

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



Agenda of: October 14, 2010
Item No.: 9.b
Staff: Tom Dougherty

PLANNED DEVELOPMENT REVISION

FILE NUMBER: PD95-0001-R-3/Cool Village Condominiums-Phase 2

APPLICANT: Cool Village Investments CA, LLC

AGENT: Patrick Kaestner

ENGINEER: Warren Consulting Engineers

REQUEST: Request to revise a planned development to allow Parcel 3 and the existing 11,900 square-foot office building to be subdivided into eight commercial condominium units with one exterior common area parcel containing shared access, circulation, parking, and landscaping.

LOCATION: Southwest corner of the intersection of State Routes 49 and 193 in the Cool area, Supervisorial District IV (Exhibit A).

APN: 071-480-03 (Exhibit B)

ACREAGE: 1.84 acres

GENERAL PLAN: Commercial (C) (Exhibit D)

ZONING: General Commercial-Community-Planned Development (CG-PD) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301(k) of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission take the following action:

1. Find the project is Exempt from CEQA pursuant to Section 15301(k) of the CEQA Guidelines; and

2. Approve Planned Development Revision PD95-0001-R-3, subject to the Conditions in Attachment 1, based on the Findings in Attachment 2; and

BACKGROUND: On August 12, 1997, the Board of Supervisors adopted Resolution No. 191-97 certifying a Final Environmental Impact Report for the Cool Village Development, adopting Findings of Fact, a Statement of Overriding Consideration, and a Mitigation Monitoring and Reporting Program. Ordinance No. 4461 was adopted rezoning the property from Exclusive Agriculture (AE) to General Commercial-Planned Development (CG-PD). The Board of Supervisors approved Planned Development PD95-0001, a Final Development Plan for Phase I, and a Conceptual Development Plan for Phases II through IV of the Project. Resolution No. 193-97 was adopted approving Tentative Parcel Map P95-0002.

On September 18, 1997, El Dorado County Taxpayers for Quality Growth petitioned for a Writ of Mandate requesting the determination that the EIR for the project was inadequate under CEQA. A hearing on the Taxpayers' petition for Writ of Mandate in the lawsuit occurred on November 16 and 17, 1998. On November 17, 1998, the parties terminated the hearing and stipulated on the record in open court to all essential terms of an agreement that resolved their differences (Stipulation for Judgment, Superior Court of the State of California Case No. PV-002933).

The Agreement stipulated that Phase I of Planned Development PD95-0001 gained final development approval and Phases II through IV obtained conceptual approval. This conceptual approval was limited to development of a maximum of 50 percent of the square footage for the phases that were originally proposed in the project submittals and analyzed in the EIR. Development of Phases II through IV was not to exceed the square footage for each use specified in the "Reduced Project," column of Table 1.4-1 of the EIR. Prior to each approval of a final development plan or any other future discretionary land use approval for Phase II through IV of the Project, the County is required to complete and make available for public review an Initial Study in conformance with CEQA. The County is also required to complete any and all additional environmental documentation that is necessary to comply with CEQA, given the conclusions of the Initial Study and the public review of the Initial Study. The Stipulation for Judgment was signed by the El Dorado County Taxpayers for Quality Growth, Cool Investments, and the El Dorado County Board of Supervisors.

Pursuant to Cool Village project approvals (PD95-0001, a Final Development Plan for Phase I, Resolution No. 193-97, Tentative Parcel Map P95-0002, 7/28/03 Improvement Plans and the August 2003 Addendum EIR), the project had Final Development Approval for the following:

APN:	Square Feet:	Approved Use/Description:
Parcel 2	5,600	Office/Commercial
Parcel 3	11,900	Service/Retail/Restaurant/In-line Shops
Parcel 4	25,000	Grocery/Market
Parcel 5	4,400	Office/Commercial
Parcel 6	11,300	Office/Commercial

Phase I included the parcels identified by current Assessor's Parcel Numbers 071-480-01 through 05. Parcel 6 is graded flat but has not been developed as of this time. The subject revision request concerns parcel number 071-480-02.

In August 2003, an Addendum to the EIR was prepared to address circulation and modifications to the onsite sewage waste disposal system. All future development requests or revisions to the originals approvals are required to be compliant with the regulations that govern the waste disposal system.

Phase I of the project development was completed for the grocery store on Parcel 4 and the multi-tenant shops on adjoining Parcel 3. Prior to beginning that construction, the owner had requested approval from Planning Services to update the exterior of the buildings with new colors and materials and to make minor changes in the exterior façade (PD95-0001-R-1). Section 17.04.070(A) of the County Code states, "Minor changes in the adopted development plan may be approved by the Planning Department provided that the changes:

1. Do not change the boundaries of the subject property;
2. Do not change any use as shown on the official development plan;
3. Do not change the intent of the official development plan."

Planned Development Revision PD95-0001-R-1 included an update to the materials and color board, including upgrades to the building facades and was approved by the Planning Department in October of 2005.

Planned Development Revision PD95-0001-R-2 was approved by the Planning Commission in March of 2006 to allow the construction of a 5,600 square-foot retail building on Parcel 2 and a 4,440 square-foot office building on Parcel 5.

Existing Permits and Current Status of Development: Currently, the Phase I site work for the 7.7 plus/minus acre 58,200 square foot, Cool Village Shopping Center retail/commercial center is complete. All shell buildings have been constructed and only tenant improvements within the vacant shells remain.

The existing development on this parcel was previously approved under Planned Development PD95-0001, APN 071-480-03, being Parcel 3 of the Parcel Map for Cool Village, Book 48, Page 125 of Official Records. It currently consists of a fully developed 1.84-acre parcel and 11,900 square foot commercial building having eight developed in-line shop spaces, with all necessary parking, access, and utilities provided as approved under that Planned Development and subsequent shell building and tenant improvement permits. These eight shops are currently available for lease. The subject building adjoins the Holiday Market building-on a different parcel. Shared parking and access agreements are recorded and in place for the entire Cool Village Shopping Center planned development. This shopping center is governed by an existing "Association" established under the existing (Master) CC&Rs, recorded Document No. 2006-0038125.

The State Regional Water Quality Control Board approved wastewater treatment infrastructure associated with each parcel has been installed, including the associated leach field. The main treatment facility system is installed and working properly. All wastewater facility improvements have been installed consistent with Order No. R5-2003-0023, Waste Discharge Requirements/Monitoring & Reporting Program.

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: Request to revise a planned development to allow Parcel 3 and the existing 11,900 square-foot office building to be subdivided into eight commercial condominium units with one exterior common parcel for shared access, circulation, parking, and landscaping. This request does not include a parcel map request so an approval of the revision to the planned development would not formally subdivide up the parcel but would allow for future subdivisions through the Parcel Map Waiver or Parcel Map processes when found to be consistent with the approved Development Plan. No exterior physical changes are proposed.

The commercial condominium parcels are proposed as follows:

Parcel Number	Use	Improvements (Square Feet)	Net Area (Acre)
Unit 100	Service/Retail/Restaurant/In-line Shops	1,232.12	0.028
Unit 110	Service/Retail/Restaurant/In-line Shops	1,294.03	0.030
Unit 120	Service/Retail/Restaurant/In-line Shops	1,343.90	0.031
Unit 130	Service/Retail/Restaurant/In-line Shops	1,343.93	0.031
Unit 140	Service/Retail/Restaurant/In-line Shops	1,521.23	0.035
Unit 150	Service/Retail/Restaurant/In-line Shops	1,169.33	0.027
Unit 160	Service/Retail/Restaurant/In-line Shops	1,345.93	0.031
Unit 170	Service/Retail/Restaurant/In-line Shops	2,003.54	0.046
A	Common Area	68,824.8	1.58

Site Description: The 1.84-acre parcel is one of five developed parcels located within the Cool Village Shopping Center. The 11,900 square-foot in-line shop building is surrounded by existing asphalted parking and interior access roads and landscaping. The parcel adjoins State Route 193 to the north and Ellinghouse Drive to the east. The building mirrors the other buildings in the shopping center in architecture style and color. There are two bike racks located at the west end of the building where it adjoins Holiday Market. The two buildings are adjoined but are on separate parcels with zero setback lines allowed by the original approved development plan for PD95-0001.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CG/PD	C	Commercial/Commercial office building w/four tenants (Cool Beans Coffee Roasters, Subway, Autumn Moon Salon & Spa, Cool Pets and Supply).
North	C/DC	C	Commercial/State Route 193
South	CG/PD	C	Commercial/vacant (site of Cool Village waste system)
East	CG/PD	C	Commercial/Ellinghouse Drive and vacant parcel.
West	CG-PD	C	Commercial/Holiday Market grocery store

Allowing the subdivision of the subject parcel within the previously approved Cool Village Shopping Center, “Phase 1”, would be consistent and compatible with the Development Plan and with the existing retail/office development on the other parcels within the Center because it would not change the existing exterior of the building or the allowable uses.

