COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING SERVICES DIVISION

EJ Ivaldi, Deputy Director

HEARING DATE: September 25, 2014
ITEM NO.: 2
TIME: 10:15 AM

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: September 10, 2014

SUBJECT: HILL TOP CENTER
EXTENSION OF TIME – CONDITIONAL USE PERMIT (PCPA20080204)
PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION
SUPREVISORIAL DISTRICT 5 (MONTGOMERY)

COMMUNITY PLAN AREA: Auburn/Bowman Community Plan

GENERAL PLAN DESIGNATION: Commercial

ZONING: HS-Dc (Highway Service, combining Design Scenic Corridor)

ASSESSOR PARCEL NUMBERs: 053-103-047, 053-103-048 and 053-103-049

STAFF PLANNER: Gerry Haas, Senior Planner

LOCATION: Approximately 900 feet northwest of the Bowman Road/Luther Road intersection in the Bowman area.

APPLICANT: Hoss Bozorgzad, on behalf of Shiraz Development LLC, James and Carol Babcock, and Norman R Nedde, MD, Inc.

PROPOSAL:
The applicant requests approval of a three-year Extension of Time to vest a Conditional Use Permit which would allow for a 142-room hotel complex, with retail, commercial and restaurant uses on a ±7.5-acre site in the Bowman area.

CEQA COMPLIANCE:
On September 25, 2008, the Planning Commission approved the Hill Top Center project and adopted a Mitigated Negative Declaration (SCH #2008082059). The Notice of Determination was filed on September 26, 2008. No change of conditions or circumstances has occurred since the original project approval that would warrant additional environmental analysis. The extension of time request is reliant upon the previously adopted Mitigated Negative Declaration to satisfy the requirements of CEQA. The Planning Commission will be required to make a finding to this effect.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices detailing the receipt of the applicant's Extension of Time request were mailed to property owners of record within 300 feet of the project site on August 25, 2014. As set forth in Section 17.58.160(C) (Extensions of Time), the public notice informed all recipients that any person who objects to the requested extension of time shall notify the Planning Director, in writing, within 15 days of preparation of the notice. By the end of the 15 day period, the Director had received two letters of opposition from nearby property owners, and one letter from the Channel Hill Environmental Coalition (CHEC), a non-profit group consisting of local community members, which actively opposed the original project proposal (Attachment F). Because these letters were submitted within the review period, a new public notice was prepared and distributed to property owners that provided information about the September 25, 2014 public hearing for the Planning Commission to consider the Extension of Time. The Departments of Public Works, Engineering and Surveying Division, Environmental Health, Air Pollution Control District, and the North Auburn Municipal Advisory Council (MAC) were transmitted copies of the notice of the application for review and comment.

BACKGROUND

On September 25, 2008, the Planning Commission approved the Hill Top Center project, a 142-room hotel complex with retail, commercial and restaurant uses on a ±7.5-acre site in the Bowman area. The site is comprised of three parcels which will be reconfigured through the Minor Boundary Line Adjustment process prior to project development. The approved project will be developed as follows:

> Parcel A (053-103-047) is the northernmost of the three parcels and will include construction of an emergency vehicle access, linking the hotel parking area with Mill Pond Road to the north, and construction of a detention basin. Parcel A will also be utilized as a temporary stockpile area for materials excavated from the other two parcels as the site is developed.
>
> The main hotel building will be constructed central to the site on Parcel B (053-103-048). The ±92,779 square foot, three-story structure will include 127 hotel rooms, a lobby area, a hotel office and a small meeting room. An outdoor swimming pool and deck area will be constructed on the east side of the hotel building. Parking will consist of 94 surface parking spaces and a ground floor garage of 45 parking spaces (for a total of 139 parking spaces).
>
> Parcel C (053-103-049), the southernmost parcel, will be developed with a two-story, mixed-use structure that will include ±6,000 a square foot restaurant and ±6,635 square feet of retail space on the first level, a 15-suite hotel annex on the second level and underground and outdoor parking for a total of 106 vehicles (91 surface parking spaces and 15 ground floor parking spaces). A ±2,000 square foot restaurant with an outdoor seating area will also be developed in the southern portion of the property, near the south property line of the parcel.

This project was approved very close to the onset of the 2008 economic recession. As such, the applicant did not proceed immediately with Improvement Plans in the hope that the economy would improve. The original expiration date for the Conditional Use Permit (CUP) was October 6, 2011, and prior to this date, the applicant contacted Planning Services Division staff to determine the appropriate course of action to extend the expiration date to vest the CUP. At that time, the applicant was informed that, on October 19, 2010, the Board of Supervisors adopted Ordinance 5624-b, which grants an automatic two-year extension of time to all existing, valid use permits approved in Placer County as of the date of the Ordinance, regardless of whether or not the use permits are associated with a tentative map. As a result, the applicant was advised that the Hill Top Center project expiration

2

date had been extended to October 6, 2013. The applicant continued to monitor the economic recession.

In August 2013, the applicant again contacted Planning Services Division staff and stated that the economy had improved to the point that the project was once again becoming economically viable and that the development team had been re-assembled. Understanding that two months would not be enough time to complete the Improvement Plan review, the applicant applied for an Extension of Time for the CUP on September 27, 2013. As the project had accrued past due fees for staff time spent working on the project during the original approval, the EOT application was placed on hold until such time as the partial payment and funding arrangement for the past due balance could be addressed. With these payment issues resolved, staff circulated the EOT application to the Development Review Committee in July 2014, and distributed legal notices to neighbors and responsible agencies informing them of the requested extension.

PROJECT DESCRIPTION

The applicant requests approval of a three-year Extension of Time to vest a Conditional Use Permit which would allow for a 142-room hotel complex, with retail, commercial and restaurant uses on a ±7.5-acre site in the Bowman area. This is the project's first request for an extension of time and would allow the Conditional Use Permit to remain valid through October 6, 2016.

SITE CHARACTERISTICS:

The hill top center project site is a ± 7.5 acre undeveloped property comprised of three parcels that are located west of interstate 80 and Bowman Road and north of Luther Road in the Bowman area of North Auburn. Surrounding land uses include the Bowman Plaza commercial center located northeast of the site and residential properties north and west of the site. A Placer County Water Agency water storage tank occupies a parcel to the west. Two parcels lie between the south project boundary and Luther Road. A single family residence occupies the parcel adjacent to the project; the second parcel to the south is undeveloped.

The project site is on a hilltop that slopes towards Mill Pond Road to the north and Garth Lane to the south. Ground elevations range from about 1,610 feet to 1,690 feet and the slope gradients range from 10 to 15 percent in the northern and southern areas of the site to 30 percent near the hilltop in the center of the site. A steep precipice runs along most of the length of the eastern boundary of the project property. Located just outside the project boundary, this man-made feature is up to 60 feet in height, created by past hydraulic mining activities. The project site has been largely disturbed by past grading, mining, tree removal and off-road vehicle activities and there are several rutted dirt roadways and vehicle tracks that transect the site in various directions. The site has been, and continues to be, utilized as a campground for transients and as an unauthorized dump site.

EXISTING LAND USE AND ZONING:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	HS-Dc (Highway Service, Combining Design Scenic Corridor)	Commercial	Undeveloped
North	RM-DL15 (Residential Multi-family, Density Limitation 15 dwelling units per acre)	High Density Residential 10-15 dwelling units per acre	Bowman Mobile Home Park
South	Same as project site	Same as project site	Residential And Undeveloped
East	HS-Dc (Highway Service, Combining Design Review), O (Open Space)	Commercial Open Space	Bowman Plaza commercial center, Interstate 80

3

West	RS-B20 (Residential Single-family Combining Building Site 20,000 square feet minimum), RS-AG (Residential Single-family Combining Agriculture)	Low Medium Density Residential 2-5 dwelling units per acre	Residential

DISCUSSION OF ISSUES:

The public hearing for an extension of time application is not intended to be an opportunity to reconsider the original approval, but rather, an opportunity to consider whether new circumstances have arisen that should be grounds for possible denial of the extension of time. To this effect, previously discussed issues and circumstances are not sufficient, in and of themselves, to deny the request. Rather only new information, such as a significant change in the physical setting, or new or updated governing laws and practices should be considered when evaluating the request. Specifically, the Placer County Zoning Ordinance (Section 17.58.160(C)(4)) mandates that, in order to approve an extension of time request, the Planning Commission must make only the following three findings:

1) No change of conditions or circumstances has occurred that would have been grounds for denying the original application;
2) The applicant has been diligent in pursuing implementation of the permit; and
3) Modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements.

Staff has received three letters from neighboring property owners (Attachment F) who object to the project for a variety of reasons. Among these, the traffic, air quality, safety and noise impacts that are identified were all previously analyzed in the Mitigated Negative Declaration adopted by the Planning Commission and reflect the same concerns expressed by project opponents during initial project review. As mentioned above, no changes have occurred to the project that would warrant additional environmental analysis for the extension of time request, and all potential impacts previously analyzed would be reduced through mitigation to less than significant levels.

One additional comment expressed concern about approving a project that could use significant amounts of water during the current drought conditions we are experiencing in the west. The original file includes a letter from PCWA that describes water availability, indicating that the proposed project capacity can be achieved through existing water mains. The letter also states that the Agency does not reserve water for prospective customers, as that is a guarantee that cannot be made until execution of a facilities agreement and payment of all fees. If, at the time of Improvement Plan review, PCWA maintains its position that water is available for the project, then the applicant may proceed to development. If, however, the Agency cannot provide water on account of the drought, then the project would not be allowed to construct. Staff has determined that the drought conditions do not represent a new circumstance that should be grounds for denying the original permit.

Regarding the applicant's diligence in pursuing implementation of the permit, staff notes that very few new commercial projects have proceeded to construction in Placer County since the onset of the 2008 recession. As the recession has come to an end and developers are once again considering construction opportunities, this time represents the first such opportunity in the post-recession era that projects like the Hill Top Center can reasonably proceed. As such, staff has determined that "due diligence" in this case, where the project was receiving entitlement prior to the 2008 recession, should not represent the same standard of "due diligence" that existed prior to the recession. In summary, simply holding the land in question and waiting until the economy recovered is the most that could have been expected from a developer in terms of pursuing the entitlement.

The third and final finding requires modified conditions to reflect current standards and ordinance requirements. The Development Review Committee has reviewed the application materials, the

5

Mitigated Negative Declaration and the original Conditions of Approval for the Hill Top Center. Aside from modifying a single condition to reflect the new expiration date, the DRC was unable to identify other specific conditions that required modification. The Best Management Practices to address water and air quality construction-time impacts are required meet current standards at the time the Improvement Plans are being processed. As that time has not yet passed, the BMP's in effect will be the most current applicable. Other conditions, such as the requirement for oak tree mitigation and air quality fees to offset impacts have not changed since the time of the original approval. As a result, no modified conditions beyond the expiration date are necessary and the intent of this finding can be met.

