



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.edcgov.us/planning>
Phone: (530) 621-5355 Fax: (530) 642-0508

Walter Mathews, Chair, District 4
Rich Stewart, First Vice-Chair, District 1
Dave Pratt, Second Vice-Chair, District 2
Tom Heflin, District 3
Brian Shinault, District 5

Char Tim Clerk of the Planning Commission

DRAFT MINUTES

**Regular Meeting
March 13, 2014 – 8:30 A.M.**

CALL TO ORDER

Meeting was called to order at 8:31 a.m. Present: Commissioners Stewart, Pratt, Heflin, Mathews, and Shinault; David Livingston-County Counsel; and Char Tim-Clerk of the Planning Commission.

ADOPTION OF AGENDA

Motion: Commissioner Heflin moved, seconded by Commissioner Stewart, and carried (5-0), to approve the agenda as presented.

AYES: Pratt, Shinault, Stewart, Heflin, Mathews
NOES: None

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

1. (14-0327) Clerk of the Planning Commission recommending the Commission approve the MINUTES of the regular meeting of February 27, 2014.

END OF CONSENT CALENDAR

Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (5-0), to approve the Consent Calendar.

AYES: Stewart, Heflin, Shinault, Pratt, Mathews
NOES: None

DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)

(Clerk's Note: Long-Range Planning provided their departmental report at the end of the meeting.)

Shawna Purvines, Long-Range Planning, distributed a draft timeline showing a revised schedule with tentative Planning Commission meeting dates to discuss the Targeted General Plan Amendment-Zoning Ordinance Update. This revision to the previous schedule incorporates the Board of Supervisors direction to extend public review to 120-day period. The targeted date for release of the Draft EIR is March 24, 2014. Ms. Purvines indicated that she would be returning to the Commission to get feedback on their availability on the tentative dates provided.

Dave Defanti, Long-Range Planning, spoke on the Board of Supervisor's action taken at the March 11, 2014 meeting regarding 5 items brought before them from Long-Range Planning.

COMMISSIONERS' REPORTS

Commissioner Pratt announced that he had attended the El Dorado County Water Agency Drought Summary Contingency Meeting. He stated that it was a good, lively discussion that was well-attended.

9:00 A.M. – TIME ALLOCATION

PUBLIC FORUM/PUBLIC COMMENT – None

AGENDA ITEMS

- 2. (14-0328)** Hearing to consider request to allow the construction of a one-story, 14,904 square foot concrete building to be utilized as an automobile body shop [Planned Development PD13-0005/El Dorado Hills Body Shop]* on property identified by Assessor's Parcel Number 121-280-22, consisting of 1.91 acres, in the Town Center East area of El Dorado Hills, submitted by Finkelstein Rental Properties (Agent: James O'Brien); and staff recommending the Planning Commission take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
 - 2) Approve Planned Development PD13-0005, based on the Findings and subject to the Conditions of Approval. (Supervisory District 1)

Tom Dougherty presented the item to the Commission with a recommendation for approval. He identified minor edits to the Conditions of Approval to address typos. Condition 6 was missing the name of the street and in Condition 8 the last sentence should be struck out.

Craig Sandberg, applicant's agent, was very appreciative of staff for the quick turnaround on this application. He stated that they were in agreement with the Conditions of Approval, including the recommended amendments to Conditions 6 and 8. Mr. Sandberg indicated that the neighboring church had significant interaction with the applicant regarding the project due to the CC&Rs.

Dave Finkelstein, applicant, spoke on the filtration system in the paint booths and stated that the site was ideal since there were no residential neighborhoods nearby and the church would normally not be operating at the same time as the business.

Chair Mathews closed public comment.

Commissioner Stewart confirmed that nothing had changed with the project since the El Dorado Hills APAC had heard it.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Shinault, and carried (5-0), to take the following actions: 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2) Approve Planned Development PD13-0005, based on the Findings and subject to the Conditions of Approval as modified: (a) Amend Condition 6 as identified in discussions; and (b) Amend Condition 8 as identified in discussions.

AYES: Stewart, Heflin, Shinault, Pratt, Mathews
NOES: None

This action can be appealed to the Board of Supervisors within 10 working days.

