



**PLANNING COMMISSION - RECOMMENDED CONDITIONS OF
APPROVAL – CONDITIONAL USE PERMIT - "BOHEMIA
RETAIL PROJECT"
(PCPA 20080157)**

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. This Conditional Use Permit (PCPA 20080157) approved for the construction and operation of a ±155,000 square-foot retail store, a gas station with nine multi-purpose dispensers and a detached kiosk on APN 052-102-012, -013, -017 and -053.
2. This Conditional Use Permit (PCPA 20080157) allows for the following potential tenants: home improvement center (building material stores), discount club store, discount superstore or a general retailer (all considered retail stores, general merchandise). Multiple tenants may occupy the structure concurrently provided the uses are included in the list of “retail stores, general merchandise”, “building materials stores” and “grocery and liquor stores” as defined by the Placer County Zoning Ordinance.
3. Aside from a potential outdoor storage yard or garden center approved through a Design Review Agreement, no outdoor sales or display is proposed or approved with this Conditional Use Permit (CUP). In the event that outdoor sales or display is proposed, a Modification of this CUP must be approved by the Planning Commission.
4. Site access shall occur at the Hulbert/Retail Way intersection with SR49. An emergency vehicle access shall be constructed at Canal Street, which shall be gated to prevent vehicular access to the site.
5. Hours of operation for the project shall be 6:00 AM until 12:00AM, seven days a week.
6. Overnight camping is prohibited on the project site.
7. 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 in accordance with Section 17.52.070 (Design Review) of the Placer County Code and shall include, but not be limited to: Architectural colors, materials, and textures of all structures; landscaping; irrigation; signs; exterior lighting; pedestrian and

JULY, 2010

PAGE 1 OF 29

O:\PLUS\PLN\PROJECT FILES\PCPA 20080157 BOHEMIA CONDD 7-8-10 BOHEMIA CUP - COMPILED

33
Exhibit 4

vehicular circulation; parking; fences and walls; noise attenuation barriers; and open space amenities.

a) **The sound wall along Canal Street shall be constructed or surfaced with graffiti – resistant material and any graffiti shall be removed from the walls within three days from the time the property owner is contacted by the County.**

b) **To the extent feasible the applicant shall work with the D/SRC to preserve the two large oak trees standing alone in the Southeast portion of the site.**

8. This Conditional Use Permit shall be considered exercised pursuant to Section 17.58.160 of the Placer County Code.

IMPROVEMENTS/IMPROVEMENT PLANS

9. Prior to approval of any Improvement Plans, the project applicant shall ensure that the sidewalk network meets Americans with Disabilities Act accessibility requirements, subject to the review and approval by the County Planning Department. (MM 8.10 – PD)

10. Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: During construction, the contractor shall minimize idling time to a maximum of five minutes for all diesel powered equipment. (MM 9.2(c) – PD)

11. Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The contractor shall use CARB ultra low diesel fuel for all diesel-powered equipment. In addition, low sulfur fuel shall be utilized for all stationary equipment. (MM 9.2 (d) – PD)

12. Prior to the approval of Improvement Plans, the applicant shall include the following standard note on the Improvement/Grading Plan: The contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators. (MM 9.2(e) – PD)

13. Construction noise emanating from any construction activities is prohibited on Sundays and Federal Holidays, and shall only occur:

- a) Monday through Friday, 6:00 a.m. to 8:00 p.m. (during daylight savings);
- b) Monday through Friday, 7:00 a.m. to 8:00 p.m. (during standard time); and
- c) Saturdays, 8:00 a.m. to 6:00 p.m.

The Planning Director is authorized to waive the construction time frames based on special circumstances, such as adverse weather conditions.

JULY, 2010

In addition, temporary signs (four feet by four feet) shall be located throughout the project site, as determined by the Design Review Committee, 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 disturbance coordinator will respond and resolve noise violations. This condition shall be included on the Improvement Plans. (MM 10.1(a) – PD)

14. Fixed construction equipment, which may include, but not be limited to, compressors and generators and/or heavy equipment staging areas, shall be located as far away from sensitive receptors, as feasible. All internal combustion engines shall be fitted with factory specified mufflers. In addition, impact tools shall be shielded or shrouded. Intake and exhaust ports of powered construction equipment shall also be muffled or shielded. (MM 10.1(b) – PD)

15. A disturbance coordinator who would receive any public noise-related complaints about construction equipment and practices shall be appointed by the project applicant for the project site. The disturbance coordinator shall be responsible for determining the cause of the complaint(s) and the implementation of any feasible measures to alleviate the complaint(s). The disturbance coordinator's contact information shall be supplied by the project applicant to the Placer County Planning Department, and shall be posted throughout the site and adjacent public spaces. (MM 10.1(c) – PD)

16. Prior to the approval of improvement plans, a noise barrier shall be shown on the plans along the boundary of any residential property line (located to the north, northeast, and east) affected from increased noise levels determined in this Final EIR, for the review and approval of the Placer County Planning Department. A noise barrier six to eight feet in height would be required to reduce future delivery movements and loading dock activity noise levels below the Placer County standards. Barriers could take the form of earth berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provided they have a density of approximately four pounds per square foot. (MM 10.3(a) – PD)

17. Loading and delivery activities shall be limited to the following hours: 6:00 AM to 12:00 AM. These requirements shall be clearly indicated in all contracts between the property owner and truck delivery vendors. (MM 10.3(b) – PD)

18. In the event a home improvement center, or other use which requires an outdoor public address (PA) system, is proposed, the PA system shall not exceed the 75 dB maximum noise level.

