

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



**Agenda of:** January 22, 2009  
**Item No.:** 9  
**Staff:** Gordon Bell

**DESIGN REVIEW REQUEST**

**FILE NUMBER:** DR 08-0003/The Shops at El Dorado Hills

**APPLICANT:** Peter L. Navarra

**AGENT:** Peter L. Navarra

**REQUEST:** Design Review request to construct three (3) commercial buildings totaling 30,628 square feet. Building 1 (Walgreens) would be 13,368 square feet, Building 2 would be 11,539 square feet and Building 3 would be 5,775 square feet. Walgreens would include a 24-hour drive-through pharmacy and an in-store health clinic.

**LOCATION:** West side of El Dorado Hills Boulevard at the intersection of Saratoga Way and El Dorado Hills Boulevard, El Dorado Hills area, Supervisorial District II. (Exhibit A)

**APN:** 129-690-06

**ACREAGE:** 3.317 acres

**GENERAL PLAN:** C (Commercial), (Exhibit B)

**ZONING:** CP-DC (Planned Commercial-Design Control) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration (MND)  
(Exhibit O)

**SUMMARY RECOMMENDATION:** Conditional Approval

**BACKGROUND:** Section 17.14.130.A of the Zoning Ordinance requires any permit for a building in a commercial zone district that is adjacent to a State Highway shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of the buildings be in keeping with the character of the neighborhood. As the project is adjacent to Highway 50, a Design Review application for planning commission review was submitted on May 15, 2008 and deemed complete on June 15, 2008. The applicant has met with two design review committees responsible for reviewing projects in this area, including the El Dorado Hills Area Planning Advisory Committee and the Serrano Design Review Committee. The applicant has redesigned the project slightly since the original submittal incorporating a site design and architecture that is responsive to these committees.

The Planning Commission should be aware that as a result of the Saratoga Way realignment project undertaken by El Dorado County, an odd-shaped parcel was created. The applicant has adapted the project to this odd-shape, but unique circulation issues exist with respect to the site's ability to handle large vehicles due to the narrow width of the parcel in certain locations. As a result of the parcel's limitations, a number of administrative relief findings have been requested.

## **STAFF ANALYSIS**

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

**Project Description:** Design Review request to construct three (3) commercial buildings totaling 30,628 square feet. Building 1 would be 13,368 square feet, Building 2 would be 11,539 square feet and Building 3 would be 5,775 square feet. Walgreens would include a 24-hour drive-through pharmacy and an in-store health clinic. The project would be constructed in two phases, with Building 1 and its associated parking to be constructed as part of Phase I, and the remainder of the project to be constructed as part of Phase II.

Access: Site access would be provided by three driveways along Saratoga Way. The northern driveway would be right-in, right-out only while the other two driveways would be full access driveways. A left-turn pocket would be constructed on Saratoga Way to provide access to the main entrance (middle driveway).

Parking: The project would provide a total of 153 parking spaces which includes 4 handicap spaces. No RV spaces are provided as part of the project due to the narrow lot configuration. One off-street loading space has been provided for the project for Building 1, no off-street loading has been provided for Buildings 2 & 3. Administrative relief findings have been provided in Attachment 2 from these requirements.

Water/Sewer: Water and sewer would be provided by the El Dorado Irrigation District (letter dated January 22, 2007). Service would be provided by existing mains on and immediately adjacent to the project site. No offsite facility improvements are required as part of project implementation.

**Site Description:** The project site is a 3.317-acre parcel that is irregularly shaped. The property has been previously disturbed by rough grading activities and is gently sloping, with elevations ranging from 653 above mean sea level (AMSL) on the northern portion of the property to 630 AMSL on the southern portion of the property. Vegetation onsite consists of that typical of an annual grassland community; there are no trees on the property. A small seasonal wetland exists onsite (0.01-acres). No sensitive plant or animal species were found onsite. The project site is located in Rare Plant Mitigation Area 2. Soils onsite consist of Auburn silt loam (AwD), 2-30% slopes, and Auburn very rocky silt loam (AxD), 2-30% slopes. No cultural resources exist onsite.

The project is bounded on three sides by existing development, including residential development to the west and northwest, commercial development to the north and east, and road development (Highway 50) and commercial development across Highway 50 to the south.

**Adjacent Land Uses:**

|              | Zoning | General Plan | Land Use/Improvements                       |
|--------------|--------|--------------|---|
| <b>Site</b>  | CP-DC  | C            | Vacant land                                 |
| <b>North</b> | CP-DC  | C            | Commercial buildings                        |
| <b>South</b> | CP-DC  | C            | Highway 50/Vacant Land/Commercial buildings |
| <b>East</b>  | C-DR   | C            | El Dorado Hills Blvd./Commercial buildings  |
| <b>West</b>  | R2-DC  | MFR          | Multi-family residences                     |

**General Plan:** The El Dorado County General Plan designates the subject project site as **Commercial (C)**. The purpose of the Commercial land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, business, and visitors of El Dorado County. Mixed-use development of commercial and residential uses shall be permitted provided the commercial activity is the primary and dominant use of the parcel.

