

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



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| Agenda of: | June 14, 2007 |
| Item No.: | 10. |
| Staff: | Mel Pabalinas |

**GENERAL PLAN AMENDMENT/REZONE/PLANNED
DEVELOPMENT/DESIGN REVIEW/DESIGN
WAIVER/REASONABLE USE ANALYSIS**

FILE NUMBERS: AZ06-0002, PD07-0005, DR06-0008

APPLICANT: Celtic Properties/Chip Philbin

ENGINEER: Gene Thorne and Associates, Inc.

REQUEST: The project consists of the following requests:

- 1) General Plan amendment amending the land use map designation of a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Multi-Family Residential (MFR) to Commercial (C) and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial to Multi-Family Residential;
- 2) Rezone a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Multifamily-Design Community-Airport Safety District (R2-DC-AA) to Commercial-Planned Development-Design Community-Airport Safety District (C-PD-AA); and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial-Planned Development-Design Community-Airport Safety District (C-PD-AA) to Multifamily-Design Community-Airport Safety District (R2-DC-AA);
- 3) Planned development for the construction and operation of a 17,272 gross square foot commercial retail/pharmacy store (Rite Aid) in accordance with Section 17.02.010 of the El Dorado County Zoning Ordinance;
- 4) Design review of the proposed commercial retail/pharmacy store in accordance with Section 17.74.010 of the El Dorado County Zoning Ordinance;
- 5) Design waiver for a reduction of sidewalk width along the project frontage from an eight-foot wide sidewalk to five-foot wide sidewalk; and

- 6) Reasonable Use Analysis determination related to oak canopy cover retention and replacement in conformance with General Plan Policy 7.4.4.4 and *Interim Interpretive Guidelines of General Plan Policy 7.4.4.4A*. The project would impact 1,205 square feet of oak tree canopy due to a relocated driveway on Starbuck Ranch Road.

LOCATION: Northwest corner of Green Valley Road and Starbuck Road, in the Cameron Park area, Supervisorial District IV (Exhibit A).

APN: 102-110-01, 11, and 13 (Exhibit B)

ACREAGE: 1.61 acre (project site)

GENERAL PLAN: APN 102-110-13 Multi-Family Residential (MFR);
APN 102-110-01, 11 Commercial (C) (Exhibit C)

ZONING: APN: 102-110-01 and 11: Commercial-Planned Development-Design
Community-Airport Safety District (C-PD-DC-AA)

APN: 102-110-13: Multifamily-Design Community-Airport Safety
District (R2-DC-AA) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND

Under Boundary Line Adjustment BLA05-112, an equivalent exchange of land in the amount of 0.22-acre between Assessor's Parcel Number 102-110-11 and 102-110-13 was approved on June 6, 2006, and recorded on December 20, 2006 (document number 2006 87263). The boundary adjustment was necessary in order to create a regularly shaped lot.

The 0.22- acre portion transferred and merged with Assessor's Parcel Number 102-110-11 and maintained a General Plan Land Use Designation of Multifamily Residential, zoning designations of Multifamily (R2), and zoning overlay districts which include Planned Development (-PD), Design Community (-DC), and Airport Safety (-AA). The 0.22-acre portion transferred and merged to Assessor's Parcel Number 102-110-13 maintained the General Plan Designation of Commercial, Zoning Designations Commercial (C) and zoning overlay districts including -PD, -DC, and -AA. Exhibit D (Assessor's Parcel Map) depicts the subject parcels in their original configuration prior to the Boundary Line Adjustment. Exhibit E (recorded boundary line adjustment map) shows the resulting parcels after the adjustment. Parcel 1, which is yet to be assigned a tax assessor's parcel number, is the site for the proposed retail development.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description

The project consists of the following:

General Plan Amendment and Rezone

The proposed General Plan Amendment would modify the land use map designation of a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Multi-Family Residential (MFR) to Commercial (C) and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial to Multi-Family Residential.

Correspondingly, the proposed rezone would change the similar portion of land under Assessor's Parcel Number 102-110-11 from Limited Multifamily Residential-Design Community-Airport Safety District (R2-DC-AA) to Commercial-Planned Development-Design Community-Airport Safety District (C-PD-DC-AA); and a portion of Assessor's Parcel Number 102-110-13 from Commercial-Planned Development-Design Corridor-Airport Safety District (C-PD-DC-AA) to Limited Multifamily Residential-Design Community-Airport Safety District (R2-DC-AA). The proposed amendments are necessary in order to maintain land designations consistent with the boundary lines of the each of the reconfigured parcels resulting from the boundary line adjustments. In particular, the reconfigured project site would result in a 1.61-acre (net) parcel conforming to the minimum parcel size within the Commercial zoning district.

The proposed commercial land use and zone district for the project site would be consistent with the surrounding commercial uses at the intersection of Green Valley Road and Cameron Park Drive, which is considered a major arterial and primary transit corridor in this Community Region of Cameron Park. The proposed retail development would contribute in providing necessary services and goods to the residents of the area, create an additional source of revenue from sales tax, and increase various opportunities for retail service and employment opportunities.

Planned Development

The planned development project includes the construction and operation of a 17,272 gross square foot commercial retail/pharmacy store (Rite Aid) (Exhibits F- M). The development plan includes on-site landscaping, lighting, loading, drive-thru, drainage, signs, and parking. Table 1 details the applicable development standards subject to the project.

The facility would have two points of access: a right-in, right-out access driveway along Green Valley Road and a full access driveway along Starbuck Road. A five-foot wide meandering sidewalk along Starbuck Road extending along Green Valley Road is proposed. As a mitigation for the anticipated facility noise, a concrete sound wall is proposed along the northern and western property line adjacent to the multifamily residential district: the northern sound wall measures 8 feet in height and 320 feet in length while the western wall varies from 6 to 8 feet in height at an

approximate 120 linear feet in length. A monument sign is proposed at the entrance along Green Valley Road.

| Table 1. Development Standards | | | |
|---------------------------------------|---|---|---|
| Development Standard | Regulation Reference | Standard Requirement | Proposed Project |
| Use | El Dorado Zoning Ordinance Section 17.32.020 | Retail/Pharmacy | Retail/Pharmacy |
| Parking | El Dorado Zoning Ordinance Section 17.18.060 | 58 stalls (minimum) | 58 stalls |
| Building Coverage | El Dorado Zoning Ordinance Section 17.32.040B | 60% (maximum) | 24% |
| Lighting | El Dorado Zoning Ordinance Section 17.14.170 | - Lighting screening and shielding - Lighting standards - Building Lighting | Consistent (See Photometric Plan) |
| Landscaping | El Dorado Zoning Ordinance Section 17.18.090 | - Minimum landscape buffer - Quantity of Trees - Types of Plants | Consistent (See Landscape Plan) ^{A,C} |
| Height | El Dorado Zoning Ordinance Section 17.32.040 | 50 feet (maximum) | 25 feet, 8 inches |
| Floor Area Ratio (F.A.R.) | General Plan Policy 2.2.1.5 | .25 (maximum) | .25 |
| Setbacks | El Dorado Zoning Ordinance Section 17.32.040D | - Front: 10 feet - Side/Rear: 5 feet - Interior Lot Line ^B | Consistent (See Site Plan) |
| Signs | Chapter 17.16 | - Wall Signs - Sign Area | Consistent (See Sign Plan) |

Notes: A. The Landscape Plan includes an area reserved for on-site mitigation of the impacted oak tree canopy;
B. The proposed retail facility conforms the interior lot line requirement under 17.14.090 of the El Dorado County Zoning Code;
C. The Planned Development Permit includes a request for an exception from landscape standards under 17.18.090A

Implementation of the project would include associated on and off-site improvements. Based on submitted preliminary grading plans, the site would be graded utilizing on-site soil with imported soil in the amount of 2,680 cubic yards. A retaining wall, ranging from 3 feet to 6.5 feet tall, would be constructed within the front yard along a portion of the frontage on Green Valley Road

supporting the necessary finished pad for the facility. Two oak trees are proposed to be removed at the proposed driveway access off Starbuck Road. A system of storm drain pipes, drain inlet, and manholes are proposed on-site connecting to the existing culvert pipes under Green Valley Road.

