

PD12-0003/Green Valley Convenience Center – As approved by the Planning Commission on September 26, 2013

Findings

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 pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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.
- 1.4 Revised Mitigation Measure Noise-1 provides equivalent mitigation of the potential significant impacts of the noise generated by the car wash use.
- 1.5 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 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, fast-food restaurant, and a convenience store, which is consistent with the allowed uses for the C Zone District with an approved Development Plan.
- 2.2 As conditioned, mitigated and with adherence to County Code, the project is consistent with all applicable Policies of the General Plan, including:

- 2.2.1 2.2.5.21 (compatibility with surroundings) because the project concentrates the commercial activities adjacent to a commercial parcel, and limits the traffic and interior circulation and potential noise within that area;
- 2.2.2 TC-Xf (road improvements) because 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.
- 2.2.3 5.1.2.1 (adequate utilities and public services), 5.2.1.2 (water for emergency), 5.2.1.4 (available domestic water), 5.7.1.1 (adequate emergency water and related facilities), because the project will connect to EID for water and sewer service;
- 2.2.4 6.2.3.2 (adequate emergency vehicle ingress/egress) because conditions have been added as recommended by the El Dorado Hills Fire Department to assure adequate emergency vehicle ingress/egress; **and**
- 2.2.5 Policy 6.5.17 (noise impacts from new non-transportation sources) because the project includes conditions and mitigations that limit hours of operation of the carwash, vacuums, and drive through, and require the doors on the carwash be lowered during operation to address impacts on the existing ambient noise levels, and
- 2.2.56 7.3.3.4 (impacts to wetlands) because mitigation measures BIO-1 to 3 have been included to reduce impacts to the unnamed intermittent stream.

3.0 ZONING FINDINGS

- 3.1 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 17.32.020.B of the Zoning Code.
- 3.2 The project is consistent with the El Dorado County Zoning Ordinance Development Standards because the existing buildings meet the development standards pursuant to Section 17.32.040 of County Code.

4.1 PLANNED DEVELOPMENT FINDINGS

- 4.1.1 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.
- 4.1.2 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.

- 4.1.3 The project is being developed or conditioned to comply with all County Code requirements.
- 4.1.4 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.
- 4.1.5 As conditioned, adequate services and utilities are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.
- 4.1.6 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, enhancing the natural environment.

5.0 FINDINGS OF CONSISTENCT WITH GENERAL PLAN POLICY 7.3.3.4

- 5.1 The alternative setback is consistent with the General Plan. The Interim Interpretive Guidelines for El Dorado County General Plan Policy 7.3.3.4 requires a 50 foot non-development setback from intermittent streams and the project is proposing to install a retaining wall, a parking area, a driveway and, a building within the required 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. A Wetland Delineation Report has been verified and confirmed by the U.S. Army Corps of Engineers and analyzed in the Initial Study-Environmental Checklist. 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, this project is found to be consistent with Policy 7.3.3.4.

6.0 DESIGN WAIVER APPROVAL FINDINGS

- 6.1 Allow a variation of DISM Standard Plan 103-D to allow a longer taper for the encroachment onto Green Valley Road.
 - 6.1.1 There are special conditions or circumstances peculiar to the property which would justify the adjustment or waiver because the current proposed driveway encroachment location is 200 feet from the signal and is as far as it can be moved, but a de-acceleration lane requires a distance of 400 feet from the signal. The increased taper at the Green Valley Road encroachment would enhance public safety at that ingress/egress point in lieu of a de-acceleration lane.

6.1.2 Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property because strict application of the requirement will not allow the increased taper length and the opportunity to enhance the safety of the turning movements.

6.1.3 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public because the Transportation Division supports the Design Waiver as a means to add additional safety measures.

6.1.4 The adjustment or waiver would not have the effect of nullifying the objectives of the Design Improvement Standards Manual or any other law or ordinance applicable to the enhancement of Design Standard 103-D.