The following General Plan policies apply to this project:

**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:

**Policy 2.2.5.21** requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed.

Discussion: *Commercial buildings located east, west and south of the project site are either two-story or one-story professional office or retail businesses. The property to the north of the project site is residential, consisting of a two-story apartment building. The apartment building is surrounded on east and south by commercial property. In the vicinity of the project site is a mix of commercial and residential uses. As such, the proposed fueling station/retail use fits well with the context of the surrounding area.*

**Zoning:** The project site is zoned Planned Commercial- Community Design Review District (CP-DC) which permits the proposed use subject to Design Review approval (Section 17.32.130 through 17.32.160 of the County Code). The project also requires Design Review pursuant to Section 17.14.130. As the project is within the Highway 50 visual corridor, the planning commission is required to review the project.

The project would be consistent with the development standards of the Planned Commercial zone district as found in Section 17.32.130 through 17.32.160, as reviewed below:

**A. Minimum lot area, five thousand square feet.**

The project site is 3.317 acres, (144,489 square feet in size).

**B. Maximum building coverage, sixty percent of the lot.**

The proposed project would consist of three commercial buildings to be constructed in two phases. Total square footage of all three buildings is 30,682 square feet, or 21 percent of the project site.

**C. Minimum lot width, fifty feet.**

The project site is an irregular shaped lot, which varies in width from approximately 90 feet on its northern end to approximately 180 feet on the southern end of the parcel. Average lot width is approximately 150 feet.

**D. Minimum yards: front, ten feet, sides and rear five, or zero feet and fireproof walls without opening; provided, however, that all hotels, motels or multi-family dwellings structures shall have at least five foot side and rear yards.**

All proposed buildings meet the required minimum yard setback. Building 2 is the closest building to a property line, and is 10'2" from the front yard property line.

**E. Maximum building height, fifty feet.**

Buildings proposed as part of the project vary in height throughout in an effort to create architectural diversity. Buildings are stepped and include tower elements of varying heights. Average building heights are well below the 50-foot height limit. Building/tower heights are

as follows:

- Bldg. 1: Average building height – 25’4”/Tower element – 42’6”
- Bldg. 2: Average building height – 26’/Tower element – 54’2”
- Bldg. 3: Average building height – 24’/Tower element – 35’7”

Discussion: As discussed above the proposed development would be in compliance with Section 17.32.160 (A-E).

### **Design Issues:**

#### **Landscaping:**

**Section 17.18.090** requires:

All open automobile parking areas that contain five (5) or more parking spaces shall provide a landscape buffer along those property boundaries where the parking facility abuts or adjoins a public road, street or highway or abuts a property under different ownership or zoning district. Where a parking facility contains ten (10) or more parking spaces, additional landscaping equivalent to five percent (5%) of the gross area used for parking and access purposes, exclusive of the landscape buffer, shall be devoted to landscaping.

Discussion: As shown on the Landscaping Plan (Exhibit G) the applicant would provide a landscaping buffer (total landscaping equals 34,500 square feet) along the boundaries where the parking lot abuts or adjoins public roads and additional landscaping equivalent to approximately ten percent (10%) of the gross area used for parking and access purposes (parking and access equals approximately 64,605 square feet). The project would be in compliance with Section 17.18.090.

#### **Signs:**

**Section 17.32.140 (D)** requires:

Site plan approval for two (2) signs not exceeding fifty (50) feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises.

Discussion: The applicant has submitted a Planned Sign Program which includes criteria for a proposed monument sign and future wall signs. Only the monument sign is proposed as part of the project at this time. Elevations have been provided which illustrate proposed criteria (Exhibits H-J, & N). As proposed, the monument sign would be designed to emulate proposed project architecture and would have a maximum height of 12 feet, and would be approximately 13 feet in width. The proposed display surface is 10’11” x 7’6” for a total of 82 square feet. An LED readerboard has also been proposed as part of the monument sign. This design is inconsistent with ordinance standards, and policies regarding LED readerboards. A condition of approval has been added requiring that the applicant redesign the monument sign so that the display surface does not exceed 80 square feet, and requires the applicant to remove the LED readerboard from the proposal. These revised

requirements shall be incorporated into their Planned Sign Program. These elements shall be submitted to Planning Services for review and approval prior to issuance of building permits. Proposed criteria for wall signage is consistent with the zoning ordinance. Wall signs will be subject to design requirements in the applicant's Planned Sign Program and subject to the provisions of El Dorado County Zoning Ordinance Section 17.16.030 (Wall Signs).