The facility proposes to connect to the existing El Dorado Irrigation District (EID) water and sewer utility lines in the vicinity of the project site. According to the Facility Improvement Letter (FIL) issued by EID, the facility would require two (2) equivalent dwelling units (EDU) of water supply. In order to acquire this service, the project is required to extend the existing eight-inch water line along Starbuck Road to the project site providing 1,750 gallons per minute (gpm) with a residual pressure of 20 psi. The facility proposes to connect to the six-inch sewer line existing on-site. A Facility Improvement Plan would be submitted to EID detailing required improvements in accordance with EID's standards.

As conditioned by the Department of Transportation, the project is required to construct improvements along its frontages. On Green Valley Road, the applicant would be required to construct a 4-foot wide raised median for the west bound left turn lane, widening of pavement for two, 12-foot westbound lanes, and a 5-foot wide shoulder for a bicycle lane. The entrance on Green Valley Road would be constructed in accordance with Standard Plan 110 (Special Commercial Frontage Entrance) of the Design and Improvement Manual.

The improvements on Starbuck Road would include a meandering sidewalk, AC dike, widening of the existing pavement to accommodate a new curb and gutter, striping of a 50-foot northbound left turn lane into the project site, a northbound through and right turn lane from Green Valley Road onto Bentley Drive, striping of a 50-foot southbound left turn lane onto Green Valley Road, and striping of 36-foot wide left turn pocket lane into the Starbuck Road driveway entrance. This entrance shall be constructed based on Standard Plan 110 Special (Commercial Frontage Entrance). As conditioned, a commercial site improvement and grading plan would be submitted to various agencies for review and consideration.

Given the site constraints, the project includes a request for exception from the five (5) foot-wide landscaping planter along the northern property line (adjacent to residential zoning district) and additional landscaping required under Section 17.18.090 of the El Dorado County Zoning Code. Due to the additional dedication of right-of-way along Green Valley Road, the footprint of the building has been established at its optimum location while ensuring adequate off-street parking, building setbacks, sidewalk, and landscaping along Green Valley Road. Additionally, based on the preliminary landscaping plan, ample landscaping is provided at the northeast of the site along the access driveway. This landscaping would include typical groundcover (Giant Coral Bells), shrubs (Carpenteria), and a mitigation area required for the impacted oak tree canopy. Moreover, the lack of landscaping along the northern property line would not be readily visible given its location between the rear of the building and the soundwall. The findings for these exceptions are further discussed below.

Design Review

In accordance with Section 17.74.010 of the El Dorado County Zoning Ordinance, the project is subject to review for architectural design, suitability, and compatibility within the area. Cameron Park has been designated an area within the County requiring project review of commercial, industrial, and multifamily residential projects. The Cameron Park Design Review Committee has been appointed as the reviewing and advisory body for projects within the community. The Committee reviewed the project in August 2006 and February 2007 for architectural design, accessibility, landscaping, lighting, and signs. Exhibits F- M depicts the plans and elevations for the project. Specific conditions have been incorporated detailing the type, materials, colors, and sign specifications considered for this project.

Design Waiver

General Plan Policy TC-5a requires commercial developments to provide sidewalks as a mean of viable alternative transportation mode. In accordance with the El Dorado County Design and Improvement Standards Manual (DISM) Standard Plan 101A (Commercial and Industrial Roadways), the minimum width of sidewalk is eight (8) feet. Given the site constraints, the project includes a request for a design waiver for a reduced width of the sidewalk to five (5) feet subject to the findings under Section 16.08.020 of the El Dorado County Subdivision Ordinance.

As discussed above, the project is required to dedicate additional right-of-way along Green Valley Road in order to accommodate the necessary improvements along the road. The meandering sidewalk along Starbuck Road is proposed at a width of five feet based on minimizing the impact on the preserved oak tree along the sidewalk. Consequently, the proposed commercial building is designed to accommodate the required right-of-way area, maintain the minimum development standards (i.e., off-street parking, building setbacks, landscaping), and minimize additional impacts to the preserved oak tree. Based on the constraints, the applicant is proposing a five-foot wide sidewalk to be located outside of the right-of-way and on the project site. The above request has been reviewed by staff and is further discussed below

Reasonable Use Analysis Determination under Interim Interpretive Guideline for General Plan Policy 7.4.4.4A

The applicant is requesting a Reasonable Use Analysis determination in conformance with the *Interim Interpretive Guideline for General Plan Policy 7.4.4.4(A)*. The basis of the request involves the removal of two oak trees (T198 and T199, see Table 3) located within the proposed site access off Starbuck Road (Attachment 5). This proposed entrance was originally located approximately 50 feet north; however, as required by the Department of Transportation, the entrance was relocated in order to match Bentley Drive across Starbuck Road. The purpose of matching the entrance with Bentley Drive is to properly and safely regulate the left-turn movements in and out of the proposed facility and Bentley Drive.

Development impacts on oak woodland canopy is subject to General Plan Policy 7.4.4.4 (Conservation and Open Space Element) under two options: Option A (Retention/Replacement Standards) and Option B (Conservation Fund). Option B is currently not available. According to the Policy 7.4.4.4(A), the project would be required to retain 90 percent of the existing tree canopy coverage.

The *Interim Interpretive Guidelines for General Plan Policy 7.4.4.4* was established by the County to clarify the scope and implementation of Option A. These guidelines seek to provide a process in consideration of limited modifications to oak canopy retention and replacement requirements for existing legal parcels, if necessary, to ensure reasonable use of the parcels. Specifically, for existing legal lots, where strict compliance with the oak canopy cover retention requirements of Policy 7.4.4.4 could preclude reasonable use of the property due to factors which are unique to the proposed property, such as topographic constraints, configuration of the remaining area useable for development, *access requirements*, lot size, and/or other physical or environmental limitations, the Planning Commission may grant relief to the retention requirements of Policy 7.4.4.4(A) for the project, subject to findings and pursuant to a noticed public hearing.

Given the size of the project site, the required canopy retention is 90 percent. Table 3 below details the existing oak canopy coverage from the trees on-site and off-site that overhang the project site. The table only reflects the existing canopy on the 1.61-acre site subject to development. The textual description of the oak trees is detailed in Tree Survey report (Attachment 3).

| Table 3. Oak Tree Information on the 1.81-acre (gross) project site | | | | |
|--|--------------------------------------|--------------------|------------------|-------------------------|
| TREE ID # | CANOPY SIZE IN FT² | CANOPY IN % | CONDITION | PROJECT PROPOSAL |
| T196 | 1,719 | 2.2 | Good | Retain |
| T197 ^B | 984 | 1.2 | Fair to Good | Retain |
| T198 ^B | 644 | 0.8 | Good | Remove |
| T199 ^{B,C} | 561 | 0.7 | Fair to Poor | Remove |
| T200 ^B | 2,034 | 2.6 | Good | Retain |
| Off-site Tree (canopy overhanging site) | 961 | 1.2 | NA | Prune |
| TOTAL^A | 6,904 | 8.8 | | |

Notes:

- A. The site originally contained additional oak tree canopies (approximately 12,000 square feet) previously removed under prior property ownership. Planning Services Division determined that this canopy is not subject to further environmental review nor is pertinent to this project.
- B. Trees T197-T200 are located within County Right-of-Way along Starbuck Road
- C. According to the Tree Survey Report, Tree T199 is described as "fair to poor condition" with dead branches and decaying trunk. *Interim Interpretive Guidelines for General Plan Policy 7.4.4.4* exempts trees that are "dead or diseased and dying" from the retention/replacement standard. Therefore, Tree T199 is not exempt.

The project proposes to impact 1,205 square feet of tree canopy (Trees T198 and T199) that would result from construction of the proposed access driveway along Starbuck Road. The affected canopy equates to 17 percent of the existing canopy, resulting in retention of 83 percent of the canopy. This would not conform to General Plan Policy 7.4.4.4, Option A. Given that the project does not meet the required retention requirements of General Plan Policy 7.4.4.4(A) due to the unique circumstance, the applicant is requesting Reasonable Use determination.