Conditions of Approval

1. This Planned Development approval is based upon and limited to compliance with the approved project description, Conditions of Approval set forth below, and the following hearing exhibits:

Exhibit F Cover Sheet, Sheet T.1 C1.0 of 6, dated April 12 August 29, 2013
Exhibit G Site Plan, Sheet C2.0 of 6, dated April 12 August 29, 2013
Exhibits H-1 to H-5.....Building Elevations
Exhibit H-1 North and West Composite Elevations, Sheet A2.1, dated August 19, 2013
Exhibit H-2 South and East Composite Elevations, Sheet A2.2, dated August 19, 2013
Exhibit H-3 Carwash Exterior Elevations, Sheet CW2.1, dated August 28, 2013
Exhibit H-4 Canopy Elevations (North, West, East), Sheet CA.2, dated August 28, 2013
Exhibit H-5 Canopy Elevations (South), Sheet CA.3, dated August 28, 2013
Exhibit H-6 Drive-Through Site Sections Sheet A.02, dated August 28, 2013
Exhibit I Landscape Planting Plan, Sheet L1, dated April 12 August 28, 2013
Exhibits J-1 to J-3Sign Site Plan, Sheets SNA.1 and SNA.2 dated April 12, 2013; Sheet SNA.3 dated December 6, 2012
Exhibit J-1 Sign Site Plan and Elevations, Sheet SNA.1, dated August 19, 2013
Exhibit J-2 Signage Details, Sheet SNA.2, dated August 28, 2013
Exhibit J-3 Canopy Signage, sheet SNA.3, dated August 19, 2013
Exhibit K Site Lighting Photometric, Sheet ES1.2, dated April 12, 2013
Exhibit L Trash Enclosure, Sheet TE.1, dated October 12, 2012 August 28, 2013
Exhibit M Project Colors, received-stamped August 1, 2013

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Development Plan to allow construction of the following:

- a. 4,602 square foot open-sided canopy w/8 self-service fuel pumps;
- b. 2,773 square foot convenience store;
- c. 2,183 square foot fast food restaurant with a drive-through;
- d. 1,196 square foot single-bay self-service carwash;
- e. 171 square foot trash enclosure;
- f. ~~46~~18-foot tall, ~~79.9~~ 67.3 square-foot monument site identification sign; and
- g. 12-foot tall retaining wall.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval attached hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions from the Mitigated Negative Declaration

The following Mitigation Measures are required as a means to reduce potential significant environmental effects to a level of insignificance:

2. **Air Quality 1:** To ensure compliance with applicable El Dorado County AQMD rules, the bid specifications and construction contract shall stipulate the following:

The Contractor shall adhere to all applicable El Dorado County AQMD rules, including but not necessarily limited to Rules 215, 223, 223-1, and 224. Copies of these rules are available from the El Dorado County AQMD website (www.arb.ca.gov/drdb/ed/cur.htm). The Contractor shall prepare a Fugitive Dust Control Plan for review and approval by the El Dorado County Air Pollution Control Officer pursuant to Rule 223-1 – Fugitive Dust Construction. After construction, the Project shall comply with AQMD Rule 238 “Gasoline Transfer and Dispensing.”

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall provide proof to Planning Services that this mitigation measure was included on the specifications and construction contract for the contractor, and is included on all grading and building permits, prior to issuance of any grading and/or building permit.

3. **Air Quality 2:** The bid specifications and construction contract shall stipulate the following: On any given day during construction, the contractor shall ensure that all equipment used during that day (off-road vehicles and auxiliary handheld equipment) does not exceed the fuel usage limit (diesel and regular gasoline) established in the CEQA Guide. The maximum amount of fuel that can be used is based on the year that the equipment was built. The maximum amount of fuel that can be used in one day if all equipment used is 1995 model year or older is 337 gallons. The maximum amount of fuel that can be used in one day if all equipment used is 1996 model year or newer is 402 gallons. If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment by the total number of equipment used. Multiply that number by 65. Add that number to 337. The sum is the maximum number of gallons of fuel permitted for use on that day.

