

**Table 6-3  
 Construction Equipment Diesel Demand**

Phase	Pieces of Equipment	Equipment CO <sub>2</sub> (MT)	Kg CO <sub>2</sub> /Gallon	Gallons
Site Preparation	3	1.51	10.21	148.16
Grading	3	6.19	10.21	606.74
Building Construction	7	100.76	10.21	9,868.44
Paving	5	3.53	10.21	345.69
Architectural Coating	1	0.77	10.21	75.02
<b>Total</b>				<b>11,044.05</b>

**Sources:** Pieces of equipment and equipment CO<sub>2</sub> (Appendix A); kg CO<sub>2</sub>/Gallon (The Climate Registry 2019).

**Notes:** CO<sub>2</sub> = carbon dioxide; MT = metric ton; kg = kilogram.

Estimates for worker vehicles, haul truck, and vendor truck fuel consumption are provided in Table 6-4.

**Table 6-4  
 Construction Worker, Vendor, and Haul Truck Petroleum Demand**

Phase	Trips	Vehicle MT CO <sub>2</sub>	Kg CO <sub>2</sub> /Gallon	Gallons
Worker Vehicles (Gasoline)				
Site Preparation	16	0.09	8.78	9.89
Grading	80	0.43	8.78	49.43
Building Construction	888	4.77	8.78	542.84
Paving	78	0.41	8.78	46.56
Architectural Coating	12	0.06	8.78	7.16
<b>Total</b>				<b>655.88</b>
Haul Trucks (Diesel)				
Site Preparation	0	0.00	10.21	0.00
Grading	50	1.94	10.21	189.94
Building Construction	0	0.00	10.21	0.00
Paving	0	0.00	10.21	0.00
Architectural Coating	0	0.00	10.21	0.00
<b>Total</b>				<b>189.94</b>
Vendor Trucks (Diesel)				
Site Preparation	0	0.00	10.21	0.00
Grading	0	0.00	10.21	0.00
Building Construction	444	5.18	10.21	506.91
Paving	0	0.00	10.21	0.00
Architectural Coating	0	0.00	10.21	0.00
<b>Total</b>				<b>506.91</b>

**Sources:** Trips and vehicle CO<sub>2</sub> (Appendix A); kg CO<sub>2</sub>/Gallon (The Climate Registry 2019).

**Notes:** MT = metric ton; CO<sub>2</sub> = carbon dioxide; kg = kilogram.

In summary, construction of the project is conservatively anticipated to consume 12,397 gallons of petroleum over a period of approximately 135 days. For disclosure, by comparison, approximately 11 billion gallons of petroleum would be consumed in California over the course of the project’s construction phase, based on the California daily petroleum consumption estimate of approximately 78.6 million gallons per day (EIA 2019). Overall, because petroleum use during construction would be temporary, and would not be wasteful or inefficient, impacts would be less than significant.

*Operational Use*

The fuel consumption resulting from the project’s operational phase would be attributable to employees and customers traveling to and from the project site. Petroleum fuel consumption associated with motor vehicles during operation is a function of vehicle miles traveled (VMT). As shown in Appendix A, the annual VMT attributable to the project is expected to be 1,094,327 VMT per year, based on CalEEMod defaults for a rural 9,100 square-foot free standing discount store and accounting for 34% pass-by trips per the TIA. Similar to construction worker and truck trips, fuel consumption for operation was estimated by converting the total CO<sub>2</sub> emissions to gallons using the conversion factors for CO<sub>2</sub> to gallons of gasoline or diesel. Based on the countywide proportion of gasoline and diesel on-road vehicle-generated CO<sub>2</sub> in EMFAC2014 and the CalEEMod default fleet mix, the vehicles associated with project operations were assumed to be approximately 94% gasoline powered and 6% diesel powered. The estimated fuel use from project operational mobile sources is shown in Table 6-5.

**Table 6-5  
 Project Operations - Petroleum Consumption**

Fuel	Vehicle MT CO <sub>2</sub>	kg CO <sub>2</sub> /Gallon <sup>a</sup>	Gallons
Gasoline	392.43	8.78	44,696.00
Diesel	24.96	10.21	2,444.95
<b>Total</b>			<b>47,140.95</b>

**Source:** Appendix A.

**Notes:** MT = metric ton; CO<sub>2</sub> = carbon dioxide; kg = kilogram.

As depicted in Table 6-5, mobile sources from the project would result in approximately 47,141 gallons of petroleum fuel usage per year. By comparison, California as a whole consumes approximately 28.7 billion gallons of petroleum per year (EIA 2019). Notably, over the lifetime of the project, the fuel efficiency of the vehicles being used by the employees and customers is expected to increase based on numerous regulations in place that require and encourage increased fuel efficiency. As such, the amount of petroleum consumed as a result of vehicular trips to and from the project site during operation would decrease over time. Although the project would increase petroleum use during operation as a result of employees and customers traveling to and from the project site, the use would be a small fraction of the statewide use and, due to efficiency increases, would diminish over time. Given these considerations, petroleum consumption associated with the project would not be considered inefficient or wasteful and would result in a less-than-significant impact.

Based on the analysis above, the consumption of energy resources (including electricity, natural gas, and petroleum) during project construction and operation would not be considered inefficient or wasteful. Project impacts would be **less than significant**.

- b. **Energy Plans and Efficiency Standards:** Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California’s building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically (every 3 years) to incorporate and consider new energy efficiency technologies and methodologies. Title 24 also includes Part 11, CALGreen.

CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and state-owned buildings, as well as schools and hospitals. The proposed project would meet Title 24 and CALGreen standards to reduce energy demand and increase energy efficiency. Overall, the project would not conflict with existing energy standards and regulations; therefore, impacts during construction and operation of the project would be **less than significant**.

**Mitigation Measures:** None Required.

**FINDING:** The project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct any state or local plans for renewable energy or energy efficiency.

<b>VII.GEOLOGY AND SOILS.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				<b>X</b>
ii) Strong seismic ground shaking?			<b>X</b>	
iii) Seismic-related ground failure, including liquefaction?				<b>X</b>
iv) Landslides?				<b>X</b>
b. Result in substantial soil erosion or the loss of topsoil?			<b>X</b>	
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			<b>X</b>	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial risks to life or property?			<b>X</b>	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?			<b>X</b>	

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

**National Earthquake Hazards Reduction Act**

The National Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) and creation of the National Earthquake Hazards Reduction Program (NEHRP) established a long-term earthquake risk-reduction program to

better understand, predict, and mitigate risks associated with seismic events. The following four federal agencies are responsible for coordinating activities under NEHRP: USGS, National Science Foundation (NSF), Federal Emergency Management Agency (FEMA), and National Institute of Standards and Technology (NIST). Since its inception, NEHRP has shifted its focus from earthquake prediction to hazard reduction. The current program objectives (NEHRP 2009) are to:

1. Develop effective measures to reduce earthquake hazards;
2. Promote the adoption of earthquake hazard reduction activities by federal, state, and local governments; national building standards and model building code organizations; engineers; architects; building owners; and others who play a role in planning and constructing buildings, bridges, structures, and critical infrastructure or “lifelines”;
3. Improve the basic understanding of earthquakes and their effects on people and infrastructure through interdisciplinary research involving engineering; natural sciences; and social, economic, and decision sciences; and
4. Develop and maintain the USGS seismic monitoring system (Advanced National Seismic System); the NSF-funded project aimed at improving materials, designs, and construction techniques (George E. Brown Jr. Network for Earthquake Engineering Simulation); and the global earthquake monitoring network (Global Seismic Network).

Implementation of NEHRP objectives is accomplished primarily through original research, publications, and recommendations and guidelines for state, regional, and local agencies in the development of plans and policies to promote safety and emergency planning.

### **State Laws, Regulations, and Policies**

#### **Alquist–Priolo Earthquake Fault Zoning Act**

The Alquist–Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621 *et seq.*) was passed to reduce the risk to life and property from surface faulting in California. The Alquist–Priolo Act prohibits construction of most types of structures intended for human occupancy on the surface traces of active faults and strictly regulates construction in the corridors along active faults (earthquake fault zones). It also defines criteria for identifying active faults, giving legal weight to terms such as “active,” and establishes a process for reviewing building proposals in and adjacent to earthquake fault zones. Under the Alquist-Priolo Act, faults are zoned and construction along or across them is strictly regulated if they are “sufficiently active” and “well defined.” Before a project can be permitted, cities and counties are required to have a geologic investigation conducted to demonstrate that the proposed buildings would not be constructed across active faults.

Historical seismic activity and fault and seismic hazards mapping in the project vicinity indicate that the area has relatively low potential for seismic activity (El Dorado County 2003). No active faults have been mapped in the project area, and none of the known faults have been designated as an Alquist-Priolo Earthquake Fault Zone.

#### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699.6) establishes statewide minimum public safety standards for mitigation of earthquake hazards. While the Alquist–Priolo Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including strong ground shaking, liquefaction, and seismically induced landslides. Its provisions are similar in concept to those of the Alquist–Priolo Act. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other seismic hazards, and cities and counties are required to regulate development within mapped seismic hazard zones. In addition, the act addresses not only seismically induced hazards but also expansive soils, settlement, and slope stability.

Mapping and other information generated pursuant to the SHMA is to be made available to local governments for planning and development purposes. The State requires: (1) local governments to incorporate site-specific geotechnical hazard investigations and associated hazard mitigation, as part of the local construction permit approval

process; and (2) the agent for a property seller or the seller if acting without an agent, must disclose to any prospective buyer if the property is located within a Seismic Hazard Zone. Under the Seismic Hazards Mapping Act, cities and counties may withhold the development permits for a site within seismic hazard zones until appropriate site-specific geologic and/or geotechnical investigations have been carried out and measures to reduce potential damage have been incorporated into the development plans.

#### California Building Standards Code

Title 24 CCR, also known as the California Building Standards Code (CBC), specifies standards for geologic and seismic hazards other than surface faulting. These codes are administered and updated by the California Building Standards Commission. CBC specifies criteria for open excavation, seismic design, and load-bearing capacity directly related to construction in California.

**Discussion:** A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;
  - Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
  - Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.
- a. **Seismic Hazards:**
- i) According to the California Department of Conservation Division of Mines and Geology, there are no Alquist-Priolo fault zones within El Dorado County (DOC, 2007). The nearest such faults are located in Alpine and Butte Counties. There would be **no impact**.
  - ii) The potential for seismic ground shaking in the project area would be considered remote for the reason stated in Section i) above. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code (UBC). All structures would be built to meet the construction standards of the UBC for the appropriate seismic zone. Project impacts would be **less than significant**.
  - iii) El Dorado County is considered an area with low potential for seismic activity. There are no landslide, liquefaction, or fault zones (DOC, 2007). There would be **no impact**.
  - iv) All grading activities onsite would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. There would be **no impact**.
- b. **Soil Erosion:** For development proposals, all grading activities onsite would comply with the El Dorado County Grading, Erosion and Sediment Control Ordinance including the implementation of pre- and post-construction Best Management Practices (BMPs). Implemented BMPs are required to be consistent with the County's California Stormwater Pollution Prevention Plan (SWPPP) issued by the State Water Resources Control Board to eliminate run-off and erosion and sediment controls. Any grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance. Project impacts would be **less than significant**.



- c. **Geologic Hazards:** A Geotechnical Report prepared for the project site (Appendix E of this Initial Study) found that potential risks related to on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse would be low. All grading activities would comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance. Project impacts would be **less than significant**.
- d. **Expansive Soils:** Expansive soils are those that greatly increase in volume when they absorb water and shrink when they dry out. When buildings are placed on expansive soils, foundations may rise each wet season and fall each dry season. This movement may result in cracking foundations, distortion of structures, and warping of doors and windows. The central portion of the county has a moderate expansiveness rating while the eastern and western portions have a low rating. This impact would be **less than significant**.
- e. **Septic Capability:** A review of the project site by County Environmental Health Management found that there is 7 feet of available soil depth for the leech field. The proposed treatment septic system must meet NSF standards and is subject to County permitting requirements. The proposed system JET J-1000 is NSF certified. This impact would be **less than significant**.

**FINDING:** A review of the soils and geologic conditions on the project site determined that the project would not result in a substantial adverse effect. All grading activities would be required to comply with the El Dorado County Grading, Erosion Control and Sediment Ordinance which would address potential impacts related to soil erosion, landslides and other geologic impacts. Future development would be required to comply with the Uniform Building Code which would address potential seismic related impacts. For this Geology and Soils category, impacts would be less than significant.

<b>VIII. GREENHOUSE GAS EMISSIONS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<b>X</b>	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			<b>X</b>	

**Introduction:**

Cumulative greenhouse gases (GHG) emissions are believed to contribute to an increased greenhouse effect and global climate change, which may result in sea level rise, changes in precipitation, habitat, temperature, wildfires, air pollution levels, and changes in the frequency and intensity of weather-related events. While criteria air pollutants and TACs are pollutants of regional and local concern (see Section III. Air Quality above); GHG are global pollutants. The primary land-use related GHG are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxides (N<sub>2</sub>O). The individual pollutant’s ability to retain infrared radiation represents its “global warming potential” and is expressed in terms of CO<sub>2</sub> equivalents; therefore, CO<sub>2</sub> is the benchmark having a global warming potential of 1. CH<sub>4</sub> has a global warming potential of 25 and thus has a 25 times greater global warming effect per metric ton of CH<sub>4</sub> than CO<sub>2</sub>. N<sub>2</sub>O has a global warming potential of 298. Emissions are expressed in annual metric tons of CO<sub>2</sub> equivalent units of measure (i.e., MT CO<sub>2</sub>e per year). Other GHGs include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>). While these compounds have significantly higher global warming potentials (ranging in the thousands), these typically are not a concern in land-use development projects and are usually only used in specific industrial processes.