As required by the *Interim Interpretive Guidelines*, the applicant provided supporting information in response to the required findings, a Site Assessment, and a supplemental testimony to the Biological Resource Evaluation. The following is a discussion of each topic.

Findings for Reasonable Use Analysis

- 1) The applicant demonstrates that the project is designed to maximize use of parcel area unconstrained by oak trees, unless precluded by other significant constraints such as steep slopes, streams, creeks, wetlands, or other sensitive environmental resources.

The proposed facility has been designed at its maximum use of the project site unconstrained by the existing oak trees located primarily along the northeastern and eastern property lines. The project would preserve the remaining oak trees subject to specific measures enforced during construction. The site does not contain other environmental features that would pose additional constraints.

- 2) The proposed project is limited to development and site disturbance that is typical and prevalent for the general area surrounding the project site.

The project site is surrounded by existing commercial development at the intersection of Green Valley Road and Cameron Park Drive/Starbuck Road. As proposed, the project shall be limited to the typical commercial development and supporting amenities associated with the operation of a retail facility. The project does not exceed the maximum 0.25 floor-area ratio.

- 3) Soil disturbance and tree removal is minimized through the incorporation of some or all of the following measures into the project design:

- a. Stepped foundations are used on sloping areas rather than graded pads;

Given the commercial nature of project, stepped foundation would not result in retention of the two trees in the proposed driveway. A graded pad is necessary to accommodate the necessary on-site improvements (landscaping, parking, underground utilities) supporting the proposed facility.

- b. Depth of excavation and/or fill outside of the building footprint is limited to no more than five feet measured vertically from the natural ground surface, except for grading necessary to install retaining walls designed to reduce the total area of tree canopy that will be removed and/or damaged;

Development of the site would require grading of the site, necessitating the construction of a retaining wall along the frontage on Green Valley Road. The pad would require extensive grading necessary to accommodate off-street parking, landscaping, and utilities. Limiting the cut and fill would not reduce impact to the trees proposed to be removed. The applicant shall implement root pruning of the retained trees in accordance to recommended construction specifications by the arborist.

- c. Structures and the configuration of the area of disturbance are designed to parallel the natural topographic contours to the greatest extent feasible;

The proposed facility would require grading of a pad in order to accommodate the building and its supporting amenities and would not feasibly match the existing natural mildly sloping contour of the site. The facility is designed in accordance with the applicable County standards to ensure proper operation and orderly development.

- d. Patio decks are included in the design of dwellings to minimize the need for graded yard areas;

Patio decks are not a part of the project.

- e. Design techniques such as clustering of buildings are proposed to take advantage of the portions of the property which are least constrained by oaks;

The development of the facility consists of a single building which maximizes the use of the site unconstrained by other oak trees proposed to be retained.

- f. The project is designed to maximize consistency with all applicable policies of the El Dorado County General Plan. It is recognized that more than one policy may have to be considered in the determination of reasonable use of a particular parcel.

The commercial development has been designed in conformance with applicable policies of the General Plan involving traffic impacts, air quality, noise effects, and commercial design standards.

Site Assessment

The applicant submitted an Oak Canopy/Site Assessment form providing initial screening of the project. The document concluded that the proposed project would not meet the required retention of under General Plan Policy 7.4.4.4. Therefore, a Biological Resource Evaluation was required for review in conformance with CEQA.

Biological Resource Evaluation

As part of the project submittal, the applicant has provided a Biological Resource Evaluation report. Staff has evaluated the Biological Resource Evaluation in the circulated Initial Study/Mitigated Negative Declaration (Attachment 6). Specific mitigation measures have been incorporated for project impacts on Oak Woodlands and potential Migratory Birds habitat. The site does not have any wetlands and or any of the rare endemic plants.

Based on the above discussion, the Planning Commission may consider the Reasonable Use

request. If approved, the applicant proposes to mitigate the removal of 1,205 square feet of canopy on-site at a minimum 1:1 ratio, subject to the *Interim Interpretive Guidelines*. The applicant has provided a preliminary landscape plan depicting the minimum replanting of six (6) oak saplings within the northeast and western planter areas. A mitigation measure has been included requiring the submittal of a final landscaping plan and additional documentation detailing the oak tree canopy replacement standards and monitoring procedures. As required by the Interim Interpretive Guideline, additional replacement area may be considered and required by the Planning Commission.

Site Description

The project site is located at the northwest corner of Green Valley Road and Starbuck Road at an elevation of 1,360 feet above sea level. The site gently drains towards the south of the site. Vegetation consists of ruderal grass and a row of oak trees along the eastern boundary. The site is developed with an abandoned wooden accessory building accessed via a dirt pathway off Green Valley Road.

The site is within the Ecological Preserve Mitigation Area 1 which represents areas with potentially occurrence of endemic plants (Pine Hill plants) based on the soil composition (serpentine or gabbroic soil type). The soil type identified on the project site is Rescue, which is characterized by its well-drained condition underlain by gabbrodiorite rocks. Rescue is very stony sandy loam, ranging within 3 to 15 percent slope and dark reddish brown. Permeability is moderately slow, runoff is slow to medium, and occurrence of erosion is slight to moderate.

The site is approximately three-quarter of a mile north of the Cameron Park Airport. Based on the Cameron Park Airport Comprehensive Land Use Plan (CLUP), the project is within the Safety Zone 3 and outside the 55 dB Community Noise Equivalent Level (CNEL) noise contour.

Land Use Information

Table 2 below details the land use information for the project site.

Table 2. Project Site Current Land Use Information

| | Project Site |
|--|---|
| General Plan Designation | APN 102-110-13 Multi-Family Residential (MFR); APN 102-110-01, 11 Commercial (C) <i>(If approved, project site would have a General Plan Land Use Designation of Commercial and Multi Family Residential)</i> |
| Zoning and Overlay Designations | APN: 102-110-01 and 11: Commercial (C) and Planned Development (PD), Design Corridor (DC) and Airport Safety District (AA) overlays APN 102-110-13: Limited Multifamily (R2), Design Corridor (DC) and Airport Safety District (AA) overlays <i>(If approved, the project site would have a Zoning and Overlay Designations of Multifamily Residential (R2) and Commercial (C) and overlay Planned Development (PD), Design Corridor (DC) and Airport Safety District (AA))</i> |
| Current Use | Abandoned Wooden Building |
| Size | 1.61 net acreage (1.81 gross acre) (after the Boundary line Adjustment) |
| Rare Plant Mitigation Area | Mitigation Area 1 |
| School District | Rescue Union |
| Fire District | Cameron Park Fire District |
| Water/Sewer District | El Dorado Irrigation District (EID) |
| Airport | Cameron Park Airport (within Safety Zone 3) |

Adjacent Land Use and Designation

| | General Plan Designation | Zoning Designation | Overlay Zoning Designation | Existing Use |
|--------------|---------------------------------|---------------------------|--|---------------------|
| North | Multifamily Residential (MFR) | Multifamily (R2) | Design Control (DC), Airport Safety (AA) | Residential |
| East | Commercial (C) | Commercial | Design Control (DC) | Commercial |
| South | Commercial (C) | Commercial | Design Control (DC) | Commercial |
| West | Multifamily Residential (MFR) | Multifamily (R2) | Design Control (DC), Airport Safety (AA) | Residential |

General Plan

Land Use Element General Plan Policy 2.2.5.2 requires all discretionary projects to be reviewed for consistency with applicable General Plan Policies. Specifically, the project has been reviewed for consistency with the following General Plan Policies.

- **Land Use Element Policy 2.2.5.2 (Project Consistency with General Plan)**

Discussion: The proposed General Plan Amendment would result in a change of the land use map designation of the subject parcels. The resulting entire project site would have a Commercial land use designation, thereby allowing the proposed retail facility to be developed in an orderly manner.

- **Land Use Element Policy 2.2.5.3 (Rezone Consistency)**

Discussion: The proposed commercial retail facility is within the Community Region of Cameron Park, where other commercial uses exist along Green Valley Road and Cameron Park Drive. Sewer and water services would be provided to the proposed facility. Fire emergency services would be provided by Cameron Park Fire Protection District located approximately two and a half miles away from the project site. The project has been designed in conformance to applicable County and various agency standards ensuring safe and orderly development.