RECOMMENDATION:
The Development Review Committee (DRC) has concluded that the project proponent has exercised acceptable diligence through the duration of the economic recession and recommends the Planning Commission approve the Extension of Time for The Hill Top Center (PCPA 20080204), subject to the following findings and modified conditions (Attachment C).

FINDINGS:
CEQA
The Mitigated Negative Declaration for the Hill Top Center project was adopted on September 25, 2008 by the Planning Commission. The adopted Mitigated Negative Declaration and adoption of findings pursuant to CEQA Guidelines Section 15162 is appropriate for the Extension of Time request as there is no evidence of substantial changes proposed in the project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance that has been identified. All previous mitigation measures remain applicable to the proposed project.

EXTENSION OF TIME:

1. No change of conditions or circumstances has occurred with the Hill Top Center project that would have been grounds for denying the original application.

2. The applicant has been diligent in pursuing financing and implementation of the permit. In response to the 2008 recession, very few new commercial projects have progressed to construction, and by virtue of maintaining interest in the project, the applicant team has demonstrated diligence in pursuit to the best of their ability. The Hill Top Center project applicant has to maintain and secure development community cam

3. Modified conditions have been imposed which update the permit to reflect current adopted standards and ordinance requirements. There have been no significant changes to the Hill Top Center project since the Planning Commission approval on September 25, 2008 except that one new Condition will modify the final expiration date of the Conditional Use Permit.

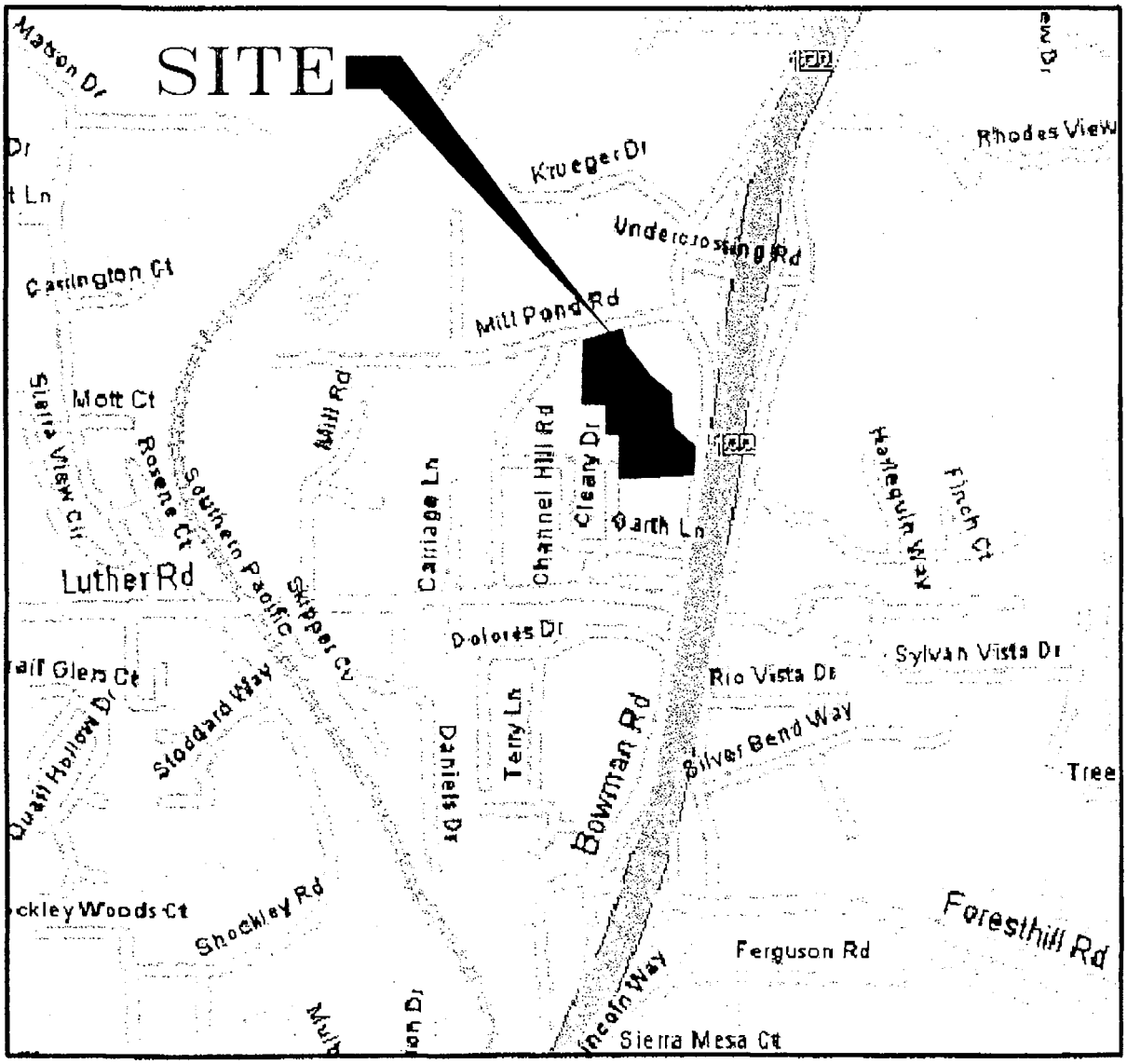
Respectfully submitted,

Gerry Haas
Senior Planner

ATTACHMENTS:
Attachment A – Vicinity Map
Attachment B – Site Plan
Attachment C – Recommended Modified Conditions of Approval
Attachment D – Original Staff Report dated September 25, 2008 (excluding Attachments)
Attachment E – Mitigated Negative Declaration previously adopted
Attachment F – Correspondence

Cc: Hoss Bozorgzad, Hill Top Center, LLC - Applicant
Sarah Gillmore – Engineering and Surveying Division
Stephanie Holloway – Department of Public Works
Heather Knutson – Special Districts
Justin Hansen – Environmental Health Services
Andy Fisher – Placer County Parks Division
Angel Green – Air Pollution Control District
Brad Albertazzi – Placer County Fire/CDF
Karin Schwab – County Counsel's Office
Michael Johnson – CDRA Director
EJ Ivaldi – Deputy Planning Director
George Rosasco – Supervising Planner
Subject file

HILL TOP CENTER
PLACER COUNTY, CALIFORNIA
VICINITY MAP



N.T.S.

TLA ENGINEERING & PLANNING
1528 EUREKA ROAD, SUITE 100
ROSEVILLE, CA 95661 916.786.0685

EXHIBIT

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ATTACHMENT A

HILL TOP CENTER

PLACER COUNTY, CALIFORNIA

MINOR USE PERMIT

AUGUST 2008

SHEET 1 OF 4

RECEIVED
AUG 21 2008
PLANNING DEPT

LEGEND

- PROJECT BOUNDARY
- LOT LINES
- R/W
- EASEMENT
- BUILDING SETBACKS

SHEET INDEX

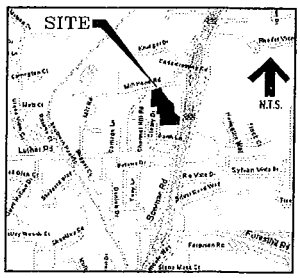
SHEET 1	MINOR USE PERMIT
SHEET 2	UTILITY PLAN
SHEET 3	GRADING & DRAINAGE PLAN
SHEET 4	PROPOSED FIRE PROTECTION FEATURES

OWNER/DEVELOPER

HILL TOP LLC/AUBURN HOSPITALITY LLC
MR. HOSSEIN BOZORGZAD
6056 SYCAMORE TERRACE
PLEASANTON, CA. 94566

ENGINEER

TLA ENGINEERING & PLANNING
1528 EUREKA ROAD, SUITE 100
ROSEVILLE, CA 95661
(916) 786-0685
FAX: (916) 786-0529



VICINITY MAP

PROJECT INFORMATION

PROPERTY NOTES

ASSESSOR PARCEL NUMBERS	053-103-047, 048 & 049
USE:	Vacant
ZONING:	HS-Dc
GENERAL PLAN	Commercial

	#	ACRES
EXISTING NUMBER OF PARCELS	3	7.51± ac.

PROPOSED LOT STANDARDS

SETBACKS	
FRONT	25'
SIDE	5'
REAR	10'
BUILDING COVERAGE	40%
BUILDING HEIGHT	35'

UTILITY PROVIDERS:

WATER:	PCWA
SEWER:	PLACER COUNTY
GAS & ELECTRIC:	PG&E
TELEPHONE:	AT&T
CABLE TV:	COMCAST

SERVICE PROVIDERS:

SCHOOL DISTRICT:	PLACER UNION SCHOOL DISTRICT
FIRE PROTECTION:	PLACER COUNTY/CDF
POLICE PROTECTION:	PLACER COUNTY SHERIFF
STORM DRAINAGE:	PLACER COUNTY
SOLID WASTE:	AUBURN PLACER DISPOSAL SERVICE