### ***GHG Sources***

The primary man-made source of CO<sub>2</sub> is the burning of fossil fuels; the two largest sources being coal burning to produce electricity and petroleum burning in combustion engines. The primary sources of man-made CH<sub>4</sub> are natural gas systems losses (during production, processing, storage, transmission and distribution), enteric fermentation (digestion from livestock) and landfill off-gassing. The primary source of man-made N<sub>2</sub>O is agricultural soil management (fertilizers), with fossil fuel combustion a very distant second. In El Dorado County, the primary source of GHG is fossil fuel combustion mainly in the transportation sector (estimated at 70% of countywide GHG emissions). A distant second are residential sources (approximately 20%), and commercial/industrial sources are third (approximately 7%). The remaining sources are waste/landfill (approximately 3%) and agricultural (<1%) (EDCAQMD n.d.).

### **Regulatory Setting:**

#### ***Federal Laws, Regulations, and Policies***

At the federal level, USEPA has developed regulations to reduce GHG emissions from motor vehicles and has developed permitting requirements for large stationary emitters of GHGs. On April 1, 2010, USEPA and the National Highway Traffic Safety Administration (NHTSA) established a program to reduce GHG emissions and improve fuel economy standards for new model year 2012-2016 cars and light trucks. On August 9, 2011, USEPA and the NHTSA announced standards to reduce GHG emissions and improve fuel efficiency for heavy-duty trucks and buses.

#### ***State Laws, Regulations, and Policies***

Executive Order (EO) S-3-05 (June 2005) established California's GHG emissions reduction targets and laid out responsibilities among the state agencies for implementing the EO and for reporting on progress toward the targets. This EO established the following targets:

- By 2010, reduce GHG emissions to 2000 levels
- By 2020, reduce GHG emissions to 1990 levels
- By 2050, reduce GHG emissions to 80% below 1990 levels

In September 2006, Governor Arnold Schwarzenegger signed Assembly Bill (AB) 32, the *California Climate Solutions Act of 2006* (Stats. 2006, ch. 488) (Health & Safety Code, Section 38500 et seq.). AB 32 provided initial direction on creating a comprehensive multiyear program to limit California's GHG emissions at 1990 levels by 2020 and initiate the transformations required to achieve the state's long-range climate objectives. One specific requirement of AB 32 is for CARB to prepare a "scoping plan" for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (Health and Safety Code, Section 38561(a)), and to update the plan at least once every 5 years.

EO B-30-15 (April 2015) identified an interim GHG reduction target in support of targets previously identified under EO S-3-05 and AB 32. EO B-30-15 set an interim target goal of reducing GHG emissions to 40% below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80% below 1990 levels by 2050 as set forth in EO S-3-05. Senate Bill (SB) 32 was adopted in 2016, which codified the 2030 emissions reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030.

In June 2008, the California Governor's Office of Planning and Research's (OPR) issued a Technical Advisory (OPR 2008) providing interim guidance regarding a proposed project's GHG emissions and contribution to global climate change. In the absence of adopted local or statewide thresholds, OPR recommends the following approach for analyzing GHG emissions: Identify and quantify the project's GHG emissions, assess the significance of the impact on climate change; and if the impact is found to be significant, identify alternatives and/or Mitigation Measures that would reduce the impact to less than significant levels.

**Discussion:**

***Impact Significance Criteria***

CEQA does not provide clear direction on addressing climate change. It requires lead agencies identify project GHG emissions impacts and their “significance,” but that statute and Guidelines do not set significance criteria for what constitutes a “significant” impact. GHG impacts are inherently cumulative, and since no single project could cause global climate change, the CEQA test is if impacts are “cumulatively considerable.” Not all projects emitting GHG contribute significantly to climate change. CEQA authorizes reliance on previously approved plans (i.e., a Climate Action Plan (CAP), etc.) and mitigation programs adequately analyzing and mitigating GHG emissions to a less than significant level. “Tiering” from such a programmatic-level document is the preferred method to address GHG emissions. El Dorado County does not have an adopted CAP or similar program-level document; therefore, the project’s GHG emissions must be addressed at the project-level.

Unlike thresholds of significance established for criteria air pollutants in EDCAQMD’s *Guide to Air Quality Assessment*, the EDCAQMD has not adopted GHG emissions thresholds for land use development projects. In the absence of County adopted thresholds, EDCAQMD recommends using the adopted thresholds of other lead agencies which are based on consistency with the goals of AB 32. Projects exceeding these thresholds would have a potentially significant impact and be required to mitigate those impacts to a less than significant level. Until the County adopts a CAP consistent with CEQA Guidelines Section 15183.5, and/or establishes GHG thresholds, the County will follow an interim approach to evaluating GHG emissions utilizing significance criteria adopted by the San Luis Obispo Air Pollution Control District (SLOAPCD), as recommended by the EDCAQMD, to determine the significance of GHG emissions, based on substantial evidence (SLOACPD 2012). These are summarized below:

- The threshold for stationary sources is 10,000 MT CO<sub>2</sub>e per year
- For nonstationary sources, the following two separate thresholds have been established:
  - 1,150 MT CO<sub>2</sub>e per year
  - 4.9 MT CO<sub>2</sub>e per service population per year (Service population is the sum of residents plus employees expected for a development project.)

The quantitative threshold of 1,150 MT CO<sub>2</sub>e annually adopted by SLOAPCD is applied to this analysis.

**Impact Discussion:**

- a. **GHG Emissions:** The project would result in GHG emissions associated with short-term construction and long-term operations.

**Construction**

Construction of the proposed project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, vendor and haul trucks, and worker vehicles. CalEEMod was used to calculate the annual GHG emissions. A detailed depiction of the construction schedule—including information regarding phasing, equipment utilized during each phase, trucks, and worker vehicles—is included in Appendix A. The estimated project-generated GHG emissions from construction activities are shown in Table 8-1.

**Table 8-1**  
**Estimated Annual Construction GHG Emissions**

Year	CO2	CH4	N2O	CO2e
	metric tons per year			
2020	86.00	0.02	0.00	86.39
2021	39.63	0.01	0.00	39.80
<b>Total Annual GHG Emissions</b>				<b>126.19</b>
Amortized GHG Emissions				5.05

**Notes:** See Appendix A for detailed results.  
 MT = metric tons; CO<sub>2</sub> = carbon dioxide; CH<sub>4</sub> = methane; N<sub>2</sub>O = nitrous oxide; CO<sub>2e</sub> = carbon dioxide equivalent.

As shown in Table 3.8-1, estimated total annual construction GHG emissions would be approximately 126 MT CO<sub>2e</sub>. Construction GHG emissions are a one-time release and, therefore, typically not expected to generate a significant contribution to global climate change. In order to present a worst-case scenario, the proposed project’s construction-related GHG emissions have been amortized over 25 years (i.e., the lifetime of commercial projects per SLOACPD) and included with the operational GHG emissions.

**Operation**

Operation of the project would generate GHG emissions through motor vehicle trips to and from the project site; landscape maintenance equipment operation; energy use (generation of electricity consumed by the project); solid waste disposal; and generation of electricity associated with water supply, treatment, and distribution and wastewater treatment. As discussed in the transportation section, it is expected that most of the trips would replace existing longer trips to retail establishments. The estimated project-generated GHG emissions from operational activities were estimated using CalEEMod and are shown in Table 8-2.

**Table 8-2**  
**Estimated Annual Operational GHG Emissions**

Year	CO2	CH4	N2O	CO2e
	metric tons per year			
Area	<0.01	0.00	0.00	<0.01
Energy	15.63	<0.01	<0.01	15.80
Waste	417.39	0.01	0.00	417.76
Water/Wastewater	0.47	0.47	0.00	19.68
<b>Maximum Annual Emissions</b>				<b>457.71</b>
Amortized Construction Emissions				5.05
<b>Total Operational + Amortized Construction GHGs</b>				<b>462.76</b>

**Notes:** See Appendix A for detailed results.  
 <0.01 = value less than reported 0.01 metric tons per year.  
 MT = metric tons; CO<sub>2</sub> = carbon dioxide; CH<sub>4</sub> = methane; N<sub>2</sub>O = nitrous oxide; CO<sub>2e</sub> = carbon dioxide equivalent.

As shown in Table 8-2, estimated annual project-generated GHG emissions would be approximately 458 MT CO<sub>2e</sub> per year as a result of project operations only. After summing the amortized project construction emissions, total GHGs generated by the project would be approximately 463 MT CO<sub>2e</sub> per year. As such, annual operational GHG emissions with amortized construction emissions would not exceed the applied threshold of 1,150 MT CO<sub>2e</sub> per year. Therefore, the project’s GHG contribution would be **less than significant** and would not be cumulatively considerable.

- b. **GHG Reduction Plans:** The CARB Scoping Plan, approved by CARB in 2008 and updated in 2014 and 2017, provides a framework for actions to reduce California's GHG emissions and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. The Scoping Plan is not directly applicable to specific projects, nor is it intended to be used for project-level evaluations.<sup>1</sup> Under the Scoping Plan, however, there are several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB and other state agencies have adopted many of the measures identified in the Scoping Plan. Most of these measures focus on area source emissions (e.g., energy usage, high-GWP GHGs in consumer products) and changes to the vehicle fleet (i.e., hybrid, electric, and more fuel-efficient vehicles) and associated fuels (e.g., Low Carbon Fuel Standard), among others. The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions. To the extent that these regulations are applicable to the project or its uses, the project would comply with all regulations adopted in furtherance of the Scoping Plan to the extent required by law.

The project would also not impede the attainment of the GHG reduction goals for 2030 or 2050 identified in SB 32 and EO S-3-05, respectively. EO S-3-05 establishes the following goals: GHG emissions should be reduced to 2000 levels by 2010, to 1990 levels by 2020, and to 80% below 1990 levels by 2050. SB 32 establishes for a statewide GHG emissions reduction target whereby CARB, in adopting rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions, shall ensure that statewide GHG emissions are reduced to at least 40% below 1990 levels by December 31, 2030. While there are no established protocols or thresholds of significance for that future year analysis; CARB forecasts that compliance with the current Scoping Plan puts the state on a trajectory of meeting these long-term GHG goals, although the specific path to compliance is unknown (CARB 2014).

CARB has expressed optimism with regard to both the 2030 and 2050 goals. It states in the First Update to the Climate Change Scoping Plan that "California is on track to meet the near-term 2020 GHG emissions limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32" (CARB 2014). With regard to the 2050 target for reducing GHG emissions to 80% below 1990 levels, the First Update states the following (CARB 2014):

This level of reduction is achievable in California. In fact, if California realizes the expected benefits of existing policy goals (such as 12,000 megawatts of renewable distributed generation by 2020, net zero energy homes after 2020, existing building retrofits under AB 758, and others) it could reduce emissions by 2030 to levels squarely in line with those needed in the developed world and to stay on track to reduce emissions to 80% below 1990 levels by 2050. Additional measures, including locally driven measures and those necessary to meet federal air quality standards in 2032, could lead to even greater emission reductions.

In other words, CARB believes that the state is on a trajectory to meet the 2030 and 2050 GHG reduction targets set forth in AB 32, SB 32, and EO S-3-05. This is confirmed in the Second Update, which states (CARB 2017):

The Proposed Plan builds upon the successful framework established by the Initial Scoping Plan and First Update, while also identifying new, technologically feasibility and cost-effective strategies to ensure that California meets its GHG reduction targets in a way that promotes and rewards innovation, continues to foster economic growth, and delivers improvements to the environment and public health, including in disadvantaged communities. The Proposed Plan is developed to be consistent with requirements set forth in AB 32, SB 32, and AB 197.

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<sup>1</sup> The Final Statement of Reasons for the amendments to the CEQA Guidelines reiterates the statement in the Initial Statement of Reasons that "[t]he Scoping Plan may not be appropriate for use in determining the significance of individual projects because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan" (CNRA 2009).

The project would be consistent with the applicable strategies and measures in the Scoping Plan and is consistent with, and would not impede, the state’s trajectory toward the above-described statewide GHG reduction goals for 2030 or 2050. In addition, since the specific path to compliance for the state in regard to the long-term goals will likely require development of technology or other changes that are not currently known or available, specific additional mitigation measures for the project would be speculative and cannot be identified at this time. With respect to future GHG targets under SB 32 and EO S-3-05, CARB has also made clear its legal interpretation that it has the requisite authority to adopt whatever regulations are necessary, beyond the AB 32 horizon year of 2020, to meet SB 32’s 40% reduction target by 2030 and EO S-3-05’s 80% reduction target by 2050; this legal interpretation by an expert agency provides evidence that future regulations will be adopted to continue the state on its trajectory toward meeting these future GHG targets.

Based on the above considerations, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and no mitigation is required. This impact would be **less than significant**.

**Mitigation Measures:** None Required.

**FINDING:** The project would result in less than significant impacts to GHG emissions. For this Greenhouse Gas Emissions category, there would be no significant adverse environmental effect as a result of the project.