**Access and Parking:**

**Section 17.18.030.B.6** requires:

Drop-off/Loading Areas Required. Parking lots for public assembly, major retail shopping facilities, and certain apartments and motel/hotels shall include a designated on-site location for drop-off and loading of passengers at an entrance to the facility. Drop-off areas shall consist of vehicle turnout lanes located outside of the normal travel lanes with minimum dimensions of thirty-five feet in length and ten feet in width.

Discussion: Due to the odd-shaped lot that resulted from the Saratoga Way expansion project, onsite circulation is limited as discussed earlier in the staff report. Provision of an on-site location for drop off and loading of passengers is physically impossible given the on-site circulation pattern. In addition, the project would not be considered a major retail shopping facility (defined as a shopping center exceeding 30,000 square feet), as the majority of the shops and restaurants in the facility will be "boutique" type shops, with the only major anchor being the Walgreens store, which is generally considered a retail pharmacy, serving the needs of the immediate surrounding area. Administrative relief findings have been made for this requirement in Attachment 2.

**Section 17.18.040.B** requires:

Physically handicapped parking to be provided. A development project providing up to one hundred sixty (160) parking spaces would be required to provide four (4) handicap spaces. Handicapped parking spaces shall have a minimum area of fourteen (14) feet in width and eighteen (18) feet in depth, with a marked parking stall of ten (10) feet in width and a loading /unloading area four (4) feet in width.

Discussion: The project has provided four handicap parking stalls within its parking plan consistent with the requirements of this section of the zoning ordinance.

**Section 17.18.060.16 & 18** requires:

For restaurant (nonfast food), bars, cocktail lounge, one (1) space per three fixed seats or equivalent occupancy per Uniform Building Code plus one (1) recreational vehicle space per each 10 parking spaces One (1) recreational vehicle space per each ten (10) parking spaces.

Retail (general merchandising not in a shopping center) one (1) space for each three-hundred (300) square feet of retail space

Discussion: The applicant has proposed 153 parking stalls to be constructed with the project. Per the County's Zoning Ordinance, Section 17.18.060, the applicant would be required to provide 152 spaces (*22,182 square feet general merchandising @ 1 space/300 s.f. = 74 spaces; 8500 s.f. restaurant with 234 fixed seats @ 1 space/3 fixed seats = 78 spaces, Total Required = 152 spaces*).

In accordance with Zoning Ordinance Section 17.18.060.16, the applicant is required to provide for 1 recreational vehicle (RV) parking space for every 10 spaces of parking designated for the restaurant use. Thus, eight (8) RV spaces would be required for the proposed restaurant uses. The project does not include recreational parking spaces. However, the project parking exceeds the County requirements and would be sufficient to serve the proposed commercial use given that the project is not a regional retail center, nor is it a tourist-serving facility, and it is unlikely that it would draw recreational vehicles to the site. Administrative relief findings from the strict compliance with the provisions for commercial use have been made and are included in the Findings for Approval, Attachment 2.

**Section 17.18.080 (C)** requires:

All commercial and industrial uses to provide and maintain one (1) off-street loading space for up to 15,000 gross floor area. Loading spaces must be a minimum of twelve (12) feet in width and forty (40) feet in length with a fourteen (14) foot vertical clearance.

Discussion: The project proposes 30,628 square feet of commercial development which would require a minimum of two (2) loading spaces. The applicant has provided one loading space adjacent to the trash enclosure area for Building 1. This loading area will suffice for deliveries to Walgreens, however, no loading spaces have been provided for Buildings 2 and 3. This could create potential circulation conflicts during deliveries for those buildings. In order to avoid this conflict, deliveries for these buildings shall be limited to the morning between 6 a.m. and 10 a.m. This would avoid peak business hours which typically occur midday and during the evening hours as demonstrated in the traffic study for the project. A condition limiting hours of delivery has been included in Attachment 1.

### **Lighting:**

The project site exterior building and parking lot lighting would be required to conform to the lighting standards contained in Section 17.14.170 of the Zoning Code pertaining to excessive glare which may be considered to be a traffic hazard and a negative impact to adjacent properties. Lighting for the project consists of a mixture of single and double armed promenade style lights with both vertical and horizontal lamps mounted at heights ranging from 10 feet to 24.5 feet, for a total of 47 lighting fixtures (Exhibit M). Lighting is primarily proposed along the perimeter of the property, parking islands, and along interior walkways.

Discussion: Lighting would be required to conform with Section 17.14.170 which requires outdoor lighting to be downward shielded to reduce spill and lighting glare on adjacent properties and roadways. The project site is bounded on all sides by roadways or vacant land which would not be developed in the future. Residential development to the west, across Saratoga Way is buffered by

landscaping and sound walls. Preliminary photometric plans submitted by the applicant indicates that lighting from the proposed project would not spill over onto adjacent roadways and would not impact residential development located to the west. The project would be conditioned to review the lighting by Planning Services prior to final occupancy to ensure that all project lighting is fully shielded, cut off compliant, and that lighting values are zero at residential property boundary lines.