General Plan: The General Plan designates the subject site as Commercial. General Plan **Policy 2.2.1.2** states the purpose of the Commercial land use designation is *to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.* The applicants propose office uses that would meet the intent of this policy and are were also allowed by the approval of PD95-0001-R-2 for the project site. Additionally, the following General Plan policies also apply to this project:

Planned Development Zone District: Policy 2.2.3.1 states that the Planned Development (-PD) Combining Zone District allows commercial uses *consistent with the density specified by the underlying zoning district with which it is combined. The Districts are intended to be placed in areas, and on projects, furthering uses and/or design that provide a public or common benefit, both on- and off-site, by clustering intensive land uses to minimize environmental impacts.*

Discussion: The subject parcel adjoins parcels within the Cool Village Shopping Center that have been previously developed with a mix of retail and office uses. The proposed project would not change any previous uses allowed. Approval of this development revision would allow the subdivision of the approved building into commercial airspace condominium units allowing for individual ownership. There would be no conflict with this policy.

Land Use Compatibility: Policy 2.2.5.21 directs that *development projects shall 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 project is proposed.*

Discussion: The project would not change any previously allowable uses or the physical exterior of the existing landscaping, parking or circulation. There would be no conflict with this policy.

Noise Impacts: *Policy 6.5.1.8 directs that new development of noise sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 6-1 unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels specified in Table 6.1.*

Discussion: The approval of PD95-0001-R-2 included a mitigation measure to assure future tenant improvements would not be exposed to noise levels exceeding those from Table 6.1, or provide and install necessary measures to mitigate the noise levels down to this required level. This adopted mitigation was implemented during the construction phases of the shell buildings on Parcels 2 and 5. Sound analyses were provided for both buildings prior to issuance of final occupancy and it was found both buildings were compliant with this Policy.

Zoning: The project site is zoned General Commercial-Planned Development (CG-PD) which permits a range of retail, office, and restaurant uses. The proposed revision to the approved Development Plan would allow office uses which would be consistent within the CG zone. County Code Section 17.32.200 establishes development standards within the CG zone including, setback, building heights, and lot dimensions. With an approved revision to the existing Development Plan, the project would allow the subdivision of an individual building into condominium units and a common area parcel. Planning Services has determined the modification to the Development Standards to allow zero-foot parcel setbacks could be acceptable and Findings of Approval have been included in Attachment 2 of the Staff Report. As proposed, the project would be consistent with the requirements of the Zoning Ordinance.

Planned Development Permit Request: The project request includes a Planned Development (PD) Application. Adoption of the Development Plan would allow the subdivision of the 11,900 square-foot building into eight commercial airspace condominium units, and one exterior common area parcel containing shared access, circulation, parking, and landscaping through either the Parcel Map Waiver or Parcel Map processes. (Note: Although the exterior common parcel is noted on the Exhibits as a “remainder parcel” by the applicant, any future final maps would indicate “common area” parcel as defined by the Subdivision Map Act).

The applicants are proposing to establish an “Association” which would manage the four building parcels and the common parcel area *in accordance with all applicable laws and regulations for governmental or quasi governmental bodies. Those associations rights and duties would be outlined within the proposed CC&R’s for this project, and are written so as not to impede or negatively affect those currently in effect by the Master CC&R’s, or Master association for the shopping center.*

In the agent’s words the proposed association is *proposed to govern the parcel in addition to the master association, not in the place of. This Association shall govern the more detailed aspects of the building and relation of unit owners, while the master association shall govern the more broad aspects of the development as outlined in the Master CC&R’s. The Master CC&R’s do not cover these more detailed aspects between Units, and Unit owners, which is why this Association is being established.*

Proposed Uses: The applicants propose that *these units can be sold to prospective buyers and utilized for Commercial, Office and Retail type uses, such that those uses do not contradict those allowed by the Master CC&R's for the development. Those restricted uses include, but are not limited to, entertainment or recreational facilities, such as a bowling alley, skating rink, theater, billiard room, betting hall, bingo parlor, health spa (except one occupying, 1,500 sf. or less), or studio, etc., and furthermore, educational facilities such as beauty school, barber college, martial arts studio (except one occupying 1,500 sf. or less), dance studio (except one occupying 1,500 sf. or less), or other place of instruction (except one occupying 1,500 sf. or less), child care facilities, reading rooms, etc., shall also be restricted from this development in accordance with Article VI "USES" of the master CC&R's for the development. Furthermore, uses of these units shall be limited to those which will not exceed the utility, access, and parking needs that have been established and provided for the existing development, more clearly described hereinafter in the section entitled "Utilities".*

Discussion: Any future uses will be evaluated with the building permit application for tenant improvements prior to issuance of a building permit to ensure that parking will be available for each use and consistency with the uses permitted under the approved Development Plan. They will further be analyzed, and a tally will be maintained by Planning Services to ensure the initial proposed uses of office were not subjected to a change that requires more parking than what was provided. Should, at any time, the subsequent tenant improvements be for uses that create the need for more parking than what has been approved, that tenant improvement use that causes the need for additional parking would not be approved by Planning Services.

Project Parking:

The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. Phase 1 of the Cool Village project site is required to have 188 standard spaces and 4 RV parking spaces, as detailed in the table below:

PARKING REQUIREMENTS FOR ALL OF COOL VILLAGE PHASE 1		
Parking Stall Standard	No. of Spaces Required	No. of Spaces Provided
Standard Space	46,900/250 = 188	220
Compact Space	35 percent allowed	0
Accessible Spaces	6 of the 188 (w/1 van accessible)	10 (w/5 van accessible)
Totals	188	230

The project exceeds the on-site parking requirements with the exception of the recreational spaces needed. The parking is shared within the shopping center and was calculated using Zoning Code Section 17.16.020, 20 (b) for district/community shopping centers which requires 1 space per 250 square feet of gross floor area.

The requirement for RV parking was waived by the Planning Commission based on the tenant mix of the shopping center and the design waiver of the parking lot to allow RVs and auto/trucks with trailers to "pull through" and use two end-to-end stalls if necessary.

The following table breaks down the existing and required parking by individual parcel:

PARKING REQUIREMENTS BY PARCEL			
Parcel Number & Use Allowed	Gross Floor Area (in square feet)	No. of Spaces Required	No. of Spaces Provided
Parcel 2: Office/Commercial	5,600	22	25
Parcel 3: Service/Retail/Restaurant/In-line Shops	11,900	48	64
Parcel 4: Grocery/Market	25,000	100	122
Parcel 5: Office/Commercial	4,400	18	19
Totals	46,900	188	230

The existing parking for proposed project would comply with Chapter 17.18 of the County Code.

Signage: The project does not include a request for signage. All future unit owner signs would be required to comply with all applicable conditions of the “Sign Program” approved by Planning Services for DR01-0017-S on December 9, 2003.

Cool Village Settlement Agreement: The applicants have submitted the following statement regarding the Cool Village Settlement Agreement: *The existing Settlement Agreement has been reviewed by the Developers Council and revisions were made to the CC&R’s for this project accordingly. The CC&R’s have been revised to include the following, and have amended the settlement agreement into the CC&R’s in its entirety for clarity to Unit Owners:*

9.2 Building Permits. In applying for a building permit for the construction of any Improvements to any Unit or to the Common Area, the Owner of such Unit (or the Association as it pertains to the construction of any Improvements to the Common Area) shall provide actual notice to the Master Association, Declarant, and the El Dorado County Taxpayers for Quality Growth (with an address of 2905 Sliger Mine Road, P.O. Greenwood, CA 95635 and/or P.O. Box 141, Rescue, CA 95672) as required in paragraph 4(a) of the Settlement Agreement. if the discharge of non-domestic wastes from a Unit are proposed as part of any use of such Unit, the Owner of such Unit shall ensure that the Sewage Disposal Management Plan for that use will be reviewed and approved by the Regional Water Quality Control Board, Central Valley Region prior to the issuance of a building permit for such use as required under paragraph 4(c) of the Settlement Agreement.”

“11.4 Wastewater Treatment and Disposal System. Each Owner shall join and utilize the community wastewater treatment and disposal system as required by the Regional Water Quality Control Board, Central Valley Region, regardless of whether an Owner has a properly functioning individual septic system. If permitted by the Regional Water Quality Control Board, Central Valley Region, the obligations hereunder may be performed by the Parcel 2 Association. No use of a Unit shall be allowed if such use unduly burdens the then existing wastewater treatment and disposal system of the Shopping Center. Furthermore, and in accordance with Exhibit “E” attached to the Master Declaration, the Average percolation Rate for each Unit shall not exceed 14 minutes per inch; the Available Daily Flow Rate for each Unit shall not exceed 275 gallons per day; and the Sewage Disposal and Replacement

Area for the Covered Property shall not exceed 12,000 sq. ft. Furthermore, if the discharge of non-domestic wastes from a Unit are proposed as part of any use of such Unit, the Owner of such Unit shall ensure that the Sewage Disposal Management Plan for that use will be reviewed and approved by the Regional Water Quality Control Board, Central Valley Region prior to the issuance of a building permit for such use as required under paragraph 4(c) of the Settlement Agreement.”