<b>IX. HAZARDS AND HAZARDOUS MATERIALS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			<b>X</b>	

**Regulatory Setting:**

Hazardous materials and hazardous wastes are subject to extensive federal, state, and local regulations to protect public health and the environment. These regulations provide definitions of hazardous materials; establish reporting requirements; set guidelines for handling, storage, transport, and disposal of hazardous wastes; and require health and safety provisions for workers and the public. The major federal, state, and regional agencies enforcing these regulations are USEPA and the Occupational Safety and Health Administration (OSHA); California Department of Toxic Substances Control (DTSC); California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); California Governor’s Office of Emergency Services (Cal OES); and EDCAPCD.

***Federal Laws, Regulations, and Policies***

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also called the Superfund Act; 42 USC Section 9601 *et seq.*) is intended to protect the public and the environment from the effects of past hazardous waste disposal activities and new hazardous material spills. Under CERCLA, USEPA has the authority to seek the parties responsible for hazardous materials releases and to ensure their cooperation in site remediation. CERCLA also provides federal funding (through the “Superfund”) for the remediation of hazardous materials contamination. The Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499) amends some provisions of CERCLA and provides for a Community Right-to-Know program.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act of 1976 (RCRA; 42 USC Section 6901 *et seq.*), as amended by the Hazardous and Solid Waste Amendments of 1984, is the primary federal law for the regulation of solid waste and hazardous waste in the United States. These laws provide for the “cradle-to-grave” regulation of hazardous wastes, including generation, transportation, treatment, storage, and disposal. Any business, institution, or other entity that generates hazardous waste is required to identify and track its hazardous waste from the point of generation until it is recycled, reused, or disposed of.

USEPA has primary responsibility for implementing RCRA, but individual states are encouraged to seek authorization to implement some or all RCRA provisions. California received authority to implement the RCRA program in August 1992. DTSC is responsible for implementing the RCRA program in addition to California’s own hazardous waste laws, which are collectively known as the Hazardous Waste Control Law.

Energy Policy Act of 2005

Title XV, Subtitle B of the Energy Policy Act of 2005 (the Underground Storage Tank Compliance Act of 2005) contains amendments to Subtitle I of the Solid Waste Disposal Act, the original legislation that created the

Underground Storage Tank (UST) Program. As defined by law, a UST is "any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground." In cooperation with USEPA, SWRCB oversees the UST Program. The intent is to protect public health and safety and the environment from releases of petroleum and other hazardous substances from tanks. The four primary program elements include leak prevention (implemented by Certified Unified Program Agencies [CUPAs], described in more detail below), cleanup of leaking tanks, enforcement of UST requirements, and tank integrity testing.

#### Spill Prevention, Control, and Countermeasure Rule

USEPA's Spill Prevention, Control, and Countermeasure (SPCC) Rule (40 CFR, Part 112) apply to facilities with a single above-ground storage tank (AST) with a storage capacity greater than 660 gallons, or multiple tanks with a combined capacity greater than 1,320 gallons. The rule includes requirements for oil spill prevention, preparedness, and response to prevent oil discharges to navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

#### Occupational Safety and Health Administration

OSHA is responsible at the federal level for ensuring worker safety. OSHA sets federal standards for implementation of workplace training, exposure limits, and safety procedures for the handling of hazardous substances (as well as other hazards). OSHA also establishes criteria by which each state can implement its own health and safety program.

#### Code of Federal Regulations (14 CFR) Part 77

14 CFR Part 77.9 is designed to promote air safety and the efficient use of navigable airspace. Implementation of the code is administered by the Federal Aviation Administration (FAA). If an organization plans to sponsor any construction or alterations that might affect navigable airspace, a Notice of Proposed Construction or Alteration (FAA Form 7460-1) must be filed (if required). The code provides specific guidance regarding FAA notification requirements.

#### *State Laws, Regulations, and Policies*

##### Safe Drinking Water and Toxic Enforcement Act of 1986 – Proposition 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65, protects the state's drinking water sources from contamination with chemicals known to cause cancer, birth defects, or other reproductive harm. Proposition 65 also requires businesses to inform the public of exposure to such chemicals in the products they purchase, in their homes or workplaces, or that are released into the environment. In accordance with Proposition 65, the California Governor's Office publishes, at least annually, a list of such chemicals. OEHHA, an agency under the California Environmental Protection Agency (CalEPA), is the lead agency for implementation of the Proposition 65 program. Proposition 65 is enforced through the California Attorney General's Office; however, district and city attorneys and any individual acting in the public interest may also file a lawsuit against a business alleged to be in violation of Proposition 65 regulations.

##### The Unified Program

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. CalEPA and other state agencies set the standards for their programs, while local governments (CUPAs) implement the standards. For each county, the CUPA regulates/oversees the following:

- Hazardous materials business plans;
- California accidental release prevention plans or federal risk management plans;
- The operation of USTs and ASTs;



- Universal waste and hazardous waste generators and handlers;
- On-site hazardous waste treatment;
- Inspections, permitting, and enforcement;
- Proposition 65 reporting; and
- Emergency response.

#### Hazardous Materials Business Plans

Hazardous materials business plans are required for businesses that handle hazardous materials in quantities greater than or equal to 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet (cf) of compressed gas, or extremely hazardous substances above the threshold planning quantity (40 CFR, Part 355, Appendix A) (Cal OES, 2015). Business plans are required to include an inventory of the hazardous materials used/stored by the business, a site map, an emergency plan, and a training program for employees (Cal OES, 2015). In addition, business plan information is provided electronically to a statewide information management system, verified by the applicable CUPA, and transmitted to agencies responsible for the protection of public health and safety (i.e., local fire department, hazardous material response team, and local environmental regulatory groups) (Cal OES, 2015).

#### California Occupational Safety and Health Administration

Cal/OSHA assumes primary responsibility for developing and enforcing workplace safety regulations in California. Cal/OSHA regulations pertaining to the use of hazardous materials in the workplace (CCR Title 8) include requirements for safety training, availability of safety equipment, accident and illness prevention programs, warnings about exposure to hazardous substances, and preparation of emergency action and fire prevention plans. Hazard communication program regulations that are enforced by Cal/OSHA require workplaces to maintain procedures for identifying and labeling hazardous substances, inform workers about the hazards associated with hazardous substances and their handling, and prepare health and safety plans to protect workers at hazardous waste sites. Employers must also make material safety data sheets available to employees and document employee information and training programs. In addition, Cal/OSHA has established maximum permissible RF radiation exposure limits for workers (Title 8 CCR Section 5085[b]), and requires warning signs where RF radiation might exceed the specified limits (Title 8 CCR Section 5085 [c]).

#### California Accidental Release Prevention

The purpose of the California Accidental Release Prevention (CalARP) program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. In accordance with this program, businesses that handle more than a threshold quantity of regulated substance are required to develop a risk management plan (RMP). This RMP must provide a detailed analysis of potential risk factors and associated mitigation measures that can be implemented to reduce accident potential. CUPAs implement the CalARP program through review of RMPs, facility inspections, and public access to information that is not confidential or a trade secret.

#### California Department of Forestry and Fire Protection Wildland Fire Management

The Office of the State Fire Marshal and the California Department of Forestry and Fire Protection (CAL FIRE) administer state policies regarding wildland fire safety. Construction contractors must comply with the following requirements in the Public Resources Code during construction activities at any sites with forest-, brush-, or grass-covered land:

- Earthmoving and portable equipment with internal combustion engines must be equipped with a spark arrester to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442).
- Appropriate fire-suppression equipment must be maintained from April 1 to December 1, the highest-danger period for fires (Public Resources Code Section 4428).

- On days when a burning permit is required, flammable materials must be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor must maintain the appropriate fire suppression equipment (Public Resources Code Section 4427).
- On days when a burning permit is required, portable tools powered by gasoline fueled internal combustion engines must not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

#### California Highway Patrol

CHP, along with Caltrans, enforce and monitor hazardous materials and waste transportation laws and regulations in California. These agencies determine container types used and license hazardous waste haulers for hazardous waste transportation on public roads. All motor carriers and drivers involved in transportation of hazardous materials must apply for and obtain a hazardous materials transportation license from CHP.

#### ***Local Laws, Regulations, and Policies***

A map of the fuel loading in the County (General Plan Figure HS-1) shows the fire hazard severity classifications of the SRAs in El Dorado County, as established by CDF. The classification system provides three classes of fire hazards: Moderate, High, and Very High. Fire Hazard Ordinance (Chapter 8.08) requires defensible space as described by the State Public Resources Code, including the incorporation and maintenance of a 30-foot fire break or vegetation fuel clearance around structures in fire hazard zones. The County's requirements on emergency access, signing and numbering, and emergency water are more stringent than those required by state law (Patton 2002). The Fire Hazard Ordinance also establishes limits on campfires, fireworks, smoking, and incinerators for all discretionary and ministerial developments.

**Discussion:** A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
  - Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
  - Expose people to safety hazards as a result of former on-site mining operations.
- a. **Hazardous Materials:** The project may involve transportation, use, and disposal of hazardous materials such as construction materials, paints, fuels, landscaping materials, and building cleaning supplies. The majority of the use of these hazardous materials would occur primarily during construction. Any uses of hazardous materials would be required to comply with all applicable federal, state, and local standards associated with the handling and storage of hazardous materials. Prior to any use of hazardous materials, the project would be required to obtain a Hazardous Materials Business Plan through the Environmental Management – Solid Waste and Hazardous Materials Division of El Dorado County. Commercial facilities that store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste are also required to obtain a Hazardous Materials Business Plan through Environmental Management – Solid Waste and Hazardous Materials Division of EDC. However, Dollar General retail stores do not generate significant amounts of hazardous materials, and only a minimal amount of routine day-to-day materials is stored on-site, such as materials used in routine cleaning of the building or maintenance of landscaping. These materials would be used, stored, and disposed in accordance with existing regulations and product labeling and would not create a significant hazard to the public or to the environment. As such, impacts would be **less than significant**.
- b. **Hazardous Conditions:** A Phase I Environmental Site Assessment was prepared for the project site (included as Appendix F to this Initial Study). The assessment did not identify any recognized environmental conditions at the project site that could result in exposure to hazards through project construction or operations. Project impacts would be **less than significant**.

- c. **Hazardous Materials near Schools:** Northside Elementary School is located approximately 1.3 miles south of the project site. As previously discussed, the project would not be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. The project would be required to ensure that hazardous chemicals and solid wastes are handled per County, State, and Federal regulations. As such, impacts would be anticipated to be **less than significant**.
- d. **Hazardous Sites:** The project site is not included on a list of or near any hazardous materials sites pursuant to Government Code section 65962.5 (DTSC, 2015). There would be **no impact**.
- e-f. **Aircraft Hazards, Private Airstrips:** According to the EDC Zoning Map and the El Dorado County Airport Land Use Compatibility Plan (EDC ALUC 2012) the project site is not within any airport safety zone or airport land use plan area. The project is not located in the vicinity of a public or private airstrip. As such, the project would not be subject to any land use limitations contained within any adopted Comprehensive Land Use Plan and there would be no immediate hazard for people working in the project area or safety hazard resulting from airport operations and aircraft over-flights in the vicinity of the project site. **No impact** would be anticipated to occur within these categories.
- g. **Emergency Plan:** The El Dorado County Fire District requirements will be incorporated in standards conditions of approval (COAs) that address site access, adequate fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements. No applicable emergency plan would be affected by the current proposal. The proposed commercial business would allow for adequate emergency ingress/egress and drive-aisle widths for interior circulation. The proposed structure has also been conditioned to be required to install sprinkler and fire alarms and provide adequate fire flow. Impacts would be **less than significant**.
- h. **Wildfire Hazards:** The El Dorado County General Plan Safety Element precludes development in areas of high wildland fire hazard unless such development can be adequately protected from wildland fire hazards as demonstrated in a Fire Safe Plan prepared by a Registered Professional Forester (RPF) and approved by the local Fire Protection District and/or California Department of Forestry and Fire Protection. The degree of hazard in wildland areas depends on weather variables like temperature, wind, and moisture, the amount of dryness and arrangement of vegetation, slope steepness, and accessibility to human activities, accessibility of firefighting equipment, and fuel clearance around structures. The project site is in an area of very high hazard for wildland fire pursuant to Figure 5.8-4 of the 2004 General Plan Draft EIR. The Fire District has reviewed the project and did not identify significant wildfire hazards particular to this site, and provided COAs regarding fire flow, vegetation and fuel modification, and sprinkler and fire alarm requirements, which are to be incorporated into the permit approvals. Implementation of the fire district standards and California Building Codes would reduce the impacts of wildland fire to **less than significant**.

**FINDING:** The proposed project would not expose the area to hazards relating to the use, storage, transport, or disposal of hazardous materials. For this Hazards and Hazardous Materials category, impacts would be less than significant.

<b>X. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			X	
a. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or -off-site?			X	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f. Otherwise substantially degrade water quality?			X	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j. Inundation by seiche, tsunami, or mudflow?				X

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

Clean Water Act

The Clean Water Act (CWA) is the primary federal law that protects the quality of the nation’s surface waters, including lakes, rivers, and coastal wetlands. The key sections pertaining to water quality regulation for the Proposed Project are CWA Section 303 and Section 402.

### *Section 303(d) — Listing of Impaired Water Bodies*

Under CWA Section 303(d), states are required to identify “impaired water bodies” (those not meeting established water quality standards), identify the pollutants causing the impairment, establish priority rankings for waters on the list, and develop a schedule for the development of control plans to improve water quality. USEPA then approves the State’s recommended list of impaired waters or adds and/or removes waterbodies.

