

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*:

FINDINGS FOR APPROVAL

1.0 CEQA FINDINGS

- 1.1 Staff has prepared an Initial Study to determine if the proposed project would have a significant effect on the environment. Supporting studies, which evaluated the entire property, were referenced in this Initial Study. The Initial Study and Mitigated Negative Declaration concluded that identified potential impacts to Air Quality, Biological Resources, and Traffic would be minimized by to less than significant with implementation of mitigation Measures.
- 1.2 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 Department-Planning Services 2850 Fairlane Court Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 **General Plan Policies 2.1.1.7, 2.2.1.1, 2.2.1.2, 2.2.1.5, 2.2.3.2, 2.2.3.3, 2.2.5.3, 2.2.5.21, 2.4.1.2, 2.5.2.2, 2.5.2.3 (Land Use Element Policies Related to Commercial Development)**

The project has been reviewed for consistency with the above policies that involve compatibility of the project and design efforts to meet the applicable development standards. The change of the land use designation and zone to Commercial and Commercial-Planned Development, respectively, would facilitate the proposed commercial center. The proposed project site is located along a heavily traveled area where three other intersection corners are commercially developed, supporting retail and shopping needs of the residential area. The project is compatible with the surrounding land uses (2.2.3.3, 2.2.5.3, 2.2.5.21).

Public services and utilities-related infrastructure currently exists for the proposed project site. Implementation of the project would include additional infrastructure systems (such as wastewater and water connections) that would be designed to meet the needs of the project. Existing circulation infrastructures would adequately serve the commercial development (2.2.1.7).

The project is within the vicinity of existing commercial facilities. The proximity of the project to existing commercial facilities serves to strengthen existing shopping locations and opportunity. The project has been designed in order to place stores in clustered areas throughout a contiguous facility (2.5.2.2).

The project design is in accordance applicable development standards of the Zoning Ordinance and matches the architecture of the surrounding commercial uses. The development would have on-site parking, landscaping, signs necessary to operate the shopping center. The proposed commercial retail center would have a Floor Area Ratio (FAR) of .09 and building coverage of 28% (2.2.1.5, 2.5.2.3).

2.2 General Plan Policies 5.1.2.1, 5.2.1.2, 5.2.1.6, 5.4.1.1, 5.7.1.1, 5.7.2.1, 5.7.3.1 (Public Services and Utility Element)

Operation of the site would receive public and sewer water provided by EID. The project would be required to connect to existing facilities adjacent to the project site (5.1.2.1, 5.2.1.2).

Stormwater runoff from the project site would be directed to a network of storm drain piping and inlets throughout the site. A landscape detention basin would be constructed to ensure post-development runoff levels are equal to or less than pre-development levels. Improvement Plans will be prepared in accordance with county drainage standards subject to review and approval by the Department of Transportation (5.4.1.1).

The El Dorado Hills Fire Department has reviewed the project and provided recommendations for the implementation of fire protection measures and construction of necessary fire protection infrastructures, including fire hydrants, emergency access roads, and sprinklers. Enforcement of department conditions would ensure that the project is designed to allow for proper fire protection. (5.1.2.1, 5.2.1.2, 5.2.1.6, 5.7.1.1, 5.7.2.1).

2.3 General Plan Policies 7.3.3.1, 7.3.3.4, 7.3.3.5, 7.3.4.1, 7.3.4.2 7.4.1.6, 7.4.4.2, 7.4.4.4, 7.4.4.5, 7.4.5.1 (Open Space and Conservation Element Policies)

Based on jurisdictional delineation conducted for the project site, a total of 0.146 acre of jurisdictional wetland exists on site. These features consist of wetland channels and swale drainages that convey storm runoff generated on and off-site. A small portion of these features will be impacted with construction of infrastructure necessary to maintain drainage flow and water quality. Mitigation measures have been incorporated to minimize the impacts. The balance of the wetland features are preserved with site development design, reduced buffers, and implementation of construction standards and BMP's. (7.3.3.1, 7.3.3.4, 7.3.3.5, 7.3.4.1, 7.3.4.2, 7.4.1.6, 7.4.2.2).

Impacts to oak canopy are subject to consistency with standards of the General Plan Policy 7.4.4.4. The development of the commercial project cannot proceed unless it conforms to the retention standards or the County adopts a new OWMP that provides for

off-site oak canopy mitigation. Grading or construction resulting in any oak tree removal is prohibited until a feasible alternative method of satisfying this policy is adopted by the County, consistent with Mitigation Measure BIO-7 (7.4.4.4, 7.4.5.1).

2.4 General Plan Policies 6.5.1.2, 6.5.1.3, 6.5.1.7, 6.5.1.9 (Health, Safety and Noise Element)

The potential noise impacts associated with project implementation were analyzed and determined to be less than significant.

2.5 General Plan Policies TC-Xd, TC-Xe, TC-Xf, TC-Xg, TC-Xh, TC-3d, and TC-5b (Transportation and Circulation Element)

A traffic impact analysis utilizing current standard protocols was prepared for the project and verified by the County. Impacted road facilities have been determined to either have less than significant impact or significant but reduced to less than significant with incorporation of specific mitigation measures and subject to conditions of approval (TC-Xd, TC-Xe, TC-Xf, TC-Xg, TC-Xh and TC-3d).