Any future settlements shall be mitigated as outlined in the Master CC&R’s and the Master Association, Minor issues between unit owners can be resolved as outlined within the CC&R’s and Association established as part of this project.

Discussion: The project is conditioned to require that a copy of the revised CC&Rs be provided to Planning Services for review and approval, and the approved agreement then be recorded and a copy to then be provided to Planning Services prior to approval of any future Parcel Map Waiver or Parcel Map.

ENVIRONMENTAL REVIEW: This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 (k) of the CEQA Guidelines which exempts the *subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt.* The project requests to revise the approved Development Plan to allow the subdivision of the parcel. No development proposal or parcel map request is included with the project.

A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings of Approval
Exhibit A	Location Map
Exhibit B	Assessor’s Parcel Map
Exhibit C	Parcel Map 48-125 (six pages)
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F-1	Development Plan, Sheet 2
Exhibit F-2	Development Plan, Sheet 3
Exhibit F-3	Development Plan, Sheet 4
Exhibit G	Applicants’ <i>Project Narrative</i> (seven pages)
Exhibits H-1, H-2	Site Visit Photos
Exhibits I-1 to I-3	Aerial Photos

ATTACHMENT 1

CONDITIONS OF APPROVAL

Planned Development Revision PD95-0001-R-3/Cool Village Condominiums-Phase 2 Planning Commission/October 14, 2010

CONDITIONS OF APPROVAL

The following is a revised and updated overall project description for **Planned Development PD95-001** as of January 17, 2006:

Pursuant to Cool Village project approvals (PD95-0001, a Final Development Plan for Phase I, Resolution No. 193-97, Tentative Parcel Map P95-0002, 7/28/03 Improvement Plans, and the August 2003 Addendum EIR), the project has Final Development Approval for the following:

APN:	Square Feet:	Approved Use/Description:
Parcel 2	5,600	Office/Commercial
Parcel 3	11,900	Service/Retail/Restaurant/In-line Shops
Parcel 4	25,000	Grocery/Market
Parcel 5	4,400	Office/Commercial
Parcel 6	11,300	Office/Commercial

The shopping center has been designed with pop-outs, a tower element and a varying color scheme to add visual relief and interest throughout the center. Each building façade includes a split face concrete masonry unit (CMU) field, with a split face center score CMU band and a split faced fluted CMU parapet band. The Market main entry on the northwest elevation will have a board and batt system, with stone veneer, wood truss accents, wood outriggers, foam shape cornices and cement plaster. The glass/aluminum storefront system will be anodized bronze. The roof will be standing seam metal. The CMU main structure of the Market is 24 feet high. The Market main entry tower element is 32 feet high with additional elements at heights of 26 and 22 feet.

The metal roof element and front façade for the In-line Shops will be wood framed with stucco and stone veneer. The elevation height of the In-line Shop center section is 24 feet high. The elevation height for the side sections is 22 feet high.

The color palette for the Market and In-line Shops have been approved by the County (see PD95-0001R, October 2005) The colors include: Hemlock Green metal roofing, Fog Southern LedgeStone Cultured Stone, Balsam Brown, Gold Promise and Western Pursuit (shades of tannish brown) plaster, Tropical Tan and Cushy Suede trim/accent boards.

The buildings for Parcels 2 and 5 are proposed to follow the architectural theme, design and color palette of the Market and In-line Shops. The maximum height of these structures is 26 feet. No building is proposed at this time for Parcel 6.

Cool Village will provide 235 spaces, including 10 disabled spaces. The total number of parking spaces required is 210. The parking lot is designed to provide 84 spaces where recreational vehicles and vehicles with trailers can be accommodated.

PARKING REQUIREMENTS For All of Phase 1

Parking Stall Standard	Number of Spaces Required	Number of Spaces Provided
Standard Space	46,900/250 = 182	225
Compact Space	35 percent allowed	0
Disabled Space	6	10
Recreational Vehicle Space	2 each for Parcels 2 and 5.	0
Totals	190	235

The project has been designed to include one dedicated loading space for the major pharmacy retailer. The loading dock for the pharmacy has been designed to be 14 feet wide and 58 feet long, exceeding the County Standards for loading docks. The developer has not designed truck loading docks for the bulk of the shopping center because it does not necessitate the use of loading docks due to the individual tenant sizes and needs. The drive aisle/service lane behind and to the south of Shops B, C, and D will be utilized for deliveries.

Planned Development Revision PD95-0001-R-1 was approved by Planning Services for the parcels identified by Assessor’s Parcel Numbers 071-480-03 and 071-480-04 on October 5, 2005 as follows:

1. This Planned Development Permit approval is based upon and limited to compliance with the project description, dated October 5, 2005, 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.

The project description is as follows:

Issuance of a Planned Development Permit Revision (PD95-0001R) for the Cool Village shopping center development which includes an update to the materials and color board, including upgrades to the building facades. Each building façade includes a split face concrete masonry unit (CMU) field, with a split face center score CMU band and a split face fluted CMU parapet band. The grocery store entry on the northwest elevation is to have a board and batt system, with stone veneer (Fog Southern LedgeStone Cultured Stone), wood truss accents, wood outriggers, foam shape cornices and cement plaster. The glass/aluminum storefront system is to be anodized bronze. The roof is to be standing seam metal in a hemlock green color.

The color scheme for the shopping center is extensive, with neutral earth tones chosen. Four (4) cement plaster samples have been provided, which include Kelly Moore Paints, “Western Wear”, “Balsam Brown”, “Gold Promise” and “Western Pursuit”, all of which are a shade of tan, except for “Western Pursuit” which is a shade of brown. Two (2) painted CMU samples have been provided, which include Kelly More Paints, “Tropical Tan” and “Cushy Suede”, which are shades of dark tan and khaki.

Planned Development Revision PD95-0001-R-2 was approved by the Planning Commission on March 9, 2006 for the following:

1. **The project description is as follows:**

Approval of a Planned Development PD95-0001-R-2 to allow the construction of a 5,600 square-foot retail building on Parcel 2 and 4,440 square-foot office building on Parcel 5. (Modified by R2; 2006).

The location and all roads, structures, and other site improvements shall conform to the approved development plan for lots 1 and 4, and Parcels (lots) 2 and 5 of Phase I. This planned development permit approval and all resulting site improvements are based upon and limited to compliance with the Site Plans, dated September 21, 2005 (Exhibit D1) and January 2004 (Exhibit D2), the Elevations dated September 21, 2005 (Exhibit E) and Conditions of Approval set forth below. Adjustments to the location of parcel boundary lines, interior driveways, and minor streets to accommodate the site plan require approval by the Department of Transportation and Planning Director prior to submittal of the final map to the Board of Supervisors.

A Sign Programs was approved by Planning Services December 9, 2003, for the shopping center and is provided as Exhibit F and includes updated elevations of the monument/pylon signs. A preliminary landscape plan for Parcels 2 and 5 has been provided as Exhibit G. (Modified by R2; 2006).

2. An analysis of interior noise levels shall be conducted when building plans and floor plans have been completed for the buildings proposed for Parcels 2 and 5. If it is determined that interior noise levels would exceed 45 dB Leq, improvements to the building shall be required as necessary to reduce interior noise levels to below 45 dB Leq. Planning Services approval of the noise mitigations is required before final occupancy for the two buildings is granted. (Modified by R2; 2006).
3. All additional landscaping for Parcels 2 and 5 is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.3.5.1, 7.3.5.2 and 7.4.4.4. The final revised Landscape Plan shall meet the intent of the General Plan to incorporate El Dorado County native plants and shall provide for the planting of five gallon interior live oaks (*Quercus wislizenii*) which shall be planted all along the western and southern boundaries of Parcels 5 in groups of three at the top of the embankment. A final set of landscape,

- lighting, and irrigation plans and specifications for Parcels 2 and 5 shall be submitted to the Planning Services for evaluation and approval prior to issuance of any building permit and shall include the following shrubs: California coffeeberry (*Rhamnus californica*) holly-leaf redberry (*Rhamnus crocea* var. *ilicifolia*), toyon, California Christmasberry (*Heteromeles arbutifolia*). All planting areas shall be irrigated with low precipitation drip irrigation and bubblers with no overhead sprinklers. (Modified by R2; 2006).
4. All outdoor lighting shall conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. 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 the Planning Department, including the following: (Modified by R2; 2006).
 - a. Parking lot and any outdoors security lighting shall be side and top shielded to prevent any light or glare from leaking onto adjacent properties or roadways (street lights for illumination of public roads are excluded from this provision).
 - b. 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.
 - c. No outdoor floodlights shall project above 20 degrees below the horizontal plane.
 - d. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.
 5. A complete signing program shall be submitted and approved by the Planning Director prior to the issuance of any occupancy permits for the tenant spaces, and parcels 3, 5, and 8 of Phase I. All signs must comply with all applicable conditions of the "Sign Program" approved by Planning staff for DR01-0017 on December 9, 2003. Any signage subsequent to the approval of this permit shall conform to Chapter 17.32.140 (D) and Chapter 17.16 of the El Dorado County Zoning Ordinance and shall be provided to, and then approved by, the Deputy Director of Planning prior to issuance of a building permit. (Modified by R2; 2006).
 6. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. The requirement for a dedicated loading zone under §17.18.080 is waived for Parcels 2 and 5. Deliveries to the buildings shall be handled by small delivery trucks or vans, which can utilize existing parking space, as this activity is usually of short duration. Delivery activities that require utilization of a larger vehicle requiring larger parking space shall occur before and/or after business hours. The requirement for dedicated RV spaces under §17.18.060

numbers 16 and 17 is waived as long as concrete tire stops are not installed in the areas with facing parking spaces. (Modified by R2; 2006).