### *Section 402—NPDES Permits for Stormwater Discharge*

CWA Section 402 regulates construction-related stormwater discharges to surface waters through the NPDES, which is officially administered by USEPA. In California, USEPA has delegated its authority to the State Water Resources Control Board (SWRCB), which, in turn, delegates implementation responsibility to the nine RWQCBs, as discussed below in reference to the Porter-Cologne Water Quality Control Act.

The NPDES program provides for both general (those that cover a number of similar or related activities) and individual (activity- or project-specific) permits. General Permit for Construction Activities: Most construction projects that disturb 1.0 or more acre of land are required to obtain coverage under SWRCB’s General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ). The general permit requires that the applicant file a public notice of intent to discharge stormwater and prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). SWPPP must include a site map and a description of the proposed construction activities, demonstrate compliance with relevant local ordinances and regulations, and present a list of Best Management Practices (BMPs) that will be implemented to prevent soil erosion and protect against discharge of sediment and other construction-related pollutants to surface waters. Permittees are further required to monitor construction activities and report compliance to ensure that BMPs are correctly implemented and are effective in controlling the discharge of construction-related pollutants.

### Municipal Stormwater Permitting Program

SWRCB regulates stormwater discharges from municipal separate storm sewer systems (MS4s) through its Municipal Storm Water Permitting Program (SWRCB, 2013). Permits are issued under two phases depending on the size of the urbanized area/municipality. Phase I MS4 permits are issued for medium (population between 100,000 and 250,000 people) and large (population of 250,000 or more people) municipalities, and are often issued to a group of co-permittees within a metropolitan area. Phase I permits have been issued since 1990. Beginning in 2003, SWRCB began issuing Phase II MS4 permits for smaller municipalities (population less than 100,000).

El Dorado County is covered under two SWRCB Regional Boards. The West Slope Phase II Municipal Separate Storm Sewer Systems (MS4) NPDES Permit is administered by the Central Valley Regional Water Quality Control Board (RWQCB) (Region Five). The Lake Tahoe Phase I MS4 NPDES Permit is administered by the Lahontan RWQCB (Region Six). The current West Slope MS4 NPDES Permit was adopted by the SWRCB on February 5, 2013. The Permit became effective on July 1, 2013 for a term of five years and focuses on the enhancement of surface water quality within high priority urbanized areas. The current Lake Tahoe MS4 NPDES Permit was adopted and took effect on December 6, 2011 for a term of five years. The Permit incorporated the Lake Tahoe Total Maximum Daily Load (TMDL) and the Lake Clarity Crediting Program (LCCP) to account for the reduction of fine sediment particles and nutrients discharged to Lake Tahoe.

On May 19, 2015 the El Dorado County Board of Supervisors formally adopted revisions to the Storm Water Quality Ordinance (Ordinance 4992). Previously applicable only to the Lake Tahoe Basin, the ordinance establishes legal authority for the entire unincorporated portion of the County. The purpose of the ordinance is to 1) protect health, safety, and general welfare, 2) enhance and protect the quality of Waters of the State by reducing pollutants in storm water discharges to the maximum extent practicable and controlling non-storm water discharges to the storm drain system, and 3) cause the use of Best Management Practices to reduce the adverse effects of polluted runoff discharges on Waters of the State.

### National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities complying with FEMA regulations that limit development in floodplains. The NFIP regulations permit development within special flood hazard zones provided that residential structures are raised above the base flood elevation of a 100-year flood event. Non-residential structures are required either to provide flood proofing construction techniques for that portion of structures below the 100-year flood elevation or to elevate above the 100-year flood elevation. The regulations also apply to substantial improvements of existing structures.

### ***State Laws, Regulations, and Policies***

#### **Porter–Cologne Water Quality Control Act**

The Porter–Cologne Water Quality Control Act (known as the Porter–Cologne Act), passed in 1969, dovetails with the CWA (see discussion of the CWA above). It established the SWRCB and divided the state into nine regions, each overseen by an RWQCB. SWRCB is the primary State agency responsible for protecting the quality of the state’s surface water and groundwater supplies; however, much of the SWRCB’s daily implementation authority is delegated to the nine RWQCBs, which are responsible for implementing CWA Sections 401, 402, and 303[d]. In general, SWRCB manages water rights and regulates statewide water quality, whereas RWQCBs focus on water quality within their respective regions.

The Porter–Cologne Act requires RWQCBs to develop water quality control plans (also known as basin plans) that designate beneficial uses of California’s major surface-water bodies and groundwater basins and establish specific narrative and numerical water quality objectives for those waters. Beneficial uses represent the services and qualities of a waterbody (i.e., the reasons that the waterbody is considered valuable). Water quality objectives reflect the standards necessary to protect and support those beneficial uses. Basin plan standards are primarily implemented by regulating waste discharges so that water quality objectives are met. Under the Porter–Cologne Act, basin plans must be updated every 3 years.

**Discussion:** A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
  - Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
  - Substantially interfere with groundwater recharge;
  - Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
  - Cause degradation of groundwater quality in the vicinity of the project site.
- a. **Water Quality Standards:** There is potential for the proposed Project to result in degradation of water quality during both the construction and operational phases. Polluted runoff from the Project site during construction and operation could include sediment from soil disturbances, oil and grease from construction equipment, and pesticides and fertilizers from landscaped areas. The greatest potential source of water contaminants from the proposed development would be from erosion related to construction and from surface pollutants associated with the impervious surfaces on-site following completion of construction. This degradation could result in violation of water quality standards. The project would be subject to the National Pollutant Discharge Elimination System (NPDES) permit, which requires the use of Best Management Practices (BMPs), as outlined in the Storm Water Management Plan for Western El Dorado County (SWMP), to minimize water quality impacts from construction projects. The County would obtain coverage for the project under the Statewide General Permit for Discharges of Storm Water Associated with Construction Activity, Order No. 99-08 DWQ. In accordance with the provisions of the General Permit and the SWMP, the County would require the contractor to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce or minimize discharge of pollutants from construction

activities. Due to the implementation of BMPs as required by El Dorado County and the NPDES permit, construction activities associated with the project would result in less than significant impacts to water quality.

The project's proposed septic system design has been reviewed and approved by the Environmental Management Division (EMD), and future improvement plans would be further reviewed for approval by EMD to ensure waste water disposal does not impact water quality (see Section VII, Geology and Soils). With adherence to County Codes, impacts would be **less than significant**.

- b. **Groundwater Supplies:** The geology of the Western Slope portion of El Dorado County is principally hard, crystalline, igneous, or metamorphic rock overlain with a thin mantle of sediment or soil. Groundwater in this region is found in fractures, joints, cracks, and fault zones within the bedrock mass. These discrete fracture areas are typically vertical in orientation rather than horizontal as in sedimentary or alluvial aquifers. Recharge is predominantly through rainfall infiltrating into the fractures. Movement of this groundwater is very limited due to the lack of porosity in the bedrock. There is no evidence that the project would substantially reduce or alter the quantity of groundwater in the vicinity, or materially interfere with groundwater recharge in the area of the proposed project. Impacts to groundwater supplies would be **less than significant**.
- c-f. **Drainage Patterns:** No adverse increase in overall runoff and flows from pre-development levels is anticipated from the post-development project design. The project would be required to conform to the El Dorado County Grading, Erosion Control, and Sediment Ordinance County Code Section 110.14. This includes the use of BMPs to minimize degradation of water quality during construction. Impacts would be **less than significant**
- g-j. **Flood-related Hazards:** The project site is not located within any mapped 100-year flood areas as shown on Firm Panel Number 06017C0175E, revised September 26, 2008, and would not result in the construction of any structures that would impede or redirect flood flows (FEMA, 2008). No dams that would result in potential hazards related to dam failures are located in the project area. The risk of exposure to seiche, tsunami, or mudflows would be remote. There would be **no impact**.

**FINDING:** For this project, no significant hydrological impacts are expected with the development of the project either directly or indirectly. For this hydrology category, impacts are anticipated to be less than significant.

<b>XI. LAND USE PLANNING. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Physically divide an established community?			<b>X</b>	
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			<b>X</b>	
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>

**Regulatory Setting:**

California State law requires that each City and County adopt a general plan "for the physical development of the City and any land outside its boundaries which bears relation to its planning." Typically, a general plan is designed to address the issues facing the City or County for the next 15-20 years. The general plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses. The El Dorado County General Plan was adopted in 2004. The 2013-2021 Housing Element was adopted in 2013.

**Discussion:** A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
  - Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
  - Result in conversion of undeveloped open space to more intensive land uses;
  - Result in a use substantially incompatible with the existing surrounding land uses; or
  - Conflict with adopted environmental plans, policies, and goals of the community.
- a. **Established Community:** The project would not result in the physical division of an established community as it proposes commercial uses on lands designated by the General Plan for commercial uses. The project proposes retail-related uses that would be compatible with the project site's General Plan Commercial land use designation. Impacts would be **less than significant**.
- b. **Land Use Consistency:** The parcel is zoned General Commercial with a Design Control overlay (CG-DC). The intent of the -DC combining zone is a discretionary permit that ensures architectural supervision and consistency with the adopted Design Guidelines (<https://www.edcgov.us/Government/planning/Documents/Community-Design-Guide-Reformatted-Adopted-4-24-18.pdf>). The proposed project would be consistent with the land use development goals, objectives, and policies of the 2004 EDC General Plan, and would be consistent with the development standards contained within the EDC Zoning Ordinance. With an approved Design Review Permit, the project would be consistent with the project site's General Plan Commercial land use designation, and the CG-DC Zone District. Findings were made in the County prepared staff report showing project consistency with the El Dorado County Community Guidelines (Attachment 3). As discussed in this Initial Study, the project would not be detrimental to public health, safety, and welfare, or injurious to the neighborhood. The proposed use is specifically permitted by the zoning and Design Control overlay. Impacts would be **less than significant**.
- c. **Habitat Conservation Plan:** The project site is not within the boundaries of an adopted Natural Community Conservation Plan or any other conservation plan. As such, the proposed project would not conflict with an adopted conservation plan. There would be **no impact**.

**FINDING:** The proposed use of the land would be consistent with the Zoning Ordinance and General Plan. There would be no impact to land use goals or standards resulting from the project.



<b>XI. MINERAL RESOURCES. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>X</b>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>

**Regulatory Setting:**

**Federal Laws, Regulations, and Policies**

No federal laws, regulations, or policies apply to mineral resources and the Proposed Project.

**State Laws, Regulations, and Policies**

**Surface Mining and Reclamation Act**

The Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Mining and Geology Board identify, map, and classify aggregate resources throughout California that contain regionally significant mineral resources. Designations of land areas are assigned by CDC and California Geological Survey following analysis of geologic reports and maps, field investigations, and using information about the locations of active sand and gravel mining operations. Local jurisdictions are required to enact planning procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans.

The California Mineral Land Classification System represents the relationship between knowledge of mineral deposits and their economic characteristics (grade and size). The nomenclature used with the California Mineral Land Classification System is important in communicating mineral potential information in activities such as mineral land classification, and usage of these terms are incorporated into the criteria developed for assigning mineral resource zones. Lands classified MRZ-2 are areas that contain identified mineral resources. Areas classified as MRZ-2a or MRZ-2b (referred to hereafter as MRZ-2) are considered important mineral resource areas.

**Local Laws, Regulations, and Policies**

El Dorado County in general is considered a mining region capable of producing a wide variety of mineral resources. Metallic mineral deposits, including gold, are considered the most significant extractive mineral resources. Exhibit 5.9-6 shows the MRZ-2 areas within the county based on designated Mineral Resource (-MR) overlay areas. The -MR overlay areas are based on mineral resource mapping published in the mineral land classification reports referenced above. The majority of the county’s important mineral resource deposits are concentrated in the western third of the county.

According to General Plan Policy 2.2.2.7, before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally

approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County.

Where the affected minerals are of Statewide significance, the County shall consider the importance of these minerals to the State and Nation as a whole. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

**Discussion:** A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.
- a-b. **Mineral Resources.** The project site is not mapped as being within a Mineral Resource Zone (MRZ) by the State of California Division of Mines and Geology or in the EDC General Plan. No impacts would be anticipated to occur. The Western portion of El Dorado County is divided into four, 15-minute quadrangles (Folsom, Placerville, Georgetown, and Auburn) mapped by the State of California Division of Mines and Geology showing the location of MRZs. Those areas which are designated MRZ-2a contain discovered mineral deposits that have been measured or indicate reserves calculated. Land in this category is considered to contain mineral resources of known economic importance to the County and/or State. Review of the mapped areas of the County indicates that this site does not contain any mineral resources of known local or statewide economic value. **No impact** would occur related to mineral resources.

**FINDING:** No impacts to mineral resources are expected either directly or indirectly. For this mineral resources category, there would be no impacts.

<b>XII.NOISE.</b> <i>Would the project result in:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise level?				X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Regulatory Setting:**

No federal or state laws, regulations, or policies for construction-related noise and vibration that apply to the Proposed Project. However, the Federal Transit Administration (FTA) Guidelines for Construction Vibration in Transit Noise and Vibration Impact Assessment state that for evaluating daytime construction noise impacts in outdoor areas, a noise threshold of 90 dBA Leq and 100 dBA Leq should be used for residential and commercial/industrial areas, respectively (FTA 2006).