The design would include sidewalks along the project boundaries and pedestrian connectivity throughout the project site is provided. A Class II bike lane exists along Green Valley Road frontage. Bicycle amenities would be provided as part of project design to accommodate potential bicyclists' patrons (TC-5b).

2.6 General Plan Policies 6.7.7.1 and 6.7.6.2 (Air Quality Element Policies)

Air Quality impacts have been analyzed and determined to be less than significant with implementation of mitigation measures. Projected greenhouse gas emissions were also analyzed and determined to be insignificant. Commercial buildings designs would incorporate energy efficiency features, in accordance with the building code.

3.0 ZONING FINDINGS

The proposed commercial center and anticipated uses are consistent with the Commercial zone district under Section 17.32.170 and applicable standards in Title 17 including parking, landscaping, and lighting. As the project is considered a Preliminary Planned Development, the project must obtain final Planned Development approval in accordance with Section 17.04. Conditions of approval and mitigation measures are imposed to ensure implementation of the project occurs in an orderly and safe manner, consistent with all applicable development standards of Title 17.

Mitigation Monitoring Reporting Program (MMRP)

The following conditions of approval are specific mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the project.

21. Prior to Approval of Improvement Plan and Issuance of Grading Permit, the applicant shall implement EDCAQMD's Rule 223-1 regulations. This measure shall be incorporated as Notes on Improvement Plan and Grading Plan

Monitoring Agency: Air Quality Management District (AQMD) and Planning Services (MM AIR-1)

32. Prior to Approval of Improvement Plan and Issuance of Grading Permit, the applicant shall implement EDCAQMD's Rule 223-2 regulations. This measure shall be incorporated as Notes on Improvement Plan and Grading Plan.

Monitoring Agency: Air Quality Management District (AQMD) and Planning Services (Mitigation Measure AIR-2)

43. Prior to Approval of Improvement Plan and Issuance of Grading Permit, all contractors using diesel powered construction equipment shall verify that all equipment is 1996 model year or later. With this newer equipment, the threshold of 402 gallons of diesel fuel per day shall not be exceeded. This measure shall be incorporated as Notes on Improvement Plan and Grading Plan.

Monitoring Agency: Air Quality Management District (AQMD) and Planning Services (Mitigation Measure AIR-3)

54. Prior to Approval of Improvement Plan and Issuance of Grading Permit, a pre-construction survey for active bird nests shall be conducted by a qualified biologist if vegetation removal is conducted within the nesting period for most migratory bird species and nesting raptor species (between March 1 and August 15). If vegetation removal activities are delayed or suspended more than one month after the pre-construction survey, the area shall be re-surveyed. If active bird nests are identified, vegetation removal in these areas shall be postponed until after the nesting season, or a qualified biologist has determined the young have fledged and are independent of the nest site. No known active nests shall be disturbed without a permit or other authorization from USFWS or CDFG. A copy of the survey shall be provided to Planning Services Division.

Monitoring Agency: Planning Services (Mitigation Measure BIO-1)

65. Prior to issuance of Grading Permit, the applicant shall obtain a Nationwide Permit from the U.S. Army Corp of Engineer. A copy of the executed permit shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-2)

76. Prior to issuance of Grading Permit, the applicant shall acquire wetland credits at an approved mitigation bank or National Fish and Wildlife Foundation. The wetland credits shall be equivalent to the amount of wetlands impacted. A copy of the executed permit shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-3)

87. Prior to Issuance of Grading Permit, a Streambed Alteration Agreement, pursuant to Fish and Game Code Section 1600 et seq, shall be obtained by the applicant from the California Department of Fish and Game for the stream crossing and any other activities affecting the bed, bank, or associated riparian vegetation of any stream on the site. Appropriate mitigation measures shall be developed in coordination with CDFG in the context of the agreement process. 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 that were not disclosed during the project review. This authorization may require mitigation as deemed necessary by the Corps of Engineers. A copy of the executed agreement shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-4)

98. Prior to Issuance of Grading Permit, the applicant shall obtain a Water Quality Certification, Section 401 permit from the California Regional Water Quality Control Board for applicable project improvements. A copy of the executed agreement shall be submitted to Planning Services Division.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-5)

109. A 25-foot setback line from all high-water marks or the outer boundary of Wetland CH-1 shall be shown and verified on the Parcel Map or Final Site Plan. No development shall occur within the setback area. Standard Best Management Practices (BMP) measures, including the installation of protective fencing around the wetland, shall be implemented.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-6)

- ~~410~~. The applicant shall submit an Oak Tree Plan as part of a Final Planned Development Permit. The plan shall indicate the size and location of all onsite oak trees and will indicate which trees are to be removed and retained. Approval of the Final Planned Development Permit and issuance of grading permits shall not occur unless the County has adopted an offsite oak tree mitigation program and the applicant has submitted a project-specific oak tree mitigation plan which the County finds fully compliant with the adopted offsite oak tree mitigation program. Should the County fail to adopt an offsite oak tree mitigation program, the project shall be redesigned to allow for onsite retention. This redesign shall be subject to subsequent environmental review.

Monitoring Agency: Planning Services
(Mitigation Measure BIO-7)

- ~~421~~. Prior to Issuance of Building Permit, the applicant shall construct an additional eastbound right turn flare at the intersection of Francisco Drive and Embarcadero Drive to provide storage for 1 vehicle.

Monitoring Agency: DOT
(Mitigation Measure MM Trans-1)