



# COMMUNITY DEVELOPMENT AGENCY

## DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

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**PLACERVILLE OFFICE:**

2850 Fairlane Court, Placerville, CA 95667

**BUILDING**

(530) 621-5315 / (530) 622-1708 Fax

[bldgdept@edcgov.us](mailto:bldgdept@edcgov.us)

**PLANNING**

(530) 621-5355 / (530) 642-0508 Fax

[planning@edcgov.us](mailto:planning@edcgov.us)

**LAKE TAHOE OFFICE:**

3368 Lake Tahoe Blvd., Suite 302

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

[tahoebuild@edcgov.us](mailto:tahoebuild@edcgov.us)

TO: Board of Supervisors Agenda of: March 22, 2016

FROM: Jennifer Franich, Associate Planner

DATE: February 11, 2016

RE: Planned Development PD12-0003/Green Valley Convenience Center  
Focused Environmental Impact Report  
Assessor's Parcel Number: 124-301-46 (Exhibit A)

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### EXECUTIVE SUMMARY

Planned Development PD12-0003 proposes an ARCO gas station, convenience store, and self-service carwash located at Green Valley Road and Sophia Parkway in the El Dorado Hills area. The original project was presented to the Planning Commission in July 2013. Following approval by the Planning Commission, an appeal of the decision, and approval of the project by the Board of Supervisors, litigation was filed against the County associated with adoption of the Mitigated Negative Declaration (MND). In accordance with the Settlement Agreement filed in January 2014, an Environmental Impact Report (EIR) evaluating potential traffic and circulation impacts and biological resources impacts has been prepared for the proposed project. The settlement agreement also directed that the Project and focused EIR return directly to the Board of Supervisors for consideration and final action.

Staff recommends the Board approve the project and prepared two resolutions for Board approval: the first certifies the EIR and adopts the Mitigation Monitoring and Reporting Program (MMRP), and the second approves Planned Development PD12-0003 subject to the conditions of approval.

### PROJECT DESCRIPTION

This project is a request for approval of a Planned Development to allow the site to be developed as an ARCO-branded convenience center (Exhibit D-H) to include the following:

- 4,872-square-foot open-sided canopy with eight self-service fuel pumps (16 fueling positions and two payment island cashiers) and solar panels on the canopy
- Two underground fuel storage tanks
- 3,058-square-foot convenience store

- 1,804-square-foot single-bay self-service car wash, with doors at the entrance and exit of the car wash to reduce exterior noise levels (Exhibit I)
- Air/water unit and two vacuums
- Monument site identification sign
- On-site parking spaces for vehicles (18 spaces) and bicycles (4 spaces)
- Trash enclosure
- On-site stormwater runoff collection system
- On-site lighting, consisting of wall lights, canopy lights, and 12-foot-tall pole lights with full cutoff fixtures
- Landscaping, hardscaping, and pavement (Exhibit J)

The project proposes two new access points: one on Sophia Parkway at the west side of the convenience center and one on Green Valley Road. Both would be right-in and right-out only. The driveway access on Green Valley Road would be at the east end of the project, where a 135-foot-long deceleration taper would lead to the driveway. A U-turn sign and a change to the pedestrian interface button would be added to the southeast curb return at Green Valley Road/Sophia Parkway to facilitate U-turns from westbound Green Valley Road to access the driveway on Green Valley Road. The proposed project also includes installation of a raised median on Green Valley Road to prevent vehicles from turning left onto Green Valley Road from the access driveway on Green Valley Road.

There would be no development within the seasonal stream or seasonal wetland in the southern part of the site. However, grading and planting for erosion control on the south side of the buildings would occur within 10 feet of the ordinary high water mark of the seasonal stream. A detailed project description is included in the Environmental Impact Report (EIR) under Section 2.0, Project Description and a request for a determination of consistency with General Plan Policy 7.3.3.4 and its interim interpretive guidelines for wetland setbacks as part of the proposed project is included in the attached Resolution.

## **SITE DESCRIPTION**

The site is located on the Southeast corner of the intersection of Green Valley Road and Sophia Parkway, in the El Dorado Hills area (Exhibit K, L). The 2.12-acre parcel is currently vacant with frontage on Green Valley Road to the north and Sophia Parkway to the west. The site is approximately 10 feet below the adjacent roadway elevation of Sophia Parkway and Green Valley Road. The parcel contains old piles of soil spoils, with gravel and cobble evident at the surface, and covered primarily with non-native grasses and herbaceous plants typical of frequently disturbed sites. There are a few young cottonwood and willow trees which have established themselves among the spoils piles and along the stream, along with blackberry bushes. The site is triangular in shape with an approximate width of 200 feet and length of 600 feet. A 15-foot-wide utility easement runs along the east boundary. The site drains to the intermittent stream that bisects the parcel and flows from east to west. The stream continues westward under Sophia Parkway through a culvert system consisting of three 48-inch-diameter reinforced concrete pipes and headwall and empties into the Mormon Island Wetland Preserve, which is located on the west side of Shadowfax Lane.