For construction vibration impacts, the FTA guidelines use an annoyance threshold of 80 VdB for infrequent events (fewer than 30 vibration events per day) and a damage threshold of 0.12 inches per second (in/sec) PPV for buildings susceptible to vibration damage (FTA 2006).

**Discussion:** A substantial adverse effect due to Noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in Table 6-1 and Table 6-2 in the El Dorado County General Plan.

<b>GENERAL PLAN TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES</b>						
<b>Noise Level Descriptor</b>	<b>Daytime 7 a.m. - 7 p.m.</b>		<b>Evening 7 p.m. - 10 p.m.</b>		<b>Night 10 p.m. - 7 a.m.</b>	
	<b>Community</b>	<b>Rural</b>	<b>Community</b>	<b>Rural</b>	<b>Community</b>	<b>Rural</b>
Hourly $L_{eq}$ , dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	<b>50</b>

Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100' away from the residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all effected property owners and approved by the County.

\*Note: For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.

The project area is located within the community of Cool and experiences increased ambient noise levels from vehicular traffic along Highway 49 and Highway 193. Community ambient noise surveys were conducted in December 2002 and January 2003 for the purpose of documenting and measuring the existing noise environment in areas of the County that contain noise-sensitive land uses. The Highway 193/Cherry Acres Road intersection within the community of Cool was evaluated during these surveys, which indicate that the  $L_{dn}$  in the project vicinity is 47.6 dBA and the CNEL is 47.9 dBA. The ambient noise environment is predominantly a result of vehicular traffic and truck traffic from the Teichert Quarry located approximately 1.2 miles north of the project area. County General Plan Policy 6.5.1.11 outlines standards for daytime construction and would apply to construction-related noise associated with the project. General Plan Policy 6.5.1.11 notes that nighttime construction activities are allowed if it can be shown that nighttime construction activities would alleviate traffic congestion and safety hazards.

- a. **Noise Exposures:** Construction activities could increase noise levels temporarily in the vicinity of the project. Actual noise levels would depend on the type of construction equipment involved, distance to the source of the noise, time of day, and similar factors. However, these increases would be temporary. Construction activity would comply with noise standards for construction activities outlined in General Plan Policy 6.5.1.11. Given that the project contractor would adhere to applicable County construction-related noise standards, this impact is considered **less than significant**.
- b. **Groundborne Shaking:** The project may generate intermittent ground borne vibration or shaking events during project construction. These potential impacts would be limited to project construction. Adherence to the time limitations of construction activities from 7:00am to 7:00pm Monday through Friday and 8:00am

to 5:00pm on weekends and federally recognized holidays would limit the ground shaking effects in the project area. Impacts would be anticipated to be **less than significant**.

- c. **Permanent Noise Increases:** The project would not be anticipated to increase the ambient noise levels in the area in excess of the established noise thresholds anticipated for lands designated by the General Plan for commercial uses. The proposed retail-related uses would not be anticipated to exceed the established General Plan noise thresholds. Impacts would be **less than significant**.
- d. **Short Term Noise:** Construction activities would increase noise levels temporarily in the vicinity of the project. Actual noise levels would depend on the type of construction equipment involved, distance to the source of the noise, weather, time of day, and other factors. However, these increases would be temporary. Construction activity would comply with noise standards for construction activities outlined in General Plan Policy 6.5.1.11. Because the project contractor would be required to comply with applicable County construction-related noise standards, this impact is considered **less than significant**.
- e-f. **Aircraft Noise:** The project is not located within an airport and use plan or in the immediate vicinity of a private airstrip. There would be **no impact**.

**FINDING:** As conditioned, and with adherence to County Code, no significant direct or indirect impacts to noise levels are expected either directly or indirectly. For this Noise category, the thresholds of significance would not be exceeded.

<b>XIII. POPULATION AND HOUSING. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (i.e., by proposing new homes and businesses) or indirectly (i.e., through extension of roads or other infrastructure)?			<b>X</b>	
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

**Regulatory Setting:**

No federal or state laws, regulations, or policies apply to population and housing and the proposed project.

**Discussion:** A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the County’s current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

- a. **Population Growth:** The proposed project does not include the construction of any new homes; however, it does include the construction of a retail use that could create a limited number of new jobs in the region. While the addition of new employment opportunities could increase the County’s population, it is anticipated that the majority of new employees would likely be existing residents of the County or surrounding area. As such, the proposed project is unlikely to result in a demand for new housing. The impact is **less than significant**.
- b. **Housing Displacement:** The project site is undeveloped and no existing housing stock would be displaced by the proposed project. **No impact** would be anticipated to occur.
- c. **Replacement Housing:** The project site is undeveloped, thus would not involve the displacement of any people. Therefore, the project would not necessitate the construction of any replacement housing. **No impact** would occur.

**FINDING:** The project would not displace housing. There would be no potential for a significant impact due to substantial growth either directly or indirectly. For this Population and Housing category, the thresholds of significance would not be anticipated to be exceeded.

<b>XIV. PUBLIC SERVICES.</b> <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Fire protection?			<b>X</b>	
b. Police protection?			<b>X</b>	
c. Schools?			<b>X</b>	
d. Parks?			<b>X</b>	
e. Other government services?			<b>X</b>	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

**California Fire Code**

The California Fire Code (Title 24 CCR, Part 9) establishes minimum requirements to safeguard public health, safety, and general welfare from the hazards of fire, explosion, or dangerous conditions in new and existing buildings. Chapter 33 of CCR contains requirements for fire safety during construction and demolition.

**Discussion:** A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment to meet the Department's/District's goal of 1.5 firefighters per 1,000 residents and 2 firefighters per 1,000 residents, respectively;
  - Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment to maintain the Sheriff's Department goal of one sworn officer per 1,000 residents;
  - Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
  - Place a demand for library services in excess of available resources;
  - Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
  - Be inconsistent with County adopted goals, objectives or policies.
- a. **Fire Protection:** El Dorado County Fire District provides fire protection services and emergency services to the project area. The nearest fire station is Station 72 located approximately 0.10-mile northwest of the project site at 7200 Saint Florian Court in Cool. Development of the project site would result in a need for fire protection services to respond to any potential incidents that may occur at the site. The project would be subject to review by the District, to ensure all required fire protection measures are incorporated into the building plans. The project site is located in a developed part of the County that currently receives fire service. While a new commercial building could potentially require services, it would not result in the need for new fire personnel or facilities, as services can adequately be provided by existing personnel out of existing facilities. Fire Department fees will be collected as part of the Building Permit process. Therefore, this impact is **less than significant**.
- b. **Police Protection:** Law enforcement services for the project area are provided by the El Dorado County Sheriff. Development of the project site could potentially result in a need for police protection services to respond to any potential incidents that may occur at the site. However, the project site is located in a developed part of the County that currently receives police service. While a new commercial land use would require services, it would not result in the need for new police personnel or facilities, as services can adequately be provided by existing personnel out of existing facilities. Therefore, this impact is **less than significant**.
- c-e. **Schools, Parks, and Government Services:** There are no components of operating the proposed project that would include any permanent population-related increases that would substantially contribute to increased demand on schools, parks, or other governmental services that could, in turn, result in the need for new or expanded facilities. The impact to these services would be **less than significant**.

**FINDING:** The project would not result in a significant increase of public services to the project. Increased demand to services would be addressed through the payment of established impact fees. For this Public Services category, impacts would be less than significant.

<b>XV. RECREATION.</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

**Regulatory Setting:**

**National Trails System**

The National Trails System Act of 1968 authorized The National Trails System (NTS) in order to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation. The Appalachian and Pacific Crest National Scenic Trails were the first two components, and the System has grown to include 20 national trails.

The National Trails System includes four classes of trails:

1. National Scenic Trails (NST) provide outdoor recreation and the conservation and enjoyment of significant scenic, historic, natural, or cultural qualities. The Pacific Coast Trail falls under this category. The PCT passes through the Desolation Wilderness area along the western plan area boundary.
2. National Historic Trails (NHT) follow travel routes of national historic significance. The National Park Service has designated two National Historic Trail (NHT) alignments that pass through El Dorado County, the California National Historic Trail and the Pony Express National Historic Trail. The California Historic Trail is a route of approximately 5,700 miles including multiple routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon. The Pony Express NHT commemorates the route used to relay mail via horseback from Missouri to California before the advent of the telegraph.
3. National Recreation Trails (NRT) are in, or reasonably accessible to, urban areas on federal, state, or private lands. In El Dorado County there are 5 NRTs.

***State Laws, Regulations, and Policies***

**The California Parklands Act**

The California Parklands Act of 1980 (Public Resources Code Section 5096.141-5096.143) recognizes the public interest for the state to acquire, develop, and restore areas for recreation and to aid local governments to do the same. The California Parklands Act also identifies the necessity of local agencies to exercise vigilance to see that the parks, recreation areas, and recreational facilities they now have are not lost to other uses.

The California state legislature approved the California Recreational Trail Act of 1974 (Public Resources Code Section 2070-5077.8) requiring that the Department of Parks and Recreation prepare a comprehensive plan for California trails. The California Recreational Trails Plan is produced for all California agencies and recreation providers that manage trails. The Plan includes information on the benefits of trails, how to acquire funding, effective stewardship, and how to encourage cooperation among different trail users.



The 1975 Quimby Act (California Government Code Section 66477) requires residential subdivision developers to help mitigate the impacts of property improvements by requiring them to set aside land, donate conservation easements, or pay fees for park improvements. The Quimby Act gave authority for passage of land dedication ordinances to cities and counties for parkland dedication or in-lieu fees paid to the local jurisdiction. Quimby exactions must be roughly proportional and closely tied (nexus) to a project's impacts as identified through traffic studies required by CEQA. The exactions only apply to the acquisition of new parkland; they do not apply to the physical development of new park facilities or associated operations and maintenance costs.

The County implements the Quimby Act through §16.12.090 of the County Code. The County Code sets standards for the acquisition of land for parks and recreational purposes, or payments of fees in lieu thereof, on any land subdivision. Other projects, such as ministerial residential or commercial development, could contribute to the demand for park and recreation facilities without providing land or funding for such facilities.

#### ***Local Laws, Regulations, and Policies***

The 2004 El Dorado County General Plan Parks and Recreation Element establishes goals and policies that address needs for the provision and maintenance of parks and recreation facilities in the county, with a focus on providing recreational opportunities and facilities on a regional scale, securing adequate funding sources, and increasing tourism and recreation-based businesses. The Recreation Element describes the need for 1.5 acres of regional parkland, 1.5 acres of community parkland, and 2 acres of neighborhood parkland per 1,000 residents. Another 95 acres of park land are needed to meet the General Plan guidelines.

**Discussion:** A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of 5 acres of developed parklands for every 1,000 residents; or
- Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.

a-b. **Parks and Recreational Services:** The project does not include any increase in permanent population that would contribute to increased demand on recreation facilities or contribute to increased use of existing facilities such that physical deterioration of the facility would occur. The Olmstead Loop Trailhead, part of the Auburn State Recreation Area, is located on the other side of State Route 49, and is visible from the project site. However, the project would have no impact on this facility. Impacts to recreation would be **less than significant**.

**FINDING:** No significant impacts to open space or park facilities would result as part of the project. For this Recreation category, impacts would be less than significant.

<b>XVI. TRANSPORTATION/TRAFFIC.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X
b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d. Result in inadequate emergency access?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal laws, regulations, or policies apply to transportation/traffic and the Proposed Project.

***State Laws, Regulations, and Policies***

Caltrans manages the state highway system and ramp interchange intersections. This state agency is also responsible for highway, bridge, and rail transportation planning, construction, and maintenance.

***Local Laws, Regulations, and Policies***

According to the transportation element of the County General Plan, Level of Service (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. Level of Service is defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council). There are some roadway segments that are excepted from these standards and are allowed to operate at LOS F, although none of these are located in the Lake Tahoe Basin. According to Policy TC-Xe, “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 two percent increase in traffic during a.m., p.m. peak hour, or daily
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. or p.m. peak hour.

**Discussion:** The Transportation and Circulation Policies contained in the County General Plan establish a framework for review of thresholds of significance and identification of potential impacts of new development on the County’s road system. These policies are enforced by the application of the Transportation Impact Study (TIS) Guidelines, the County Design and Improvements Standards Manual, and the County Encroachment Ordinance, with review of individual development projects by the Transportation and Long Range Planning Divisions of the Community Development Agency. A substantial adverse effect to traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
- Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
- Result in or worsen Level of Service (LOS) F traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.

Note that per Public Resources Code Section 21099 and CEQA Guidelines Section 15064.3, LOS may not be used to determine a significant transportation impact under CEQA. Beginning on July 1, 2020, vehicle miles travelled (VMT) shall be the preferred methodology for determining the transportation effects of a project. Therefore, LOS analysis is provided below for informational purposes only. In addition, a qualitative discussion of VMT is included, pending the adoption of VMT guidelines by El Dorado County.

- a. **Traffic Increases and Level of Service Standards:** A traffic report was prepared for the proposed project by KD Anderson & Associates (Appendix G to this Initial Study). The study area includes roadways State Route 49, Northside Drive, and State Route 193. Study intersections include State Route 49 / St. Florian Court, State Route 49 / Northside Drive, State Route 49 / commercial Driveway, State Route 49 / State Route 193, and Northside Drive / UPS Driveway.