*Architecture and Color*

The applicant has proposed architectural design elements and potential colors. Proposed architecture can be classified as Mediterranean/Spanish style architecture, which is consistent with other Mediterranean architecture in the El Dorado Hills area. The structures and signs would be painted:

| BUILDING PORTION         | STYLE/COLOR                         | MATERIAL                                     |
|--------------------------|-------------------------------------|--|
| ROOF                     | Tierra Antigua #2311/Sandcast Blend | Redland Clay Tile/Two-piece Mission Sandcast |
| BUILDING WALLS           | Kelly Moore 25 Blanco               | Cement Plaster/Smooth Finish                 |
| CORNICE, FASCIA, & TRIMS | Kelly Moore 42 Wise Owl             | Cement Plaster/Smooth Finish                 |
| STOREFRONT               | Black                               |  |
| FABRIC AWNING (COLOR 1)  | Mustard & Black Stripes             | Fabric                                       |
| FABRIC AWNING (COLOR 2)  | Black                               | Fabric                                       |
| PERIMETER WALLS          | Coarsed Stone/Santa Barbara         | Stone Veneer/El Dorado Stone                 |
| TRELLIS                  | Black                               | Metal  |
| WALL INSERTS             | Spanish Tile                        | Tile   |

Discussion: The colors and elevations have been included in Condition #1, Project Description. Proposed architecture and colors have been reviewed and approved by the Serrano Design Review committee.

**Section 17.71.220** requires off-site mitigation or fee payment in lieu of Ecological Preserve Mitigation within Mitigation Areas 1 and 2. The project is located within the Ecological Preserve Mitigation Area 2 and would be required to pay a fee for commercial development.

Discussion: The requirement for payment of in lieu fees for Ecological Preserve Mitigation has been included in Attachment 1, Conditions of Approval.

**Agency and Public Comments:**

The project was circulated for review and comments from various affected agencies. A formal Technical Advisory Committee (TAC) review meeting was held on July 28, 2008 to discuss comments. The following agencies provided comments on this application:

1. El Dorado Hills Fire Department, June 25, 2008
2. El Dorado Hills Community Services District, June 24, 2008

3. County of El Dorado Department of Transportation, October 28, 2008
4. California Department of Transportation (Caltrans), July 24, 2008
5. El Dorado Hills Area Planning Advisory Committee, July 19, 2008
6. Local Agency Formation Commission (LAFCO), June 26, 2008
7. Resource Conservation District, June 24, 2008
8. El Dorado Irrigation District, January 22, 2007
9. El Dorado Hills Community Services District, July 24, 2008

Copies of their written comments are available at the Planning Services office. From these comments, the following significant issues were raised:

The **El Dorado Hills Area Planning Advisory Committee** raised the following concerns with the project, some of which have been addressed by the applicant through project redesigns:

- The Santa Barbara style architecture and landscape is not well suited to the foothills location of El Dorado Hills and does not blend well with the existing development in the surrounding area. Buildings and landscape should complement the existing area (exterior design similar to the Montano Development was mentioned as preferable).
- Design of the Walgreens as submitted does not fit the El Dorado Hills Boulevard location and APAC strongly opposes this type of building at the entrance to El Dorado Hills. Recommend that exterior architectural aesthetics of the Walgreens building be modified to harmonize with existing development in the area.
- The drive-thru pharmacy at Walgreens faces El Dorado Hills Boulevard and should be buffered or positioned in some way to reduce the unattractive view visitors and residents will see when entering El Dorado Hills.

The **El Dorado Hills Community Services District** raised the following issues as summarized below:

- The District requested review of the project landscape, streetscape, and building design elements. The District encouraged the applicant to review the Streetscape Master Plan to ensure consistency with that plan and existing developments in the area (Condition #16 requires the El Dorado CSD to review and approve the landscape plans together with Planning Services prior to issuance of Building Permits).
- The District encouraged the applicant to take into consideration views of the project from surrounding commercial and residential area and design the project appropriately. This included addressing light spillage into adjacent areas.
- The District encouraged neighborhood connectivity by ensuring that adequate pedestrian access exists adjacent to and along property boundaries and throughout the project itself. The District suggested a number of potential safety measures which would also encourage pedestrian accessibility.
- The District encouraged a bus turnout.
- The District encouraged all waste disposal areas to be hidden from public view and to ensure that waste disposal utilize recycling to divert waste from area landfills.