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:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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 General Commercial (CG) land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project consists of a auto body repair business, which is consistent with the allowed uses for the CG-PD Zone District with an approved Development Plan.
- 2.2 As conditioned, 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; and
 - 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.

3.0 ZONING FINDINGS

- 3.1 With an approved Development Plan, the project is consistent with the El Dorado County Zoning Ordinance designation of General Commercial-Planned Development because the proposed project provides auto body repair uses pursuant to Section 17.32.180.A (6) 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 17.32.200 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 and businesses, consistent with the Adopted Plan (AP)-El Dorado Hills Specific Plan land use designation, and is consistent with applicable policies as outlined in Finding 2.2.

- 4.1.2 The proposed development is 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.
- 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, enhancing the natural environment.

Conditions of Approval

Planning Services

- 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.....	Site Plan, Sheet A-1; January 21, 2014
Exhibit G.....	Exterior Elevations: Building; Wall signs; Monument Signs; and Wall Signs, Sheet A-2; January 21, 2014
Exhibit H.....	Colored Elevations, Sheet A-4; November 20, 2013
Exhibit I	Preliminary Landscape Plan, Sheet L1; November 7, 2013
Exhibit J	Site Lighting Photometric, Sheet E-1.1; December 27, 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 a one-story, 38-foot tall, and 14,904 square foot concrete building and associated parking, trash enclosure, and landscaping to be utilized as an automobile body shop on the parcel identified by Assessor's Parcel Number 121-280-22.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas 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.

2. **Roof Mounted Equipment:** The roof-mounted equipment shall be located inside a roof parapet wall and shall not be visible from ground level from the church facility to the northeast.
3. **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

4. **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.

The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.

5. **Lighting:** All outdoor lighting shall conform to the Exhibit J, 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. 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.
- b. No pole light, including the support base, 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.

6. **Signs:** All signage installed as part of the project shall be substantially consistent with Exhibit G for location, materials, sizes and colors. Two non-illuminated monument signs are approved. The signs shall be located where it will not conflict with the required site distance in any direction at the intersection of Rossmore Lane. The north elevation non-illuminated wall sign shall include nine-inch tall raised letters with no backing. The coverage area shall be nine feet wide by two feet tall. The south elevation non-illuminated wall sign shall include 24-inch tall raised letters with no backing. The coverage area shall be 23 feet wide by five feet tall.
7. **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 Exhibit F and include a minimum of two 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.
8. **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.~~
9. **Condition Compliance:** Prior to issuance 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. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
10. **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.

11. **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.

12. **Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,181.25 Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.

13. **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 archeological resource”, contingency funding and a time allotment sufficient to allow recovering an archeological 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 archeological 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.

14. **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

15. **Sidewalks:** A six-foot wide sidewalk shall be constructed along the frontage to Rossmore Lane. The alignment and design of the sidewalks shall be reviewed and approved by the Transportation Division. The sidewalk shall be constructed prior to final occupancy.
16. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
17. **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.
18. **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.
19. **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.

20. **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 EDCTD prior to occupancy clearance.
21. **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.
22. **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.
23. **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 El Dorado County 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.
24. **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:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- 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.
- 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 filing of the final map or the applicant shall obtain an approved improvement agreement with security.

25. **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.
26. **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 EDCTD with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
27. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit application is deemed complete.

Air Quality Management District

28. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project

- construction. (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
29. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
 30. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
 31. **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).
 32. **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](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.
 33. **New Point Source:** Prior to construction/installation of any new point source emissions 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)
 34. **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-Solid Waste & Hazardous Materials Division

35. **Construction Waste:** 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.

36. **Dumpsters:** 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. Specifications for the required enclosure can be found at <http://www.eldoradodisposal.com/eldoradohills/commercial.htm>
37. **Hazardous Materials:** If this facility will store reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) or generate hazardous waste, prior to commencing operations the owner/operator must:
 - a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees.
 - b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
 - c. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

El Dorado Hills Fire Department

38. **Water System Requirements:** The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,625 gallons per minute with a minimum residual pressure of 20 psi for a three-hour duration. This requirement is based on a structure 15,600 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.
39. **Fire Hydrants:** This development shall install Mueller Dry Barrel fire hydrants or any other hydrant approved by the El Dorado Irrigation District. This conforms to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant shall be determined by the Fire Department.
40. **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.
41. **Access Roadways and Fire Hydrant Systems:** In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard B-003.
42. **Fire Department Connections:** Any Fire Department Connection (FDC) to the sprinkler system shall be positioned so as not to be obstructed by a parked vehicle.