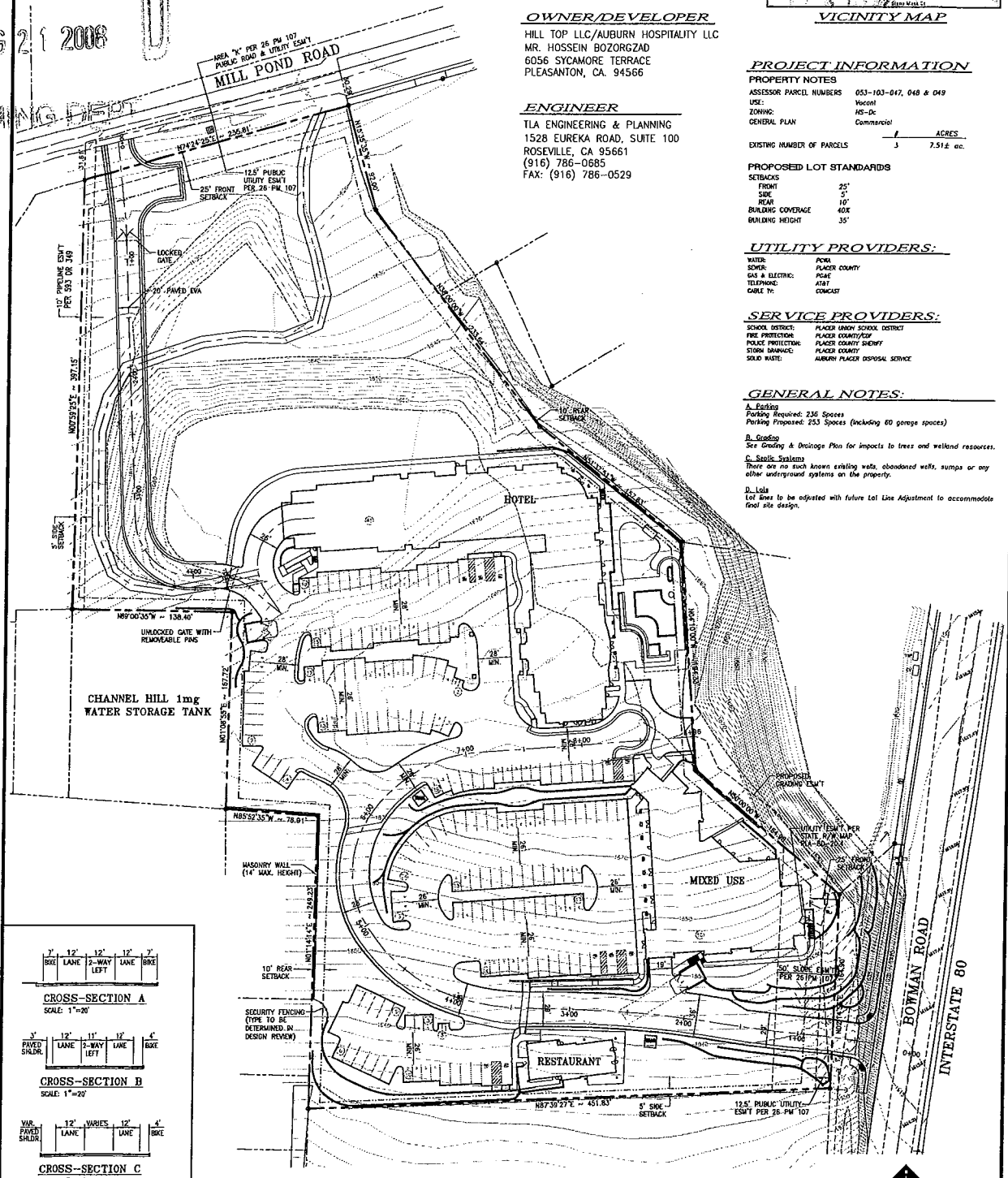
GENERAL NOTES:

A. Parking
Parking Required: 236 Spaces
Parking Proposed: 253 Spaces (including 60 garage spaces)

B. Grading
See Grading & Drainage Plan for impacts to trees and wetland resources.

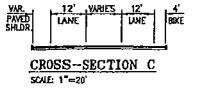
C. Septic Systems
There are no such known existing wells, abandoned wells, sumps or any other underground systems on the property.

D. Lots
Lot lines to be adjusted with future Lot Line Adjustment to accommodate final site design.

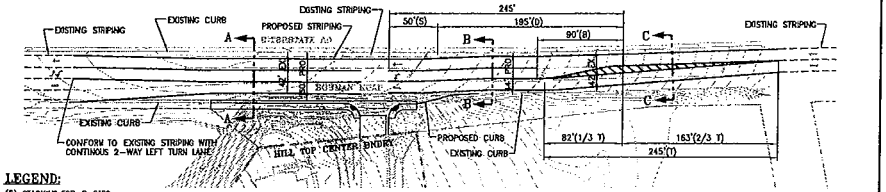


CROSS-SECTION A
SCALE: 1"=20'

CROSS-SECTION B
SCALE: 1"=20'



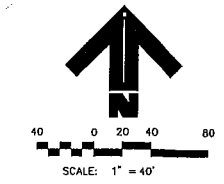
CROSS-SECTION C
SCALE: 1"=20'



LEGEND:
(S) STACKING FOR 2 CARS
(D) DECELERATION FOR 25 MPH
(T) APPROACH TAPER
(B) BAY TAPER

BOWMAN ROAD RESTRIPING EXHIBIT

THIS EXHIBIT IS PROVIDED FOR ENVIRONMENTAL REVIEW PURPOSES ONLY. IT DOES NOT REFLECT A PROPOSED PROJECT IMPROVEMENT.



ATTACHMENT B

TLA ENGINEERING & PLANNING
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ROSEVILLE, CA 95661 916.786.0685

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TLA JOB#: 1338 DATE: AUGUST 21, 2008

RECOMMENDED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT - "HILL TOP CENTER " (PCPA 20080204)

THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.

1. ~~1.~~ The Conditional Use Permit (PCPA 2008 0204) is approved for the Hill Top Center, a 142-room hotel, with retail, commercial and restaurant uses on a ±7.5-acre site west of Bowman Road in the Bowman area.

On September 25, 2014, the Planning Commission took action to approve a three-year Extension of Time. (Conditions 1 and 63 were modified)

2. The Conditional Use Permit shall be considered exercised when a Building Permit has been issued, and construction of a building foundation has been started (see also Article 17.58.160, formerly Chapter 30, Section 20.160 B.2. of the Placer County Code). (PD)

3. Following Conditional Use Permit approval, but before submittal of Improvement Plans, the applicant shall provide the Planning Department with five full-size prints of the approved Site Plan for distribution to other County departments, if the approval of the project requires changes to the Plan. (PD)

IMPROVEMENT PLANS

4. The project is subject to review and approval by the Placer County Design/Site Review Committee (D/SRC). Such a review shall be conducted prior to the submittal of the Improvement Plans for the project and shall include, but not be limited to: Architectural colors, materials, and textures of all structures; landscaping; irrigation; signs; exterior lighting; pedestrian and vehicular circulation; parking; fences and walls; noise attenuation barriers; all open space amenities; entry features; etc. (PD)

5. Landscape Plan: The Improvement Plans shall provide details of the location and specifications of all proposed landscaping and irrigation for the review and approval of the DRC. Said landscaping shall be installed prior to the County's acceptance of the project's improvements. **(MMIP)** (PD/DFS)

SEPTEMBER, 2008
SEPTEMBER, 2014 - PC

6. The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Department (ESD) for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. Prior to plan approval, all applicable recording and reproduction cost shall be paid. The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the ESD prior to acceptance of site improvements by the County.
Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. **(MM VI.1) (ESD)**

7. All proposed grading, drainage improvements, vegetation and tree removal will be shown on the Improvement Plans and all work will conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) that are in effect at the time of submittal. No grading or clearing will occur until the Improvement Plans/Grading Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes will be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

The applicant will revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 will include regular watering to ensure adequate growth. A winterization plan will be provided with project Improvement Plans/Grading Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures will be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

Submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-

year maintenance period, unused portions of said deposit will be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans/Grading Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans will be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. **(MM VI.2) (ESD)**

8. Submit to the Engineering and Surveying Department (ESD), for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

A) Road, pavement, and parking area design
B) Structural foundations, including retaining wall design (if applicable)
C) Grading practices
D) Erosion/winterization
E) Special problems discovered on-site, (i.e., groundwater, expansive/unstable soils, etc.)
F) Slope stability

Once approved by the ESD, two copies of the final report shall be provided to the ESD and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required prior to issuance of Building Permits. It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. **(MM VI.3) (ESD)**

9. Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area. **(MM VI.4) (ESD)**

10. Water quality Best Management Practices (BMPs), shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and/or for Industrial and Commercial, (and/or other similar source as approved by the Engineering and Surveying Department (ESD)).

Construction (temporary) Best Management Practices for the project include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), Storm Drain Inlet Protection (SE-10), Silt Fence (SE-1), revegetation techniques, and concrete washout areas.

SEPTEMBER, 2008
SEPTEMBER, 2014 - PC

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Department. Best Management Practices shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. Post-development (permanent) Best Management Practices for the project includes, but is not limited to: underground storm water treatment vaults, rock outlets and level spreaders.

No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All BMPs shall be maintained as required to insure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of a monthly parking lot sweeping and vacuuming, and catch basin cleaning program shall be provided to the ESD upon request. Failure to do so will be grounds for discretionary permit revocation.) Prior to Improvement Plan approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. **(MM VIII.2) (MM VI.5) (ESD)**

11. Projects with ground disturbance exceeding one-acre that are subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program shall obtain such permit from the State Regional Water Quality Control Board and shall provide to the Engineering and Surveying Department evidence of a state-issued WDID number or filing of a Notice of Intent and fees prior to start of construction. **(MM VI.6) (ESD)**

12. This project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System (NPDES) Phase II program. Project-related stormwater discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's NPDES Municipal Stormwater Permit (State Water Resources Control Board NPDES General Permit No. CAS000004). **(ESD)**

13. All storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek" or other language as approved by the Engineering and Surveying Department (ESD) and/or graphical icons to discourage illegal dumping. Message details, placement, and locations shall be included on the

Improvement Plans. The property owners' association is responsible for maintaining the legibility of these messages. **(ESD)**

14. Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the Engineering and Surveying Department for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used both during construction and for long-term post-construction water quality protection. "Best Management Practice" (BMP) measures shall be provided to reduce erosion, water quality degradation, and prevent the discharge of pollutants to stormwater to the maximum extent practicable. **(MM VIII.1) (ESD)**

15. All stormwater runoff shall be diverted around trash storage areas to minimize contact with pollutants. Trash container areas shall be screened or walled to prevent off-site transport of trash by the forces of water or wind. Trash containers shall not be allowed to leak and must remain covered when not in use. **(MM VIII.3) (ESD)**

16. Provide the Engineering and Surveying Department with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. **(ESD)**

17. The Improvement Plans shall be approved by the water supply entity for water service, supply, and maintenance. The water supply entity shall submit to the Department of Environmental Health Services and the Engineering and Surveying Department a "will-serve" letter or a "letter of availability" from the water district indicating that the agency has the ability and system capacity to provide the project's domestic and fire protection water quantity needs. **(ESD)**

18. An Encroachment Permit shall be obtained from the Department of Public Works prior to Improvement Plan approvals for any landscaping within public road rights-of-way. **(ESD)**

19. Prior to Improvement Plan approval, the applicant shall submit an engineer's estimate detailing costs for facilities to be constructed with the project which are intended to be County-owned or maintained. County policy requires the applicant prepare their cost estimate(s) in a format that is consistent with the Governmental Accounting Standards Board, 34th Standard

(GASB 34). The engineer preparing the estimate shall use unit prices approved by the Engineering and Surveying Department for line items within the estimate. The estimate shall be in a format approved by the County and shall be consistent with the guidelines of GASB 34. **(ESD)**

20. Submit, for review and approval, a striping and signing plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer. **(ESD)**

21. Construct one-half of a driveway taper onto Mill Pond Road, on the east side of the emergency vehicle access, to the dimensions of a Plate R-17, LDM standard. The design speed of Mill Pond Road shall be 25 mph, unless an alternate is approved by the ESD. The taper structural section shall be constructed as an all-weather surface capable of supporting a 40,000 pound fire truck.