The applicant has worked with area advisory groups and residents of the neighborhood to address design concerns. Specifically, the applicant has redesigned the tower element and entrance to Walgreens to provide more articulation in the entrance way. The trash enclosure has been rotated around to the side of the site so that it is not directly in the line-of-sight of residences to the west. The trash enclosure and drive-thru pharmacy area will be screened from El Dorado Hills Boulevard with landscaping, decorative metal railings, and decorative walls (stucco, stone veneer, stone caps) that will serve to provide an attractive view as seen from El Dorado Hills Boulevard/Saratoga Way intersection.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on aesthetics, air quality, noise, and transportation/traffic. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study that will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

**NOTE:** This project is not 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 \$1,933.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee plus a \$50.<sup>00</sup> recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,933.00 is forwarded to the State

Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources

## RECOMMENDATION

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) as incorporated in the Conditions of Approval and Mitigation Measures in Attachment 1; and
3. Approve DR08-0003 based on the Findings noted in Attachment 2 and subject to the conditions in Attachment 1.

## SUPPORT INFORMATION

### Attachments:

|                    |                                |
|--------------------|--------------------------------|
| Attachment 1 ..... | Conditions of Approval         |
| Attachment 2 ..... | Findings                       |
| Exhibit A .....    | Vicinity Map                   |
| Exhibit B .....    | General Plan Land Use Map      |
| Exhibit C .....    | Zoning Map                     |
| Exhibit D .....    | Site Plan                      |
| Exhibit E .....    | Phasing Plan                   |
| Exhibit F .....    | Grading Plan                   |
| Exhibit G .....    | Landscaping Plan               |
| Exhibit H .....    | Elevations (Building 1)        |
| Exhibit I .....    | Elevations (Building 2)        |
| Exhibit J .....    | Elevations (Building 3)        |
| Exhibit K .....    | Trash Enclosure (Detail 1)     |
| Exhibit L .....    | Lighting Fixtures              |
| Exhibit M .....    | Photometric Plan               |
| Exhibit N .....    | Proposed Monument Sign         |
| Exhibit O .....    | Mitigated Negative Declaration |

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number DR 08-0003

### Conditions of Approval:

1. The project, as approved, consists of the following:

This Design Review is based upon and limited to compliance with the project description, the Planning Commission exhibits marked D through N, dated January 22, 2009, 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 will constitute a violation of permit approval.

**Project Description:** Design Review request to construct three (3) commercial buildings totaling 30,628 square feet. Building 1 would be 13,368 square feet, Building 2 would be 11,539 square feet and Building 3 would be 5,775 square feet. Walgreens would include a 24-hour drive-through pharmacy and an in-store health clinic. The project would be phased into two phases with Building 1 and its associated parking to be constructed as part of Phase I, and the remainder of the project to be constructed with Phase II. Delivery hours for buildings 2 & 3 would be limited to the hours of 6 a.m. to 10 a.m., seven days a week.

Access/Road Improvements: Site access would be provided by three driveways along Saratoga Way. The northern driveway would be right-in, right-out only while the other two driveways would be full access driveways. A left-turn pocket would be constructed on Saratoga Way to provide access to the main entrance (middle driveway).

Parking: The project would provide 153 parking spaces including 4 handicap spaces. No RV spaces are provided as part of the project due to the narrow lot configuration. One off-street loading space has been provided for the project for Building 1, no off-street loading has been provided for Buildings 2 & 3. Administrative relief findings have been provided in Attachment 2 to address the requested modifications.

Water/Sewer: Water and sewer would be provided by the El Dorado Irrigation District. Service would be provided by existing mains on and immediately adjacent to the project site. No offsite facility improvements are required as part of project implementation.

Architecture/Color: Exterior colors and materials for buildings shall substantially conform to the following color palette in Table 1. All exterior building materials, treatments, and landscaping shall be maintained in good visual repair, at all times.

**Table 1. Color Palette**

| <b>BUILDING PORTION</b>  | <b>STYLE/COLOR</b>                  | <b>MATERIAL</b>                              |
|--------------------------|-------------------------------------|--|
| ROOF                     | Tierra Antigua #2311/Sandcast Blend | Redland Clay Tile/Two-piece Mission Sandcast |
| BUILDING WALLS           | Kelly Moore 25 Blanco               | Cement Plaster/Smooth Finish                 |
| CORNICE, FASCIA, & TRIMS | Kelly Moore 42 Wise Owl             | Cement Plaster/Smooth Finish                 |
| STOREFRONT               | Black                               |  |
| FABRIC AWNING (COLOR 1)  | Mustard & Black Stripes             | Fabric                                       |
| FABRIC AWNING (COLOR 2)  | Black                               | Fabric                                       |
| PERIMETER WALLS          | Coarsed Stone/Santa Barbara         | Stone Veneer/El Dorado Stone                 |
| TRELLIS                  | Black                               | Metal  |
| WALL INSERTS             | Spanish Tile                        | Tile   |

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 substantially 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 Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. All site improvements shall conform to Exhibits D-N.

**Mitigation Measures:**

3. **MM-VIS-1:** The applicant shall include one landscape island/finger within the parking area associated with Walgreens along Saratoga Way. This planter shall be planted with at least one large shade tree. In order to break up other long uninterrupted rows of parking spaces, the applicant shall plant large shade tree clusters (2-3 trees) every ten parking spaces within the perimeter landscape buffer to break up views of the parking lot as seen from the surrounding residential properties and Saratoga Way.