## **BACKGROUND**

An application for the Green Valley Convenience Center project was submitted to the County in 2012. The original project description included a gas station, car wash, and 2,183 square foot drive-through restaurant. The Planning Commission considered the proposed project in July 2013. After issues with noise, aesthetics, traffic, and potential impacts on an intermittent stream were raised, the Planning Commission continued the item. A revised MND was recirculated in August-September 2013. During that time, the project applicant submitted revisions to the project design. The Planning Commission approved the revised project in September 2013, along with conditions of approval and mitigation measures. The Planning Commission decision was appealed.

On December 12, 2013, the Board of Supervisors denied the appeal, upholding the approval of the Green Valley Convenience Center project with revised conditions of approval and findings, and adopted the revised MND. Subsequently, a Preemptory Writ of Mandamus associated with adoption of the revised MND was issued pursuant to a stipulated Judgement entered into by the Parties. In August 2014, a Settlement Agreement was negotiated that required preparation of a focused EIR.

In accordance with the Settlement Agreement, the Board of Supervisors took the following actions on September 16, 2014: rescinded the adoption of the MND; rescinded the approval of PD12-0003; rescinded the denial of the appeal of the approval of PD12-0003; directed that a focused EIR to further evaluate impacts associated with traffic and biology be prepared for the Project; and directed that the Project and focused EIR return directly to the Board of Supervisors for consideration and final action.

The applicant chose to pursue the approval of the project, and a focused EIR has been prepared to evaluate the effects of the proposed project on the physical environment, assessing whether the proposed project would result in any significant environmental impacts (Exhibit M). The County published the Notice of Preparation (NOP) for the Green Valley Convenience Center Draft EIR on December 19, 2014, for a 30-day comment period ending January 20, 2015. A public scoping meeting was held on January 14, 2015, at the El Dorado Hills Fire Department on Wilson Boulevard. The NOP and comments received on the NOP during the public review period are provided in Appendix A of the Draft EIR (Exhibit N).

A Notice of Availability (NOA) of the Draft EIR was published on October 5, 2015 for a 45-day comment period beginning October 6, 2015 and closing November 19, 2015. Following the public review period, a Final EIR was prepared to include copies of public comments and the County's responses to comments pertaining to the environmental analysis presented in the Draft EIR.

## **SETTLEMENT AGREEMENT**

As stated in the judgement, the Court found that: (1) the balance of environmental issues (other than traffic and biology) were severable from those two issue areas; (2) severance of the CEQA analysis will not prejudice complete and full compliance; and (3) evaluation of CEQA issues in the MND (other than traffic and biology) met CEQA requirements. The Settlement Agreement required preparation of an EIR to address the following:

- A. Traffic impacts:
  - 1. Five intersections (Green Valley Road/Sophia Parkway; Green Valley Road/Blue Ravine/E. Natoma Street; Green Valley Road/El Dorado Hills Boulevard; Green Valley Road/Amy's Lane; Sophia Parkway/Elmores/Socrates Place)
  - 2. Two roadway sections or segments (Green Valley Road from E. Natoma Street to Sophia Parkway; Green Valley Road from Sophia Parkway to El Dorado Hills Boulevard)
  - 3. Review of the installation of a "pocket lane" and installation of a full deceleration lane eastbound at Sophia Parkway and Green Valley Road
- B. On-site and off-site biological and riparian impacts to the wetland crossing the project site
- C. Design of the Sophia Parkway/Green Valley Road intersection as it pertains to potentially significant impacts to automobile, pedestrian, and bicycle safety
- D. Alternatives as required by CEQA, including an alternative of the installation of a full deceleration lane extending east from the intersection of Green Valley Road and Sophia Parkway and the alternative of a "pocket lane" as previously considered by the Board of Supervisors
- E. As required by CEQA to address subparagraphs A-D, above, the County shall update the information otherwise contained in the Negative Declaration.