ROADS/TRAILS

22. Final approval of on-site and off-site waterline, sewerline, storm drain routes, and road locations must be obtained from the DRC. Onsite public sewer shall be within a minimum 15' public utility easement, and shall end at the flushing branch located in the project driveway, approximately 200' from Bowman Road. **(ESD)**

23. Delineate a northbound left-turn pocket at the project entrance at Bowman Road, as shown on the Bowman Road Restriping Exhibit, Sheet 1 of 4 dated August 2008. Traffic striping shall be done by the developer's contractor. No additional pavement will be required for the striping of this left turn pocket. The removal of existing striping and other pavement markings shall be completed by the developer's contractor. The design shall conform to criteria specified in the latest version of the Caltrans Highway Design Manual for a design speed of 35 mph, unless an alternative is approved by DPW. **(ESD)**

24. Construct a public road entrance/driveway onto Bowman Road to a Plate R-13, LDM standard. The design speed of Bowman Road shall be 35 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW and the Engineering and Surveying Department (ESD). An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. The Plate R-13 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 8.5, but said section shall not be less than 3-inches AC/8-inches Class 2 AB unless otherwise approved by the ESD. **(ESD)**

25. Construct one half of a 50' road section plus concrete curb, gutter, 6-foot sidewalk and a class II bike lane where the project fronts Bowman Road, as measured from the existing centerline thereof or as directed by the Engineering and Surveying Department (ESD) and the Department of Public Works (DPW). Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, signalization, bike lanes, or for conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 8.5, but said section shall not be less than 3-inches AC over 8-inches Class 2 AB unless otherwise approved by the ESD and DPW. **(ESD)**

26. All on-site parking and circulation areas shall be improved with a minimum asphaltic concrete or Portland cement surface capable of supporting anticipated vehicle loadings.

It is recommended that the pavement structural section be designed in accordance with recommendations of a soils/pavement analysis and should not be less than 2-inches AC over 4-inches Class 2 AB, or the equivalent. **(ESD)**

26. B) Prior to rough grading plan approval project proponent shall photo-document condition of Mill Pond Road from Bowman Road to the project western property line. During the construction process project proponent shall maintain Mill Pond Road in the condition indicated in the photo-documentation. Final post-construction inspection by the DRC to ensure this section of Mill Pond Road remains in pre-construction condition indicated in the photo-documentation, or better, shall occur prior to issuance of certificate of occupancy. Any Mill Pond Road restoration to pre-constructions indicated in the photo-documentation deemed necessary by the DRC shall occur prior to issuance of a certificate of occupancy.

PUBLIC SERVICES

27. Provide to DRC "will-serve" letters from the following public service providers prior to Improvement Plan approvals, as required:

A) PG&E
B) Placer County Facility Services SMD #1
C) PCWA
D) Refuse Collection Company
E) SBC

If such "will serve" letters were obtained as a part of the environmental review process, and are still valid, (received within one year) they shall not be required again. **(ESD)**

28. Prior to the approval of the Improvement Plans, provide the DRC with proof of notification (in the form of a written notice or letter) of the proposed project to:

A) Ackerman Elementary School District

B) Placer Union High School District
C) The Placer County Sheriff's Office
(ESD)

29. The project, estimated at 57.6 equivalent dwelling units, will need to reduce the total peak flow in the wastewater collection and treatment system in the amount of 0.077 million gallons per day (53 gallons per minute) in order to create sufficient capacity for this project. This mitigation measure, if implemented with the Auburn Ravine Sewer Shed, will serve to achieve the 0.077 million gallons per day reduction in peak wet Inflow and Infiltration at the Waste Water Treatment Plant, the Trunkline, and at the Auburn Ravine Lift Station.

The applicant shall implement an off-site mitigation program to offset the project's increase in peak wet weather flow from their project. The off-site mitigation program shall be coordinated and approved by the Placer County Facility Services Environmental Engineering Division. The off-site mitigation program will replace and/or rehabilitate sewer infrastructure to, in effect, create capacity within the existing system equivalent to this project's peak wet weather flows as determined by the Environmental Engineering Division.

In lieu of implementing an off-site mitigation program, the applicant may pay a fee of four thousand dollars ($4,000.00) per equivalent dwelling unit (the "in-lieu fee") prior to sewer improvement plan approval as a temporary measure pending further studies and adoption by the Board of Supervisors of a Sewer Maintenance District No. 1 mitigation fee (the "Mitigation Fee"). The In-Lieu Fee is intended as an estimate of those funds necessary to offset the project's peak wet weather flows. The Environmental Engineering Division will use this money to reduce inflow and infiltration within the existing Sewer Maintenance District No. 1 by replacement, and/or rehabilitation of existing sewer infrastructure. In the event the Board of Supervisors adopts the Mitigating Fee by December 31, 2010 and the adopted Mitigation Fee is less than the In-Lieu Fee, Developer shall be entitled to a refund of the difference if the Developer submits a request in writing by June 30, 2011.
(MM XVI.1) (ESD)

30. Prior to building occupancy the project shall construct the upsizing of the section of pipe within Channel Hill Drive (AC7-02 to AC6-28). **(MM XVI.2) (ESD)**

GENERAL DEDICATIONS/EASEMENTS

31. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the Engineering and Surveying Department (ESD) and DRC: (ESD)

a. Public utility easements as required by the serving utilities, excluding wetland preservation easements (WPE). **(ESD)**

b. Slope easements for cuts and fills outside the highway easement.

c. Drainage easements as appropriate. **(ESD)**

d. Landscape easements as appropriate. **(ESD)**

e. Dedicate to Placer County a highway easement (Ref. Chapter 12, Article 12.08, Placer County Code) where the project fronts Bowman Road, such that the total right-of-way width is equal to 70 feet or as otherwise approved by the Transportation Division of DPW. **(ESD)**

f. Provide private easements for existing or relocated water lines, service/distribution facilities, valves, etc., as appropriate. **(ESD)**

g. An Irrevocable Offer of Dedication on the Improvement Plans to the satisfaction of the ESD and DRC for easements as required for access to, and protection and maintenance of, storm drainage retention/detention facilities, as well as post-construction water quality enhancement facilities (BMPs). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication. **(MM VIII.4) (ESD)**

h. Fire protection and access easements as required by the servicing fire district. **(ESD)**

i. A hold harmless Encroachment Permit will be required of the developer during the Improvement Plan process for maintenance activities for landscaping within highway easements. **(ESD)**

j. Dedicate 12.5-foot multi-purpose easements adjacent to all highway easements. **(ESD)**

VEGETATION AND OTHER SENSITIVE NATURAL AREAS

32. Provide the DRC with a tree survey and arborist report (by an ISA Certified Arborist) depicting the exact location of all trees 6" dbh (diameter at breast height) or greater, or multiple trunk trees with an aggregate diameter of 10" dbh or greater, within 50' of any grading, road improvements, underground utilities, driveways, building envelopes etc., and all trees 18" dbh or greater, located on the entire site, and any trees disturbed from off-site improvements (*i.e.*, road improvements, underground utilities, etc.). The tree survey shall include the sizes (diameter at 4' above ground), species of trees, spot elevations, and approximate driplines. Trees to be saved, or removed shall be shown on the survey, and superimposed over the site/grading plan, as well as all proposed improvements, including any underground utilities. The survey report shall be reviewed and approved by the DRC prior to the submittal of Improvement Plans or -grading plans. **(PD)**

Advisory Comment: Trees may not be disturbed or removed prior to the approval of Grading Plans and the issuance of a Tree Permit.

33. The applicant shall mitigate for the loss of oak woodlands through the following, subject to Planning Department approval, consistent with the requirements of CEQA Section 21083.4:

Submit payment of fees for oak woodland conservation at a 2:1 ratio consistent with Chapter 12.16.080 (C) Placer County Tree Preservation Ordinance-Replacement Programs and Penalties. These fees shall be calculated based upon the current market value for similar oak woodland

acreage preservation and an endowment to maintain the land in perpetuity. At the present time, the mitigation fee is $52,800 (2.2 acres of impacted oak woodland at $24,000 per acre for each acre of woodland converted).

Single trunk trees within the project impact area that are greater than 24 inches diameter at breast height shall be mitigated for at an inch for inch basis, at a rate of $100 per diameter inch. The fees for the removal of one (1) large oak, with a total of 30 diameter inches, will be $3,000.

Mitigation fees, totaling $55,800, shall be paid prior to the issuance of the Tree Permit for the project. **(MM IV.2)** (PD)

34. No watering or irrigation of any kind shall be allowed within the dripline of native oak trees within the project boundaries. **(MM)** (PD)

35. Temporary Construction Fencing: The applicant shall install a 4' tall, brightly colored (usually yellow or orange), synthetic mesh material fence (or an equivalent approved by the DRC) at the following locations prior to any construction equipment being moved on-site or any construction activities taking place:

1) Adjacent to any and all wetland preservation easements that are within 50' of any proposed construction activity;

2) At the limits of construction, outside the dripline of all trees 6" dbh (diameter at breast height), or 10" dbh aggregate for multi-trunk trees, within 50' of any grading, road improvements, underground utilities, or other development activity, or as otherwise shown on the Tentative Map;

3) Around any and all "special protection" areas as discussed in the project's environmental review documents.

4) Around all Open Space lots within 50 feet of any development activity.

No development of this site, including grading, will be allowed until this condition is satisfied. Any encroachment within these areas, including driplines of trees to be saved, must first be approved by the DRC. Temporary fencing shall not be altered during construction without written approval of the DRC. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the DRC has inspected and approved all temporary construction fencing. This includes both on-site and off-site improvements. Efforts should be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation.