The project is expected to generate a total of 578 daily trips, with roughly 11% or 62 trips during the p.m. peak hour. After discounting for pass-by trips already occurring on SR 49 adjacent to the site, the project is projected to generate 42 new trips in the weekday p.m. peak hours. Development of the project (Existing Plus Project Condition) does not result in an unacceptable LOS based on the criteria adopted by El Dorado County. Satisfactory operations are currently experienced at the study intersections and no changes to existing LOS are projected with development of the site. Traffic signal warrants are met with and without the project at the SR 49/ SR 193 intersection. The volume of traffic associated with the project does not result in conditions that satisfy a separate left turn lane on Northside Drive.

In the cumulative (future) scenario, the study intersections are projected to operate without significant delays with the existing traffic controls. The average delay for all vehicles would not exceed the County's LOS D minimum standards with or without development of the proposed project. Traffic signal warrants would continue to be met at the SR 49/SR 193 intersection. Typically, El Dorado County monitors the operation of intersections, and adds them to the fee priority list as appropriate. The proposed project would contribute its fair share to the cost of regional circulation improvements, including any SR 49/SR193 improvements by paying adopted fees.

The project would also include a Class 2 bike lane/path on SR 49, consistent with County policy. This improvement may be constructed by the applicant or may be subject to an in-lieu fee.

The LOS analysis is provided for informational purposes only. The project would be consistent with transportation policies for non-vehicular traffic. There would be **no impact** associated with transportation policy consistency.

- b. **Vehicle Miles Travelled (VMT):** Current direction regarding methods to identify VMT and comply with state requirements is provided by the California Governor's Office of Planning and Research (OPR) December 2018 publication, Technical Advisory on Evaluating Transportation Impacts in CEQA. This advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures. Again, OPR provides this Technical Advisory as a resource for the public to use at their discretion. OPR is not enforcing or attempting to enforce any part of the recommendations contained herein. (Government Code Section 65035 ["It is not the intent of the Legislature to vest in the Office of Planning and Research any direct operating or regulatory powers over land use, public works, or other state, regional, or local projects or programs."].) OPR provides this direction for retail projects:

Retail Projects. Generally, lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically reroute travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

From the standpoint of transportation and travel as categorized by the Institute of Transportation Engineers (ITE), the use most similar to Dollar General Store is “Variety Store” (Code 814). The land use description notes that a Variety Store is a retail store providing health care & beauty aids, cleaning supplies, snack food, household items and some apparel. This is not a “dollar store” where everything is priced at one dollar, but rather is a small neighborhood store offering value and convenience.

The project lies within a trade area that encompasses the community of Cool, Georgetown, Pilot Hill and Coloma and the surrounding rural area which are expected to provide the majority of its customer base. The most comparable / competing retail outlets are located to the south, north and east and are noted below:

South of SR 193

- Pilot Hill Market & Deli
- Sutter Center Market, Coloma
- Raley’s SC, Placerville (19 miles from Cool)

North of SR 193

- Cool General Store
- Savemart SC, Auburn (6 miles)

East of SR 49

- Holiday Market
- Marvel Food, Georgetown (12 miles)

Based on the location of competing stores, the most likely effect on regional travel associated with the development of the project is to slightly reduce the length of trips from areas east of SR 49 that are today made to large retail centers located north (Auburn) and south (Placerville) of the SR 49/SR 193 intersection, and to offer another option for shopping trips made by residents of areas to the north and south along SR 49. As the proposed project is relatively close to other stores, the regional effect on VMT is likely to be a reduction caused by offering a closer shopping option for some customers, and the project’s impact would be **less than significant**.

- c. **Design Hazards:** No design features associated with the proposed Project would increase hazards. **No impact** would occur.
- d. **Emergency Access:** The proposed project site would have adequate access for emergency vehicles. Additionally, the project was reviewed by the Fire District for the adequacy of the interior project road circulation and availability of adequate emergency ingress and egress in the project design. The Fire District did not respond with any concerns pertaining to the proposed project’s emergency ingress and egress capabilities as it was shown on the submitted site plan. Impacts would be **less than significant**.

**FINDING:** The project would not exceed the thresholds for traffic identified within the General Plan. For this Transportation/Traffic category, the thresholds of significance would not be exceeded and impacts would be less than significant.

<b>XVII. TRIBAL CULTURAL RESOURCES. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Section 21074?		<b>X</b>		

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

No federal laws, regulations, or policies apply to Tribal Cultural Resources (TCRs) and the Proposed Project.

***State Laws, Regulations, and Policies***

**Assembly Bill (AB) 52**

AB 52, which was approved in September 2014 and effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- c. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- d. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

**Discussion:**

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a TCR significant or important. To be considered a TCR, a resource must be either: (1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or: (2) a resource that the lead agency chooses, in its discretion, to treat as a TCR and meets the criteria for listing in the state register of historic resources pursuant to the criteria set forth in Public Resources Code Section 5024.1(c). A substantial adverse change to a TCR would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a TCR such that the significance of the resource would be materially impaired
- a. **Tribal Cultural Resources.** The United Auburn Indian Community of the Auburn Rancheria (UAIC), the Wilton Rancheria, the Washoe Tribe of Nevada and California, the Ione Band of Miwok Indians, the Nashville-El Dorado Miwok, the T'si Akim Maidu, and the Shingle Springs Band of Miwok Indians (SSBMI) were notified of the proposed project and given access to all project documents. No other tribe had requested to be notified of the proposed projects for consultation in the project area at the time. In response to consultation requests from the UAIC and the SSBMI, the Cultural Resource Report and Biological Study were provided for this project. Pursuant to the Archaeological Report, the geographic area of the project sites are not known to contain any resources listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as designed in Public Resources Code section 5020.1(k), or considered significant by a California Native American tribe. As part of the consultation process with the UAIC, mitigation measures were identified to address inadvertent discoveries of potential tribal cultural resources. With implementation of mitigation measure TCR-1, the potential impact of inadvertent discovery of TCRs would be **less than significant**.

TCR-1: If any Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. The appropriate tribal representatives from culturally affiliated tribes shall be immediately notified. Work at the discovery location shall not resume, until the potential TCR is determined, in consultation with culturally affiliated tribes, that the find is not a TCR, or that the find is a TCR and all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied. Preservation in place is the preferred alternative, and every effort must be made to preserve the identified resource in place, including but not limited to project redesign. Should project redesign be required, the project shall be required to obtain a revision to the Design Review Permit. The contractor shall implement any measures deemed by the County to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find as necessary.

**FINDING:** With implementation of mitigation measure TCR-1, the potential impact of inadvertent discovery of TCRs would be less than significant.

<b>XVIII. UTILITIES AND SERVICE SYSTEMS. <i>Would the project:</i></b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

**Regulatory Setting:**

***Federal Laws, Regulations, and Policies***

Energy Policy Act of 2005

The Energy Policy Act of 2005, intended to reduce reliance on fossil fuels, provides loan guarantees or tax credits for entities that develop or use fuel-efficient and/or energy efficient technologies (USEPA, 2014). The act also increases the amount of biofuel that must be mixed with gasoline sold in the United States (USEPA, 2014).

***State Laws, Regulations, and Policies***

California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (Public Resources Code, Division 30) requires all California cities and counties to implement programs to reduce, recycle, and compost wastes by at least 50 percent by 2000 (Public Resources Code Section 41780). The state, acting through the California Integrated Waste Management Board (CIWMB), determines compliance with this mandate. Per-capita disposal rates are used to determine whether a jurisdiction's efforts are meeting the intent of the act.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act of 1991 (Public Resources Code Sections 42900-42911) requires that all development projects applying for building permits include adequate, accessible areas for collecting and loading recyclable materials.

#### California Integrated Energy Policy

Senate Bill 1389, passed in 2002, requires the California Energy Commission (CEC) to prepare an Integrated Energy Policy Report for the governor and legislature every 2 years (CEC 2015a). The report analyzes data and provides policy recommendations on trends and issues concerning electricity and natural gas, transportation, energy efficiency, renewable energy, and public interest energy research (CEC 2015a). The 2014 Draft Integrated Energy Policy Report Update includes policy recommendations, such as increasing investments in electric vehicle charging infrastructure at workplaces, multi-unit dwellings, and public sites (CEC 2015b).

#### Title 24—Building Energy Efficiency Standards

Title 24 Building Energy Efficiency Standards of the California Building Code are intended to ensure that building construction, system design, and installation achieve energy efficiency and preserve outdoor and indoor environmental quality (CEC 2012). The standards are updated on an approximately 3-year cycle. The 2013 standards went into effect on July 1, 2014.

#### Urban Water Management Planning Act

California Water Code Sections 10610 *et seq.* requires that all public water systems providing water for municipal purposes to more than 3,000 customers, or supplying more than 3,000 acre-feet per year (AFY), prepare an urban water management plan (UWMP).

#### ***Other Standards and Guidelines***

#### Leadership in Energy & Environmental Design

Leadership in Energy & Environmental Design (LEED) is a green building certification program, operated by the U.S. Green Building Council (USGBC) that recognizes energy efficient and/or environmentally friendly (green) components of building design (USGBC, 2015). To receive LEED certification, a building project must satisfy prerequisites and earn points related to different aspects of green building and environmental design (USGBC, 2015). The four levels of LEED certification are related to the number of points a project earns: (1) certified (40–49 points), (2) silver (50–59 points), (3) gold (60–79 points), and (4) platinum (80+ points) (USGBC, 2015). Points or credits may be obtained for various criteria, such as indoor and outdoor water use reduction, and construction and demolition (C&D) waste management planning. Indoor water use reduction entails reducing consumption of building fixtures and fittings by at least 20% from the calculated baseline and requires all newly installed toilets, urinals, private lavatory faucets, and showerheads that are eligible for labeling to be WaterSense labeled (USGBC, 2014). Outdoor water use reduction may be achieved by showing that the landscape does not require a permanent irrigation system beyond a maximum 2.0-year establishment period, or by reducing the project's landscape water requirement by at least 30% from the calculated baseline for the site's peak watering month (USGBC, 2014). C&D waste management points may be obtained by diverting at least 50% of C&D material and three material streams, or generating less than 2.5 pounds of construction waste per square foot of the building's floor area (USGBC, 2014).

**Discussion:** A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
- Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;



- Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or
  - Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.
- a. **Wastewater Requirements:** The project will be served by an on-site septic system. See Section VII. Geology and Soils. There would be **no impact**.
- b,d,e. **Construction of New/Expansion of Existing Wastewater Treatment Facilities, Sufficient Water Supply, and Adequate Capacity:** The project proposes to utilize an on-site wastewater treatment system. Water service to the site is provided by the Georgetown Divide Public Utilities District, which has provided a “will serve” letter for the proposed project. There would be **no impact** resulting from project water and wastewater utilities.
- c. **New Stormwater Facilities:** The project would connect to the existing stormwater collection system, and would include an on-site retention area, to the east of the parking lot. No new off-site stormwater facilities would be required. All grading activities exceeding 250 cubic yards of graded material or grading completed for the purpose of supporting a structure must meet the provisions contained in the County of El Dorado Grading, Erosion, and Sediment Control Ordinance, County Code Section 110.14. All drainage facilities would be required to be constructed in compliance with standards contained in the County of El Dorado Drainage Manual. As such, impacts would be anticipated to be **less than significant**.
- f-g. **Solid Waste Disposal and Requirements:** El Dorado Disposal distributes municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Solid Waste Division staff, both facilities have sufficient capacity to serve the County. Recyclable materials are distributed to a facility in Benicia and green wastes are sent to a processing facility in Sacramento. County Ordinance No. 4319 requires that new development provide areas for adequate, accessible, and convenient storing, collecting and loading of solid waste and recyclables. Onsite solid waste collection would be handled through the local waste management contractor. The project proposes a covered trash enclosure, located adjacent to the proposed loading area. Half of the proposed trash enclosure would be used for solid waste disposal and the other half would be used for storage and collection of paper, cardboard, glass, plastics, and metals. Impacts would be **less significant**.

**FINDING:** No significant utility and service system impacts would be expected with the project, either directly or indirectly. For this Utilities and Service Systems category, the thresholds of significance would not be exceeded.

<b>IXX. WILDFIRE.</b> <i>Would the project:</i>				
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</b>				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b. Due to slope, prevailing winds, and other factors exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities: that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

**Discussion:**

a,b,d. The project is surrounded by grassland and oak woodland. The project site is within a State responsibility area and the California Department of Forestry and Fire Protection (CalFire) has indicated the project site is within a high fire hazard rank. Implementation of the proposed project would not alter any roadways, access points, or otherwise degrade traffic operations and access to the area in such a way as to interfere with an emergency response or evacuation plan. There are no proposed residences associated with the project, and project operations would not notably increase the risk of wildfire on the project site. As such, implementation of the proposed project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The project would be constructed of fire-resistant materials, including stucco and concrete block. The project is required to adhere to all fire prevention and protection requirements and regulations of El Dorado County including the El Dorado County Fire Hazard Ordinance and the Uniform Fire Code, as applicable. Pertinent measures include, but are not limited to, the use of equipment with spark arrestors and non-sparking tools during project activities. The project applicant would also be required to develop the project structures to meet 'defensible space' requirements as specified under Objective 6.2.1 of the Safety Element of the El Dorado County General Plan.

The proposed project would construct a 9,100 sq. ft. commercial retail building (Dollar General) on a 1.69-acre site. The project has been reviewed by the El Dorado Fire Protection District and CalFire and is not anticipated to exacerbate wildfire risks. The project area is generally flat and not characterized by steep and

sloping terrain. The potential for the proposed project to expose people or structures to significant risks related post-fire landslide would be limited. Impacts would be less than significant. Project impacts would be **less than significant**.