*Timing/Implementation: The applicant shall revise all site plans and grading plans to include a landscape island within the parking area associated with Walgreens along Saratoga Way. The landscape plan shall also include large shade tree clusters (2-3 trees) every ten parking spaces within the perimeter landscape buffer.*

*Enforcement/Monitoring Prior to issuance of construction/grading permits, El Dorado County Planning Services shall review site plans and landscape plans to ensure that these measures have been included.*

4. **MM AQ-1:** A Fugitive Dust Plan (FDP) Application with appropriate fees shall be submitted to and approved by the El Dorado County Air Pollution Control District (APCD) with appropriate fees and approved by the APCD prior to

start of project construction.

*Timing/Implementation: Prior to issuance of grading and building permits the applicant shall submit an FDP to the El Dorado County APCD for review and approval.*

*Enforcement/Monitoring: El Dorado County Planning Services shall verify that the El Dorado County APCD has approved the FDP prior to issuance of grading and building permits.*

5. **MM AQ-2:** Prior to the issuance of any grading permit the property owner/operator shall submit to the El Dorado County AQMD a report prepared by a California-registered geologist that documents the presence or absence of NOA. If El Dorado County AQMD agrees that NOA is not present on-site then no additional avoidance measures are required. If El Dorado County AQMD agrees that NOA is present on-site then the property owner/operator shall prepare and implement an Asbestos Dust Mitigation Plan. The Asbestos Dust Mitigation Plan will be reviewed and approved by El Dorado County Environmental Management and AQMD prior to the issuance of a grading permit. The Asbestos Dust Mitigation Plan shall include BMPs for implementing the asbestos dust control measures identified in the El Dorado County Fugitive Dust Prevention and Control and Contingent Asbestos Hazard Dust Mitigation Plan.

*Timing/Implementation: Prior to issuance of grading and building permits the applicant shall submit the report referenced above for review by the El Dorado County Environmental Management Department and the Air Quality Management District. If NOA is present, the applicant shall prepare and submit an Asbestos Dust Mitigation Plan for review and approval by the Environmental Management Department and the AQMD.*

*Enforcement/Monitoring: Environmental Management Department and the AQMD shall approve the Asbestos Dust Mitigation Plan, if necessary, prior to issuance of grading and building permits. El Dorado County Planning Services shall verify that the El Dorado County APCD has approved the FDP prior to issuance of grading and building permits.*

6. **MM-NOI-1:** 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. to 5:00 p.m. on weekends and federally recognized holidays.

*Timing/Implementation: The applicant shall include this measure as a note on all grading, building, and improvement plans.*

*Enforcement/Monitoring Prior to issuance of construction/grading permits, El Dorado County Planning Services shall verify that this measure is incorporated as a note on the plans.*

7. **MM-TRA-1:** The applicant shall post signs on Buildings 2 & 3 in a conspicuous location that notifies delivery drivers that deliveries are only allowed from 6 a.m. to 10 a.m., seven days a week.

*Timing/Implementation: The applicant shall include this measure as a note on all building, and improvement plans.*

*Enforcement/Monitoring Prior to issuance of building permits, El Dorado County Planning Services shall verify that this measure is incorporated as a note on the plans. Planning Services shall verify that signs have been posted in an acceptable location prior to occupancy clearance.*

### **Planning Services**

8. All signage shall conform to Zoning Ordinance Chapter Section 17.32.140 (D). Proposed signage plans shall be revised to reduce the display area of the monument sign to 80 square feet. LED readerboards are prohibited. All future signage shall conform to *Chapter 17.16* and *Chapter 17.34* of the *County Code*.
9. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein (Exhibits D-O). Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require Planning Services review and approval.
10. The project must be started or diligently pursued within one year of approval, or the Design Review approval becomes null and void.
11. A water meter award letter or similar assurance form the water purveyor, guaranteeing water service upon demand to the project, shall be submitted prior to issuance of a building permit.
12. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
13. The applicant shall schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
14. Prior to issuance of any building permits, all Development Services fees shall be paid.
15. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs

of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

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

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

16. The final landscape plan shall meet Zoning Ordinance Chapter 17.18.090. The applicant shall revise the proposed landscape plan consistent with recommendations in Condition #3. The applicant shall submit the revised landscape plan for review and approval by El Dorado County Planning Services and the El Dorado Community Services District prior to issuance of grading and building permits. The property owner shall maintain landscaping for the life of the project.
17. All outdoor lighting shall conform to Sections 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
  - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
18. The applicant shall include provisions for bicycle parking on the site by providing a minimum of one bicycle spaces/rack within the project. The bike rack shall be installed prior to finaling of the building permit.
19. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The uses will be evaluated during the tenant improvement/building permit process prior to issuance of a building permit to ensure that parking will be available for each use that had been authorized by this approval and to be sure the initial proposed uses were not subjected to a change. Parking shall conform to the approved site plan. Any tenant improvement use that causes the total approved number of parking spaces to be exceeded, beyond the approved 153 off-street spaces, shall not be approved until such time as additional parking is legally created, reviewed, and then approved by Deputy Planning Director or designee.