Said fencing and a note reflecting this Condition shall be shown on the Improvement Plans. **(MM)** (PD/ESD)

36. Prior to any grading or tree removal activities, during the raptor nesting season (March 1 - September 1), a focused survey for raptor nests shall be conducted by a qualified biologist. A report summarizing the survey shall be provided to Placer County and the California Department of Fish &

Game (CDFG) within 30 days of the completed survey. If an active raptor nest is identified appropriate mitigation measures shall be developed and implemented in consultation with CDFG. If construction is proposed to take place between March 1st and September 1st, no construction activity or tree removal shall occur within 500 feet of an active nest (or greater distance, as determined by the CDFG) . Construction activities may only resume after a follow up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest (or nests) are no longer active, and that no new nests have been identified. A follow up survey shall be conducted 2 months following the initial survey, if the initial survey occurs between March 1st and July 1st . Additional follow up surveys may be required by the DRC, based on the recommendations in the raptor study and/or as recommended by the CDFG. Temporary construction fencing and signage as described herein shall be installed at a minimum 500 foot radius around trees containing active nests. If all project construction occurs between September 1st and March 1st no raptor surveys will be required. Trees previously approved for removal by Placer County, which contain stick nests, may only be removed between September 1st and March 1st . A note which includes the wording of this condition of approval shall be placed on the Improvement Plans. Said plans shall also show all protective fencing for those trees identified for protection within the raptor report. (PD)

CULTURAL RESOURCES

37. If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a SOPA-certified (Society of Professional Archaeologists) archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site. **(MM)** (PD)

FEES

38. Pursuant to Section 21089 (b) of the California Public Resources Code and Section 711.4 et. seq. of the Fish and Game Code, the approval of this permit/project shall not be considered final unless the specified fees are paid. The fees required are $2,500 for projects with Environmental Impact Reports and $1906.75 for projects with Negative Declarations. Without the appropriate fee, the Notice of Determination is not operative, vested or final and shall not be accepted by the County Clerk. **NOTE: The above fee shall be submitted to the Planning Department within 5 days of final project approval.** (PD)

39. **ADVISORY COMMENT:** Building Permits associated with this project shall be subject to payment of Placer County Facility Impact Fees (Ordinance #47-69-B, Article 2.120.010, formerly Chapter 38, of the *Placer County Code*) (BD)

40. The project will be subject to the payment of traffic impact fees that are in effect in this area (Auburn/Bowman Fee District), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County Department of Public Works prior to issuance of any Building Permits for the project:

A) County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

Current fees are estimated as follows:
Hotel = $4,590/DUE x 142 units x 0.531 DUEs/unit = $346,095
Restaurant = $4,590/DUE x 2.0 ksf x 2.929 DUEs/ksf = $26,888
Retail = $4,590/DUE x 12.635 ksf x 1.507 DUEs/ksf = $87,398
Total = $460,381

The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete.
(MM XV.1) (ESD)

41. The project will be subject to payment of a fair share fee to Department of Public Works for 29 percent of the estimated cost of constructing a signal at the Bowman Road/Bowman Undercrossing intersection. The total cost of the signal is estimated at $350,000, therefore the fair share fee is $101,500. The fee shall be paid prior to the approval of the Improvement Plans. **(MM XV.2) (ESD)**

ENVIRONMENTAL HEALTH

42. Construction noise emanating from any construction activities for which a Grading or Building Permit is required is prohibited on Sundays and Federal Holidays, and shall only occur:

a) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
b) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
c) Saturdays, 8:00 am to 6:00 pm

In addition, temporary signs 4' x 4' shall be located throughout the project, as determined by the DRC, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report

violations and the developer/builder will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

ADVISORY COMMENT: Essentially, quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building, such as a house under construction with the roof and siding completed, may occur at other times as well.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions. (EHS/ESD/PD)

43. Prior to the paving of the parking and circulation areas on the site, construct a noise barrier between the project and the residential parcels that adjoin the project at the southwest portion of the site (APNs: 053-103-011, 022 and 025) that provides the required noise attenuation that is identified in the noise analysis for the project. The noise barrier shall be a minimum of seven (7) feet in height between the development site and parcels 053-103-011 and 022 and 14 feet in height, or an alternate height as determined by subsequent noise analysis, between the development site and parcel 053-103-025 and shall be constructed as far as is practicable from the west property line. The barrier shall have the same, or similar, exterior treatment as the retaining walls that are proposed in the circulation and parking areas of the site. Extensive landscaping of the wall is required and the landscape plan of this area of the site will be included in the Design Review of the project. This noise barrier, including cross section views of relationship to building pad elevations, shall be shown on the Improvement Plans. Prior to the issuance of the Certificate of Occupancy of the hotel building, a second noise barrier, six (6) feet in height, shall be constructed around the swimming pool area and shall provide the required noise attenuation that is identified in the noise analysis for the project. The cross section views of this noise barrier shall be shown on the Building Plans. The project shall conform to the Noise Element of the Auburn/Bowman Community Plan and the environmental document. **(MM)** (PD)

44. Prior to Building Permit applications for either of the two multi-story buildings, submit a specific acoustic analysis specifying minimum transportation noise reduction construction features to the Planning Department for review and approval. Any identified special construction features, such as STC 35 rated windows on the second and third floors of the hotel and STC 30 rated Packaged Thermal Air-Conditioning units and an interior noise level analysis of the Mixed-Use structure will be placed as requirements on the Building Permit. **(MM)** (PD)

45. Prior to Final Occupancy approval, the Occupant shall submit:

A) Hazardous Materials Project/Business Activities Screening Form shall be submitted to the EHS Technician, for review and approval. **Please Note:** "Hazardous" materials, as defined in California Health and Safety Code Division 20, Chapter 6.95, Articles 1 & 2, shall not be allowed on any premises in regulated quantities without notification to EHS. **(EHS)**

46. Prior to Improvement or Grading Plan approval, the project owner or authorized managing entity shall insure that all construction vehicles or equipment, fixed or mobile, operated within close proximity of a residential dwelling shall be equipped with properly operating and maintained mufflers at all times during project construction. It is the owner's responsibility to obtain the services of a qualified acoustical professional to verify proper equipment mufflers if concerns relating to the issue arise. A note to this effect shall be added to the Improvement or Grading Plans where applicable. **(EHS)**

47. Prior to Improvement or Grading Plan approval, complete or provide for the proper destruction under permit and inspection, of the existing well(s) and septic system(s) located within the project site. **(MM) (EHS)**

48. Prior to Improvement or Grading Plan approval, a Note shall be placed on Improvement Plan or Grading Plans to indicate that if at any time during the course of constructing the proposed project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the applicant shall immediately stop the project and contact the EHS Hazardous Materials Section. The project shall remain stopped until there is resolution of the contamination problem to the satisfaction of EHS and to the Central Valley RWQCB. **(EHS)**

49. Prior to Building Permit issuance for the Public Swimming Pool, contact EHS, pay required fees, and apply for a plan check. Submit to EHS for review and approval complete construction plans and specifications as specified by EHS. **(EHS)**

50. Prior to Building Permit issuance for the Food Facility, contact EHS, pay required fees, and apply for a plan check. Submit to EHS for review and approval complete construction plans and specifications as specified by EHS. **(EHS)**

51. **Please Note:** Prior to opening for business, the applicant/operator shall contact EHS, pay required fees, and obtain a permit to operate a food facility. All food handling operations shall comply with the requirements of Placer County Code and the California Retail Food Code. **(EHS)**

52. **Please Note:** Prior to opening for business the applicant/operator shall contact EHS, pay required fees, and obtain a permit to operate a public swimming pool. **(EHS)**

53. **Please Note:** If Best Management Practices are required by the Engineering and Surveying for control of urban runoff pollutants, then any hazardous materials collected during the life of the project shall be disposed of in accordance with all applicable hazardous materials laws and regulations. **(EHS)**

MISCELLANEOUS CONDITIONS

54. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer (County), the County Planning Commission, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded by a court, arising out of or relating to the processing and/or approval by the County of Placer of that certain development project known as Hill Top Center (the Project). The applicant shall, upon written request of the County, pay or, at the County's option, reimburse the County for all costs for preparation of an administrative record required for any such action, including the costs of transcription, County staff time, and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County relating to the approval of the Project. Upon request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition. (CC)

55. Prior to approval of any grading and/or improvement plans, the applicant shall submit a public information plan for DRC review and approval as follows. The applicant shall fund and operate a 24-hour, 7 days per week public information telephone hotline service (call center) to provide information on project marketing, construction, etc. and offer a forum to receive and resolve complaints related to project development issues. Said telephone hotline shall remain operational until the County accepts all improvements for the project as complete. (PD)

56. Concurrent with submittal of Improvement Plans, a detailed lighting and photometric plan shall be submitted to the DRC for review and approval, which include the following:

A) The site lighting plan small demonstrate compliance with the Auburn/Bowman Community Plan and the Placer County Design Guidelines. The night lighting design shall be designed to minimize impacts to adjoining and nearby land uses. No lighting is permitted on top of structures.

B) Site lighting fixtures in parking lots shall be provided by the use of high pressure sodium (HPS), mounted on poles not to exceed 14 feet in height. The metal pole color shall be such that the pole will blend into the landscape (i.e., black, bronze, or dark bronze). All site lighting in parking lots shall be full cut-off design so that the light source is fully screened to minimize the impacts discussed above. Wall pack or other non cut-off lighting shall not be used.

C) Building lighting shall be shielded and downward directed such that the bulb or ballast is not visible. Lighting fixture design shall complement the building colors and materials and shall be used to light entries, soffits, covered walkways and pedestrian areas such

as plazas. Roof and wall pack lighting shall not be used. Lighting intensity shall be of a level that only highlights the adjacent building area and ground area and shall not impose glare on any pedestrian or vehicular traffic.

D) Landscape lighting may be used to visually accentuate and highlight ornamental shrubs and trees adjacent to buildings and in open spaces. Lighting intensity shall be of a level that only highlights shrubs and trees and shall not impose glare on any pedestrian or vehicular traffic. (For commercial projects) (PD)

57. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. **(ESD)**

58. Any entrance structure proposed by the applicant shall be reviewed and approved by the DRC, shown on the project Improvement Plans, and shall be located such that there is no interference with driver sight distance as determined by the Engineering and Surveying Department, and shall not be located within the right-of-way.

Any entrance monument or structure erected within the front setback on any lot, within certain zone districts, shall not exceed 3-feet in height (Ref. Chapter 17, Article 17.54.030, Placer County Zoning Ordinance). **(ESD)**

59. The applicant shall record a Minor Boundary Line Adjustment to resolve conflicts between proposed building(s) and existing property lines prior to Improvement Plan approval. **(ESD)**

60. If retaining walls are proposed within the existing public right-of-way, then a right-of-way abandonment shall be processed through the Department of Public Works prior to Improvement Plan approval. **(ESD)**

DEVELOPMENT STANDARDS

61. The Development Standards for this project are as follows:

62. Pursuant to the Zoning Ordinance, setbacks apply to all structures and accessory structures. Setbacks for swimming pools/spas/pool equipment, etc. shall conform to Placer County Code, Article 17.54.140, formerly Zoning Ordinance Section 10.082 B (5). (PD)

EXERCISE OF PERMIT

63. The applicant shall have 36 months to exercise this Conditional Use Permit. Unless exercised, this approval shall expire on October 6, 2011.