- c. The project site would be accessed via a new 40-foot wide driveway connecting to Northside Drive. The project site is currently served by a fire hydrant. The proposed project would not include or require the installation or maintenance of additional infrastructure that would exacerbate fire risk. Impacts would be **less than significant**.

**Mitigation Measures:** None Required.

**FINDING:** As conditioned and with adherence to El Dorado County Code of Ordinances (County Code), for this Wildfire category, impacts would be anticipated to be less than significant.

<b>XIX. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:</b>				
	Potentially Significant Impact	Less than Significant with Mitigation	Less Than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			<b>X</b>	
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			<b>X</b>	
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			<b>X</b>	

**Discussion:**

- a. No substantial evidence contained in the project record has been found that would indicate that this project would have the potential to significantly degrade the quality of the environment. As conditioned or mitigated, and with adherence to County permit requirements, this project would not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of California history, pre-history, or tribal cultural resources. Any impacts from the project would be **less than significant** due to the design of the project and required standards that would be implemented prior to project construction or with the building permit processes and/or any required project specific improvements on the property.

- b. Cumulative impacts are defined in Section 15355 of the California Environmental Quality Act (CEQA) Guidelines as *two or more individual effects, which when considered together, would be considerable or which would compound or increase other environmental impacts.*

The parcels to the south and east of the project site are zoned for commercial use. A pre-application has been received by the County for a retail store on the parcel directly south. Both the proposed project and potential future development to the south are consistent with the County General Plan and zoning ordinance. Due to the small size of the proposed project, types of activities proposed, and site-specific environmental conditions, which have been disclosed in the Project Description and analyzed in Items I through XVI, there would be no significant impacts anticipated related to agriculture resources, air quality, geology/soils, hazards/hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, traffic/transportation, or utilities/service systems that would combine with similar effects such that the project's contribution would be cumulatively considerable. Mitigation measures for the proposed project would reduce potential impacts related to biological and cultural resources, such that no contributions to cumulative impacts would be expected. While both projects would utilize State Route 49, the vehicular access would be located on two separate streets for the two projects. Potential impacts from cumulative projects due to increased demand for public services associated with the project would be offset by the payment of fees as required by service providers to extend the necessary infrastructure services. Therefore, the proposed project would not contribute to potentially significant cumulative impacts. This impact would be **less than significant**.

- c. As outlined and discussed in this document, as conditioned and with compliance with County Codes, this project would be anticipated to have a less than significant project-related environmental effect which would cause substantial adverse effects on human beings, either directly or indirectly. Based on the analysis in this study, it has been determined that the project would have less than significant cumulative impacts. Based on the discussion contained in this document, no potentially significant impacts to human beings are anticipated to occur with respect to potential project impacts. The project would not include any physical changes to the site, and any future development or physical changes would require review and permitting through the County. Adherence to these standard conditions would be expected to reduce potential impacts to **less than significant**.

**FINDINGS:** It has been determined that the proposed project would not result in significant environmental impacts. The project would not exceed applicable environmental standards, nor significantly contribute to cumulative environmental impacts.

**INITIAL STUDY ATTACHMENTS**

- Attachment 1 .....Project Figures**
  - .....Project Location Map
  - .....Project Boundary
  - .....Project Site Plan
  - .....Project Site Photograph
  - .....Proposed Elevation
  
- Attachment 2 .....Mitigation Monitoring and Reporting Program**
  
- Attachment 3 .....Planning Staff Technical Memo**
  
- Appendix A.....Air Quality/GHG Data**
  
- Appendix B.....Biological Assessment and Wetland Delineation**
  
- Appendix C.....Oak Tree Report**
  
- Appendix D.....Cultural Resources Report**
  
- Appendix E.....Geotechnical Report**
  
- Appendix F .....Phase I Environmental Site Assessment**
  
- Appendix G .....Traffic Report**

**SUPPORTING INFORMATION SOURCE LIST**

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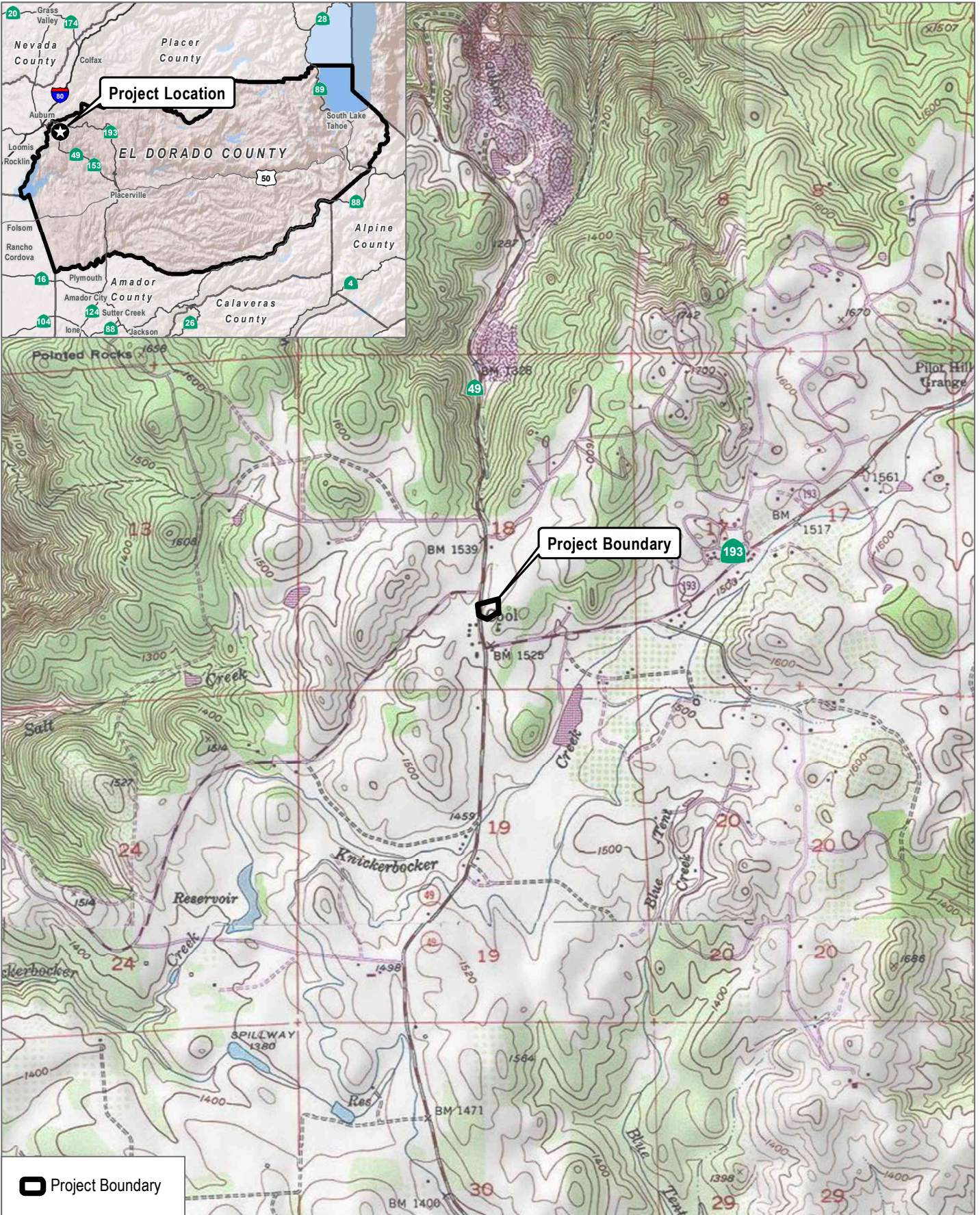
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SOURCE: USGS 7.5 Minute Series Auburn Quadrangle(s)  
 Township 12N / Range 9E / Section 18



**Attachment 1**

**FIGURE 1**

**Project Location**

County of El Dorado Dollar General Project





SOURCE: MHM Engineers & Surveyors 2019, USDA 2016



**FIGURE 2**  
Project Site

County of El Dorado Dollar General Project







FIGURE 4

Site Photograph

County of El Dorado Dollar General Project





SOURCE: MPA Architects, Inc. 2019

**DUDEK**

**FIGURE 5**

Proposed Elevation

County of El Dorado Dollar General Project





SOURCE: MPA Architects, Inc. 2019

**DUDEK**

**FIGURE 5A**  
Proposed Elevation  
County of El Dorado Dollar General Project



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SOURCE: MPA Architects, Inc. 2019

**DUDEK**

**FIGURE 5B**

Proposed Monument Sign  
County of El Dorado Dollar General Project



# Dollar General - Cool, CA

Batt & Board / Horizontal Siding: Barrel Stove (DE6216), Deep Crimson (DEA152), Golden Rays (DE5423), Trinity Islands (DE6249), Downpour (DE5871)

Trim: Fossil (DE6225)

Metal Panel: Light Stone (Ceco)

Roof: Owens Corning "Teak" Shingles

Metal Roof: Bronze



SOURCE: MPA Architects, Inc. 2019

FIGURE 5C

Proposed Color Board

County of El Dorado Dollar General Project





FIGURE 6

Existing Retail View

County of El Dorado Dollar General Project

**ATTACHMENT 2 MITIGATION MONITORING AND REPORTING PROGRAM**

MITIGATION MEASURES	MONITORING				VERIFICATION		
	Implementing RP <sup>1</sup>	Type of Monitoring Action <sup>2</sup>	Timing Requirements <sup>3</sup>	Monitoring/ Verification Entity <sup>4</sup>	Signature	Date	Comments
<b>A. BIOLOGICAL RESOURCES</b>							
<b>Mitigation Measure BIO- 1:</b> If project-related activities are scheduled during the nesting season (typically February 1 to September 30), a focused survey for nests shall be conducted by a qualified biologist within three (3) days prior to the beginning of project-related activities. The qualified biologist shall survey the area within a minimum 500-foot radius around the project area. If an active nest is found, a non-disturbance buffer shall be established around the nest. The width of the buffer shall be determined by the qualified biologist based on the species of bird, its general tolerance of disturbance, and the type of activity proposed. If a lapse in project-related work of seven (7) days or longer occurs, another focused survey shall be conducted.	Appl.	OTC	PGP	EDCPD			
<b>B. TRIBAL CULTURAL RESOURCES</b>							
<b>Mitigation Measure TCR-1:</b> If any Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find. The appropriate tribal representatives from culturally affiliated tribes shall be immediately notified. Work at the discovery location shall not resume, until the potential TCR is determined, in consultation with culturally affiliated tribes, that the find is not a TCR, or that the find is a TCR and all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB 52, has been satisfied. Preservation in place is the preferred alternative, and every effort must be made to preserve the identified resource in place, including but not limited to project redesign. Should be project redesign be required, the project shall be required to obtain a revision to the Design Review Permit. The contractor shall implement any measures deemed by the County to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find as necessary.	App.	CPI	DPC	EPCPD			

1 Appl. = Applicant; EDC = El Dorado County

2 CPI = Construction Period Inspection, OTC = One-time Confirmation Action; PC = Plan Check; POC = Post Occupancy Inspection; SMS = Specialized Monitoring Study; SSR = Subsequent Standard Review

3 DPC = During Project Construction; BPB = Prior to Issuance of Building Permit; PGP = Prior to Issuance of Grading Permit; PPO = Prior to Project Occupancy; STR = Specialized Timing Requirement

4 EDCPD = El Dorado County Planning Division; EDCSD = El Dorado County Sheriff's Department; EDHFD = El Dorado Hills Fire District; EDCDOT = El Dorado County Transportation Division; EDCBD = El Dorado County Building Division; EDCDEH = El Dorado County Department of Environmental Health



# COMMUNITY DEVELOPMENT SERVICES

## PLANNING AND BUILDING DEPARTMENT

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FROM: Evan Mattes, Senior Planner

DATE: April 20, 2020

RE: DR19-0006/Cool General Retail; El Dorado County Design Guidelines

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The purpose of this technical memorandum is to provide the environmental document (Initial Study Mitigated Negative Declaration) for Design Review DR19-0006 Cool General Retail, additional information regarding project consistency with the El Dorado County Design Guidelines.

### DESIGN GUIDELINE FINDINGS

To promote good architecture, the El Dorado county Board of Supervisors adopted a design review ordinance that regulates design within Design Control (DC) and Design Scenic Corridor (DS) overlay districts. This ordinance provides help and direction in situations where there are buffer zones between residential and commercial development or special uses which may be desirable, but are attended by problems like noise and traffic congestion. Within designated design review districts, the County has the authority to review and control the design of commercial, industrial and multi-family residential development. The process looks at more than the proposed buildings. It also examines the project's layout, landscaping, parking, signs, and other features. It covers all the factors in the project's appearance, plus how well it fits its surroundings. This does not mean the County is dictating a particular style of architecture for design review districts. Variety is preferred, not uniformity. But it does mean the County is seeking higher standards of architecture.

### **The project is consistent with the General Design Guidelines.**

In reviewing plans, County authorities will evaluate a project on its contribution to the County's character and on its suitability for its location. Stock building plans might not be acceptable. Some basic questions by which projects will be evaluated are:

- a. Will the project be a good neighbor? It should not impair the use, value or good development of neighboring property. Its design should minimize interference with the privacy, quiet and views of its neighbors and avoid traffic problems and damage to the natural environment.