20. 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 review and approve the grading plans prior to the issuance of a grading permit.

## **El Dorado County Department of Transportation**

### **Project Specific Conditions**

21. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachments from the proposed project onto Saratoga Way to the provisions of County Design Std **110**, or as required by the approved traffic study. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
22. **Sidewalks:** The applicant shall construct 5-foot sidewalk, curb, and gutter per DISM 101A in accordance with Policy TC-5 of the County of El Dorado General Plan along the Saratoga Way frontage. This sidewalk/pedestrian route may diverge from the edge of Saratoga Way and meander through the project site due to grade changes and setback requirements. The project shall provide a minimum 5-foot wide sidewalk/ pedestrian route continuously extending from the southwestern edge of the property to the crosswalk at the intersection of Saratoga Way and El Dorado Hills Blvd.
23. **Left Turn Pocket:** The applicant shall design and construct a 14-foot wide left turn pocket at the primary entrance, according to the provisions of the Caltrans Highway Design Manual and/or AASHTO. The improvements shall be completed to the approval of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of a building permit.
24. **Signalization:** Due to the proximity of the existing signalized intersection of Saratoga Way and El Dorado Hills Blvd and the future signalized intersection of Saratoga Way and Arrowhead Drive, no additional signalization shall be allowed at any of the proposed project driveways. The final improvement plans shall indicate that no additional signalization is to be installed at any of the project driveways onto Saratoga Way.

### **Standard Conditions**

25. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.

26. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, etc. as required by the Department of Transportation prior to issuance of a building permit. The signing and striping shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.
27. **Vehicular Access Restriction:** Prior to issuance of a building permit, the applicant shall record a vehicular access restriction along the entire frontage of El Dorado Hills Boulevard.
28. **Sidewalks:** Sidewalks may be located outside the right-of-way and meander as a means to provide interest and variety in alignment. The alignment and design of the sidewalks shall be reviewed and approved by the 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.
29. **Curb Returns:** All curb returns, at pedestrian crossing, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and four feet of sidewalk/landing at the back of the ramp.
30. **Maintenance Entity:** The proposed project must form an entity for the maintenance of any shared or common: parking facilities, landscaping, signs and drainage facilities. If there is an existing entity, the property owner shall modify the document if the current document does not sufficiently address maintenance of the parking facilities, landscaping, signs, and drainage facilities of the current project. DOT shall review the document forming the entity to ensure the provisions are adequate prior to issuance of a building permit.
31. **Common Fence/Wall Maintenance:** 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).
32. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
33. **DISM Consistency:** 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 issuance of a building permit.
34. **Road Improvement Agreement & Security:** The developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth

within the County of El Dorado Subdivision Division Ordinance, prior to issuance of a building permit.

35. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
36. **Grading Permit / Plan:** A commercial grading permit is required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado “*Design and Improvement Standards Manual*”, the “*Grading, Erosion and Sediment Control Ordinance*”, the “*Drainage Manual*”, the “*Off-Street Parking and Loading Ordinance*”, and the State of California Handicapped Accessibility Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of DOT and/or Development Services (whichever is applicable) prior to occupancy clearance.
37. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Department of Transportation or Development Services (whichever is applicable). 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.
38. **RCD Coordination:** The timing of construction and method of revegetation shall be coordinated with the El Dorado County Resource Conservation District (RCD). If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Department of Transportation. The Department of Transportation or Development Services (whichever is applicable) shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
39. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation or Development Services (whichever is applicable). 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.

40. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation or Development Services (whichever is applicable).

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

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

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. The improvements shall be completed to the approval of the Department of Transportation or Development Services (whichever is applicable), prior to occupancy permits or the applicant shall obtain an approved improvement agreement with security.

41. **Drainage, Cross-Lot:** Cross lot drainage shall be avoided. When concentrated cross lot drainage does occur or when the natural sheet flow drainage is increased by the project, 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. Any variations shall be approved by the County Engineer. 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. The site plans shall show drainage easements for all on-site drainage facilities. Drainage easements shall be provided where deemed necessary prior to issuance of a building permit.
42. Drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
43. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560

square feet), the applicant shall file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

44. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to DOT with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.
45. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees in effect at the time a building permit is deemed complete.

