

FINDINGS OF CONSISTENCY

Planned Development PD12-0003/Green Valley Convenience Center Board of Supervisors/March 22, 2016

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

1.0 CEQA FINDINGS

1.1 The Green Valley Convenience Center Environmental Impact Report (EIR) is consistent with California Environmental Quality Act (CEQA) Guidelines Section 15090.

According to CEQA Guidelines Section 15090, Prior to approving a project the lead agency shall certify that: (1) The final EIR has been completed in compliance with CEQA; (2) The final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and (3) The final EIR reflects the lead agency's independent judgment and analysis.

Rationale: Staff recommends that the Board of Supervisors find that the Final EIR constitutes a complete, accurate, adequate, and good faith effort at full disclosure under CEQA, and to certify the Final EIR as completed in compliance with CEQA. The Final EIR will be presented to the El Dorado County Board of Supervisors for review and recommendation of the Final EIR, including its attachments and exhibits. In addition, the Board of Supervisors will review and consider all testimony and additional information presented at or prior to the public hearing on March 22, 2016.

1.2 The EIR is consistent with CEQA Guidelines Section 15091(a).

According to CEQA Guidelines Section 15091(a), no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR;

Rationale: The Final EIR for the Green Valley Convenience Center Planned Development project does not identify any environmental impacts that cannot be mitigated to a less than significant level, and there will be no significant and unavoidable effects as a result of the project. Because the

EIR for the proposed project has identified potentially significant impacts, and measures have been identified to mitigate those impacts, a Mitigation Monitoring and Reporting Program is required and has been prepared for the proposed project.

- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency;

Rationale: The County of El Dorado is the lead agency for this project and will be the primary agency, but not the only agency, responsible for implementing project mitigation measures. In some cases, other public agencies will implement measures. In other cases, the project applicant will be responsible for implementation of measures and the County's role is exclusively to monitor and/or measure implementation. The County will continue to monitor mitigation measures that are required to be implemented during the operation of the project. The Mitigation Monitoring and Reporting Program describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures.

- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

Rationale: The Final EIR evaluated a no project alternative and three alternatives, which were all found to be feasible alternatives.

1.3 The EIR is consistent with CEQA Guidelines Section 15091(b).

According to CEQA Guidelines Section 15091(b), the findings required by 15091(a) (above) shall be supported by substantial evidence in the record.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Community Development Agency, Development Services Division, located at 2850 Fairlane Court, Building C, Placerville, CA 95667.

1.4 The EIR is consistent with CEQA Guidelines Section 15091(c).

According to CEQA Guidelines Section 15091(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

Rationale: Staff requests the Board of Supervisors to adopt the project description for the Green Valley Convenience Center and Conditions of Approval, with the corresponding permit monitoring requirements, as the Mitigation Monitoring and Reporting Program for the project. Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation, and mitigation or avoidance of significant effects on the environment.

1.5 **The EIR is consistent with CEQA Guidelines Section 15091(d).**

This section says that when making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

Rationale: The Final EIR identified two subject areas for which the project is considered to cause or contribute to significant, but mitigable environmental impacts. The Mitigation Monitoring and Reporting Plan provides a detailed description of the environmental impacts, required mitigation, responsible lead agency, and monitoring timeline. Each of these impacts is summarized below, along with the mitigation measures intended to reduce these impacts to a less than significant level for consistency with CEQA Guideline 15091(1)(a):

Transportation: The Final EIR identifies four potentially significant, but mitigable impacts within the project area pertaining to increase of summer vehicle miles of travel, decreased level of service (LOS), increased parking demand, and increased pedestrian congestion. Mitigation measures include Traffic Impact Mitigation fee payment, signal timing adjustments, road restriping, and the addition of a leading pedestrian interval (LPI) to the Sophia Parkway traffic signal's northbound phase.

Wildlife and Fisheries: The Final EIR identifies potentially significant but mitigable impacts within the project area pertaining to habitat of special status fish and wildlife species; active raptor nests, migratory bird nests, and wildlife nursery sites; and impacts to sensitive wildlife individuals or habitat. Mitigation includes, but is not limited to, monitoring and protection active raptor and migratory bird nests, construction fencing to avoid the seasonal stream, and revegetation plantings in the riparian area.

1.6 The EIR is consistent with CEQA Guidelines Section 15091(e).

According to subsection (e), The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

Rationale: The documents and other materials, which constitute the record of proceedings, are in the custody of the El Dorado County Community Development Agency, Development Services Division, located at 2850 Fairlane Court, Building C, Placerville, CA 95667.