The equation to determine the maximum daily fuel usage is expressed:

Daily maximum fuel usage (diesel and regular gasoline) = $X (65) + 337$, where X equals the number of 1996 and later equipment divided by the total number of equipment used (off-road vehicles and auxiliary handheld equipment). For example, if 10 pieces of equipment are used and 3 are 1995 and older and 7 are 1996 and newer, then the ratio of newer equipment to all equipment used is 0.7 ($7/10 = 0.7$). The project is allowed to use a maximum total of 383 gallons of fuel on that day ($0.7(65) + 337 = 383$). If all the equipment is 1996 or newer, then 402 gallons is the maximum number of gallons allowed.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall provide proof to Planning Services that this mitigation measure was included on the specifications and construction contract for the contractor, prior to issuance of any grading and/or building permit, and is included on all grading and building permits, prior to issuance of any grading and/or building permit.

4. **Air Quality 3:** The bid specifications and construction contract shall stipulate the following: For the duration of construction, the contractor shall ensure that all diesel-powered equipment used does not exceed the diesel fuel usage limit established in the CEQA Guide. The maximum amount of diesel fuel that can be used is based on the year that the equipment was built. The maximum amount of diesel fuel that can be used during the project if all equipment used is 1995 model year or older is 3,700 gallons. The maximum amount of diesel fuel that can be used during the project if all equipment used is 1996 model year or newer is 37,000 gallons. If a combination of 1995 and older and 1996 and newer equipment is used, then divide the number of 1996 and newer equipment

in the fleet by the total number of equipment in the fleet. Multiply that number by 33,300. Add that number to 3,700. The sum is the maximum number of gallons of diesel fuel use permitted.

The equation to determine the maximum project diesel fuel usage is expressed:

Maximum project diesel fuel usage = $X (33,300) + 3,700$, where X equals the number of 1996 and later equipment divided by the total number of equipment in the fleet. For example, if 10 pieces of equipment are used and 3 are 1995 and older and 7 are 1996 and newer, then the ratio of newer equipment to all equipment used is 0.7 ($7/10 = 0.7$). The project is allowed to use a maximum total of 27,010 gallons of fuel for the life of construction ($0.7(33,300) + 3,700 = 27,010$ gallons). If all the equipment is 1996 or newer, then 37,000 gallons is the maximum number of gallons of diesel fuel use allowed for the project.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall provide proof to Planning Services that this mitigation measure was included on the specifications and construction contract for the contractor, prior to issuance of any grading and/or building permit, and is included on all grading and building permits, prior to issuance of any grading and/or building permit.

5. **BIO-1:** If construction begins outside the 1 February to 31 August breeding season, there will be no need to conduct a preconstruction survey for active nests. If construction is scheduled to begin between 1 February and 31 August then a qualified biologist shall conduct a preconstruction survey for active nests at the construction site. In order to avoid take (FGC § 86) of protected birds and raptors (FGC § 3503, 3503.5, 3511, and 3513), a pre-construction bird and raptor nest survey shall be conducted within 10 days prior to the beginning of construction activities by a California Department of Fish and Wildlife (CDFW) approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFW. If active raptor nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established. If active passerine nests are found, a two hundred foot (500 feet for special status species) initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with the species' behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if birds/raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily if necessary while construction related activities are taking place and shall have the authority to stop work if birds/raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the birds/raptors, over time it may be

determined that the on-site biologist/monitor may no longer be necessary due to the birds/raptors' acclimation to construction related activities.

Monitoring Responsibility: Planning Services.

Monitoring Requirement: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and obtain all necessary permits prior to initiation of construction activities. This requirement shall be placed on all grading plans. Planning Services shall review the surveys prior to issuance of a grading permit and/or removal of any trees within the entire project parcel.