- **Land Use Element Policy 2.5.2.2 (New Commercial Development Near Existing Commercial Facilities)**

Discussion: The proposed retail facility is located at the intersection of Green Valley Road and Cameron Park Drive where commercial uses currently exist.

- **Circulation Element Policy TC-Xd (Level of Service)**

Discussion: As verified by the Department of Transportation, the proposed facility would contribute to the existing traffic volumes along Green Valley and Starbuck Roads. With implementation of project specific road improvements and payment of requisite traffic impact fees, a Level of Service (LOS) of C or better would be maintained.

- **Circulation Element Policy TC-4i (Bicycle/Pedestrian Path Connectivity)**

Discussion: The Bicycle Transportation Plan requires a Class II bicycle lane route along Green Valley Road. The project has been conditioned to improve Green Valley Road to include striping of a bicycle lane.

- **Circulation Element Policy TC-5b (Commercial Sidewalks)**

Discussion: The policy requires sidewalks for commercial projects in order to promote neighborhood pedestrian connectivity. The El Dorado County Design and Improvement Standards Manual requires a minimum sidewalk width of eight (8) feet. The project includes a design waiver request for a reduced sidewalk width of five (5) feet. Staff has reviewed the findings (see below) for the design waiver and has determined that the reduced sidewalks would be sufficient for the project.

- **Public Services and Utility Element Policy 5.2.1.4 (Connection to Public Water Community Region)**

Discussion: The project is located within the Community Region of Cameron Park where public water service exists. The facility would be required to connect to EID's system in the vicinity of the project site.

- **Public Services and Utility Element Policy 5.3.1.7 (Connection to Public Wastewater in Community Region)**

Discussion: The project is located within the Community Region of Cameron Park where public sewer service exists. The facility would be required to connect to EID's system in the vicinity of the project site.

- **Public Health, Safety, and Noise Element Policies 6.5.1.1 (Noise Sensitive Land Uses), 6.5.1.2 (Noise from Non-Residential Uses), and 6.5.1.3 (Noise Mitigation)**

Discussion: The project would anticipate generation of noise levels from operational and traffic effects. As identified in the Initial Study/Mitigated Negative Declaration, project-specific noise mitigation measures have been incorporated thus ensuring consistency with these policies.

Zoning Code

The proposed retail facility is permitted by right within the Commercial Zone District and has been designed in conformance with the applicable development standards of the El Dorado County Zoning Code.

Planned Development

The proposed development plan has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development). In accordance with Section 17.04.030 of the County Code, a development plan cannot be approved unless the Planning Commission can make the six specific findings. As further discussed in Attachment 2, staff concludes that the required findings can be made to support the proposed development plan.

Other Issues

Design Waiver

In accordance with Section 16.08.020 (Design Waiver) of the Subdivision Ordinance, the applicant is requesting a design waiver for a reduction of the standard eight-foot wide sidewalk to a five-foot as required under El Dorado County Design and Improvement Standards Manual (DISM) Standard Plan 101A (Commercial and Industrial Roadways). The basis of the request is due to the site constraints associated with the additional dedication of right-of-way required along Green Valley Road needed for road improvements and to ensure avoidance of oak trees proposed to be retained. Staff has reviewed the request and determined that the reduced sidewalk would sufficiently provide for accessibility and connectivity to adjacent uses. Therefore, staff concludes that the required findings in Attachment 2 can be made to approve the design waiver.

Removed Oak Trees

Based on the County aerial photographs taken in July 2004, the project site originally contained approximately 12,000 square feet of oak tree canopy. Based on supporting documentation, including letters from ERA Realty Center, A/C Industrial Services, and a black and white photo (taken October 10, 2004) from Cartwright Aerial Surveys, oak trees were not removed under the current ownership (Attachment 7).

In verifying this information, staff reviewed the supporting documentation with respect to the specific milestone dates of the 2004 El Dorado County General Plan. Specifically, these dates involve the adoption date of the General Plan (July 19, 2004) and ratification of the Plan in March 2005. Staff provides the following timeline for consideration:

- July 2004: Aerial Photo (identifies oak tree canopy)
- July 19, 2004: Adoption of the 2004 El Dorado County General Plan
- October 2004: Oak trees appear to have been removed (Black and White Photo taken by Cartwright Aerial Surveys)
- March 15, 2005: Ratification of the 2004 El Dorado County General Plan
- April 6, 2005: Celtic Properties closes escrow

Planning Services determined that the applicant did not take official ownership of the property until April 6, 2005, and the 2004 General Plan was ratified a month prior (March 2005) to ownership. It was deemed that the applicant was not responsible for the removal of the above oak trees. No penalty or fines would be imposed on the applicant.

Agency Comments

The project was circulated for review and comments to various affected agencies. A subsequent formal Technical Advisory Review (TAC) meeting was conducted discussing issues and other project related comments (Attachment 4). The specific topics are discussed below, and recommended conditions of approval are included in Attachment 1.

Air Quality: El Dorado County Air Quality Management District (AQMD) reviewed the project and determined that the project would pose a less than significant impact on air quality subject to District standards and required mitigation measures.

Traffic: El Dorado County Department of Transportation (DOT) reviewed the project and the traffic analysis prepared by KD Anderson. The traffic analysis evaluated the potential effects to the existing road network within the vicinity of the project site. DOT determined that the project-generated vehicular trips would worsen the existing traffic. DOT applied specific project conditions reducing the impacts to less than significant and achieving consistency with applicable policies of the General Plan.

Cameron Park Community Services District (CSD): The CSD recommended conditions requiring in-lieu fees, park fees, and fire development fees. In response, commercial projects are not subject to in-lieu park fees. The Cameron Park Fire District would review improvement and building permit plans for verification of on-site fire suppression and emergency access. Plan check charges and other fees would be assessed prior to issuance of building permit.

Architectural Design: The project was originally reviewed by the Cameron Park Design Review Committee (CPDRC) on August 10, 2006. A follow up meeting was held February 26, 2007. The applicant provided revised plans addressing all the committee comments.

Transit: El Dorado Transit District originally provided comments on August 15, 2006. The District recommended that the project provide an on-site bus turnaround and a bus turnout along its Green Valley Road frontage. Given the site constraints discussed above, the project is not able to accommodate an on-site bus turnaround or a turnout along its frontage. Additional negotiations between the applicant and the District were conducted resulting in a recommended condition requiring the applicant to post an in-lieu deposit in the amount of \$50,000 for the construction of a future curbside bus turnout proposed to be located along Green Valley Road in front of the adjacent property to the west.

Public Water and Sewer: The applicant provided a copy of a Facility Improvement Letter (FIL) issued by the El Dorado Irrigation District. The FIL details the service that EID would provide and necessary improvements required to accommodate the service.

Conservation Resource: El Dorado County Resource Conservation District reviewed the project and had no comments.

Cameron Park Fire Department: Though the project was distributed to the department for comments, staff did not receive any formal written response or comments. Subsequent verbal discussions with the department indicated concern involving the need for two points of access. As proposed, the facility has two points of access off Green Valley Road and Starbuck Road.

ENVIRONMENTAL REVIEW

In accordance to California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration was prepared to determine if the project would have significant effects on the environment. The document was circulated for a 30-day public review period. Based on the Initial Study, staff finds that the project would have a less than significant effect on biological resources and noise with incorporation of specific mitigation measures. The final Mitigated Negative Declaration is included as Attachment 6.

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

That the Planning Commission recommends to the Board of Supervisors 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), incorporated as conditions of approval in Attachment 1;
3. Approve PD07-0005, DR06-0008, the design waiver request and Reasonable Use Analysis based on the required findings in Attachment 2, and Conditions of Approval in Attachment 1; and
4. Approve General Plan Amendment/Rezone AZ06-002.