1.7 The EIR is consistent with CEQA Guidelines Section 15092.

EIR approval is required as follows: a) After considering the final EIR and in conjunction with making findings under Section 15091, the Lead Agency may decide whether or how to approve or carry out the project. b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either: (1) The project as approved will not have a significant effect on the environment, or (2) The agency has: (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093. (c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Rationale: The Final EIR for the Green Valley Convenience Center Planned Development project does not identify any environmental impacts that cannot be mitigated to a less than significant level, and no statement of overriding concerns is needed as described in Section 15093. The project is for a commercial and use and does not propose any housing units.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.

Rationale: The project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a service station, carwash, and a convenience store, which is consistent with the allowed uses for the C Zone District with an approved

Development Plan.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

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

Rationale: The project site is surrounded by other commercial areas and residential areas to the south. Mitigation measures are included that will require landscaping to create a visual buffer and avoid aesthetic impacts to the surrounding neighborhood. The noise analysis has demonstrated that the carwash-related noise would not exceed General Plan noise standards. The building's architecture, materials, and colors would be consistent with those of other commercial businesses along Green Valley Road between the El Dorado/Sacramento county line and Salmon Falls Road. The design is consistent with the design of the buildings approved in the Green Valley Market Place (the Safeway Shopping Center). As conditioned and mitigated, there are no significant conflicts anticipated with any other existing or proposed commercial uses in the area. The proposed project is consistent and compatible with the development pattern in the immediate surroundings.

2.3 The project is consistent with General Plan Policy 2.8.1.1.

Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings.

Rationale: The Site Lighting Photometric (Sheet ES1.2, Exhibit K), shows the project would include shielded wall lights, recessed canopy lights, and the pole lights would be 12-feet tall with a three-foot concrete base with full cutoff fixtures. The photometric analysis demonstrates that the project would not create significant amounts of light outside of the parcel boundaries. A condition of approval is recommended to assure that the lights are compliant with Section 130.14.170 of the Zoning Ordinance, be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation, and that the pole lights do not exceed 16 feet tall. As proposed, the lighting plan would be compliant with this policy.

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

TC-Xf directs that all discretionary projects that worsen traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the

necessary road improvements are included in the County's 20-year CIP.

Rationale: The project proposes two new encroachments, one each onto Green Valley Road and Sophia Parkway. Access and circulation driveways have been analyzed by the Transportation Division and the El Dorado Hills Fire Department and found by both to be adequate for interior circulation. Encroachment improvements would be designed to meet County standards. This project would add to traffic at the Green Valley Road/Francisco Drive, Green Valley Road/El Dorado Hills Boulevard, and El Dorado Hills Boulevard/Francisco Drive intersections.

The El Dorado Hills Boulevard/Francisco Drive intersection is presently operating at LOS F and queue lengths currently exceed available lengths at Green Valley Road/El Dorado Hills Boulevard. The County has included improvements to the first intersection in its 2014 Capital Improvement Program (CIP 71358 Francisco Drive Right-Turn Pocket). The construction for this project is currently underway. CIP 72332, the El Dorado Hills Boulevard/Francisco Drive Intersection Alignment project, is presently unfunded but is included in the 20-year CIP. The queuing issue will be resolved with the improvements to Green Valley Road planned with CIP GP159, Green Valley Road Widening from Salmon Falls Road to Deer Valley Road. The project will be required to pay Traffic Impact Mitigation (TIM) fees based on the formula adopted by the County. The payment of fees would be considered their fair share of the impact improvements. Since the road improvements necessary to serve this project are included in the 20-year CIP, the project is consistent with applicable General Plan policies. Encroachment and frontage improvements and the payment of TIM fees satisfy the General Plan and design requirements to ensure safe ingress and egress and maintain LOS standards at all applicable roadways and intersections.

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

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

Rationale: The project was reviewed by the County Transportation Division, El Dorado Hills Fire Department, and the El Dorado Irrigation District for adequate public services capacity. The applicants propose to connect to existing water and sewer service from EID. The El Dorado Irrigation District Facility Improvement Letter dated December 7, 2012 reported there was adequate capacity in their existing facilities to serve the project, with District-approved extensions. An FIL extension was issued January 14, 2016.

2.6 The project is consistent with General Plan Policy 5.4.1.1.

Policy 5.4.1.1 requires storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impacts to existing facilities, meet the National Pollution Discharge Elimination System (NPDES) requirements, and preserve natural resources such as wetlands and riparian areas.

Rationale: 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. The post-project drainage would be handled by an underground vault system and drainage volumes would be required to be substantially the same pre and post project. As conditioned for stream restoration, mitigated for compliance with California Water Quality Control Board standards, and with implementation of Best Management Practices during the grading permit process, no adverse increase in the overall runoff and flows are expected.