6. **BIO-2:** Intermittent Stream: The applicant is required to submit a re-vegetation plan which shall include the following:

- a. Best Management Practices that conform with the County's California Stormwater Pollution Prevention Plan, issued by the State Water Resources Control Board for erosion and sediment control, shall be incorporated into the project development plans and implemented as approved by Building Services during the grading permit process.
- b. No equipment shall be allowed within the water channel.
- c. Construction fencing shall be installed at the ten-foot setback line defined by the Biological and Jurisdictional Delineation Report Updates for the Green Valley Convenience Center dated May 1, 2013 to prevent and avoid accidental fill and/or equipment entering the setback and creek. The fencing shall be installed prior to initiation of any grading; and
- d. The re-vegetation/~~restoration~~ plan for that area shall include planting no fewer than 18 native riparian trees consisting of a combination of willows of the species *Salix lasiolepis*, *S. gooddingii*, or *S. exigua*; Fremont cottonwoods (*Populus fremontii* ssp. *fremontii*), and valley oaks (*Quercus lobata*) but must include at least six cottonwoods and three willows in the southern portion of the parcel outside of the project footprint. The cottonwoods shall be planted at least 60 feet away from the project footprint and Sophia Parkway. The planting shall occur within one year of the initiation of project construction. The success criterion shall be the survival of the 18 riparian trees ~~two~~ five years after planting.

Monitoring Responsibility: Planning Services and Building Services

Monitoring Requirement: The applicant shall include mitigations a-d above on the grading permit plans. Planning Services shall review the grading permit plans to ensure their inclusion prior to issuance of a grading permit. The Building Services field inspector shall verify compliance with said mitigations upon site inspection for the

grading permit. Planning Services shall make a field inspection of the planted area prior to finaling the grading permit.

7. **BIO-3:** Streambed Alteration Agreement: A Streambed Alteration Agreement, pursuant to Fish and Wildlife Code 1602, shall be obtained by the applicant from the California Department of Fish and Wildlife, if applicable, ~~for each stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Authorization prior to placement of any fill is required from the U.S. Army Corps of Engineers if any impacts are proposed to jurisdictional riparian habitat. This authorization may require mitigation as deemed necessary by the Corps of Engineers.~~ The Agreement shall address the following to the satisfaction of the Department of Fish and Wildlife, if determined to be applicable after review of the development plans for that area:

The applicant will provide an approved restoration re-vegetation plan for riparian planting, consistent with BIO-2. Elements of that plan will include:

- a. A map of locations and species for the plants installed in the restoration re-vegetation planting area;
- b. A discussion of performance standards stating that 80 100 percent of the 18 planted trees will be alive at the end of the five-year monitoring;
- c. The method for determining whether plantings are alive at the end of each monitoring year (that is, each tree will be counted and determined to be dead or alive; dead trees will be replanted);
- d. A discussion of contingency measures that could be used in the event that the restoration plantings fail. These measures could include, but are not limited to, making additional plantings and extending the monitoring period or purchasing additional credits in an acceptable fund or mitigation bank;
- e. Submission of annual reports for the restoration re-vegetation project to the Department of Fish and Wildlife; and
- f. This plan must be approved by the Department of Fish and Wildlife before County permits are issued.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide a copy of the 1602 Streambed Alteration Agreement to Planning Services prior to issuance of the grading permit. If it has been determined by Fish and Wildlife that said permit does not apply after their review of the development plans, the applicant shall provide Planning Services with verification from Fish and Wildlife that no Agreement is needed for the project, prior to

issuance of a grading permit for the intermittent stream riparian habitat area.

8. **BIO-4: Water Quality Certification:** A Water Quality Certification, Section 401 permit, if applicable, shall be obtained by the applicant from the California Central Valley Regional Water Quality Control Board for applicable project improvements prior to issuance of a grading permit. The Certification shall include (subject to CVRWQCB approval):

- a. The applicant will prepare a Storm Water Pollution Prevention Plan for approval. That plan will describe methods for ensuring downstream water quality during grading and/or restoration and will be implemented during those processes.
- b. Work areas will be separated by buffers and orange construction fencing to delineate the preserved riparian areas. No grading will be allowed within the fenced off buffer zones.
- c. Waste and construction materials will be placed where they will not run off into the stream, or they will immediately be removed off site.