Rationale: The project site is neighbored to the north, west and east by existing commercial developments, with a vacant commercial property located to the south and the Cool Village commercial development located across State Route 193. The project has been designed to incorporate architectural elements of the neighboring development utilizing new traditional, Western false front styled architecture.

b. Does the project follow the basic principles of good design? The project should be designed as a whole, fit into its surroundings and avoid monotony in form, detail and siting.

Rationale: The project is designed as traditional, Western false front architecture, painted blue, red, yellow and beige. This design is consistent with the surrounding developments, most notably the commercial development located across State Route 49 (the Boardwalk), and contributes to the Gold Rush era aesthetics that is present throughout the Sierra Nevada foothill region. The project went through several iterations before the final proposed plan. These changes were made based off of community input and the intent for the project to follow the principles of good design.

c. Does the project give people some variety and something interesting to look at? Landscaped areas, benches and fountains are much more appealing to the eye than blank walls and uninterrupted rows of parking

Rationale: As stated previously, the project features multicolored traditional, Western false front architecture, with covered sidewalks and awnings over the windows, which provides a more interesting aesthetic than a plain stock building. The project will incorporate landscaping to help break parking areas and to provide pleasing perspective to building walls.

### **The project is consistent with the Design Guidelines.**

The El Dorado County Design Guidelines identifies the following guidelines to be considered for projects. Does the project suit its purpose? Do the various components of the project work well together? Does the project make good use of the site? Do different elements fit together logically? Are materials, forms and other elements of a project suitable for its uses?

Rationale: The project design is suitable for the proposed retail commercial use, and can be easily identified as a commercial development from adjacent roadways. The site is utilized appropriately with main doors and windows facing toward the proposed parking lot and State Route 49. Existing oak trees have been retained where feasible, most notably a 19 inch diameter Blue oak located in the front of the property towards State Route 49. The materials, forms and project elements are suitable for this proposed project.

### **The project is consistent with the Site Planning Guidelines.**

During review of a development project, specific criteria relating to the site, the building, landscaping, signs, parking and other features will be considered.



- a. Suiting the Site – A designer should try to fit a project to the existing site rather than alter the site to accommodate a stock plan. Preserve topography, the natural grade and vegetation. Avoid excessive cuts and fills.

Rationale: The project site is highly disturbed with previous grading occurring sometime in the past. Additional, grading will be required to accommodate the 9,100 sf building and associated parking. A maximum, seven foot high retaining wall will be required along the northwestern boundary of the project footprint. The retaining wall will be constructed from tan/earth tone cmu blocks. This is intended to blend with the existing earth colors. The project typically utilizes the previously graded areas of the parcel, however due to the slope of the parcel grading is required for this project.

- b. Open Space – Natural features and views should be maintained and protected through use of adequate open space.

Rationale: The project identifies approximately 2,000 square feet of an undisturbed open space area located at the western areas of the project site.

- c. Parking Areas – Screen parking areas from public ways and divide them up with landscaping, walls, fences, berms and other means.

Rationale: Landscaping has been incorporated in the project design to screen proposed parking from State Route 49 and Northside Drive.

- d. Lighting – Exterior lighting should be subdued and avoid creating a glare for occupants or neighboring properties. Lighting should enhance the building design and landscaping as well as providing for safety and security.

Rationale: As stated previously in Finding 3.3 the project proposes exterior light and pole mounted parking lot lighting. An internally illuminated channelized monument sign is proposed near the corner of Northside Drive and California State Highway 49 and an externally illuminated wall mounted sign is proposed along the western elevation. As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way. Proposed gooseneck light fixtures would be adequately shielded as shown in Condition of Approval 5, and compliment the proposed project design. Internally laminated signs exist elsewhere in the project area, most notably at the Cool Village Shopping Center (Holiday Market) and the 76 Gas Station located across from State Route 49 from the project site. The current internally illuminated signs at the 76 Gas Station were approved through a Design Review (DR00-0004), which was further amended through DR-R19-0003 on August 19, 2019.

- e. Trash and other Service areas – Locate trash containers and loading docks away from public streets and store entrances and screen them. Screening should be durable and an integral part of the overall structural design.

Rationale: Trash receptacles and loading pads/receiving areas would be located near the proposed buildings northeast elevation away from the main entrance located at the

northwest elevation. The trash enclosure will be constructed out of tan bricks similar to the retaining wall. Trash receptacles would be located within a gated enclosure and screened from public view, due to its location between landscaping, the retaining wall and the proposed building.

**The project is consistent with the Building Design Guidelines.**

The building design should consider many points.

- a. Harmony - Different structures and parts of structures should harmonize with each other and the neighborhood. New construction should go well with the old, or the old may be remodeled to go with the new.

Rationale: The project has been designed in the style traditional, Western false front architecture, similar to the commercial development located across State Route 49. This integrates the project within the established commercial neighborhood.

- b. Materials – Use materials honestly. Simulated wood or masonry, for example, generally is not acceptable.

Rationale: The project will be using stamped concrete along the front of the building to mimic a wooden boardwalk. This is to incorporate existing design of a neighboring commercial development, which uses wooden boardwalks. Due to Americans with Disability Act regulations, the use of wooden boardwalks was determined to be infeasible. Stamped concrete to simulate wooden boardwalks are being proposed instead. Project siding will consist of cementitious panels (fiber cement), layered to mimic traditional wooden siding. Cementitious panels are used due to fire safety concerns.

- c. Finishes, Textures, Colors – Exterior treatment should be subdued and restrained. Treatment should aim at durability and ease of maintenance as well as initial beauty. The different building materials of stone, wood and timber need to be skillfully blended. Large building masses should be broken with architectural detail, roof lines development with interest and variety, and windows enlivened with detail.

Rationale: The project proposes a structure primarily made up of wooden siding painted red, blue, yellow and brown/beige. The building façade will be broken with different false front facades. Windows are vertically oriented consistent with traditional western design.

- d. Mechanical Equipment and Utilities – Design service equipment, including meter boxes, as part of the structure and provide screening for them.

Rationale: Utilities will be located at the rear of the structure, away from any public right of way or public access, as such they are considered to be screened from public view.

- e. Energy Conservation – Design should minimize the need for mechanical heating

and cooling. Wherever possible, use sunlight for heating and illumination, and natural ventilation and shading for coolness.

Rationale: The project does incorporate mechanical heating and cooling. The project site will be built to current California Green Building Code minimizing the need for mechanical heating and cooling. Windows are oriented west to maximize exposure to natural light.

**The project is consistent with the Landscaping Design Guidelines.**

Landscaping improves the appearance of sites and buildings, helps erosion control and provides screening and shade. Landscaping, including trees, shrubs and ground cover, should be included in all development projects.

a. Maintenance – Choose landscape materials and arrangements to minimize maintenance. A permanent irrigation system should be provided. Automatic watering system, set to water at night or early morning, are encouraged.

Rationale: The project proposes a permanent water efficient drip irrigation system. The project is subject to the water maintenance requirements of the Model Water Landscaping Ordinance (MWELo) regulations, to be verified prior to finaling of building permit. All proposed landscaping is consistent with the adopted Landscaping and Irrigation Standards, which requires at least 50 percent of proposed landscaping to consist of a list of drought tolerant species as determined by the Planning Director, 75 percent of the proposed landscaping species are consistent with this list. As conditioned (Condition of Approval 7) all landscaping shall be consistent the Maintenance and Protection measures as set forth in the Landscaping and Irrigation Standards.

b. Parking Lots – Landscaping ought to include planters at suitable intervals throughout the lot and at the ends of parking rows. It should include trees that will provide adequate visual relief and shading when they mature. Landscaping must not block a driver's view.

Rationale: The project proposes periodic planter boxes to break parking. Landscaping is proposed around the perimeter of the project site to provide additional project buffering. Driving views will not be blocked.

c. Trees – Trees have many uses. They can provide summer shade for parked cars and pedestrian walkways; provide visual screening; provide accent points that help reduce the formless expanse of a parking lot; filter the glare of reflective pavement, muffle noise and trap dust and airborne particles.

Rationale: In addition to existing trees to be retained, the project proposes to plant additional trees located within parking lot planters and along the project perimeter.

**The project is consistent with the Buffering Design Guidelines.**

Industrial and commercial land uses should be screened from adjacent residential areas, so that noise light glare and other visual disturbances are minimized. Where some types of land uses front on and can be viewed from a public road, the use of buffers and other screening techniques may be required to shield areas where there is outside storage of materials and equipment.

Rationale: The project is surrounded to the north, east and west by commercial uses. To the south is an undeveloped commercial parcel. The project does not propose any outside storage of materials and equipment. A concrete delivery pad is located to the northeastern side of the project building and mostly be screened from public view from State Route 49, but will be visible from Northside Drive, however there are no requirements for screening of delivery trucks.

**The project is consistent with the Signs Design Guidelines.**

The Sign Design Guidelines offers the following recommendations on project signage.

a. Design Compatibility – Signs, their materials, size, color, lettering, location and arrangement, should be an integral part of the site and building design and compatible with the surroundings.

Rationale: The project proposes a wall sign and a monument sign. Most signs in the project area, including internally illuminated signs, utilize metal or wood building materials. Both signs are designed to be appropriate with the onsite project design and other surrounding developments.

b. Consistency – Keep signing consistent in location and design throughout a development.

Rationale: Both the wall sign and the monument sign use matching lettering and colors.

c. Restraint – Signing should be simple, restrained and subordinate to the overall project design. A sign ought to attract and identify, but not dominate the site.

Rationale: The two proposed signs incorporate simple yellow letters on a brown background. The signs will not dominate the site.

d. Types – Wall signs, graphic symbol signs and low profile free-standing signs are encouraged. Flashing, moving and rotating signs are prohibited by County ordinance.

Rationale: The project proposes a monument sign and a wall sign. Signs will not be flashing, moving or rotating.

e. Simplicity – Signs should use minimum copy and suitable lettering and avoid garish materials and shapes.

Rationale: The signs incorporate simple yellow lettering that do not create use garish materials or shapes.



- f. Lighting – Subtle lighting and landscaping can enhance a sign’s setting and draw attention to it. The light source should be screened.

Rationale: As previously discussed an internally illuminated monument sign is proposed near the corner of Northside Drive and California State Highway 49 and an illuminated wall mounted sign is proposed along the western elevation. As shown in the project plans and elevations, no proposed lighting will direct light outside the property line or into the public right-of-way. Proposed light fixtures would be adequately shielded as shown in Condition of Approval 5.

**The project is consistent with the Parking Design Guidelines.**

Designers should give careful thought to parking areas. Well designed buildings on choice sites lose their visual impact if all that is seen on approach is barren blacktop and monotonous rows of cars. There must be a practical and economic use of land in layout of parking spaces, landscape areas and vehicle and pedestrian access. Landscape plants, along with earth berms and walls, must be designed to screen, shade and soften the impact of parking areas. A good designer should consider locating the parking to the rear or side of a building rather than in front.

Rationale: Parking is proposed at the front and side of the project building. Parking would largely be screened from public view by existing vegetation, such as the two oak trees to be retained, proposed landscaping and the vertical positioning of the parking lot, above State Route 49. The project proposes parking in front of the building due to onsite circulation issues and the standardized store layout that the corporate tenant (Dollar General) utilizes.

**The project is consistent with the Commercial Design Guidelines.**

The El Dorado County Design Guidelines identifies the following commercial guidelines to be considered for commercial projects.

- a. Employ variations from the conventional building design and materials.

Rationale: As stated previously, the project is designed as traditional, Western false front architecture, painted blue, red, yellow and beige. This design is consistent with the surrounding developments, most notably the commercial development located across State Route 49 (the Boardwalk), and contributes to the Gold Rush era aesthetics that is present throughout the Sierra Nevada foothill region.

- b. Provide ample landscaping with large plant materials for quick effect.

Rationale: The project proposes to utilize both existing vegetation, such as oak trees, and new landscaping. This includes using large plant materials in the forms of trees (15 gallon) and shrubs (1-5 gallon).

- c. Use a minimum of site grading and replant cuts and fills.

Rationale: As stated previously, the project site is highly disturbed with previous grading occurring sometime in the past. Additional, grading will be required to

accommodate the 9,100 sf building and associated parking. A seven foot high retaining wall will be required along the northwestern boundary of the project footprint. The project typically utilizes the already graded portion of the property.

d. Integrate signing with the total architectural design.

Rationale: As stated previously, the project proposes a wall sign and a monument sign. Both signs are designed to be appropriate with the onsite project design and other surrounding developments.

e. Provide screening and light shielding from adjacent residential properties.

Rationale: While the project does provide screening through landscaping and light shielding, the project is not located adjacent to any residential properties.

f. Separate pedestrian and car traffic.

Rationale: The project has been conditioned to construct or provide an in-lieu fee for a new Class 2 Bike Lane along the shoulder of State Route 49.

g. Keep the public entrance free of parking.

Rationale: The project does not propose parking along the public entrance.

h. Provide screening for utilities, trash disposal, vent stacks, etc.

Rationale: As stated previously, utilities will be located in the rear of the property screened from public view. Trash receptacles are located at the side of the structure within an enclosure, generally screened from public view.

i. Consider bicycle parking facilities.

Rationale: The project is proposing six bicycle parking spaces located south of the proposed building. These facilities are proposed in compliance with the El Dorado County Parking and Loading requirements. Bike parking was added to the project per Planning Staff's request.