2.7 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1, Fire Protection in Community Regions, requires adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The El Dorado Hills Fire Department would provide fire protection service to the project site and ensure that water supplied to the parcels is adequate to meet emergency fire needs. The El Dorado Hills Fire Department provided comments and conditions of approval to be incorporated into the project design, including that the water system provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. Additionally, the Fire Department requires that the applicants install two fire hydrants. With the incorporation of these requirements, the project is in compliance with these General Plan policies related to fire protection.

2.8 The project is consistent with General Plan Policy 6.2.3.2.

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

Rationale: The Fire Department requires fire apparatus access to within 150 feet of all portions of the exterior walls of the building. Fire access is required to be capable of supporting fire apparatus weighing at least 40,000 pounds.

The project, as designed, meets these requirements and is in compliance with this policy.

2.9 The project is consistent with General Plan Policy 6.5.1.7.

General Plan Policy 6.5.1.7 states that noise created by new non-transportation noise sources shall be mitigated so as not to exceed any of the noise level standards of Table 6.2, as measured immediately within the property line of the receiving property.

Rationale: An Environmental Noise Analysis dated July 18, 2013 evaluated project-related noises and determined that the carwash and vacuums elements of the project would create the most noise. Vacuum noise levels are predicted to be approximately 36-40 dB Leq/Lmax, at the nearest noise-sensitive receiver locations. These levels would be in compliance with the applicable daytime noise level standard of 55 dB Leq, as well as the evening noise level standard of 50 dB Leq. The Noise Analysis reported that noise levels generated by car washes are primarily due to the drying portion of car wash operations. Car wash noise levels would be in compliance with the applicable daytime noise level standards (55 dB Leq, 70 dB Lmax) as well as the evening maximum noise level standard (60 dB Lmax). However, the predicted carwash noise levels would exceed the evening hourly average standard (50 dB Leq) and nighttime noise level standards (45 dB Leq, 55 dB Lmax). The project includes conditions and mitigations that limit hours of operation of the carwash and vacuums, and require the doors on the carwash be lowered during operation to address impacts on the existing ambient noise levels.

2.10 The project is consistent with General Plan Policy 7.1.2.1.

General Plan Policy 7.1.2.1 directs that development or disturbance shall be restricted on slopes exceeding 30 percent unless necessary for access.

Rationale: The existing structures are built on areas of the property that avoid any slopes exceeding 30 percent. The area proposed for new development is in an area that is relatively flat and avoids any steep slopes of 30 percent. The proposed new road would be improved from an existing driveway and does not traverse any slopes of 30 percent or greater. The project is in compliance with the policy related to steep slopes.

2.11 The project is consistent with General Plan Policy 7.3.3.4.

General Plan Policy 7.3.3.4 requires that intermittent streams have a 50-foot setback. The policy allows that setback to be modified if information is received that demonstrates a different setback is necessary or would be sufficient to protect the waterway.

Rationale: The Biological and Jurisdictional Delineation Report Updates for the

Green Valley Convenience Center, dated May 1, 2013, determined there were no isolated wetlands but that the intermittent stream constituted 0.47 acre of potential jurisdictional wetlands. The applicants submitted a biological report required by the Guidelines to support their request. There has been a U.S. Army Corps verification of the wetland delineation. The project is proposing to install a retaining wall, a parking area, a driveway and, a building within the required wetland setback. The Interim Interpretive Guidelines allows an alternative setback when the applicant demonstrates that the alternative setback will still provide sufficient protection of the biological resources and avoids or minimizes impacts as required by the General Plan. Impacts have been reduced to a less than significant level by incorporation of Mitigation Measures, Conditions of Approval, and with required adherence to County Code. As such, the alternative setback is found to be consistent with Policy 7.3.3.4.

2.12 This project is consistent with General Plan Policy 7.4.4.4.

Policy 7.4.4.4 establishes the native oak tree canopy retention and replacement standards.

Rationale: There is one blue oak along the eastern perimeter of the project site, and valley oaks south of the seasonal creek. There would be no disturbance in either of these areas as part of the proposed project. Because the proposed project would not result in the removal or any individual oak trees or oak canopy, the retention and replacement requirements would not be required for the proposed project, and there would be no conflict with Policy 7.4.4.4. The proposed project's landscape plan includes three valley oaks on the south and east side to buffer views into the project from the east and south sides. As proposed, the project would retain 100 percent of the oak tree canopy at the site consistent with General Plan Policy 7.4.4.4, Option A and the El Dorado County Oak Woodland Management Plan.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Section 130.28 of the Zoning Ordinance.