SUPPORT INFORMATION

Attachments/Exhibits

- Attachment 1 - Conditions of Approval
 - Attachment 2 - Findings
 - Attachment 3 - Biological Resources Evaluation/Tree Survey Plan
 - Attachment 4 - Agency Comments
 - Attachment 5 - Reasonable Use Analysis
 - Attachment 6 - Initial Study
 - Attachment 7 - Supporting Documents from the Applicant
-
- Exhibit A - Vicinity Map
 - Exhibit B - General Plan Map
 - Exhibit C - Zoning Map
 - Exhibit D - Assessor's Parcel Map
 - Exhibit E - Recorded Boundary Line Adjustment Map
 - Exhibit F - Site Plan (March 8, 2007)
 - Exhibit G - Preliminary Grading Plan (Revised January 2007)
 - Exhibit H - Preliminary Drainage Plan (Revised January 2007)
 - Exhibit I - Preliminary Landscaping Plan (Revised July 2006)
 - Exhibit J - Photometric Plan (No date)
 - Exhibit K - Elevation/Floor Plan (No date)
 - Exhibit L - Sign Plan (August 2006)
 - Exhibit M - Rooftop Layout (March 2007)

ATTACHMENT 1

CONDITIONS OF APPROVAL

FILE NUMBERS DR90-00031R/Z06-0042/PD06-0027
May 24, 2007

1. This General Plan Amendment, Rezone, Planned Development, Design Review, Design Waiver and Reasonable Use Analysis Determination are based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits F-M, dated 03/08/07, and conditions of approval set forth below. 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 would constitute a violation of permit approval.

The proposed project, as considered, is described as follows:

- A. General Plan Amendment amending the land use map designation of a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Multi-Family Residential (MFR) to Commercial (C) and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial to Multi-Family Residential;
- B. Rezone amending the zoning designation of a 0.22-acre portion of Assessor's Parcel Number 102-110-11 from Limited Multifamily Residential-Design Community-Airport Safety District (R2-DC-AA) to Commercial-Planned Development- Design Community-Airport Safety District (C-PD-DC-AA); and a 0.22-acre portion of Assessor's Parcel Number 102-110-13 from Commercial-Planned Development-Design Community-Airport Safety District (C-PD-DC-AA) to Limited Multifamily Residential-Design Community-Airport Safety District (AA);
- C. Planned development for the construction and operation of a 17,272 gross square foot commercial retail/pharmacy store (Rite Aid) in accordance with Section 17.02.010 of the El Dorado County Zoning Ordinance. The facility would have two points of access: a right-in, right-out access driveway along Green Valley Road and a full access driveway along Starbuck Road. A five-foot wide meandering sidewalk along Starbuck Road extending along Green Valley Road is proposed. As a mitigation for the anticipated facility noise, a concrete sound wall is proposed along the northern and western property line adjacent to the multifamily residential district: the northern sound wall measures eight (8) feet in height and 320 feet in length while the western wall varies from six (6) to eight (8) feet in height at an approximate 120 linear feet in length. A monument sign is proposed at the entrance along Green Valley Road. Implementation of the project would include associated on and off-site improvements. Based on submitted preliminary grading plans, the site would be graded utilizing on-site soil with imported soil in the amount of 2,680

cubic yards. A retaining wall, ranging from 3 feet to 6.5 feet tall, would be constructed within the front yard along a portion of the frontage on Green Valley Road supporting the necessary finished pad for the facility. Two oak trees are proposed to be removed at the proposed driveway access off Starbuck Road. A system of storm drain pipes, drain inlet, and manholes are proposed on-site connecting to the existing culvert pipes under Green Valley Road.

The facility proposes to connect to the existing El Dorado Irrigation District (EID) water and sewer utility lines in the vicinity of the project site. According to the Facility Improvement Letter (FIL) issued by EID, the facility would be required two (2) equivalent dwelling units (EDU) of water supply. In order to acquire this service, the project is required to extend the existing eight-inch water line along Starbuck Road to the project site providing 1,750 gallons per minute (gpm) with a residual pressure of 20 psi. The facility proposes to connect to the six-inch sewer line existing on-site. A Facility Improvement Plan would be submitted to EID detailing required improvements in accordance with EID's standards.

As conditioned by the Department of Transportation, the project is required to construct improvements along its frontages. On Green Valley Road, the applicant would be required to construct a 4-foot wide raised median for the west bound left turn lane, widening of pavement for two, 12-foot westbound lanes, and a 5-foot wide shoulder for a bicycle lane. The entrance on Green Valley Road would be constructed in accordance with Standard Plan 110 (Special Commercial Frontage Entrance) of the Design and Improvement Manual.

The improvements on Starbuck Road would include a meandering sidewalk, AC dike, widening of the existing pavement to accommodate a new curb and gutter, striping of a 50-foot northbound left turn lane into the project site, a northbound through and right turn lane from Green Valley Road onto Bentley Drive, striping of a 50-foot southbound left turn lane onto Green Valley Road, and striping of 36-foot wide left turn pocket lane into the Starbuck Road driveway entrance. This entrance shall be constructed based on Standard Plan 110 (Special Commercial Frontage Entrance). As conditioned, a Commercial Site Improvement and Grading Plan would be submitted to various agencies for review and consideration.

The project includes a request for exception from the five (5) foot-wide landscaping planter along the northern property line (adjacent to residential zoning district) and additional landscaping required under Section 17.18.090 of the El Dorado County Zoning Code. Due to the additional dedication of right-of-way along Green Valley Road, the footprint of the building has been established at its optimum location while ensuring adequate off-street parking, building setbacks, sidewalk, and landscaping along Green Valley Road. Additionally, based on the preliminary landscaping plan, ample landscaping is provided at the northeast of the site along the access driveway. This landscaping would include typical groundcover (Giant Coral Bells), shrubs (Carpenteria), and a mitigation area required for the impacted

Oak tree canopy. Moreover, the lack of landscaping along the northern property line would not be readily visible given its location between the rear of the building and the soundwall.

The sign plan, subject to Chapter 17.16 of the El Dorado County Zoning Code, for this project is as follows:

| Type | Text | Size | Quantity | Material |
|----------------------------|---------------------|------------------|----------|-------------|
| Wall | Rite Aid | 17'-2 3/4" x 36" | 2 | White Lexan |
| Wall | Rite Aid (logo) | 45 1/2" x 52" | 2 | White Lexan |
| Wall | Pharmacy | 12'-6 1/2" x 24" | 1 | Calon 2870 |
| Wall | 1-Hr Photo | 11" x 72 1/4" | 1 | White Lexan |
| Wall | Drive Thru | 11" x 67 3/4" | 1 | White Lexan |
| Wall | Food Mart | 11" x 73 1/4" | 1 | White Lexan |
| Wall | Drive Thru Pharmacy | 13" x 15'-8 1/2" | 1 | White Lexan |
| Wall (Canopy) | Drive Thru Pharmacy | 13" x 13'-11" | 1 | White Lexan |
| Wall (Canopy) | Clearance 10'0" | 8" x 4'-6" | 1 | Calon II |
| Wall (Canopy) | Pick-Up | 8" x 2'-3" | 1 | Calon II |
| Wall (Canopy) | Drop-Off | 8" x 2'-3" | 1 | Calon II |
| Freestanding (Directional) | Drive Thru Pharmacy | 4 square feet | 1 | Calon 2870 |
| Freestanding (Monument) | Rite Aid Pharmacy | 47.8 square feet | 1 | Calon II |

The materials and paint colors reviewed and approved for this project consists of the following:

| BUILDING PORTION | STYLE/COLOR | MATERIAL |
|----------------------------|---------------|--------------------|
| Coping over Brick | Medium Bronze | Coping |
| Entrance | Bone White | Coping |
| Drive Thru/Entrance Canopy | Reflex Blue | Coping |
| Entrance | Reflex Blue | Pre-finished panel |
| Entrance | Shasta White | Pre-finished panel |
| Icon Tower | Bronze Stone | Interstate Brick |
| Accent Band | Arctic White | Brick |
| Drive Thru Wainscot | D345 | Split Face CMU |
| Building Wainscot | D345 | Split Face CMU |
| Field | Golden Buff | Interstate Brick |
| Tower Returns | Bronze Stone | Brick |

- D. A design review of the proposed commercial retail/pharmacy store in accordance with Section 17.74.010 of the El Dorado County Zoning Ordinance;
- E. A design waiver for a reduction of sidewalk width along the project frontage from an eight-foot wide sidewalk to five-foot wide sidewalk; and
- F. A Reasonable Use Analysis determination related to oak canopy cover retention and replacement in conformance to General Plan Policy 7.4.4.4 and *Interim Interpretive Guidelines of General Plan Policy 7.4.4.4*. The project would impact 1,205 square feet of oak tree canopy due to a relocated driveway on Starbuck Ranch Road, as required by the Department of Transportation.