7. The applicant shall include provisions for bicycle parking on the site by providing a minimum of 2 bicycle spaces/racks each within Parcels 2 and 5. The bike racks shall be installed prior to final occupancy. It is recommended, but not required that a minimum of 4 bicycle spaces/racks be located adjacent to the major tenant. (Added by R2; 2006).
8. Subject to compliance with all applicable conditions of approval of tentative parcel map P95-02.
9. Final development plans, pursuant to Section 17.04.030, shall be submitted for Planning Commission review for all phases of development with the exception of lots 1 and 4 of Phase I.
10. All phases will provide for the placement of commercial dumpsters and truck maneuvering areas to service the dumpsters. Each dumpster area shall be landscaped and screened from public view.
11. The development plan for PD95-0001 consists of the following exhibits that are attached to that prior approved staff report: (Modified by R2; 2006).

Exhibit E - Preliminary Site Plan Sheet A1
Exhibit E1 - Preliminary Site Plan Sheet A2
Exhibit F - Preliminary Grading Plan Sheet G1.1
Exhibit F - Preliminary Grading Plan Sheet C1
Exhibit F2 - Preliminary Grading Plan Sheet C2
Exhibit G - Building Elevations Sheet A5.1
Exhibit G1 - Building Elevations Sheet A5.2
Exhibit H - Tree Preservation Plan
Exhibit J - Preliminary Landscape Plan Phase I
Exhibit J1 - Preliminary Landscape Plan/Project Site/Sheet 1
Exhibit J2 - Preliminary Landscape Plan/Project Site/Sheet 2
Exhibit K - Lighting Plan Sheet A1.1
Exhibit L - Pole Lighting Exhibit
Exhibit M - Free-Standing Plaza Tenant Sign
Exhibit N - Cool Plaza Material Sample Board

12. The prior staff approved development plan for PD95-0001R1 consists of the following condition which is listed as Condition 2 in that staff report: (Modified by R2; 2006).

All site improvements shall conform to the elevations dated August 18, 2005, the color rendering dated August 19, 2005, and with the color and materials board dated September 6, 2005.

13. Pursuant to General Plan Policy 10.2.1.5, a public facilities and services financing plan shall be submitted to the Planning Department when the total approved phasing would exceed 20 acres or 100,000 square feet of gross floor area, whichever occurs first.
14. The Mitigation Monitoring Program shall be reviewed annually.

Air Quality Management District

15. An Asbestos Dust Mitigation Plan (ADMP) Application shall be submitted to and approved by the District prior to issuance of a Building Permit or Grading Permit. (Added by R2; 2006).

El Dorado County Department of Transportation

16. The applicant shall provide copies of the Caltrans encroachment permits for SR 49 and SR 193 to the Department of Transportation. (Added by R2; 2006).

El Dorado County Environmental Management Department-Environmental Health Division

17. All wastewater generated from the development of this project shall be compliant with Order No. R5-2003-0023, California Regional Water Quality Control Board. (Added by R2; 2006).
18. The discharge of wastewater to the Waste Water Treatment and Disposal Facility (WWTF) shall be prohibited until the Discharger has submitted, and the Executive Officer has approved, documentation that either (a) a public entity has accepted the ownership and operation of the WWTF or (b) a private entity has been created with adequate long-term financial resources and expertise to operate and maintain the WWTF in compliance with this Order. A copy of the letter from the project's engineer to the California Regional Water Quality Control Board showing proof of compliance with the above mentioned requirements shall be received by Planning Services prior to the discharge of waste. (Added by R2; 2006).
19. At least 30 days prior to use, the Discharger shall submit a report certifying that the WWTF has been constructed in accordance with. Order No. R5-2003-0023, a copy of the letter of compliance from the project's engineer to the California Regional Water Quality Control Board, Central Valley Region shall be submitted to Planning Services and El Dorado County Environmental Management Department-Environmental Health Division. (Added by R2; 2006).
20. At least 30 days prior to use, the Discharger shall submit and implement an Operation and Maintenance (O&M) Plan for the WWTF and leachfield in accordance with. Order No. R5-2003-0023. A copy of the letter of compliance from the project's engineer to the California Regional Water Quality Control Board, Central Valley Region shall be

submitted to Planning Services and El Dorado County Environmental Management Department-Environmental Health Division. (Added by R2; 2006).

Planned Development Revision PD95-0001-R-3 includes the following:

1. This Planned Development Revision is based upon and limited compliance with the project description, the Staff Report Exhibits A through I-3, 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.

The commercial condominium units are proposed as follows:

Planned Development: Development Plan allows the existing 11,900 square-foot single-story, slab-on-grade commercial in-line shop building on the 1.84-acre parcel to be subdivided into eight commercial condominium units and to create one exterior common area parcel for landscaping, parking, access and circulation. The Development Plan shall permit the building to be subdivided into eight commercial condominium units either at the filing of the Parcel Map, or by Parcel Map Waiver subsequent to the filing. The adopted Development Plan shall allow service/retail/restaurant type uses to occur within the eight parcels and one common area parcel that shall not cause the approved Cool Village Shopping Center parking capacity to be exceeded, that shall comply with the Cool Village Settlement Agreement and all Cool Village Shopping Center CC&Rs, and that shall comply with all requirements of Order No. R5-2003-0023, Waste Discharge Requirements/Monitoring & Reporting Program with California Regional Water Quality Control Board, Central Valley Region approval. The Development Plan includes the parcel configuration as shown in Exhibits F-1 and F-2, listed in the table below and as conditioned below the table:

Parcel Number	Use	Improvements (Square Feet)	Net Area (Acre)
Unit 100	Service/Retail/Restaurant/In-line Shops	1,232.12	0.028
Unit 110	Service/Retail/Restaurant/In-line Shops	1,294.03	0.030
Unit 120	Service/Retail/Restaurant/In-line Shops	1,343.90	0.031
Unit 130	Service/Retail/Restaurant/In-line Shops	1,343.93	0.031
Unit 140	Service/Retail/Restaurant/In-line Shops	1,521.23	0.035
Unit 150	Service/Retail/Restaurant/In-line Shops	1,169.33	0.027
Unit 160	Service/Retail/Restaurant/In-line Shops	1,345.93	0.031
Unit 170	Service/Retail/Restaurant/In-line Shops	2,003.54	0.046
A	Common Area	68,824.8	1.58

The subject property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions

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

Minor modifications to the approved Development Plan may be administratively approved by the Development Services Director in accordance with the findings under County Code Section 17.04.070. Major modifications shall require approval of a revision to this Development Plan subject to approval by the Planning Commission.

2. Any owner of any of the condominium units created subsequent of this project approval shall provide Planning Services with proof that the proposed use and tenant improvement will not cause the approved Cool Village Shopping Center parking capacity to be exceeded, will comply with the Cool Village Settlement Agreement and all Cool Village Shopping Center CC&Rs, and that their Sewage Disposal Management Plan will comply with all requirements of Order No. R5-2003-0023, Waste Discharge Requirements/Monitoring & Reporting Program, with California Regional Water Quality Control Board, Central Valley Region approval, prior to issuance of any building permit or business license for that applicant
3. Payment of Processing Fees: The applicant shall make the actual and full payment of Development Services Department processing fees for the Planned Development Revision prior to submittal of any County discretionary permit and/or other development permit.
4. A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to submittal of any County discretionary permit and/or other development permit.
5. The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in the Cool Village approved Planned Development 95-0001 and subsequent County approved revisions. Any zoning violations concerning the use, installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
6. Hold Harmless Agreement: In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, 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, or employees from any claim, action, or proceedings 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 Planned Development Revision, Parcel Map

Waiver, and commercial Parcel Map, 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.