43. **Fencing:** All fencing that backs up to wildland open space shall be required to use non-combustible type fencing.
44. **Fire Apparatus 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 75,000 pounds.
45. **Parking:** The only authorized parking will be in the designated parking spaces shown on the plans. All curbs shall be painted red with the words “No Parking - Fire Lane.”
46. **Knox Box, Buildings:** A Knox Box is required for nighttime and afterhours access to the alarmed buildings.
47. **Addressing:** Addressing is required as described in the in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.
48. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
49. **Vegetation:** If the property is not fully landscaped, all weeds located on the property shall be cleared down to 2 inches in height by June 1st each year.
50. **Fire Protection Systems:**
 - a. Installation of all onsite fire protection systems shall be in accordance with NFPA 24 and Fire Department Standards.
 - b. All onsite 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 onsite 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 onsite fire protection systems shall be cleaned and thoroughly coated with an acceptable corrosion retarding material.
 - 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.

51. **Knox Box, Gates:** Two gates are proposed for this project. Each gate shall be equipped with a Knox Box Padlock.
52. **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.

3. (14-0329) Hearing to consider request to allow occasional outdoor amplified music events between 12:00 p.m. to 12:00 a.m. within the common area at the Montano de El Dorado Shopping Plaza [Special Use Permit S12-0005/Montano de El Dorado Shopping Plaza Outdoor Music]* on property identified by Assessor's Parcel Numbers 118-010-15 and 118-010-16, consisting of 1.67 acres, in the south El Dorado Hills area, submitted by El Dorado Hills Pavilion Venture, LLC; and staff recommending the Planning Commission take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
- 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measure in the Revised Conditions of Approval; and
- 3) Approve Special Use Permit S12-0005 based on the Revised Findings and subject to the Revised Conditions of Approval (including limiting outdoor amplified music to no later than 10:00 p.m.). (Supervisory District 2) (Cont. 12-12-13, Item 9.b)

Tom Dougherty presented the item to the Commission with a recommendation for approval. He stated that no public comment had been received for this hearing and one comment had been received for the last hearing. In response to Commissioner Stewart's inquiry on noise reaching Dover Court, Mr. Dougherty replied that a Plexiglas wall facing that location has since been placed at the project site.

Vinyl Perkins, applicant, made the following comments:

- Thanked staff for assisting in the hard job of finding a balance between business activities and residences;
- Attempting to make the shopping center a part of a lifestyle;
- Agreed with staff on having no amplified music after 10:00pm;
- Would like non-amplified music after 10:00pm and stated that it would not include drums;
- Trying to compete with the Center across the road;
- Would be monitoring the noise as a landlord and would not be opposed to having the type of music (i.e., classical) restricted as part of the Conditions of Approval;
- There has been no music at the subject site for approximately two years;
- Acknowledged that there has been some struggles with the neighbors; and
- Will have the noise consultant train staff on using the noise monitor.

Angela Simeone, Orofino Drive resident, made the following comments:

- Notified of this meeting through a community meeting;
- Everyone in the neighborhood should be notified;

- Many people at the community meeting stated they didn't know the process on how to voice their concerns;
- Wants applicant to be successful and to be able to compete with Town Center;
- Already has issues with noises coming from Town Center;
- Music would affect them during the summer since most people like to keep their windows open in the evening;
- Neighborhood has been dealing with an increase in criminal activity and having more events in the area that include alcohol would increase this type of activity;
- Parking is already limited with cars now parking in their neighborhood and this will only increase as the number of events increase; and
- Significant impacts to neighborhood from having two centers next to each other being allowed music events.

Sandy Pfeiffer, Monte Verde resident, made the following comments:

- Unaware of today's meeting;
- Wants applicant to be successful;
- Neighborhood is family-oriented;
- Wants a restriction to allow only mellow music; and
- Parking needs to be addressed.