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 hereto. All plans (such as landscape and tree protection plans) must be submitted for review and approval and shall be implemented as approved by the County.

MITIGATION MEASURES

The following are specific Mitigation Measures identified in Mitigated Negative Declaration adopted for the project.

- 2. Prior to approval of construction plans (i.e., grading, improvement plans), the following shall be incorporated as note on the plans:

Within the 30 days prior to clearing and grubbing, if construction begins during the nesting season (February 1 to August 31):

- A qualified biologist shall conduct a preconstruction survey, at the expense of the applicant, for active nests on the project site and in publicly accessible areas within 250 feet to the project site within 30 days prior to construction. A copy of the report shall be submitted El Dorado County Development Services Department- Planning for review and verification. If no active nests are found, then no further action is necessary.
- If an active nest is found a 50-foot buffer shall be established around the nest tree, shown on a suitable map, and reported to the El Dorado County Development Services Department-Planning by the biologist. For an active bird of prey nest, the buffer shall be 250 feet.

- The construction contractor shall coordinate and consult with the biologist with the proper installation of stakes or temporary flagging, fencing, etc., at the edge of the buffer, where the buffer crosses the project site. The biologist shall coordinate with El Dorado County Development Services Department-Planning staff for on-site verification and monitoring of the buffering measures. No construction activity shall be allowed in the buffer until the biologist determines that the nest is no longer active, or unless monitoring determines that a smaller buffer will protect the active nest.
- The buffer may be reduced if the biologist monitors the construction activities and determines that no disturbance to the active nest is occurring. The size of suitable buffers depends on the species of bird, the location of the nest relative to the project, project activities during the time the nest is active, and other project specific conditions.

Note: If construction begins outside the February 1 to August 31 of the breeding season, there will be no need to conduct a preconstruction survey for active nests. If a nest becomes active after construction has started, the bird is considered adapted to construction disturbance. An active nest is a nest which contains eggs or young which have not fledged.

MONITORING: Planning Services shall verify that the required note has been incorporated on the plans prior to issuance of a grading permit. The Development Services Division shall coordinate with the applicant and/or biologist, assess the pertinent surveys/studies, and conduct on-site verification for conformance with this measure.

3. Prior to issuance of building permit, the applicant shall provide a final landscape plan detailing the required replacement area of the impacted oak tree canopy on-site, in conformance with the Interpretive Guideline for General Plan Policy 7.4.4.4(A). The applicant shall replace on-site a minimum 1,205 square feet equivalent to the oak tree canopy impacted by the project. If additional replacement area is required by the Planning Commission, that area shall also be noted on the final landscape plan. The landscape plan shall include specific planting, irrigation, mulching, maintenance and monitoring procedures identified in the tree replacement plan (dated February 8, 2006, and updated on January 2, 2007) prepared by Chuck Hughes of Sycamore Environmental Consultants (Certified Arborist WE-6885A).

Prior to issuance of building permit, the applicant shall coordinate and enter into an agreement with the County to ensure the long term maintenance and preservation of the replacement trees planted on-site. The agreement shall be reviewed and considered to the satisfaction of County Counsel and the Director. Maintenance and monitoring shall be required for a minimum of 10 years after planting. Trees or other vegetation that does not survive during this period of time shall be replaced by the property owner. Upon execution of the said agreement, a Notice of Restriction detailing this agreement shall be recorded on the property. A proof of recordation of this notice shall be provided to the Planning Services prior to issuance of the building permit.

The applicant or subsequent owner shall provide a report prepared by a licensed landscape architect every two years after the planting reporting on the adequacy of the landscaping. Dead landscaping shall be replaced no later 30 days after submittal of the periodic reports. If landscaping is dead at the end of the 10-year maintenance period, the maintenance agreement shall be extended an additional two years. The owner is responsible for all replanting and long-term maintenance.

MONITORING: Planning Services shall verify that the final landscape plan contains the details of the approved canopy replacement, planting, monitoring specifications identified in the tree replacement plan. In coordination with County Counsel, the Development Services Division shall verify the details and execution of the required agreement for the long term maintenance and preservation of the replacement trees. This division shall verify the recordation of the Notice of Restriction, detailing the maintenance and preservation agreement, on the subject property prior to issuance of building permits.

4. As required under General Plan Policy 7.4.5.1 (Conservation and Open Space Element), prior to issuance of grading permit, the applicant shall submit Planning Services a final tree survey, preservation and replacement plan (conducted by a certified arborist or a qualified professional in the field) approved for the project. These documents shall include, but not limited to, detailed description of the existing trees on-site, the approved oak tree preservation plan, implementation of construction measures for protecting the preserved trees, and approved mitigation measures for the trees impacted by the project.

MONITORING: Upon submittal of the document, Planning Services shall review the details of the final tree survey, preservation and replacement plan, and verify consistency with the construction grading/improvement plans. During construction phase, the Development Services Division shall coordinate with the applicant and/or the certified arborist and conduct on-site verification of implementation of the required construction measures of the preserved trees

5. Prior to issuance of building permit, the applicant shall submit to Planning Services for review and approval a final roof top exhibit detailing the type, quantity, location, specifications and applicable mitigation measures of the proposed HVAC and refrigeration compressor identified and evaluated in the Supplemental Environmental Noise Analysis by Brown, Buntin and Associates (dated September 29, 2006) . Specifically, the Refrigeration Compressor shall be shielded (on three sides with southern side open) by a half-inch plywood or wood siding with duct lining or semi-rigid fiberglass or mineral wood board. The enclosure shall be placed as close to HVAC Unit 3 and the compressor unit, allowing room for servicing of the equipment. All of the HVAC and refrigeration compressor units shall be adequately screened or positioned to minimize aesthetic impacts.

MONITORING: Planning Services shall verify that the roof top exhibit includes the required mitigation measures identified in the Brown, Buntin, and Associates' report dated September 29, 2006, prior to issuance of building permit.

6. Prior to submittal of the building permit, the applicant shall submit a final site plan depicting the following:
 - a) An eight-foot tall (above the commercial driveway elevation) concrete masonry wall constructed along the entire length of the northern interior property boundary, for a distance of about 30 feet south of the north property boundary along the western property boundary; and
 - b) A six-foot tall (above the commercial driveway elevation) concrete masonry wall constructed along the western interior property line. This wall shall extend from the project entry to the northwest corner of the site, intersecting with the eight-foot tall wall in the vicinity of the trash enclosure.

MONITORING: Prior to issuance of building permit, Planning Services shall verify that the Final Site Plan includes adequate noise mitigation attenuation to be consistent with applicable policies of the Noise Element and Zoning Ordinance.

Planning Services Division

7. Prior to issuance of building permit, the applicant shall remit payment of any outstanding fees as detailed and required in the *Agreement for Payment of Processing Fees* authorized for this project.
8. Prior to issuance of occupancy clearance, the applicant shall consult with Brown, Buntin and Associates in determining the appropriate type, location, and orientation of drive-thru speakers. Planning Services shall review the building permit/electrical plans and verify the details of the drive-thru speakers.
9. The following shall be incorporated as note on grading/improvement plans:

In the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

Planning Services shall verify this notation on the grading plans prior to issuance of a grading permit.
10. Prior to issuance of building permit, the applicant shall provide Planning Services a copy of the recorded Avigation and Noise easement granting the right of flight and the right to cause noise, light, and other effects associated with the operation of aircraft in the airspace over the subject property.