El Dorado County Fire Protection District

7. An approved, NFPA 13 Automatic Fire Sprinkler system shall be required in all buildings and structures greater than 3600 square-feet when constructed or relocated within the jurisdiction.
8. An approved manual, automatic or manual and automatic fire alarm system shall be installed where automatic sprinkler protection is installed. Proof of compliance shall be received by the district shall be received by the District prior to issuance of final occupancy of any building/tenant improvement permit.
9. Fire flow must meet minimum for building construction and size.
 - a. #1 – 5,500 square-foot type V construction - minimum 1,500 gallons per minute.
 - b. #2 – 11,900 square-foot type V construction – minimum 3,000 gallons per minute with 50% reduction credit for AFS results in 1,500 gallons per minute.
 - i. All flows are for 2 hours at 20psi residual.

Proof of compliance shall be received by the district shall be received by the District prior to issuance of final occupancy of any building/tenant improvement permit.

10. Separate occupancy's shall be individually classified in accordance with that type of occupancy. Code requirements shall apply to each portion of the building based on the occupancy classification of that accessory space.
11. Each occupancy, prior to opening for business, must be inspected and the business license signed by the El Dorado County Fire District for fire safety and code compliance.

El Dorado County Environmental Management-Environmental Health Division

12. Prior to issuance of any building/tenant improvement permit, the applicants shall provide this office a document that shows the existing number of plumbing fixtures per unit and include how water usage and or wastewater flows will be monitored per unit. This information will be used for future permitting improvements.

Mitigation Measures for all of the Cool Village Shopping Center Development Plan

The following mitigation measures are required as a means to reduce potentially significant environmental effects to a less than significant level:

1. Project facilities shall be designed in accordance with the County building codes which incorporate the seismic design for Zone 3 provisions of the ~~1994~~ Uniform Building Code.

Building contents in all proposed commercial, office, and light industrial facilities shall be secured to the extent feasible. All shelving shall be secured to structural elements of the floor, wall, or ceiling. Heavy display items and merchandise shall be placed on lower shelves and secured to building elements where possible.

2. Prior to issuance of a grading permit, an erosion control, landscaping, and revegetation plan shall be prepared for review and approval by the El Dorado Resource Conservation District and the El Dorado County Department of Transportation. The landscaping and revegetation plans shall incorporate plant species that are compatible with the soils and growing conditions found at the project site to ensure healthy growth of all planted materials. A letter stating approval by said agency shall be submitted to the Surveyor's Office prior to recording the parcel map.

All grading and erosion control, including driveway construction, shall be conducted in compliance with the requirements of Chapter 15.14 of the El Dorado County Code, Grading, Erosion, and Sediment Control Ordinance. A letter stating approval by the El Dorado County Department of Transportation shall be submitted to the Surveyor's Office prior to recording the parcel map.

3. All expansive soils shall be removed from the building footprint prior to construction, and appropriate soil mixtures shall be used for building and pavement foundations. All fill materials shall be free of organic material, and rocks larger than six inches shall be removed. Fill placed within 30 inches of slab subgrades shall have low expansion potential. Soil stabilizers or lime treatment shall be used where necessary to reduce the shrink-swell potential of native soils or imported material used for low-expansion fill. Compliance with this measure shall be verified by a geologist in a letter to the Planning Department prior to issuance of a building permit.

4. Prior to the approval of a specific use on the project site, the project applicant shall submit to the County Environmental Health Division a sewage disposal plan that includes estimated wastewater flows, disposal area location and size, average percolation rate and depth to groundwater at the proposed disposal site, any special designs being utilized, and details regarding operation and maintenance of the system. The County Environmental Health Division will be responsible for reviewing and approving the sewage disposal plan prior to the approval of a proposed use at the project site. Project-level grading plans shall also be submitted to the County Department of Environmental Health prior to approval to ensure that soils within proposed septic disposal areas are protected from disturbance and that all required setbacks are maintained.

Wastewater discharges for proposed uses may not exceed the calculated capacity of the proposed wastewater disposal system. If the projected wastewater discharges for a specific use are higher than what can be accommodated within the sewage disposal area,

the disposal area may be enlarged provided that a corresponding reduction in another septic disposal area is made. In order to maintain the viability of designated septic disposal areas for future commercial use, no septic disposal area (with the exception of the disposal areas designated for parcels 2 and 14) may be reduced below a minimum capacity of 300 gallons per day.

The County Environmental Health Division shall review each sewage disposal plan to identify any proposed non-domestic waste discharges. If non-domestic waste discharges are proposed by a project applicant, the County shall require the applicant to obtain a letter from the Regional Board indicating whether the Regional Board will regulate such discharges, and, if so, obtain and comply with Regional Board waste discharge requirements, including any special provisions requiring that a financially responsible entity operate and maintain the facility.

5. The project applicant shall contract to have all parking and loading areas cleaned with a vacuum truck on a weekly basis.

The project applicant shall develop a plan and implement practices to reduce discharges of petroleum products into the storm drainage system. Practices considered by the project applicant shall include installation of containment facilities around petroleum product storage areas and installation of County approved facilities for the removal of petroleum products from storm water runoff.

The project applicant shall retain a qualified erosion and sediment control specialist to prepare a project Storm Water Pollution Prevention Plan (SWPPP) which emphasizes storm water best management practices (BMPs). The SWPPP is required by the State Water Resources NPDES General Construction Activity Storm Water Permit (Appendix B, page 5 of the Draft EIR). The objectives of the SWPPP are to identify the sources of sediment and other pollutants that affect the quality of storm water discharges and to describe and ensure the implementation of practices to reduce sediment and other pollutants in storm water discharges. A copy of the General Construction Activity Stormwater Permit shall be filed with the Department of Transportation prior to issuance of a grading permit. The SWPPP shall include the following elements:

- a) Grading and earthwork shall be limited to the dry season (April through October) to the extent feasible to minimize soil exposure.
- b) New cut and fill slopes and soil stockpiles shall be revegetated, mulched, or otherwise protected immediately upon completion of permanent or temporary winter slopes.
- c) Runoff shall be diverted away from construction areas that have been denuded or otherwise disturbed.

- d) Sediment shall be retained on-site by the proper use of silt fences, hay bales, sedimentation basins, or other structures.
 - e) All erosion and sediment control facilities shall be inspected routinely by the County Department of Transportation and maintained by the applicant until the newly-disturbed ground surfaces are stabilized.
6. The project applicant shall provide the GDPUD with estimated demand requirements for each specific use proposed at the project site.

The project applicant shall be required to install all on-site and off-site improvements necessary to serve the proposed use with adequate water for commercial and fire protection purposes.

Water meters shall be installed by the Georgetown Divide Public Utilities District upon proper application and payment of the appropriate charges.

A water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to the property shall be submitted to the Planning Department prior to approval of the final map or issuance of any building permits, whichever occurs first.

7. The applicant shall grade the site such that all finished floor elevations are at least 1 foot higher than the 100-year flood elevation that would result if the project is developed as proposed, subject to Department of Transportation approval.
8. The applicant shall retain a qualified native revegetation specialist to review and provide recommendations on the native revegetation component of the landscaping plan proposed by the project applicant (identified as Natural Areas on the landscape plan). Recommended changes and modifications shall be reviewed by the El Dorado County Planning Department and incorporated into the plan as determined to be appropriate, prior to the issuance of a grading permit. The revised landscape plan shall, at a minimum, incorporate the following revisions:
- a) If the project applicant is not able to maintain at least 90 percent of the existing tree canopy cover, then a revegetation plan shall be prepared which provides for replacement of all oak trees with a DBH greater than 8 inches at a 3:1 ratio;
 - b) Revegetation materials shall be limited to species that currently exist on the project site or in oak-dominated plant communities in similar ecological settings in the project region;
 - c) The percentage of planted oaks in relation to all other planted trees in this area shall be no less than 50 percent (Policy 7.4.5.2 of the El Dorado County General Plan);