Monitoring Responsibility: Planning Services/Building Services

Monitoring Requirement: The applicant shall provide a copy of the Section 401 permit to Planning Services prior to issuance of the grading permit. The Storm Water Pollution Prevention Plan shall be reviewed and approved by Building Services prior to issuance of a grading permit. If it has been determined by the California Regional Water Quality Control Board that said permit does not apply after their review of the development plans for the grading permit, the applicant shall provide Planning Services with confirmation from the RWQCB of that determination prior to issuance of the grading permit.

NOISE-1: The applicant shall ensure the inclusion of carwash entrance ~~and exit~~ doors that result in a reference noise level of 72 dB Lmax at 20 feet.

Monitoring Responsibility: Planning Services

Monitoring Requirement: The applicant shall provide Planning Services with proof that the carwash will include doors as described above and within the Environmental Noise Analysis dated July 18, 2013, and updated analysis dated September 24, 2013, prior to issuance of the building permit for the carwash. Planning shall verify installation of the doors prior to building permit final for the carwash. From 7:00 p.m. to 10:00 p.m. the door on the south entrance to shall be lowered during the operation of each carwash cycle except as provided in Condition 11.

Development Services Division (Planning)

9. **Outdoor Display:** Outdoor vending machines, kiosks, etc. shall not be permitted unless such outdoor vending can be fully screened from off site.

10. **Roof Mounted Equipment:** The roof-mounted equipment shall be located inside a roof parapet wall and shall not be visible from ground level.
11. **Noise:** Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	Daytime (7am-7pm)	Evening (7pm-10pm)	Night (10pm-7am)
Hourly dB	55	50	45
Max. dB	70	60	55

The carwash, vacuums, and restaurant drive through portion hours of operation shall be limited to between 7 am to 10 pm, unless additional noise analysis is submitted with the building permit that demonstrates to the Planning Director that noise levels measured at the parcel designated by APN 124 301 39 meet General Plan thresholds. The carwash shall be limited to use of a dryer that has equivalent noise output or less as that 30 horse power or less blower placed in the same location that was analyzed in the Environmental Noise Analysis, dated September 24, 2013. The HM Electronics drive through menu board and speaker post shown in the memo attached to the Environmental Noise Analysis, dated September 24, 2013, shall activate the automatic volume control (AVC) at all times of operation. However, hours of operation for the carwash may be modified upon application to the Planning Commission demonstrating, via noise measurements of actual operations, compliance with all applicable General Plan noise standards.

12. **Landscaping:** The final landscape plan shall be consistent with Exhibit I and comply with Zoning Code Chapter 17.18.090 and General Plan Policies 7.3.5.1 and 7.3.5.2; and be approved by Planning Services prior to issuance of a building permit. The following additional information shall be submitted prior to final inspection of installed landscaping:
 - a. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
 - b. A filed copy of an irrigation audit report or survey approved by El Dorado Irrigation District with the Certificate of Completion.

All trees installed below the retaining wall shall be 24" boxes or equivalent in size. Landscaping shall include vines which will climb the lattice provided on the top of the retaining wall. The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.
13. **Lighting:** All outdoor lighting shall conform to the Exhibit K, and Section 17.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture shown on Exhibit J that does not have a specification sheet submitted with the building permit that

specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement. In addition, the following apply:

- a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
- b. Any lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
- c. No pole light shall exceed 16-feet in height measured from ground level.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

14. **Signs:** All signage installed as part of the project shall be consistent with Exhibits J-1 to J-3 for location, materials, sizes and colors. One monument sign is approved and shall not exceed an average of 1618 feet in height measured from ground level. The total square footage of that sign area is 79.9 67.3 square feet. The sign shall be located where it will not conflict with the required site distance in any direction at the intersection of Green Valley Road and Sophia Parkway. There shall be no wall signs permitted on the south and east sides of the buildings. Window signs shall not exceed 25 percent coverage of any window pursuant to industry best practice for natural surveillance that serves to increase the risk of detection for offenders, enable evasive actions by potential victims, and facilitate intervention by police (Crime Prevention through Environmental Design and Defensible Space). Window signs on the car wash building shall be restricted to windows between grid lines 4 and 6 of the west elevation, as shown Exhibit H-3 (Sheet CW2.1). Window signs shall be prohibited on the end windows of the north elevation of the convenience store building.
15. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Parking shall conform to Exhibits F and G and include 16 standard spaces, eight compact spaces, and 2 accessible spaces that are constructed in accordance with Title 24 of the current Building Code. There shall be one, 12 foot by 40-foot loading zone. There shall be six bicycle parking spaces, consistent with Section 5.105.4.1 and 2 of the 1020 California Green Building Standards Code, at locations at the discretion of the applicants. A sign shall be placed at the west entrance of the drive-thru, before the overhead bar as shown on Sheet C2.0 of 6 dated August 29, 2013 that states, "Vehicle stacking in front of this sign is prohibited."