11. Prior to issuance building permit, the applicant shall pay the required in-lieu fee for mitigation of impacts on rare plant species in accordance with El Dorado County Zoning Ordinance Chapter 17.71.
12. The planned development shall expire within two (2) years from the approval the Board of Supervisors. Minor changes in the adopted planned development may be approved by the Planning Services provided that the changes:
 - a) Do not change the boundaries of the subject project property;
 - b) Do not change any use as shown on the official development plan; and
 - c) Do not change the intent of the official development plan

Major changes in the official development plan after it has been adopted by the Board of Supervisors may be approved by the Planning Commission and shall be made in accordance with the requirements of Section 17.04 of the County Code.

A major change in a development plan approved by the Planning Commission shall be filed with the Board of Supervisors pursuant to Section 17.04.005(B)(3) of the County Code.

13. 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, as provided in Section 66474.9(b) of the California Government Code.

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 of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

14. Prior to issuance of building permit, the applicant shall provide proof of relocation or abandonment of easements conflicting with the location of the commercial building.

Department of Transportation*Project Specific Conditions*

15. All improvements referenced for this project are based on the applicant's project plans for design review Rite Aid at Cameron Ranch. In addition, said improvements shall be consistent with the approved Department of Transportation Capital Improvement Plans for Green Valley Road and Starbuck Road to the extent possible giving precedence to the specific conditions below and shall obtain approval from the Department of Transportation of the proposed improvement plans and enter into a road improvement agreement with the County or obtain an encroachment permit, for the following, prior to issuance of a building permit and prior to performing any work within the County right of way, including:
- a. On Green Valley Road, construct and stripe frontage improvements including a four foot wide (centered 52 feet from the existing southerly right of way line) raised median for the west bound left turn lane, widening of pavement for two 12 foot westbound lanes and an five (5) foot shoulder to lip of gutter, El Dorado County Standard Plan 104 (Type 2) vertical curb and gutter, and five (5) foot sidewalk. The northerly lane will be signed and striped for right turn only into the project driveway. The raised median shall extend 100 feet west of the westerly property line. The median and curb and gutter shall be located as established by the Capital Improvement Plan Design Section of the Department of Transportation. The five (5) foot shoulder shall be signed and marked for "no parking – bike lane".
 - b. On Green Valley Road, construct a Standard Plan 110 (modified) (Special Commercial Frontage Entrance), along the westerly property boundary. The standard curb return shall be modified to increase the radius as necessary to include pedestrian ramp(s) with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. In addition, the pavement transition, from the westerly end of the widening of Condition 1.a, i.e., beginning at the westerly return of the driveway to join the existing edge of pavement, shall consistent with Standard Plan 103D 100 feet from EC to end of taper.
 - c. On Starbuck Road, construct frontage improvements, including:
 - i. A five-foot meandering sidewalk on the west side of Starbuck Road (to meander to avoid the existing oak trees);
 - ii. El Dorado County Standard Plan 104 (Type A) A.C. dike (with the back of curb along the existing right of way line) on the west side of the roadway;
 - iii. Widening of the existing pavement to meet the new curb and gutter as proposed;
 - iv. Stripe a 50-foot long northbound left turn lane from Starbuck Road into the project driveway to provide storage for inbound left turning traffic at the project driveway on Starbuck road;
 - v. A northbound through and right turn lane from Green Valley Road to Bentley Drive;
 - vi. Stripe a 50-foot long southbound left turn lane onto Green Valley Road.

- vii. Stripe a 36-foot two way left turn pocket between iv. and vi.
 - d. On Starbuck Road, construct a Standard Plan 110 (modified) Special Commercial Frontage Entrance into the project, directly opposite Bentley Drive, The standard curb return shall be modified to increase the radius as necessary to include pedestrian ramp(s) with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
 - f. On the northwest corner of Starbuck Road and Green Valley Road, construct a 40 foot radius curb return per Caltrans Standard Plan RSP A88A, with pedestrian ramp(s), truncated domes, and a four foot sidewalk landing at the back of the ramp. The construction of this curb return shall include relocation of the existing traffic signal on that corner, with lengthened signal arms
16. Prior to issuance of a building permit, the applicant shall irrevocably dedicate additional right of way on the project's Green Valley Road frontage to 85.5 feet from the southerly right of way line, as depicted on the approved improvement plans. This offer, in fee, shall be accepted by the County.
 17. Prior to issuance of a building permit, the applicant shall irrevocably dedicate additional right of way at the northwest corner of Green Valley Road to accommodate the new curb return, sidewalk and signal relocation. This offer, in fee, shall be accepted by the County.
 18. Prior to issuance of a building permit, the applicant shall grant a pedestrian easement for the sidewalk on Green Valley Road and Starbuck Road, where it meanders onto the project, as depicted on the approved improvement plans .
 19. Prior to issuance of a building permit, the applicant shall obtain an irrevocable offer of dedication over the westerly adjacent property (Assessor's Parcel Number 102-110-13) to construct the driveway and edge of pavement taper of Conditions 1.b and 1.c, above, and as depicted on the approved improvement plans. This offer, in fee, shall be accepted by the County.
 20. Prior to issuance of a building permit, the applicant shall record a vehicular access restriction along the entire frontage of Green Valley Road and Starbuck Road (excluding the approved access driveways).
 21. A commercial grading permit is required for onsite improvements. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to Building Services of the Development Services Department 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. The improvements and grading shall be substantially completed, to the approval of Building Services, prior to occupancy.

Standard Conditions

22. 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 Department of Transportation. 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.
23. Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Department of Transportation 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.
24. 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 Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
25. 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 Department of Transportation 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 Department of Transportation prior to improvement plan approval.
26. All curb returns, at pedestrian crossing, shall include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp. All curb returns shall be profiled on the improvement plans with elevations shown at least 25 feet before the beginning (BC) and at least 25 feet past the end (EC) of the curb, at the BC and EC, and at a minimum of quarter curve lengths, in a clockwise direction.
27. The responsibility for, and access rights for, maintenance of any fences and walls constructed on property lines shall be included in the Covenants Codes and Restrictions

(CC&Rs).

28. Cross lot drainage shall be avoided. When cross lot drainage does occur, it shall be contained within dedicated drainage easements and included in the County Service Area Zone of Benefit (ZOB), Home Owners Association, or other entity acceptable to the County. This drainage shall be conveyed via closed conduit or v-ditch, to either a natural drainage course of adequate size or an appropriately sized storm drain system within the public roadway.
29. All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to Sacramento County Standard Drawing 11-10. All stamps shall be approved by the El Dorado County inspector prior to being used.
30. Upon completion of the roadway improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
31. Construction activities shall be conducted in accordance with the County noise regulation or limited to the following hours and days: 7:00 a.m. and 7:00 p.m. on any weekday; 8:00 a.m. and 5:00 p.m. on weekends and federally recognized holidays. The contractor shall maintain, at all times, all existing traffic lanes, unless otherwise approved by the Department of Transportation.
32. The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation and pay all applicable fees prior to the issuance of any permit to construct.
33. The developer shall enter into an Improvement Agreement with the County and provide security to guarantee performance of the Improvement Agreement as set forth within the County of El Dorado Major Land Division Ordinance prior to the issuance of any permit to construct.
34. All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA . Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year Capital Improvement Plan must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
35. Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.

36. 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 Department of Transportation.
37. The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.
38. As specified in the Conditions of Approval, the subdivider is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense, acquire by negotiation or commencement proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, the subdivider shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement to provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20 percent contingency:
 - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.
 - b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
 - c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

El Dorado County Environmental Management

Air Quality Management District (AQMD)

39. The project construction would involve grading and excavation operations, which would result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. Current county records indicate that this property is not located within the Asbestos Review Area. Therefore, District Rules 223 and 223-1 which addresses the regulations and mitigation measures for fugitive dust emissions shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rules 223 and 223-1. In addition, a Fugitive Dust Plan Application shall be submitted long with the appropriate fees to and approved by the District prior to start of project construction.
40. Project construction may involve road development and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.