On October 19, 2010 the Board of Supervisors approved an Ordinance (5624-B) granting automatic extension of time for certain county development entitlements. This project was approved for a two-year extension of time, approval to expire on October 6, 2013.

On September 25, 2014 the Planning Commission granted a three-year extension of time, this approval shall expire on October 6, 2016. (PD)

COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

HEARING DATE: September 25, 2008
ITEM NO.: 2
TIME: 10:25 am

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: September 25, 2008

SUBJECT: **CONDITIONAL USE PERMIT - "Hill Top Center" (PCPA 2008 0204) AND MITIGATED NEGATIVE DECLARATION**

COMMUNITY PLAN AREA: Auburn/Bowman Community Plan

GENERAL PLAN DESIGNATION: Commercial

ZONING: HS Dc (Highway Service, Design Scenic Corridor)

APNs: 053-103-047, 048, 049

STAFF PLANNER: Michael Wells, Supervising Planner

LOCATION: Approximately 900 feet northwest of the Bowman Road/Luther Road intersection in the Bowman area

APPLICANT: TLA Engineering & Planning on behalf of Hilltop LLC

PROPOSAL:
The applicant requests the approval of a Conditional Use Permit to allow for a 142-room hotel complex, with retail, commercial and restaurant uses on a ±7.5-acre site in the Bowman area.

CEQA COMPLIANCE:
A Mitigated Negative Declaration has been prepared for this project and has been finalized pursuant to CEQA. The Mitigated Negative Declaration must be found to be adequate by the decision-making body to satisfy the requirements of CEQA, and a recommended finding for this purpose can be found at the end of this staff report.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:
Public notices were mailed to property owners of record within 300 feet of the project site. Consistent with Placer County Code 17.58.045 (Posting of Sites), a 4-foot by 4-foot public notification sign with the sign copy "Development Proposal Pending", was installed along the Bowman Road frontage. Legal notice was also published in the *Auburn Journal* newspaper. Other appropriate public interest groups and citizens were sent copies of the public hearing notice, including the City of Auburn and the North Auburn Municipal Advisory Council. Copies of the project plans and application were transmitted to the Community Development Resource Agency Staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Special Districts for their review and comment. The comments received from

ATTACHMENT D

these agencies have been addressed in the analysis section of this report. The Agency received several public comment letters and the issues expressed in these letters are addressed in the Discussion of Issues section of the report.

PROJECT DESCRIPTION:

The Hill Top Center project is a 142-room hotel complex with retail, commercial and restaurant uses on a ±7.5-acre site in the Bowman area (Attachment B). The site is comprised of three parcels (APNs 053-103-047, 048 & 049) which will be reconfigured through the Minor Boundary Line Adjustment process prior to project development. The Hill Top Center project proposes developing the three parcels as follows:

Parcel A (053-103-047) – Parcel A is the northernmost of the three parcels and the development activities on this site will consist of the construction of an emergency vehicle access, linking the hotel parking area with Mill Pond Road to the north, and the construction of a detention basin. Parcel A will also serve as a temporary stockpile area for materials excavated from the other two parcels as the site is developed.

Parcel B (053-103-048) - The central parcel will be the site of the main hotel building, a ±92,779 square foot, three-story structure with 127 hotel rooms, a lobby area, a hotel office and a small meeting room (Attachment C). An outdoor swimming pool and deck area will be constructed on the east side of the hotel building. Parking will consist of 94 surface parking spaces and a ground floor garage of 45 parking spaces (for a total of 139 parking spaces).

Parcel C (053-103-049) - A two-story, mixed-use structure will be constructed on the east side of this southern parcel that will consist of a ±6,000 square foot restaurant and ±6,635 square feet of retail on the first level, a 15-suite hotel annex on the second floor and underground and outdoor parking for a total of 106 vehicles (91 surface parking spaces and 15 ground floor parking spaces) [Attachment D]. A ±2,000 square foot restaurant with an outdoor seating area is proposed in the southern portion of the property, near the south property line of the parcel.

The principal access to the site will be at a driveway that will be cut onto Bowman Road, approximately 1,000 feet north of the intersection with Luther Road. As there is adequate pavement width at this location, Bowman Road will be restriped to provide for a northbound left turn pocket for traffic entering the site. The frontage improvement requirements for the project will include the construction of a six-foot sidewalk and the installation of a bicycle lane along Bowman Road. A secondary access road will be constructed in the northern portion of the site, connecting the hotel area at the top of the hill with Mill Pond Road to the north. Initially, this roadway will be the construction entrance during the first phase of project development. Following the opening of the Bowman Road access, this roadway will be gated and converted to an emergency access.

The construction of the project will require a significant amount of grading. Approximately 6.5 acres of the 7.5 acre site will be graded for building pads, parking and circulation areas and utilities, and soil cuts of up to 27 feet and fills of up to 16 feet are anticipated. Approximately 44,000 cubic feet of material will be excavated, 25,000 cubic yards of which will be either exported off-site or stockpiled on Parcel A. Three terraces will be created and retaining walls up to 17 feet in height will be installed between the parking areas. The site development activities will also result in a reduction in the oak woodland and grassland habitat on the site. Approximately 2.2 acres of the 2.5 acres of oak woodland will be removed as a result of these activities.

A driveway cut on Bowman Road will provide access to the different levels on the development site and a second emergency access will be constructed north from the top of the hill near the hotel to Mill Pond Road. The project will provide a total of 245 parking spaces (236 spaces are required), consisting of 60 underground spaces and 185 outdoor spaces that will be installed in three parking areas.

The Hill Top Center project requires the following entitlements: a Conditional Use Permit, a Minor Boundary Line Adjustment and Design Review.

BACKGROUND:

On April 9, 2008, the applicant submitted an Environmental Questionnaire for the project to the County's Environmental Review Committee. Upon completion of a period of comment and review, County staff prepared both the Initial Study for the project and a Mitigated Negative Declaration (Attachment F), dated August 12, 2008.

In May 2008, the applicant prepared and mailed notices to 102 property owners within 1,000 feet of the project site for a community meeting to present and discuss the project. This meeting was held at Lou LaBonte's Restaurant on June 3, 2008 and 24 interested persons were in attendance. The applicant and his engineer have also met with individual property owners several times in the past few months.

The Hill Top Center project was presented as an Information Item to the North Auburn MAC on May 13 and August 12, 2008 and then as an Action Item on September 9, 2008. Staff, the applicant's engineer and 14 members of the public commented on the project at September 9, 2008 meeting. The MAC considered this information and passed a motion that the MAC make no recommendation on the project to the Planning Commission, due to significant public concern regarding the following issues that need to be addressed and/or clarified:

- Bowman Elementary School – traffic and safety of school children on Bowman Road
- Bowman Road – accommodation for pedestrians/bicyclists
- Mill Pond Road – public or private ownership/maintenance
- Construction entrance – Mill Pond and Bowman Roads
- Site lighting – minimization of glare
- Noise attenuation – height and location of noise walls
- Viewshed – view of project from adjoining residences
- Air quality – project vehicle emissions
- Property values – effect of project development on property values

These concerns are addressed in the "Discussion of Issues" section of this staff report.

SITE CHARACTERISTICS:

The hill top center project site is a ± 7.5 acre undeveloped property comprised of three parcels (APNs 053-103-047, 048 and 049) that are located west of interstate 80 and Bowman Road and north of Luther Road in the Bowman area of North Auburn. Zoning on the site is HS Dc (Highway Service, Combining Design Review). The Auburn/Bowman Community Plan land use designation for the property is Commercial. Surrounding land uses include the Bowman Plaza commercial center located northeast of the site and residential properties north and west of the site. A Placer County Water Agency water storage tank occupies a parcel to the west. Two parcels lie between the south project boundary and Luther Road. A single family residence occupies the parcel adjacent to the project; the second parcel to the south is undeveloped.

The project site is on a hilltop that slopes towards Mill Pond Road to the north and Garth Lane to the south. Ground elevations range from about 1,610 feet to 1,690 feet and the slope

2p

gradients range from 10 to 15 percent in the northern and southern areas of the site to 30 percent near the hilltop in the center of the site. A steep precipice runs along most of the length of the eastern boundary of the project property. Located just outside the project, this man-made feature is up to 60 feet in height, created by past hydraulic mining activities. The project site has been largely disturbed by past grading, mining, tree removal and off-road vehicle activities and there are several rutted dirt roadways and vehicle tracks that transect the site in various directions. The site has been, and continues to be, utilized as a campground for transients and as an unauthorized dump site.

Historically, the site probably supported a foothill woodland community with a mix of live oak, blue oak and black oak. As a result of the past activities described above, the biological resources currently found on the site consist of a mix of remnant foothill woodland (± 2.5 acres), annual grassland (± 1.5 acres) and ruderal (disturbed area) habitats (± 3.5 acres). The foothill woodland component is fragmented and is found in scattered patches on the site. The grassland areas are composed mostly of non-native weedy species; the disturbed areas (ruderal) support dense thickets of Scotch broom and French broom. Given the proximity of the site to existing development and the disturbed condition of a significant portion of the property, the project site provides very limited habitat value for wildlife. There are no jurisdictional wetland areas on the site, and no special status plant or animal species have been identified on the site.

The hill top center site supports no archaeological resources and the known historic resources are associated with past mining activities on the adjacent parcels to the east.

EXISTING ZONING AND LAND USE:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	(HS Dc) Highway Service, Combining Design Scenic Corridor	Commercial	Undeveloped
North	(RM DL15) Residential Multi-family, Density Limitation 15 dwelling units per acre	High Density Residential 10-15 dwelling units per acre	Bowman Mobile Home Park
South	Same as project site	Same as project site	Residential/Undeveloped
East	(HS Dc) Highway Service, Combining Design Review (O) Open Space	Commercial Open Space	Bowman Plaza commercial center, Interstate 80
West	(RS B20) Residential Single-family Combining Building Site 20,000 square feet minimum, (RS AG) Residential Single-family Combining Agriculture	Low Medium Density Residential 2-5 dwelling units per acre	Residential

DISCUSSION OF ISSUES:

General Plan and Zoning Consistency

The project site is within the boundaries of the Auburn/Bowman Community Plan and the adopted Land Use Plan designates the project site, along with all the properties within the corridor on the west side of Bowman Road extending south to Auburn Ravine Road, as Commercial. This Commercial designation was developed to "provide adequate services to the resident population as well as the transient population". The proposed hotel, retail and restaurant uses on the site are consistent with the definition and intent of the Commercial land

29

use designation of the Community Plan, and the associated EIR that was adopted for the Plan includes an analysis of these uses.