16. **Permit Implementation:** Implementation and approval of the project conditions must occur within 12 months of approval of this Planned Development or as otherwise

required by the conditions of approval.. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval. If all project related conditions are not completed within that time frame, the project will be scheduled for revocation and commencement of the Code Compliance action.

17. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
18. **Processing Fees:** Prior to final approval of the grading and building permits, Development Services shall verify that all Development Services Department fees have been paid.
19. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

20. **California Fish and Game Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
21. **Archeological Resources:** The following shall be incorporated as a note on the grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with

Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

22. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. 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.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 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 or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

Transportation Division

23. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT Transportation and shall construct the roadway encroachments from the access roadway onto Green Valley Road and Sophia Parkway to the provisions of County Design Standard 110 as shown on Sheet C2.0 – Site Plan dated August 29, 2013, and the change

shall be reflected on the development plans submitted for the project.. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of an encroachment building permit.

Accident data shall be collected and the operation of the driveway along Green Valley Road shall be observed periodically for a span of one year from the date of occupancy. The EDC Transportation Operations Unit will identify accidents related to the turning movements into or out-of the project encroachments and determine if a statistically significant increase in accidents has occurred. If Transportation quantifies information indicating the driveway is not functioning appropriately they will notify the owner of their observations in writing and request the owner propose an action plan to bring the driveway to proper function within 30 days. The criteria and measures needed to return the driveway to proper function shall be mutually agreed to by the applicant and the County and will be implemented within 90 days of agreement. If agreement cannot be reached the matter will be brought before the Planning Commission as an amendment to the Development Plan for resolution which will be deemed final unless appealed to the Board of Supervisors.

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24. **Extended Median on Green Valley Road:** The applicant shall install a raised median strip on Green Valley Road to restrict left turns. The length shall be 350 feet. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of a building permit.
25. **Delivery Trucks:** All delivery vehicles shall approach the site from either Green Valley Road west of Sophia Parkway or north along Sophia Parkway.
26. **Signal Modification Green Valley Road and Sophia Parkway:** The applicant shall design and construct the signal modification plans for the southeast corner of the Green Valley Road/Sophia Parkway intersection. Improvements must match exhibit received by transportation staff on March 15, 2013. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the issuance of a building permit.
27. **Truck Turning Exhibit:** The applicant shall provide a truck turning exhibit with the improvement plans to demonstrate how fuel trucks can enter and exit correctly. This exhibit is to be filed with the improvement plans prior to issuance of a building permit.
28. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Transportation Division for all roadway, frontage, and intersection improvements within the County right-of-way. The developer shall complete the improvements to the satisfaction of the Transportation Division or

provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to the issuance of a building permit.

Transportation Division Standard Conditions

29. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
30. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the Transportation Division prior to issuance of building permits. Pedestrian easements shall be provided where necessary. Final lane configurations, including the need for additional rights-of-way, shall be subject to review and approval of the Transportation Division prior to improvement plan approval.
31. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
32. **Signage:** The applicant shall install all necessary signage such as U-turn, and bike lane signs as required by the Transportation Division prior to the issuance of a building permit. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
33. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
34. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
35. **DISM Consistency:** The developer shall obtain approval (as modified by these conditions herein) of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (dated May 1986, revised May 1990), from the County Department of Transportation, and pay all applicable fees prior to the issuance of a building permit.
36. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.

37. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Transportation Division for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of Transportation Division prior to occupancy clearance.
38. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance and El Dorado County Storm Water Management Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation, and the potential discharge of pollutants into drainages.
39. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
40. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the Transportation Division. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
41. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

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

- a. The site can be adequately drained;
- b. The development of the site will not cause problems to nearby properties, particularly downstream sites;
- c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- d. The ultimate drainage outfall of the project.

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

42. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans and / or on the final map.
43. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.
44. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
45. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

Air Quality Management District

46. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction. (Rules 223 and 223.1)
47. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
48. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
49. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Architectural Coatings AQMD (Rule 215).
50. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
51. **New Point Source:** Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
52. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

Environmental Management-Environmental Health Division

53. **Service Request:** Upon approval of the Development Plan, the applicant shall submit a Service Request form along with two sets of plans and manufacturer's specification sheets for the proposed equipment to be installed in order to verify compliance with the California Retail Food Code. An annual Health Permit shall be obtained prior to operation.

Environmental Management-Solid Waste & Hazardous Materials Division

54. **Construction Waste:** The applicant shall comply with CALGreen Section: 5.408. 1 Construction waste management. Recycle and/or salvage for reuse a minimum of 50 percent of the non-hazardous construction waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.

55. **Solid Waste:** The applicant shall provide sufficient space for both trash and recycling dumpsters. All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal.

56. **Underground Storage Tanks:** The applicant shall submit an application for a permit for New Installation of Underground Storage Tanks (UST) prior to beginning any work pertaining to the installation of the USTs. Upon completion of UST installation, additional documents pertaining to USTs, and a Hazardous Materials Business Plan, must be submitted using the California Electronic Reporting System (CERS) and approved prior to operation of the fueling system.

El Dorado Hills Fire Department

57. **Water System Requirements:** The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20 psi for a two-hour duration. This requirement is based on a structure 11,300 square feet or less in size, Type V-B construction. All structures shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.

58. **Fire Hydrants:** This development shall install two (2) Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location of the hydrant shall be determined by the Fire Department; and shall be located within 150 feet of the building (per El Dorado County Water District Ordinance 35). One hydrant will be located near the driveway entrance off

Sophia Parkway and the other hydrant will be located near the driveway off Green Valley Road.

59. **Hydrant Appearance:** In order to enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
60. **Water Connection:** Any fire department connection to the sprinkler system shall be positioned so as not to be obstructed by a parked vehicle.
61. **Fencing:** All fencing that backs up to wildland open space shall be required to use non-combustible type fencing.
62. **Access Roads:** All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 40,000 pounds.
63. **Fire Alarm:** Any building greater than 500 square feet shall be equipped with an approved fire alarm/detection system (per El Dorado County Water District Ordinance 35).
64. **Knox Box:** A Knox Box is required for nighttime and afterhours access to the alarmed buildings.
65. **Addressing:** Addressing is required as described in the in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.
66. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
67. **No Parking:** No parking will be allowed on the west side of the convenience store with the exception of the designated parking stalls. The curb on the west side of the convenience store shall be painted red with white letters indicating "No Parking Fire Lane."
68. **Plan Copies:** A PDF electronic copy of all plans shall be provided to the fire department for electronic storage and use for engine company pre-fire planning. Please send the electronic copy to mlilienthal@edhfire.com.
69. **Fire Protection Systems**
 - a. Installation of all on-site fire protection systems shall be in accordance with NFPA 24 and Fire Department Standards;
 - b. All on-site fire protection systems shall be tested in accordance with the requirements of NFPA 24 and shall be witnessed by the Fire Department;

- c. The installing contractor, or sub-contractor, for all on-site fire protection systems shall notify the Fire Department at least 24 hours in advance of requesting a date and time for inspections;
- d. If plastic pipe is installed for fire protection systems, the pipe used shall be C-900 Class 200;
- e. After installation, rods, nuts, bolts, washers, clamps, and other restraining devices, except truss blocks, used on-site fire protection systems shall be cleaned and thoroughly coated with an acceptable corrosion -retarding material; and
- f. The section of private fire service piping within five feet of the building foundation and the fire sprinkler riser shall be ductile iron piping.