## **ISSUES**

The primary issue of concern raised by the public is traffic safety at the Green Valley Road/Sophia Parkway intersection and at the driveway access on Green Valley Road. A Traffic Impact Analysis (TIA) was prepared in 2015 by KD Anderson & Associates for the proposed project (Exhibit P). The TIA included an evaluation of the topics required in the Settlement Agreement as well as issues raised in public comments. Of the fifteen impacts identified in the EIR, three were identified as significant without mitigation. These three impacts were associated with level of service and queue lengths, and all three were reduced to a less than significant level with the incorporation of mitigation measures, as identified in EIR chapter 3.2, Traffic and Circulation.

An additional topic of concern is the project's impacts on riparian habitat, seasonal creek and seasonal wetland, and the species supported by these habitats as a result of project stormwater runoff, which would be directed to the seasonal stream. Five impacts were identified as significant or potentially significant without mitigation, including impacts to riparian habitat, water quality, and special-status raptors, birds, and other species (Exhibit Q). None of these

impacts were determined to be significant and unavoidable, and mitigation measures have been included in the EIR that would reduce the impacts to a less than significant level.

As noted in the Draft EIR and as stated in the Judgment, the Court found that the remaining environmental issue areas were adequately addressed in the revised MND and did not need to be evaluated in the Draft EIR, but rather referenced and summarized in the Draft EIR.

The EIR concluded that there would be no significant and unavoidable impacts as a result of the project. A Mitigation Monitoring and Reporting Program (MMRP) is incorporated as part of the project approval in order to track and enforce the mitigation measures and ensure that the project construction and operation will not result in significant environmental impacts.

### **REQUESTED ACTIONS BY THE BOARD**

Staff recommends the Board approve the project and has prepared two resolutions for Board approval.

The first Resolution explains the process used by the Board of Supervisors to comply with the California Environmental Quality Act (CEQA) and certifies the EIR as satisfying applicable CEQA requirements (§15151). After review and consideration of the Final EIR, the Board certifies that the Final EIR is adequate and complete. The rule of adequacy generally holds that the EIR can be certified if it shows a good faith effort at full disclosure of environmental information and provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences. Note that certification of the EIR does not automatically result in project approval. A Mitigation Monitoring and Reporting Program (MMRP) is also adopted for mitigation measures that have been incorporated into or imposed on the project to reduce or avoid significant effects on the environment. The MMRP is designed to ensure that these measures are carried out during project implementation. Exhibit A is the mitigation monitoring and reporting program.

The second Resolution approves the project. Upon review and consideration of the Final EIR, the Board of Supervisors may approve the proposed project. The decision to approve the project is accompanied by written findings in accordance with CEQA Guidelines Section 15091. The Resolution includes a determination of consistency with General Plan Policy 7.3.3.4 and its interim interpretive guidelines for wetland setbacks as part of the proposed project, because the proposed project would result in grading and permanent hardscape within 50 feet of the seasonal stream and wetland. Exhibit A of the second Resolution is the Findings of Consistency. Exhibit B presents the recommended Conditions of Approval, which includes mitigation measures from the EIR and other recommended project conditions.

## SUPPORT INFORMATION

### Attachments to Staff Memo:

Findings of Consistency	
Conditions of Approval	
Mitigation Monitoring and Reporting Program	
Exhibit A.....	Assessor's Parcel Map
Exhibit B.....	General Plan Land Use Designation Map
Exhibit C.....	Zoning Designation Map
Exhibit D.....	Preliminary Site Plan, Sheet PS-1; May 20, 2015
Exhibit E.....	Project Features, Sheet A.01; May 20, 2015
Exhibit F.....	Front and Left Elevations, Sheet A2 1; May 20, 2015
Exhibit G.....	Right and Rear Elevations, Sheet A2 2; May 20, 2015
Exhibit H.....	Screen Wall Location, Sheet A.02; May 20, 2015
Exhibit I.....	Carwash Elevations, Sheet CWA2.1; May 20, 2015
Exhibit J.....	Preliminary Landscape Plan, Sheet L1; May 20, 2015
Exhibit K.....	Location Map
Exhibit L.....	Aerial Map
Exhibit M.....	Green Valley Convenience Center Draft Environmental Impact Report (GVCC DEIR)
Exhibit N.....	GVCC DEIR Appendix A - Notice of Preparation and Notice of Preparation Comments
Exhibit O.....	GVCC DEIR Appendix B - Air and Green House Gas Emissions Model Data
Exhibit P.....	GVCC DEIR Appendix C - Traffic Impact Analysis
Exhibit Q.....	GVCC DEIR Appendix D, Biological Resources Supporting Information
Exhibit R.....	Green Valley Convenience Center Final Environmental Impact Report; January 2016