Site zoning is Highway Service, Combining Design Scenic Corridor and the hotel, retail and restaurant uses that are proposed are allowable land uses in this zoning designation, with the approval of a Minor Use Permit. The three-story hotel structure will be approximately 46 feet in height (with architectural appurtenances). Although the height limit in the Highway Service zone district is 35 feet, the Zoning Ordinance allows for exceptions to the height limits "if the additional height is authorized through a conditional use permit process that includes an analysis of visual impacts including photo simulations". The applicant has provided such analysis and is requesting a Conditional Use Permit from the Commission.

The Hill Top Center project is consistent with both the General Plan and zoning on the site.

North Auburn MAC

As discussed, the North Auburn MAC identified several issues that needed to be addressed.

- *Bowman Elementary School/Bowman Road* – The Bowman School is located approximately 0.25 miles north of the project site, and there are concerns that the traffic generated by the project will affect the safety of schoolchildren that use this roadway to get to and from school. The project will construct a 6-foot wide sidewalk and install a bicycle lane along the Bowman Road frontage that will separate pedestrians and bicyclists from the road traffic. These improvements will serve to improve the safety of pedestrians and bicyclists in the vicinity of the project site.

- *Mill Pond Road/Construction entrance* – The project proposes utilizing Mill Pond Road as a construction entrance during the initial phases of site development. As construction continues, a construction entrance on Bowman Road will be built and the Mill Pond Road driveway will be converted to a locked emergency only access to the site. As to the status of Mill Pond Road, it is a County Non-Maintained road.

- *Lighting* – Site lighting is required for public safety and security purposes and will be designed to minimize glare to nearby properties. The project is required to submit a lighting plan along with a detailed photometric survey of that plan that analyzes the type, wattage and intensity of the lighting at specific locations on the project site. Site lighting will be shielded and will be installed so that there is no glare beyond project boundaries.

- *Noise* – The North Auburn MAC requested clarification regarding the height and location of the noise barrier. Noise attenuation in the form of a 7-foot to 14-foot barrier is required between the parking and circulation areas and the three residences on the west side of the project. There is no requirement that the barrier be constructed on the common property line, as long as the structure reduces the operational noise of the project to acceptable levels. The applicant is willing to move the barrier between the property line and the development site and will be required to landscape the area to reduce the visual impact of the barrier.

- *Viewshed* – The visual simulations that have been prepared show the project from two view points: Northbound I-80 and Southbound I-80. A few of the people at the MAC meeting commented that a view point from the neighboring residential area to the west be included. The applicant is preparing a photo exhibit of this view of the project site.

- *Air Quality* – Concerns were raised regarding project emissions. As part of its review of the project, the Placer County Air Pollution Control District calculated vehicle emissions

utilizing the URBEMIS model and found that project emissions would not exceed District thresholds.

	ROG (lbs/day)	NOx (lbs/day)	PM10 (lbs/day)
Area Emissions	2.0	0.3	0.02
Vehicle Exhaust			
Restaurant	6.9	10.1	13.1
Hotel	11.3	14.8	19.2
Shopping Plaza	2.2	3.2	4.1
Total	**22.4**	**28.4**	**36.4**
District Thresholds	82	82	82
Exceed Thresholds?	**No**	**No**	**No**

Source: Placer County APCD

- *Property values* – Several of the speakers at the MAC meeting, and some of the MAC members, expressed their concerns that the development of the project would have a negative effect on property values in the vicinity. This issue is not in the purview of the Planning Commission.

Public Comments

The County received several comment letters from the public regarding the proposed project (Attachment E). Following is a summary of the principal issues expressed in this correspondence and a response to these issues:

- *Air Quality – concerns regarding emissions from project traffic and a question regarding whether the air quality analysis of the project considered air quality impacts to the Bowman Elementary School.*

In its analysis of the project, the Placer County Air Pollution Control District (APCD) considered the surrounding land uses (including the Bowman Elementary School and nearby residential areas to the west), the types and quantities of emissions that the project will generate, the accepted thresholds for these emissions and the emission sources on the site after the project is operational.

The project conducted modeling for the project which showed that, based upon the uses on the site and the projected trips that will be generated, the project emissions will not exceed established thresholds of significance (emissions will range from 27 percent of the threshold for ROG to 44 percent of the threshold for PM10). As such, the District determined that the project-related air quality impacts are less than significant and, therefore, will not result in exposing any sensitive receptors to significant emission concentrations. In addition, as the Bowman Elementary School is approximately 0.25 miles away from the development site and there are no significant toxic air sources proposed by the project, the APCD determined that no Health Risk Assessment is required of the project.

The principal emissions from the operations of the hotel, retail and restaurant would be associated with the water heaters, kitchen operations and emergency generators. The APCD requires the project obtain an Authority to Construct Permit prior to operations on the site.

Based upon its analysis, the APCD concluded that, with the implementation of the identified mitigation measures (which have been included as Conditions of Approval), all impacts will be reduced to less than significant levels.

- *Geology – issues related to soil stability, abandoned mines.*

A preliminary Geotechnical Report was provided with the project application that investigated soil issues onsite, including unstable earth conditions. The project is also conditioned to provide a second, final Geotechnical Report and the earthwork on the site will be performed in conformity with the recommendations of that report. On site mines have been addressed in the Phase I Site Assessment for the project and will be included in the final Geotechnical Report. With the implementation of the identified mitigation measures (which have been included as Conditions of Approval), all impacts will be reduced to less than significant levels.

- *Landscaping – site should be landscaped.*

The project proposes extensive landscaping of both the perimeter and interior areas of the site. Extra attention will be focused on the southwest corner of the property, in association with the construction of the required noise barrier. The plantings along the north and east sides of the hotel and mixed-use building are designed to provide broken views of these buildings from points north and south along the I-80 corridor. The plantings will include a mix of potted plants (1-15 gallon) along with boxed plants so that there is a variety of plant sizes and plant ages within the landscape.

- *Lighting – the project will produce light pollution.*

Staff will review the lighting plan for the project in conjunction with the required Design Review process. A photometric plan is required and will be used to assess the types, locations and heights of the various lighting features that are proposed on the site. The purpose of this evaluation is to ensure that the project lighting provides the necessary site safety and security while ensuring that the lighting will not adversely affect nearby properties. The Conditions of Approval include a requirement for the submission of detailed lighting and photometric plans which will include the types, intensities and shielding of the lighting proposed.

- *Project size – several of the letters commented that the project was too large and should be scaled back by either reducing the height or constructing the facility away from the hilltop.*

The initial determinant of the size of a project is the development vision of the property owner. It is staff's responsibility to ensure that the project is consistent with: the land use designation of the applicable Community/General Plan; the current zoning on the site; the development standards (i.e., height, setback, coverage) that are in place; parking and landscaping requirements; and the nature and scale of other developments in the vicinity. Staff has determined that the proposed project is consistent with these parameters.

- *Noise – the project will generate significant noise.*

As noted in the Noise discussion in the "Project Impacts" section of this report, the traffic noise from nearby I-80 is the most significant source of noise in the project area. Project-generated noise will be attributed to the daily operations of the site and will include the movements of delivery trucks and the vehicles of hotel guests and customers of the retail and restaurant uses. The noise analysis of these sources indicate that noise standards will

be exceeded during the peak traffic times and that this noise can be reduced to acceptable levels with the installation of a solid barrier along the southwester perimeter of the property. With the implementation of the identified mitigation measures (which have been included as Conditions of Approval), all impacts will be reduced to less than significant levels.

- *Notification – the correspondence received included statements that the neighboring property owners were not adequately notified of the proposed project.*

The applicant organized and mailed notices to nearby property owners and conducted a Community Meeting regarding his project on June 3, 2008, at Lou Labonte's Restaurant in Bowman. State law requires a 300-foot radius of a project site for the legal noticing of public hearings; the applicant mailed notices to property owners within a 1,000-foot radius of the site. Of the 102 notices that were mailed, 24 interested property owners attended the meeting. In addition, the applicant and/or his engineer have met with several of the nearby property owners on several occasions to discuss the project.

Consistent with Placer County Code 17.58.045 (Posting of Sites), a 4-foot by 4-foot public notification sign, with the sign copy "Development Proposal Pending", was installed along the Bowman Road frontage of the project site in June 2008.

The North Auburn MAC conducted three public meetings for the project, on May 13 and August 12 as an Information Item, and then on September 9, 2008, as an Action Item.

- *Parks – there are inadequate parks in the area and that the project should develop a park on a portion of the development site.*

The nearest park and recreational facilities are Ashford Park, south of the project site on Auburn Ravine Road, and the Auburn State Recreation Area, east of I-80 and Lincoln Way. The County has not identified the project properties as a park site and, as this is not a residential project, there is no requirement for the project to provide public park facilities.

- *Property values – project development will have a negative effect on property values.*

While the issue of property values is not within the purview of the Planning Commission, the applicant is proposing a commercial project on a property that is designated for commercial uses.

- *Traffic – A number of traffic concerns were expressed, including truck traffic and pedestrian and bicycle safety on area roadways.*

A Traffic Study was submitted with the project application that identifies project impacts and measures to mitigate those impacts. Frontage improvements, including a sidewalk, bike lane and left turn pocket on Bowman Road will be required. A County standard taper will be required for the movements of construction vehicles from the construction access to Mill Pond Road. The construction of these improvements will result in increased safety to pedestrians and bicyclists in the vicinity of the project site.

- *Visual – the view of the project site and the views from properties in the vicinity of the project will be altered.*

Although the development of the project represents an alteration of the current visual character of the area, the project has been designed to minimize disturbances to the site, incorporating the existing topography and a portion of the existing vegetation into the

development. In addition, the project proposes extensive plantings that, as they mature, will provide partial vegetative screening of the facility.

The project will utilize architectural features such as articulation, varying height and a mix of colors and materials to add interest to the exterior of the hotel and retail buildings. Given the topography of the site, retaining walls will be installed between the different levels of the parking areas west of the hotel and retail development. Additional retaining walls will be installed at the parking areas along the western perimeter of the property. These walls will be up to 17 feet in height and will be finished in a "natural rock" façade treatment. Vegetation will be planted to reduce the visual effect of the retaining walls and the soundwall that will be constructed in the southern portion of the site.