- d) Exotic or introduced plant species not consistent with the blue oak woodland community present on the project site shall be excluded;
- e) Trees shall be planted in clusters within irregular, naturalistic spacing;
- f) Oak plantings shall utilize material grown in leach tube (supercell) and/or deep pot oak liners, or other suitable liners generally recognized by native revegetation specialists as appropriate for use with native oaks;
- g) Drip irrigation shall be installed for all native plantings, and irrigation shall be applied through the end of May during the first spring season and periodically as needed during the second spring season; and
- h) Screening or the use of “super tubes” shall be required in conjunction with smaller plantings if more than 20 percent of these plantings are damaged by herbivores during the first year after planting.
- i) The project applicant shall guarantee a 90 percent survival rate for all replacement trees by signed contract with a qualified landscape professional or by posting a performance bond. Trees shall be replanted as necessary to meet this performance standard.
- j) In accordance with the County of El Dorado Design and Improvement Standards Manual, the following measures to protect existing oak trees (in situations where construction activity is proposed within 50 feet of the tree) shall be implemented:
 - 1) Place a six-foot-tall temporary fence around the protected area prior to any construction activity;
 - 2) Prohibit grading activities in areas within protected areas unless specifically indicated in plans;
 - 3) Prohibit trenching within the protected area. If such trenching is necessary to install underground utilities, the trench shall be hand dug so as not to cut any roots over 2 inches in diameter;
 - 4) Allow only a licensed arborist to remove dead, weakened, diseased, or dangerous branches. Any roots 2 inches in diameter or greater that must be cut shall be cleanly cut with pruning shears and not excavation equipment;
 - 5) Hose off all dust from foliage of oak trees once every week during construction of the project;

- 6) Leach field lines shall be placed outside the dripline of all oak trees (DBH. greater than 8 inches) when feasible. If avoidance cannot be attained, then replacement mitigation (as described previously) shall be implemented; and
 - 7) Oak trees (d.b.h. greater than 8 inches) with leach lines installed within 10 feet of the dripline shall be monitored by a licensed arborist annually for a period of ten years to ensure survival. Oak trees lost within this 10-year period as a result of root disturbance and excessive subterranean moisture associated with leach field lines shall be replaced at a 3:1 ratio.
9. A qualified wildlife biologist shall be retained to conduct a Site Assessment for California red-legged frog between June and November. The Site Assessment shall follow the USFWS, February 1997 guidelines (Guidance on Site Assessment and Field Surveys for California red-legged frog). The protocol describes two separate phases for assessing potential impacts to California red-legged frog in the vicinity of a project site: 1) a Site Assessment, and 2) Field Surveys. The focus of the Site Assessment shall be a portion of the Knickerbocker Creek drainage within the project site boundaries. A copy of the completed Site Assessment report shall be submitted to the El Dorado County Planning Department and the USFWS. The project applicant has established a 100-foot buffer between project activities and perennial waters.

Field Surveys shall be conducted if required or requested by the USFWS. Field Surveys require four separate field days to complete, and require the preparation of a report. The completed Field Survey report shall be submitted to El Dorado County Planning Department and the USFWS. If California red-legged frog is found to occur in Knickerbocker Creek, the project applicant shall initiate an informal consultation with the USFWS. Depending on the potential for “take” of habitat or loss of individual red-legged frogs, the USFWS may request that a formal Section 7 or 10(a) consultation, as appropriate, be conducted. If required by USFWS, the applicant shall prepare a mitigation and monitoring plan that will address potential impacts and mitigation measures.

10. If California red-legged frog is found to occur in Knickerbocker Creek, the project applicant, based on consultation with the U.S. Fish and Wildlife Service (USFWS), shall be required to develop and implement mitigation measures that would achieve a no-net-loss of California red-legged frogs, prior to construction of project facilities (buildings or infrastructure) within any parcel located adjacent to Knickerbocker Creek.
11. Raptor nesting surveys (March or April) by a qualified wildlife biologist shall be conducted each year that grading or construction will occur to locate and map all active raptor nests that are within 500 feet of proposed construction activity.

If active raptor nests are located on or within 500 feet of an active or scheduled construction site, then appropriate buffer zones shall be established in consultation with

the California Department of Fish and Game, and construction activities shall be prohibited within this buffer zone until the end of the nesting season (April-July) or until the young have fledged (i.e., have attained the power of flight). A qualified wildlife biologist shall monitor the nest to determine when the young have fledged and submit weekly reports to the CDFG and the El Dorado County Planning Department throughout the nesting season.

Nest trees may only be removed prior to the onset of the raptor nesting season (March) or after young have fledged (July).

12. A qualified botanist shall be retained to conduct focused plant surveys, sometime between April and June, on each of the parcels associated with Phases II through IV prior to the approval of a final development plan for the affected parcels. The survey shall focus on plant species designated as rare, threatened, or endangered at the time of the survey and that have potentially suitable habitat at the project site.

If special-status plants are located during the surveys, the population sites shall be avoided to the extent feasible through modification of the proposed site design and placement of protective exclusion zones. If a special-status plant population cannot be avoided, appropriate salvage and relocation measures shall be required, as determined in consultation with the California Department of Fish and Game, to achieve a no-net-loss standard for special-status plants.

13. To the fullest extent possible, project facilities shall be located in areas that would avoid wetland fill.

The project applicant shall reapply for a Nationwide Permit 26 for any wetland fill above 0.95 acre or fill that will occur after January 21, 1998. If deemed necessary by the Corps, another wetland delineation shall be performed.

Pursuant to General Plan Policy interpretation, if wetlands above 1/3 acre of fill cannot be avoided and no significant habitat is involved, an appropriate wetlands mitigation and monitoring plan shall be prepared in consultation with the Corps of Engineers. The project applicant shall either create new wetlands at a 1:1 ratio or restore wetlands at a 2:1 ratio for each acre of proposed wetland fill. Note that a 1:1 ratio will only be allowed by the Corps in situations where wetlands have been successfully created prior to project-related disturbances. If wetlands creation occurs after project-related disturbance, a 1.5:1 mitigation ratio may be required. Creation of new wetlands is possible through: 1) building and reconstructing wetlands in areas where they previously have not occurred or have been historically eliminated; or 2) participating in a wetlands mitigation program. Restoration involves the re-establishment of biological and/or physical function in sites where some portion of wetlands still remain intact, although in a highly degraded state.

The mitigation and monitoring plan shall include a description of the wetland mitigation area, basis for replacement/restoration ratio, specific monitoring actions, and criteria for determining wetland mitigation success.

The wetlands mitigation and monitoring plan will also identify a suitable financing mechanism for the long-term maintenance of wetlands preserved on-site, as well as the recordation of deed restrictions which would maintain on-site avoidance, preservation, and buffer areas as wetland preserves and wildlife habitat in perpetuity (as required in the January 5, 1996, Nationwide Permit Number 26 conditions).

To ensure success of the creation or restoration of wetlands, post-construction monitoring shall be conducted by a qualified restoration scientist annually for five years. Annual reports shall be submitted to the CDFG, Corps, and USFWS. If mitigation appears to be failing at any time during the five-year monitoring period, the El Dorado County Planning Department will ensure that the non-effective elements of the mitigation program are corrected or replaced by the project applicant.

The project applicant shall secure a Stream Bed Alteration Agreement prior to any construction activities that may occur within an area subject to Section 1601 of the California Fish and Game Code.

14. In the event that buried cultural resources are discovered during the course of project grading or construction activities, operations shall immediately stop in the vicinity of the find, and a qualified archaeologist who fulfills the Secretary of the Interior standards shall be notified immediately to evaluate the find and to determine the proper procedure for dealing with the resource. Cultural resources could consist of, but not be limited to, artifacts of stone, bone, wood, shell, or other materials, or features, including hearths, structural remains, or dumps. If it is not possible to avoid the resource by project redesign, a research design should be prepared that outlines the recording and evaluation procedures to be followed. If necessary, a data recovery plan should be prepared in order to guide any subsurface testing and/or excavation required to mitigate impacts to the resource.

Grading and/or excavation on Parcel 16 shall be monitored by a qualified archaeologist to determine if a significant archaeological component exists below ground.

If human burials are encountered anywhere on the project site, all work in the area shall stop immediately and the County Coroner's Office shall be notified within 48 hours. If the remains are determined to be Native American in origin, both the Native American Heritage Commission and any identified descendants must be notified and recommendations for treatment solicited (CEQA [Appendix K]; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.89). The procedures set forth in Supplemental Document J, Section VIII of the CEQA Guidelines concerning treatment of remains shall be followed.

15. In order to reduce impacts to the Threlkel House from conversion activities, renovation of the structure shall follow the guidelines presented in the California State Historical Building Code (California Health and Safety Code Sections 18950 through 18961), and the El Dorado General Plan Policies 7.5.2.1 through 7.5.2.6.
16. The parcels involved with Phases II, III, and IV shall be resurveyed for cultural resources (since the original 1991 survey will have occurred over five years before), and those resources fully recorded and evaluated prior to the commencement of construction activities. Evaluation shall include archival/background research to develop the historic contexts necessary for the determination of resource significance and possible inclusion in the California Register of Historic Places.
17. The project applicant shall comply with General Plan Policy 3.11.1. Road improvement plans shall incorporate and include the proposed County Arterial Route Bikeway along State Route 193 and the proposed Trans-County Route Bikeway along State Route 49.
18. The project applicant shall relocate the existing park-and-ride lot to Caltrans standards. The park-and-ride lot could be located in approximately the same location if shifted to the south of its present location. The existing number of spaces shall not be reduced.
19. The applicant shall contribute a portion of the cost for the westbound left-turn lane (along with the addition of the traffic signal discussed in Mitigation Condition 20) on a fair share cost basis.