41. Burning of wastes that result from “Land Development Clearing” must be permitted through the District. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
42. The project construction would involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.
43. The District goal is to strive to achieve and maintain the ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board and to minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The following measures used to reduce impacts on air quality impacts from equipment exhaust emissions:

Heavy Equipment and Mobile Source Mitigation Measures

- Use low-emission on-site mobile construction equipment
 - Maintain equipment in tune per manufacturer specifications
 - Retard diesel engine injection timing by two to four degrees
 - Use electricity from power poles rather than temporary gasoline or diesel generators
 - Use re-formulated low-emission diesel fuel
 - Use catalytic converters on gasoline-powered equipment
 - Substitute electric and gasoline-powered equipment for diesel-powered equipment where feasible
 - Do not leave inactive construction equipment idling for prolonged periods (ie. more than two minutes)
 - Schedule construction activities and material hauls that affect traffic flow to off-peak hours
 - Configure construction parking to minimize traffic interference
44. Prior to construction/installation of any new point source emission units or non-permitted emission units (gasoline dispensing facility, boilers internal combustion engines, emergency generators) authority to construct applications shall be submitted to the District. Submittal of applications shall include facility diagrams, equipment specifications and emission factors.
 45. The following note shall be included on all construction plans (i.e., grading, improvement plans):

The maximum amount of fuel by equipment use during construction activities are as follows:

- *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 older is 402 gallons.*
- *If a combination of 1995 and older and 1996 and newer equipment is used, 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 for use on that day.*

46. The following note shall be included on all construction plans (i.e., grading, improvement plans).

The maximum amount of fuel by equipment use during construction activities are as follows:

- *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 older is 37,000 gallons.*
- *If a combination of 1995 and older and 1996 and newer equipment is used, divide the number of 1996 and newer equipment in the fleet by the total number of equipment used. Multiply that number by 33,000. Add that number to 3,700. The sum is the maximum number of gallons of fuel for use permitted for the entire project.*

Environmental Health

47. All equipment used in the storage and refrigeration of retail food shall comply with the California Retail Food Code. Plans shall be submitted to Environmental Health showing areas for food storage, food display and refrigeration units including specifications for any food service equipment. An annual operating permit from Environmental Health shall be obtained for the sale and distribution of retail food.

El Dorado Transit

48. Prior to issuance of building permit, the applicant shall post an in-lieu deposit in the amount of \$50,000 to El Dorado Transit or El Dorado County Department of Transportation (DOT) for the construction of future curbside bus turnout on the adjacent western parcel along Green Valley Road or an alternative location designated by DOT or El Dorado Transit. The applicant shall provide documentation, authorized by all affected parties, of the completed transaction to El Dorado County Development Services-Building Division.

ATTACHMENT 2 FINDINGS

FILE NUMBERS AZ06-0002/PD07-0005/DR06-0008

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:

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received during the public review process. The Mitigate 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 relating to Biological Resources and Noise have been eliminated or substantially mitigated.
- 1.3 This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.00 processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.
- 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 Department-Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.5 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 LEGISLATIVE FINDINGS

- 2.1 The proposed General Plan amendment and zone change is consistent with the policies in the El Dorado County General Plan as discussed in the General Plan section of this staff

report.

The General Plan amendment and zone change would be consistent with the boundary of the project site and establish an appropriate underlying commercial land use designation accommodating the proposed retail/pharmacy facility.

- 2.2 The General Plan amendment and zone change is found to comply with the requirements of Chapter 17.06, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

With the establishment of the commercial land use designation, the proposed facility has been designed in accordance with the applicable development standards under the El Dorado County Zoning Ordinance and Design and Improvement Standard Manual. Specific project conditions approval and mitigation measures have been incorporated ensuring orderly and safe development and operation

- 2.3 The site is physically suitable for commercial development.

The site is adequately sized to accommodate the proposed retail facility. The facility has been designed in accordance to applicable development standards, would be accessed off county roads, and receive public water, sewer and drainage services.

3.0 ADMINISTRATIVE FINDINGS

3.1 General Plan

The proposed commercial development is in conformance with the commercial land use designation of the site as specified on the General Plan Land Use Map. The project has been designed in compliance with land use policies of the General Plan including Biological Resource, Commercial Development Standards, Circulation /Transportation, Air Quality, Noise, and Public Utilities.

3.2 Zoning Code

Upon consideration of the proposed land use designation amendment and rezone, the project would conform to the underlying Commercial Zone District. The proposed retail facility meets the applicable development standards including sign criteria, building setbacks, parking, and lighting requirements.

3.3 Planned Development

The proposed commercial retail facility has been reviewed pursuant to Chapter 17.02 of the El Dorado Zoning Code (Planned Development) and verified conformance to applicable standards of the zoning code and General Plan policies. In accordance with Section

17.04.030 of the County Code, a development plan cannot be approved unless the Planning Commission and Board of Supervisors can make the following findings:

- 3.3.1 The planned development request is consistent with the General Plan.

The proposed project conforms to the standards of the El Dorado County Zoning Code regarding use, parking, building setbacks, reduced landscaping, and, as discussed in the staff report, is consistent with applicable General Plan policies.

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

The proposed commercial facility has been designed to provide adequate parking, landscaping, accessibility, circulation, and on-site utilities. The facility has been reviewed by the Cameron Park Design Review Committee for conformance with the community preferred design and architecture.

- 3.3.3 The exceptions to the standard requirements of the zone regulations are justified by the design and existing topography.

Given the site constraints resulting from additional dedication of right-of-way along Green Valley Road, the request includes an exemption from landscape standards along the northern (rear) property boundary line and additional landscaping required under Section 17.18.090. The standard landscaping along the property line is located between the building and concrete soundwall in the rear and therefore would not be readily apparent. The project is proposing a landscape planter at the northwest corner of the site that includes standard plants and an area reserved for oak tree canopy replacement. The facility has been designed to sufficiently meet the required landscaping along the other perimeters, provide off-street parking, and pedestrian sidewalk.

- 3.3.4 The site is physically suited for the proposed uses.

The proposed retail facility conforms to the commercial land use designation for the site. It has been designed in conformance to with the applicable standards of the zoning designation and General Plan policies.

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

Water and sewer services would be served by the El Dorado Irrigation District, subject to utility upgrades and connections to the existing lines. The project has been designed to construct and connect to the existing drainage system provided by the County. Roads contiguous to the site would be improved in order to accommodate the project generated traffic and minimize impacts.

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

The proposed retail facility would conform to the existing commercial nature of the immediate corridor of Green Valley Road and Cameron Park Drive. There is no natural land and scenic values on-site that would be affected.

3.4 Design Review

The project is located with the community of Cameron Park, which is designated in an area within the county requiring project review for architectural design, site planning, and safety. The Cameron Park Design Review Committee reviewed the project including the site layout, landscaping, sign elements, and exterior details.

3.5 Design Waiver

- 3.5.1 There are special conditions or circumstances peculiar to the project proposed to be constructed which would justify the waiver.

As a result of the additional dedication of right-of-way and in order to minimize impact to a preserved Oak tree, the resulting project is constrained thereby necessitating a design waiver request.

- 3.5.2 Strict application of the design or improvement requirements of this chapter would cause extraordinary and unnecessary hardship in developing the property;

Strict application of the standards would limit the ability of the project to meet the minimum required development standards and potentially impact an oak tree thereby causing unnecessary hardship in developing the commercial property.

- 3.5.3 The waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public;

Though it does not conform to County design standards, the proposed five-foot wide sidewalk sufficiently meets the required standards under the American Disabilities Act. The proposed sidewalk would provide an upgrade to the existing pedestrian connectivity with the contiguous surrounding uses, where there are currently no sidewalks. With the additional right-of-way, dedication along Green Valley, the project-required improvements that would result in improved traffic and provide safe bicycle lane. Therefore, the waiver would not be injurious to adjacent properties or detrimental to the health of the public.

- 3.5.4 The waiver would not have the effect of nullifying the objectives of this article or any other law or ordinance applicable to the project;

Consideration of this waiver is limited to the orderly development and operation of the proposed facility and would not have any nullifying effects to any applicable standard or codes for which the project has been verified for conformance.