The parcel is zoned Commercial-Planned Development (CC-PD). The project has been analyzed in accordance with Zoning Ordinance Section 130.22.030 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: With an approved Development Plan, the project is consistent with the El Dorado County Zoning Ordinance designation of Commercial-Planned Development because the proposed project provides areas for retail sales and service station use pursuant to Section 130.22.010 of the Zoning Code. The buildings meet the development standards pursuant to Section 130.32.040 of County Code.

3.2 The proposed use is consistent with Section 130.14.170 of the Zoning Ordinance.

Chapter 130.14.170 provides requirements for Outdoor Lighting.

Rationale: The lighting for the project is limited to a height of 16 feet and would be full cutoff fixtures that would prevent sky lighting and trespass horizontally off the parcel. A condition of approval is included to assure that the lights are fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation, and that the pole lights do not exceed 16 feet tall.

3.3 The proposed use is consistent with Section 130.18 of the Zoning Ordinance.

Chapter 130.18 provides requirements for off-street parking and loading.

Rationale: Zoning Ordinance Section 130.18.060 requires that the convenience store include one space per 300 square feet of enclosed gross retail sales floor area. Because the convenience store is 3,180 square feet, 10.6 spaces are required. Eighteen spaces are proposed in total. Of those 18 spaces, one is required to be accessible and one of those with van accessibility (Table 11B-6, 2010 California Building Code). Of the 18 spaces, 35 percent, or 6.3 of them are permitted to be compact spaces. The applicants are proposing 15 standard spaces, two compact spaces, and one accessible space (one of those with van accessibility) which Planning has determined would be adequate for the project.

The project would need to include provisions for bicycle parking on the site by providing bicycle spaces/racks, within 100 feet of the building (five percent of total parking spaces, and pursuant to Section 5.105.4.1 and 2 of the 1020 California Green Building Standards Code), at locations at the discretion of the applicants but convenient from adjoining streets and distributed proportionally. Because 18 total spaces are included, 3.6 bicycle parking spaces are required. The project plans include four spaces.

Section 130.18.080.C requires one 12 foot by 40 foot off-street loading space. The project includes that space, shown on the site plan in the northern portion of the site.

3.4 The proposed use is consistent with Section 130.16 of the Zoning Ordinance.

Chapter 130.16, updated in July of 2015, regulates signs throughout the county.

Rationale: The applicants have proposed one 18-foot-tall monument sign and wall signs on the canopy, store, and car wash. The total square footage of the proposed monument sign is 67 square feet. The final design of the site will

be required to comply with the Sign Ordinance, which currently stipulates that for building-attached signs in the Commercial zone district, where the floor area is less than 10,000 square feet, the sign shall be no more than 50 total square feet. No more than one freestanding sign per street frontage is allowed. For individual establishments, the sign may be a maximum of 50 square feet and 12 feet maximum height on the first street frontage, and 30 square feet and 10 feet high at the second street frontage. The final design would be reviewed by Planning for compliance with the applicable provisions of the sign ordinance. Motor vehicle fuel pricing signs, as required by state law, which identify the brand, types, octane rating, etc., of motor vehicle fuel for sale within the county (Sections 13470 and 13530 of the Business and Professional Code) are exempt from the sign ordinance. This does not limit requirements of sign review or for maintaining motorist line of sight. The final location of all signs will be reviewed by the Transportation Division during the Building Permit process for any potential conflict. Planning is recommending restricting signs proposed for the south and east-facing building walls because they are facing residential and commercial areas where there would be no traffic viewing the site.

4.0 PLANNED DEVELOPMENT FINDINGS

4.1 The proposed planned development, including design and improvements, is consistent with the General Plan.

Rationale: The planned development request is consistent with the General Plan because the application is for a commercial development, being developed to serve the residents, businesses and visitors, consistent with the Commercial land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

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

Rationale: The proposed development is mitigated and conditioned to provide a desirable environment within its own boundaries. As conditioned, the proposed development provides landscaping, lighting, parking and interior circulation, and design features which will fit within the local commercial district.

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

Rationale: The project is being developed or conditioned to comply with all County Code requirements.

4.4 **The site is physically suitable for the proposed type and density of development.**

Rationale: The site is physically suited for the proposed uses since it is located within a business, commercial environment and the development area is concentrated along the existing roads, allowing for preservation of the existing intermittent stream as dictated by the U.S. Army Corps of Engineers regulations.

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

Rationale: As conditioned, adequate services and utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.

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

Rationale: The proposed uses do not significantly detract from the natural land and scenic values of the site since it will provide the required landscaping and restore the riparian habitat.