The applicant shall comply with the following General Plan Goals and Objectives (and associated Policies):

Transportation Demand Management (TDM)

Goal 3.9: Reduce the level of demand on County roads through the implementation of policies and programs that minimize congestion, improve level of service, conserve energy, and minimize air pollution.

Objective 3.9.1: Policy 3.9.1.6.

20. The County shall require project applicants for future phases of development at the Cool Village Project site (Phases II through IV) to conduct a project-level traffic analysis which identifies the existing plus project LOS based on current traffic counts. If the existing plus project LOS falls within the standards established by General Plan policy, the project will have a less-than-significant impact and may be approved. If the existing plus project LOS exceeds the standards established by General Plan Policies 3.5.1.1, 3.5.1.6 and 3.5.1.7, the project will have a significant impact; and in order to comply with General Plan policy, the project will have to be denied or mitigated to a level that achieves compliance with the General Plan LOS standards.

21. The applicant shall construct a traffic signal at the intersection of State Route 49 and State Route 193. During the review of Phases II, III, and IV, a traffic study will be required to determine when the improvement is required as a result of that phase. When the traffic study indicates that the improvements listed in this mitigation measure are necessary, then the applicant shall construct the improvement and may be entitled to a credit and/or reimbursement for improvements made beyond the project's fair share, as described in an agreement with the County. The State Highway Traffic Impact Fee Program may reimburse the applicant the difference between the cost of the improvement and the applicant's "fair-share" portion.
22. Comply with APCD Rule 223-Fugitive Dust, Rule 224-Cutback and Emulsified Asphalt Paving Materials, and Rule 502-General Conformity.

In addition, the following on-site mitigation measures shall be implemented for the duration of grading, excavation, and construction activities to control dust:

Construction site watering. All grading and construction contracts shall require that exposed soils at active construction sites be watered at least twice daily. A fully operational water truck shall be on-site at all times during grading and excavation, when soils are exposed. Special attention shall be given to areas upwind of residences adjacent to the site. The frequency of watering shall be increased when average wind speeds are above 15 miles per hour.

Unpaved surfaces. All unpaved roads, parking areas, and staging areas shall be watered at least three times daily or treated with non-toxic soil stabilizers.

- a) Soil stockpiling. All soil stockpiles or other materials that can be blown by wind shall be enclosed, covered, watered at least twice daily, or treated with non-toxic soil binders.
- b) Restrict traffic speeds. Traffic speeds on all unpaved surfaces at the site shall be limited to 15 miles per hour.
- c) Sweep roads and parking areas. All paved access roads, parking areas, and staging areas shall be swept at least once daily (preferably with water sweepers).
- d) Suspend grading activities. Grading and/or excavation activities shall be suspended when winds exceed 25 miles per hour.
- e) Erosion Control. Sandbags or other erosion control measures shall be used to prevent silt runoff to public roadways.
- f) Dust suppressants. Approved chemical soil stabilizers shall be applied to all inactive construction areas, in accordance with manufacturers' specifications. Alternatively, inactive construction areas may be hydro seeded.

- g) Pave and revegetate surfaces. Ground cover shall be replaced with pavement or vegetation as quickly as possible and no more than 30 days after the completion of grading and site stabilization activities.

The following off-site mitigation measures shall be implemented for the duration of grading, excavation, and construction activities to control dust:

- a) Cover haul loads. Trucks hauling dirt or other loose materials shall be covered.
- b) Mud removal. All trucks and equipment shall be washed off prior to leaving the site.
- c) Sweep off-site roads. Street sweeping shall be conducted (preferably with water sweepers) at least once daily where visible soil material is carried onto adjacent public streets.
- d) Pave access roads. The primary access road to the site shall be paved for at least 100 feet onto the site from the main road. The paved on-site portion of the road shall be watered at least twice daily.

The following mitigation measures shall be implemented for the duration of grading, excavation, and construction activities to control equipment and truck exhaust emissions:

- a) Equipment maintenance. Construction equipment shall be maintained and tuned at the interval recommended by the manufacturers to minimize exhaust emissions.
 - b) Limit equipment idling. Equipment idling shall be kept to a minimum when equipment is not in use. No piece of equipment shall be left to idle in one place for more than 30 minutes.
 - c) Limiting truck trips. Construction truck trips for trucks using nearby roadways shall be scheduled during non-peak traffic hours so as not to cause additional traffic congestion.
23. Use the appropriate Best Available Control Technology for controlling air pollutant emissions to the extent practicable for each industry located on the project site.

After land development, prohibit any open burning and require mandatory garbage collection.

To mitigate carbon monoxide emissions, require wood burning stoves to be EPA-approved and require fireplaces to have EPA-approved inserts.

24. Parking lots shall be located more than 160 feet from existing residences. As an alternative, sound barriers shall be constructed to attenuate noise levels.

A detailed analysis of potential noise impacts associated with loading dock activities shall be conducted when specific information on the locations of loading docks and the number of delivery trucks to the project site is available. Noise control measures such as use of setbacks or sound barriers shall be required as necessary to ensure that noise levels do not exceed 50 dB Ldn at existing residences.

A detailed analysis of noise levels shall be conducted when specific information on the mechanical equipment to be used at the project site is available. Noise control measures such as enclosures, barriers, or roof line parapets shall be required as necessary to ensure that noise levels do not exceed 50 dB Ldn at existing residences.

25. Office uses shall be sited outside the 65 dB Ldn contour, whenever possible, using the following distances based on the year 2015 traffic noise levels:
- a) State Route 49: 84 feet; and
 - b) State Route 193: 81 feet.

An analysis of interior noise levels shall be conducted when building plans and floor plans have been completed for any office use proposed within the 65 dB Ldn contour. If it is determined that interior noise levels would exceed 45 dB Leq, improvements to the building shall be required as necessary to reduce interior noise levels to below 45 dB Leq.

26. The landscaping plan shall include additional tree plantings along the eastern boundary of Parcel 15 to ensure that lighting associated with parking areas would be screened.
27. Hazardous Waste. Surface soil samples shall be collected in the area east of Road D prior to the issuance of a grading permit and analyzed for chlorinated pesticides and arsenic by a Cal/EPA Environmental Laboratory Accreditation Program (ELAP) certified laboratory using EPA approved analytical methods. Results shall be compared to regional background soil concentrations (for arsenic) and to the EPA's preliminary remediation goals for soil (for both arsenic and chlorinated pesticides) to determine if chemical residues present a potential human health risk to construction workers or future site occupants.

If chemicals are present at hazardous concentrations, as defined by Title 22 CCR 66261.24, excavated soil shall be handled in compliance with applicable local, state, and federal regulations and/or guidelines for hazardous waste. Remediation and/or disposal of all materials deemed to be hazardous shall be conducted following applicable regulatory agency regulations and/or guidelines. All evaluations, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.

Asbestos-containing Serpentine Materials. A preconstruction soil/rock survey shall be conducted by a California Registered Geologist to identify any suspected asbestos-containing serpentine materials. If areas containing serpentine rock or soils are detected in the preconstruction survey, such areas shall be avoided during construction to the maximum extent possible. If avoidance is not possible, the areas shall be sampled and tested to determine whether concentrations of asbestos exceed one percent (pursuant to Title 22 CCR 66261.24). If asbestos is detected at or above this level in the samples, engineering controls shall be implemented to protect workers and downwind receptors during on-site construction activities that may disturb the asbestos-containing serpentine materials. These controls are similar to those required to reduce dust emissions as described in Section 3.7, Air Quality.

- a) Excavated serpentine material shall be wetted to minimize potential for asbestos-containing dust emissions. Excess watering shall be avoided to prevent erosion and washing of asbestos particles into watercourses.
 - b) Excavated materials identified as asbestos-containing serpentine shall be isolated from exposure by daily covering.
 - c) Personnel respiratory protection and training shall be provided to workers as required by Cal/OSHA.
28. The project applicant shall contract with an independent septic service and coordinate the scheduling of septage treatment and disposal with the El Dorado County Environmental Management Department - Septic Services Division to ensure that the 10,000 gallon daily limit for treatment is not exceeded.
 29. The project applicant will be required to pay an agreed upon amount to fund for additional staffing of law enforcement, fire protection, and emergency service personnel as a conditional of project approval. Such payment and/or agreement shall be made prior to building permit issuance.
 30. Prior to issuance of any building permits for any phase, the project applicant shall provide PG&E with an application, specific project site plans, and improvement plans. A letter from PG & E, verifying the receipt of such application, shall be sent to the Planning Department prior to building permit issuance.