#### **El Dorado Hills Fire Department**

46. The required fire flow for the fire protection of the proposed referenced project is 1500 gallons per minute with a 20 psi residual for a two hour duration. This flow rating is in addition to the highest maximum daily consumption and is based on the premise that a fire sprinklered commercial building is to be of Type V-B, wood frame construction and shall not exceed 13,400 square feet in size for a single building.
47. There shall be an unobstructed 20-foot wide access on the east side of Building 1, Walgreens.
48. This development shall install Mueller Dry Barrel Fire hydrants conforming to the El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The location specified on the submitted plans meets this requirement.
49. To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and the Fire Safe Regulations.
50. In order to provide the development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by the El Dorado Hills Fire Department Standard 103.
51. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump of a lower dip section of roadway.

52. Each building shall be addressed in accordance with the Fire Department requirements. The location of the address on the buildings shall be approved at the time of building plan check. More than one address may need to be installed on each building depending on the relation of the building to the path of emergency response.
53. The applicant shall provide the Fire Department with a CD that contains all the CAD files for this project.
54. The fire access roadways servicing all building shall be designed to accommodate a 40-foot inside and a 56-foot outside turning radius. Submitted plans meet this standard.
55. All buildings shall be sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.
56. This development shall provide a minimum of two unobstructed access roadways during construction of any building.
57. All trash enclosures shall be located a minimum of 5 feet from a building wall.
58. A KNOX box shall be installed on each building. The KNOX box shall contain the master key to open all exterior doors. The location is to be approved prior to installation.
59. Any driveway that is less than 30 feet in width shall have no parking, fire lane signs installed on each side or have the curbs painted red and stenciled "fire lane no parking" on each side.

#### **Environmental Management Department**

60. The applicant shall adhere to all standard Air Quality Management District rules and conditions during project construction, prior to issuance of any permits associated with this project.

#### **Hazardous Materials**

61. If any commercial, industrial, agricultural, mining or any other hazardous materials handling activities have taken place on the property in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

**ATTACHMENT 2  
FINDINGS FOR APPROVAL  
FILE NUMBER DR 08-0003  
Planning Commission January 22, 2008**

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 Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 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.
- 1.4 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 ADMINISTRATIVE FINDINGS**

**2.1 The proposed use and design conforms to the General Plan;**

The General Plan designates the subject parcel as Commercial (C) which permits the proposed mixed commercial use.

The uses permitted through this Design Review will not be inconsistent with the (C) land use designation or applicable policies as discussed in this staff report.

**2.2 The proposed use and design conforms to the Zoning Ordinance;**

The Zoning Ordinance designates the site as Planned Commercial - Design Control (CP-DC). The proposed design is consistent with the development standards of the CP-DC zone district as discussed in this staff report with inclusion of the Administrative Relief findings contained in Attachment 2.

**2.3 The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.**

The proposed mixed commercial use project will not create any hazards that will negatively impact the surrounding neighborhood. No use allowed within the CP zone district will be injurious to the neighborhood. The proposed use will not create negative noise, air, or traffic impacts that will be harmful to the land uses in the project vicinity.

**3.0 ADMINISTRATIVE RELIEF FINDINGS**

**3.1 The intent of the parking ordinance is preserved;**

The County Zoning Ordinance requires one recreational vehicle space per each ten (10) parking spaces and one off-street loading space per 15,000 square feet. The intent of the parking ordinance is to provide for adequate parking and circulation on-site. Due to the fact that the County's extension of Saratoga Way created an odd-shaped parcel, onsite circulation has been compromised to some extent with respect with the site's ability to handle large vehicles such as recreational vehicles and delivery trucks. Given that the project is not a regional retail center, nor is it a tourist-serving facility, it is unlikely that it would draw recreational vehicles to the site. Thus, the need for RV parking spaces can be waived.

The applicant has provided one off-street loading space for Building 1. No off-street loading has been provided for Buildings 2 & 3. Conditions of approval have been added as Attachment 1 to prohibit deliveries from occurring during peak business hours (after 10 a.m.). With the addition of this condition, the intent of the parking ordinance will be preserved, as adequate parking and circulation will be available during normal, peak, business hours.

The applicant has not provided an on-site drop off and loading area due to the odd-shaped nature of the parcel and constricted circulation patterns as discussed previously. These loading areas are typically required for major retail facilities. The proposed project is considered a major retail facility by definition of size (it barely exceeds 30,000 square feet), but is intended as a neighborhood type of facility, serving the needs of the surrounding community with smaller boutique type shops, restaurants, walkways and access to the surrounding neighborhood, and a retail/pharmacy use that would provide the daily needs of the neighborhood. Administrative relief findings can be made for this requirement.

**3.2 The parking provided is sufficient to serve the use for which it is intended;**

The project will meet the parking requirements necessary for the proposed mixed commercial uses in terms of the number of spaces provided.

**3.3 The modification will not be detrimental to the public health or safety.**

The modification of the parking space design requirements will not impair on-site circulation with the inclusion of the condition of approval requiring deliveries to be prohibited during peak business hours.