Mr. Perkins provided the following rebuttal comments:

- Appreciated the neighbors voicing their concerns;
- Since this is commercial property, it is a matter of "managed" growth;
- Has been approved by Planning for an overflow/temporary parking lot with 75 parking spaces, that will have chip & seal on it and the gates will only be open for peak times; and
- The 10:00pm cut-off will resolve many of the issues.

Chair Mathews closed public comment.

Commissioner Heflin suggested adding a new condition requiring a one-year review with the Commission.

Commissioner Stewart made the following comments:

- Inquired on the formal complaint process and if the applicant gets feedback on this in real time;
- Suggested adding a requirement that a noise measurement be taken when a complaint is received;
- Clarified that non-amplified music after 10:00pm was allowed without a Special Use Permit; and
- Suggested adding language to Conditions of Approval requiring the noise between 10:00pm-7:00am be 5 decibels lower.

Significant discussion ensued between the Commission members on requiring immediate noise monitoring when complaints were received.

Chair Mathews and Commissioner Pratt were in agreement with the requirement for a one-year review.

County Counsel David Livingston recommended putting the burden on the applicant to contact Planning on scheduling the one-year review.

Roger Trout spoke on the County's meeting notification process.

Mr. Trout stated that Condition 2 could be amended to require acoustic events to end at 12:00am.

There was no further discussion.

Motion: Commissioner Pratt moved, seconded by Commissioner Stewart, and carried (5-0), to take the following actions: 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; 2) Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d), incorporating the Mitigation Measure in the Revised Conditions of Approval; and 3) Approve Special Use Permit S12-0005 based on the Revised Findings and subject to the Revised Conditions of Approval (including limiting outdoor amplified music to no later than 10:00 p.m) as modified: (a) Amend Condition 2 to require acoustic music to end at 12:00am and to revise the table by adding a new column for 10:00pm-7:00am, with the noise level being 5 decibels lower; and (b) Add new condition requiring a one-year review.

AYES: Heflin, Shinault, Stewart, Pratt, Mathews

NOES: None

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

1.0 CEQA FINDINGS

1.1 ~~This project is Categorically Exempt from the requirements of CEQA pursuant to Section 15323 of the CEQA Guidelines. A Class 23 exemption consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. Regular music events have occurred at the common area patio shared by the parcels identified by Assessor's Parcel Numbers 118-010-15 and 16 on an intermittent basis. The facility is designed for such activities as a restaurant/bar. There will be no physical modifications to the existing facility other than a slight rearrangement of tables on the outdoor patio to accommodate entertainers. 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.

~~1.2~~1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 As proposed, the project is consistent with the Commercial (C) land use designation as defined within General Plan Policy 2.2.1.2 because the intent of the land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The proposed project will provide residents and visitors with entertainment services in the El Dorado Hills area.

2.2 The proposal is consistent with General Plan policies, 2.2.5.2 (General Plan consistency), 2.2.5.21 (land use compatibility), and General Plan Policy 6.5.1.2 (noise). With the inclusion of Mitigation Measure NOISE-1, the use is compatible with the surrounding commercial uses, and nearby residential uses, and the design of the project minimizes noise levels to at or below the noise standards of the General Plan.

3.0 ZONING FINDINGS

3.1 The proposed use is permitted by Special Use Permit in the Commercial (C) zone district, pursuant to Section 17.32.030(d) of the County Code provided that the administrative findings outlined below can be made by the Planning Commission.

3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Code.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal, as conditioned and mitigated, is in compliance with the General Plan as set forth in Section 2.0 of these findings.

- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.** With incorporation of conditions of approval and Mitigation Measure NOISE-1 included in the project description the project will not have significant impacts on surrounding residential land uses because there would be no increase in use of the site and noise would not be generated in excess of the County's noise standards. The project is compatible with surrounding commercial land uses.
- 4.3 **The proposed use is permitted by special use permit pursuant to** County Code Section 17.32.030(d) which allows for uses enumerated in Section 17.32.020(e) when they are not fully enclosed in a building.

Conditions of Approval

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing exhibits:

Exhibit EOverall Site Plan
Exhibit F.....Relish Burger Restaurant Floor Plan
Exhibit G.....Patio Layout

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.