Planning Services Project Specific Conditions - P95-0002

1. A comprehensive traffic study, identifying the LOS and any roadway and intersection improvements needed to mitigate the adverse impacts of the project will be required at locations recommended by El Dorado County DOT and Caltrans. All impacts to State Route (SR) 49 and 193 are subject to Caltrans requirements. Access points (and control) along both State highways will need to be identified and approved by Caltrans. Future right-of-way dedication shall be as required by Caltrans.

2. Subject to the applicable traffic impact mitigation (TIM) fee as adopted in Resolution No. 258-91. If a revised fee is adopted prior to the proponent's attainment of a building permit for the subject project, then the revised TIM fee shall be applied.
3. Subject to improving the on-site road easements to Standard Plan 101A. Pavement design shall be based upon the traffic index for a 20-year design life, and on-site R-values.
4. The access road connections to State Route 49 and State Route 193 shall comply with State standards and be constructed under an Encroachment Permit from Caltrans.
5. A deeded restriction for vehicular access onto State Route 49 and State Route 193 shall be shown for all parcels adjacent to them, except for Caltrans approved accesses.
6. Improvement plans for on-site road improvements shall be prepared by a registered engineer and shall be subject to County Department of Transportation approval.
7. A construction permit shall be obtained from the Department of Transportation prior to commencement of any road construction.
8. Street signs, in conformance with Standard Plan 105 (B-1), shall be installed at all intersections.
9. Stop signs, per Standard Plan 105-A, shall be installed at the following intersections:
 - a) Road A at State Route 49 and Road D
 - b) Road C at State Route 193 and at Road A
 - c) Road D at State Route 193
 - d) Road B at Road A
10. A final drainage plan shall be prepared by the developer which mitigates those impacts identified by the Drainage Study completed for the Cool Village EIR. Said study and plan shall be subject to the review of and approval by the Department of Transportation.

At the discretion of the developer and with approval by the County, the drainage plan may be limited to on-site mitigation measures. On-site mitigation shall reduce downstream impacts from this project to less than significant. Peak runoff rates shall be controlled to pre-development quantities. The developer shall demonstrate that on-site mitigation measures will not aggravate flooding problems downstream of the project site during design storm or other return period events. The developer shall install drainage facilities as shown on said plan. These requirements shall be satisfied with each phase of development.

At the discretion of the developer and with approval by the County, the drainage plan may include or be completely comprised of downstream mitigation measures. Said measures shall be designed to accommodate build-out of the entire tributary catchment assuming ultimate build-out densities designated within the General Plan and currently adopted upstream specific plans. Said plan shall extend to a point downstream identified within the drainage study as being subject to no significant, adverse impact from the future development of the entire catchment. The developer shall install all drainage facilities as shown on said plan with the proposed Phase I development of this project. The developer shall establish a reimbursement agreement for drainage infrastructure improvement costs expended which exceed the pro rata share of this project as defined within the drainage study.

11. An irrevocable offer of dedication of the roadways, public utility and drainage easements shall be made on the parcel map with rejection by the County. A property owners' association shall be established for the maintenance of these facilities.
12. A northbound right-turn lane on State Route 49 shall be constructed for the proposed driveway to parcel 2. The driveway connection shall be constructed to Caltrans public road approach standards. A continuous 12-foot median lane will be required on State Route 49 between the new driveway and State Route 49/193 intersection.
13. During Phase I, access to Parcel 1 may be provided from Parcel 2 if the existing driveway on State Route 193 to Parcel 1 is eliminated as determined necessary by Caltrans. This driveway must be closed if access to Parcel 1 is taken from Parcel 2.
14. Provide left-turn channelization on State Route 193 at Road C along with an additional 12-foot of pavement plus shoulders between Road C and the State Route 49/193 intersection.
15. Development of Parcel 8 prior to construction of Road A will require left-turn channelization on State Route 193 at the future intersection of Road A, along with the construction of a commercial road approach to Parcel 8.
16. Pedestrian and/or bicycle facilities shall be provided within State right-of-way. Any additional right-of-way needed, as determined by Caltrans upon review of the traffic study, will be dedicated to the County.
17. All work within, next to, or that may encroach within Caltrans right-of-way, including utilities, road improvements and drainage work, must receive an encroachment permit from Caltrans.
18. Subject to compliance with all applicable conditions of approval of development plan PD95-01.

19. The subdivider shall provide to the County for review by County Counsel and Planning, prior to recordation of a final map, the Covenant, Conditions and Restrictions (CC&Rs) which are to be recorded against the subject property. The CC&Rs shall provide master guidelines and restrictions regulating the uses, architectural theme and control, signs, maintenance of common areas and facilities and the formation of any necessary property owners' association to implement and enforce the CC&Rs. Upon approval and recordation, the Master CC&Rs shall be deemed part of the planned development for the parcels shown on the tentative map.
20. Subject to Environmental Health approval of the on-site sewage disposal systems as required by Chapter 15.12 of the County Code.
21. Comply with APCD Rule 223-Fugitive Dust, Rule 224-Cutback and Emulsified Asphalt Paving Materials, and Rule 502-General Conformity.
22. Fire hydrant(s) shall be installed, in compliance with the provisions of the Uniform Fire Code, Section 10.301, in locations acceptable to the El Dorado County Fire Protection District. A letter of compliance with the condition shall be submitted by the fire district to the Planning Department prior to issuance of building permits.
23. A fuel modification plan shall be provided to meet fire safe regulations as required by Public Resources Code Sections 4126, 4127, and 4291. Additional precautions including, but not limited to, emergency access, signing and building numbering, and water supply shall be required as determined by the fire chief.
24. A 15-foot-wide non-vehicular pedestrian trail easement shall be provided within and contiguous to the required 100 foot setback along the easterly side of Knickerbocker Creek within the project boundary. The easement shall extend from Cherry Acre Road to the southwest corner of the applicant's property and be recorded on the final parcel map.

ATTACHMENT 2

FINDINGS

Planned Development Revision PD95-0001-R-3/Cool Village Condominiums-Phase 2 Planning Commission/October 14, 2010

1.0 CEQA Findings

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 (k) of the CEQA Guidelines which exempts the *subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt*. The project requests to revise the approved Development Plan to allow the subdivision of the parcel. No development proposal or parcel map request is included with the project.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 General Plan Findings

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation includes retail/office/services as compatible uses.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.1.2 (commercial uses), 2.2.3.1 (planned development overlay), 2.2.5.21 (compatibility with surroundings), 6.5.1.8 (noise), concerning the requirement for a planned development request, compatibility with surrounding land uses, noise from transportation sources. Because of the project's existing adequate access, site design, architectural design features, and conditioned uses, the project is compatible and consistent within the context of the surrounding uses, promote economic development, and will be consistent with the General Plan policies identified above.

3.0 Zoning Findings

- 3.1 The project is consistent with the El Dorado County Zoning Ordinance designation of Commercial because the proposed project provides areas for service/retail/restaurant type uses pursuant to Section 17.32.180 of the Zoning Code.
- 3.2 The project, as proposed and conditioned is consistent with the El Dorado County Zoning Ordinance Development Standards because the eight commercial condominium units along with one 68,824.8 square-foot (1.58-acre) parcel to be used as a common area for

the eight parcels are being addressed with a planned development application which meets the development standards pursuant to Section 17.32.200 of County Code.

4.0 ADMINSTRATIVE FINDINGS

4.1 Planned Development PD95-0001-R-4 Findings

- 4.1.1 **The planned development revision request is consistent with the General Plan.** The planned development revision request is consistent with the General Plan because the application is to allow Parcel 3 and the existing 11,900 square-foot building to be subdivided into four commercial condominium units with one common area parcel containing access, circulation, parking, and landscaping, for service/retail/restaurant type uses as allowed by the PD95-0001 approval, and is consistent with applicable policies as outlined in Finding 2.2.
- 4.1.2 **The proposed development is so designed to provide a desirable environment within its own boundaries.** The proposed development uses an existing approved shell building with existing landscaping, lighting, sidewalks, bike rack, parking and access driveways. The proposed condominium units will allow individual ownership to enhance economic development, and includes CC&Rs to assure enhancement of the service/retail/restaurant type environment for the future owners and the Cool Village Center.
- 4.1.3 **Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.** Except for minimum parcel sizes for the future individual air-space condominium units which would have zero-foot lot lines, the project will comply with all County Code requirements with an approved Parcel Map or Parcel Map Waiver.
- 4.1.4 **The site is physically suited for the proposed uses.** The site is physically suited for the creation of commercial condominium units allowing previously approved service/retail/restaurant type uses since it is located within a business, commercial environment and will allow additional opportunities to promote economic development.
- 4.1.5 **Adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities.** All required utilities currently exist for the commercial condominium parcels, including, but not limited to, water supply, sewage disposal, roads, and utilities.
- 4.1.6 **The proposed uses do not significantly detract from the natural land and scenic values of the site.** The proposed uses do not significantly detract from the natural land and scenic values of the site since it does not propose any physical changes to the exterior environment.