The project is located in the Dc (Design Corridor) Combining Zoning District, and Design Review will be required for the project. This process assesses and evaluates the architectural colors, materials and textures of all structures, exterior lighting, landscaping and irrigation, pedestrian and vehicle circulation, fences and walls, noise attenuation barriers, tree impacts and project entry features. Staff's initial assessment has concluded that the proposed project is consistent with the commercial character of the project area and is the appropriate design solution for the site.

Project Impacts

The Hill Top Center project proposes constructing a hotel, retail and restaurant complex on a site that is currently undeveloped, and a Mitigated Negative Declaration has been prepared that addresses the environmental effects of the development of the project (Attachment __). This analysis determined that the project could result in potentially significant impacts related to air quality, biological resources, geology and soils, hydrology and water quality, noise, transportation and traffic and utilities and service systems.

Air Quality. This proposed project is located in the Sacramento Valley Air Basin portion of Placer County and is designated as non-attainment for the federal and state ozone standard and non-attainment for the state particulate matter standard. Based upon the project description, the project will result in an increase in regional and local emissions from the initial construction of the project and the subsequent operation of the project. The short-term construction emissions are projected to exceed Air Pollution Control District thresholds for NOx and ROG. The project's long-term air pollutant emissions will result primarily from delivery trucks, customer and employee vehicle exhaust, landscape maintenance equipment, water heater and air conditioning energy use. The URBEMIS modeling of the project shows that the project-related operational emissions for NOx and ROG would be below the District thresholds. Although the emissions from these sources do not exceed thresholds, they will contribute to cumulative air quality impacts. A number of measure will be implemented that will reduce air quality impacts associated with the project to a less than significant level.

The applicant will submit to the District and receive approval of an Asbestos, Construction Emission/Dust Control Plan and will be responsible for ensuring compliance with District limitations. The applicant will also routinely evaluate construction equipment exhaust emissions to insure they do not exceed District Rule 202 Visible Emission limitations and, although a water truck will be on site at all times during grading, grading operations will be suspended if fugitive dust exceeds *District Rule 228 Fugitive Dust* limitations.

Biological Resources.

Although neither the Cooper's hawk nor the white-tailed kite were observed during site biological surveys, the oak woodland and grassland areas of the site may potentially provide habitat for these species. The development of the Hill Top Center project will result in a

34

reduction in woodland habitat and this reduction may adversely impact nesting and foraging opportunities for those raptor species that might utilize the woodlands on the site. Prior to site construction activities during the nesting season, preconstruction field surveys will be conducted to determine the presence of these species/nests and an appropriate course of action will be taken if their presence is confirmed.

The site supports an oak woodland approximately 2.5 acres in area and the development plans for the project indicate that about 2.2 acres of woodland will be impacted through the removal of the trees or as a result of site development activities within the dripline (e.g. the grading and trenching required for the installation of roadways, parking areas and utilities and the construction of the hotel, retail and restaurant structures). The environmental assessment identified the conversion of oak woodlands as a potentially significant impact and concluded that the loss of oak woodland will be mitigated to a less than significant level through the payment of fees to the Tree Preservation Fund. These fees will be utilized to purchase an Oak Preservation Easement of equal or greater area at an off-site location.

Geology and Soils/Hydrology and Water Quality. The Hill Top Center project proposal would result in the construction of a hotel, retail and restaurant complex along with the associated infrastructure of paved parking and accessways, sewer, drainage and water. It is anticipated that approximately 6.5 acres of the ±7.5-acres site will be disturbed during the grading activities and that approximately 44,000 cubic yards of soil will be moved at the site. In order to construct the improvements proposed, potentially significant disruption of soils on site will occur, including excavation/compaction for on site roads, parking areas, building pads/foundations, and various utilities. In addition, the construction of the proposed improvements has the potential to degrade water quality.

The applicant will incorporate Best Management Practices (BMPs) into both the site preparation activities and the design of the project that are intended to reduce impacts to a less than significant level. These BMPs include revegetation and winterization of disturbed areas and the installation of retention/detention facilities for the collection and treatment of runoff.

Noise.
The Auburn/Bowman Community Plan (A/BCP) establishes a maximum outdoor noise exposure of 70 dB Ldn/CNEL for properties impacted by transportation noise (i.e., properties within 0.5 miles of the I-80 and UPRR corridors) and maximum noise exposure levels from stationary sources of 50 dB Leq (daytime) and 65 dBLmax (nighttime). The Community Plan also establishes an indoor noise level standard of 45 dB Ldn.

Project noise impacts derive from three sources: construction equipment operating during site development activities, traffic noise from nearby Interstate 80 and the vehicle noise associated with the operations of the project. The noise analysis conducted for the project determined that construction noise is temporary in nature. However, construction noise is exempt from the Noise Ordinance; construction activities will be limited to specific hours and days. The analysis also found that I-80 traffic noise exceeds the 70 dB Ldn/CNEL standard at certain areas within the project site. In order to reduce this impact to a less than significant level for hotel guests and employees, a 6-foot wall will be installed around the swimming pool area on the east side of the hotel building and the second and third story windows of the hotel be fitted with noise attenuating windows in order to achieve the 45 dB indoor noise standard.

The noise study for the project also determined that, during peak traffic hours, the noise levels from parking lot activity on the project site will exceed the daytime 50 dB Leq noise standard and nighttime parking lot movements will exceed the 65 dB Lmax standard at the nearest residential use. The analysis found that a 7-foot barrier along the southwestern project

boundary will provide the necessary attenuation to reduce potential stationary noise impacts to a less than significant level at the common property line.

A second noise analysis was conducted to address project related noise levels at a second floor deck on an adjacent parcel (parcel 053-103-025) to the west. As there are no County noise standards in place for second floor decks and balconies, the study focuses on the impact of the incremental increase in ambient noise levels that could be expected from the operations of the project, concluding that a 4 to 5 dB reduction in noise would "minimize the likelihood for adverse reactions to noise during the peak hour circulation". The study proposes four noise reduction options (setbacks, vegetation, barriers and sound masking) and finds that increasing the noise barrier height along the property line and sound masking, such as a water feature, are the most practical solutions for noise reduction. The project proposes installing a 14-foot barrier to reduce the anticipated increase in ambient noise levels for this one property owner.

Transportation and Traffic. The proposed project will generate an additional 2,888 daily vehicle trips, with 231 of these trips occurring during both the am and pm peak hours. Although the project will result in an increase in traffic on Bowman Road and nearby routes and intersections, all area roadway segments and intersections will continue to operate within acceptable Level of Service standards for the Auburn/Bowman Community Plan area. Although this increase in traffic will not result in any significant short-term impacts, it has the potential to create significant cumulative impacts on the area's transportation system.

The project will be subject to the payment of traffic impact fees that are in effect in the Auburn/Bowman Fee District. This fee program includes roadway and intersection improvements necessary to mitigate the impacts of increased traffic. As a means of improving safety and sight distance at the project entrance, the project proposes striping a left turn lane on northbound Bowman Road. As there is adequate pavement width at this location, the installation of the turn lane will not generate the need for any additional grading or paving. In addition, the project will construct a six-foot sidewalk and install a bicycle lane along the Bowman Road frontage.

Utilities and Service Systems. The proposed project is located within Sewer Maintenance District No. 1 (SMD No. 1) and will generate an additional wastewater flow of approximately 57.6 equivalent dwelling units (EDUs), or 0.077 million gallons per day, of peak wet weather flow. This additional flow could result in a potentially significant impact to SMD No. 1, which currently exhibits capacity issues during peak wet weather storm events. Additionally, there is currently insufficient pumping capacity within the SMD No. 1 system and flows from this project will impact the Auburn Ravine Lift Station. This is also a potentially significant impact.

The applicant will be required to implement an off-site program to replace and/or rehabilitate sewer infrastructure to, in effect, create capacity within the existing system equivalent to this project's peak wet weather flows by reducing inflow/infiltration. In lieu of the off-site program, the applicant may pay an in-lieu fee of $4,000.00 per EDU which will be used to create capacity for this project in the system, thus offsetting this project's impacts.

ADEQUACY OF ENVIRONMENTAL REVIEW

The County received comments asserting that, given the scope of the project and the impacts that the project will generate, an EIR should have been prepared for the project, rather than a Mitigated Negative Declaration.

The Auburn/Bowman Community Plan EIR (A/BCP EIR) provides an analysis of the community-wide impacts resulting from future development activities under the Community Plan after the Plan was adopted (June 1994). The A/BCP EIR provides a principal basis for the environmental

36

analysis of subsequent projects that are proposed within the Plan area. In their review of the Hill Top Center application, staff determined that the project would not generate impacts that were either not identified or that were greater in magnitude, intensity or number than those identified in the A/BCP EIR. Staff also determined that, although the project could have a significant effect on the environment, the project incorporates measures that will reduce any potentially adverse effects to less than significant levels. For these reasons, a Mitigated Negative Declaration is the appropriate environmental document for this project.

RECOMMENDATION:
The Development Review Committee recommends the Planning Commission adopt the Mitigated Negative Declaration and approve the Conditional Use Permit for the Hill Top Center project (PCPA 2008 0204), based upon the following findings and recommended conditions of approval.

FINDINGS:
CEQA:
The Planning Commission has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments, written and oral, thereto and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. The Mitigated Negative Declaration for the Hill Top Center project has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to: the installation of BMPs for water quality impacts; preconstruction surveys for special plants and raptors; a fee payment to the County's Tree Preservation Fund to offset the loss of oaks; structural setbacks and the installation of noise barriers, special windows and ventilation equipment to reduce noise impacts; the construction of a left turn pocket, the installation of a half-road section and the payment of traffic mitigation fees to reduce transportation and circulation impacts.

2. There is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment.

3. The Mitigated Negative Declaration as adopted for the project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.

4. The mitigation plan/mitigation monitoring program prepared for the project is approved and adopted.

5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

Conditional Use Permit

11. The proposed use is consistent with applicable policies and requirements of the Auburn/Bowman Community Plan and the Placer County General Plan.

12. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

13. The proposed hotel, retail and restaurant uses will not generate a volume of traffic beyond the capacity of roads providing access to the use, consistent with the applicable requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.

Respectfully submitted,

Michael Wells

MICHAEL WELLS
Supervising Planner

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ATTACHMENTS:

Attachment A - Recommended Conditions of Approval
Attachment B - Site Plan
Attachment C - Elevations
Attachment D - Elevations
Attachment E - Public Comment Letters
Attachment F - Mitigated Negative Declaration

cc: Hoss Bozorgzad - Owner/Applicant
Terrance Lowell & Associates - Engineer
Sarah Gilmore - Engineering and Surveying Department
Grant Miller - Environmental Health Services
Yu-Shuo Chang - Air Pollution Control District
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Subject/chrono files

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