Approval of this Special Use Permit allows uses as follows on the parcels identified by Assessor's Parcel Numbers 118-010-15 and 16 for amplified outdoor music events on the patio/common area shared by the two parcels, between the hours of 12:00 p.m. to 10:00 p.m.

The 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 hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Planning Services

Conditions from the Mitigated Negative Declaration

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

2. **NOISE-1:** The applicant is responsible for monitoring all sound levels and enforcing time restrictions for all music events occurring on the subject parcels for compliance with the El Dorado County General Plan noise standards. Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	<u>Daytime (7am-7pm)</u>	<u>Evening (7pm-10pm)</u>	<u>Night (10pm-7am)</u>
<u>Hourly dB</u>	<u>50</u>	<u>45</u>	<u>40</u>
<u>Max. dB</u>	<u>65</u>	<u>55</u>	<u>50</u>

The managers of the Plaza and the Relish Burger Bar shall purchase a Type 1 or Type 2 sound level meter and calibrator. The managers of the Plaza and the Relish Burger Bar shall receive training from a qualified acoustical consultant to assure accuracy of the noise measurements. Periodically during live music events, the trained representative shall conduct short-term noise measurements at a distance of 50 feet from the staging area to the north, east and southeast (three measurements). Speakers associated with music events shall be positioned and oriented toward the north at all times. If maximum noise levels begin to exceed 85 dBA, the sound system shall have the volume reduced. Amplified music events shall end at 10:00 pm, and acoustic events at 12:00 am, and for the first year subsequent to project approval, the applicant shall be required monitor each music event and provide the County with monthly monitoring results.

Monitoring Responsibility: Planning Services

Monitoring Requirement: Planning Service would require proof that the he managers of the Plaza and the Relish Burger Bar have received training from a qualified acoustical consultant to ensure accuracy of the noise measurements, prior to the first music event occurring.

- 2.3. **Seating:** No new outdoor seating shall be allowed.
- 3.4. **Signs:** No new outdoor signage or advertising shall be allowed as a result of the project.
4. ~~**Noise:** The applicant is responsible for monitoring all sound levels and enforcing time restrictions for all events occurring on the subject parcels for compliance with the El Dorado County General Plan noise standards. Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:~~

	<u>Daytime (7am-7pm)</u>	<u>Evening (7pm-10pm)</u>
<u>Hourly dB</u>	<u>50</u>	<u>45</u>
<u>Max. dB</u>	<u>65</u>	<u>55</u>

~~Speakers associated with music events shall be positioned and oriented toward the north at all times. In order to ensure sound levels are not exceeded, the applicant shall monitor noise levels during music events. The applicant shall purchase a Type I or Type 2 sound level and calibrator and shall ensure that noise levels do not exceed 75 dBA within 50 feet of the sound stage area to the north, east and southeast (three measurements).~~

~~For the first year subsequent to project approval, the applicant shall monitor each music event and provide the County with monthly monitoring results.~~

5. **Notice of Exemption Fee:** A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
6. **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.

7. The applicant shall contact Planning Services one year from the project approval date with a review of the Special Use Permit.

4. (14-0330) The ex-officio Executive Secretary of the Commission recommends discussion to amend the bylaws of the Planning Commission, which were last adopted by the Planning Commission on March 14, 1996 (Resolution No. 96-01).

Roger Trout agendized this item for discussion purposes and stated he could bring back a draft document in approximately 1 month for consideration by the Commission. Discussion ensued between the Commission and staff on suggested changes to the current Bylaws.

Mr. Trout distributed the Development Services Division's proposed budget, as it is identified in the Bylaws to provide to the Commission, and spoke on certain areas that he targeted (i.e., staff development for Planning Commission).

County Counsel David Livingston suggested that parameters be defined for Departmental Reports and Commissioners' Reports, particularly if they were to remain at the beginning of the agenda, where there would be more audience members present waiting for projects to be heard.

As requested by the Commission, Mr. Trout will remove the 9:00am time allocation listed in the agenda for future meetings as it will help streamline the meeting process and is not required in the current Bylaws.

No action taken.

ADJOURNMENT

Meeting adjourned at 10:51 a.m.

APPROVED BY THE COMMISSION
Authenticated and Certified:

Walter Mathews, Chair