JULY, 2010

19. Parking lot design shall include clearly marked pedestrian pathways between parking facilities and building entrances included in the design. (MM 18.9(c) – PD)
20. During operation, all off-road equipment used at the store for material handling or maintenance shall be natural gas, propane, or electric powered. (MM 18.9(d) – PD)
21. During operation, back-up generators shall run on natural gas only. (MM 18.9(e) – PD)
22. At the time of issuance of building permits, landscaping plans shall provide for tree planting throughout all parking areas to attain 50 percent shading of parking areas within 15 years of building permit issuance. Landscaping plans shall incorporate native and/or drought-resistant species (plants, trees, and bushes) to reduce the demand for use of landscape maintenance equipment. (MM 18.9(f) – PD)
23. Prior to the issuance of building permits for the proposed project, the project applicant shall submit, for review and approval with the Design/Site Review Committee, a Design Review application including building and landscaping plans that demonstrate compliance with the following mitigation measures set forth in Table 18-16 of the DEIR:
 - a) Landscaping plans will provide for tree planting throughout all parking areas to attain 50 percent shading of parking areas within 15 years of building permit issuance. Landscaping plans will incorporate native and/or drought-resistant species (plants, trees, and bushes) to reduce the demand for use of landscape maintenance equipment.
 - b) Design buildings to be as energy efficient as possible, including the incorporation of solar energy to the maximum extent feasible and to exceed by 20 percent, to the extent feasible, all applicable Title 24 or California Energy Efficiency Standards. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use;
 - c) Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;
 - d) Install light colored “cool” roofs, cool pavements, and strategically placed shade trees;
 - e) Install energy efficient heating and cooling systems, appliances and equipment, and control systems;
 - f) Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting;
 - g) Create water-efficient landscapes;
 - h) Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
 - i) Design buildings to be water-efficient. Install water-efficient fixtures and appliances;

JULY, 2010

- j) Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff;
- k) Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment (Retaining storm water runoff on-site can drastically reduce the need for energy-intensive imported water at the site);
- l) Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, and concrete, lumber, metal, and cardboard);
- m) Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas;
- n) Demonstrate on Improvement Plans that improved accessibility to the existing pathway infrastructure that leads to and from local services will be provided along the southern boundary of the project site;
- o) Demonstrate on Improvement Plans that the site will provide maximum access and connectivity to the existing Placer County bus shelter at the corner of Luther Road and SR49;
- p) Limit idling time for commercial vehicles, including delivery and construction vehicles;
- q) Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling);
- r) Provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. For large employers, provide facilities that encourage bicycle commuting, including, e.g., locked bicycle storage or covered or indoor bicycle parking;
- s) Create bicycle lanes and walking paths directed to the location of schools, parks, and other destination points; and
- t) Comply with the requirements within the Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources in order to reduce the project's potential emissions of high GWP refrigerants.

24. The maximum height for exterior pole lights within the project site shall be 18 feet, except where the lights are adjacent to residential uses, in which case, 14 feet shall be the maximum height allowed. Specifically, the 14-foot height limit shall apply at the Canal Street entrance, along the entire project frontage at Canal Street and along the north property line from the northeast corner of the site to the location of the underground stormwater detention facility.

25. Building lighting shall be shielded and downward directed such that the bulb or ballast is not visible. Lighting fixture design shall compliment 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
JULY, 2010

highlights the adjacent building area and ground area and shall not impose glare on any pedestrian or vehicular traffic.

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

27. Consistent with the Placer County Design Guidelines, the east and south elevations of the primary retail structure shall be lined with landscaping or enhanced pedestrian pathways. Planters, vining trellises or other enhancement features are required at the perimeter of the building in these locations.

28. An outdoor public use area (or areas), a minimum of 500 square-feet in size and complete with picnic tables and benches, shall be created on the project site and maintained within a designated landscaped area. The design of this area shall be subject to review and approval during the Design Review process.

29. The applicant shall incorporate a variety of roof types and exterior wall treatments in the project building design.

30. 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 and Placer County Fire Department Improvement plan review and inspection fees with the 1st Improvement Plan submittal. (NOTE: 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 DR 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 in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements.

JULY, 2010

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 11-2a)(ESD)**

31. All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) that are in effect at the time of submittal. The applicant shall pay plan check fees and inspection fees. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall 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 shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement 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 shall 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.

The applicant shall 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 shall 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, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall 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 11-2b)(ESD)**

32. 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)).

JULY, 2010

PAGE 7 OF 29

O:\PLUS\PLN\PROJECT FILES\PCPA 20080157 BOHEMIA CONDD 7-8-10 BOHEMIA CUP - COMPILED

39

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.

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 ESD. BMP's 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, the following: water quality vaults or basins.

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. 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 11-2c) (MM 12-1b) (ESD)**

33. This project's ground disturbance exceeds one acre and is subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System (NPDES) program. The applicant 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 11-2d) (ESD)**

34. 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. **(MM11-2e)(ESD)**

35. 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). **(MM 12-1c) (ESD)**

JULY, 2010

36. The location, size, and ownership of any canals (Fiddler Green Canal and Wise Canal) on or adjacent to the property shall be described in the drainage report and shown on the Improvement Plans. The applicant shall provide the Engineering and Surveying Department (ESD) with a letter from the agency(s) controlling the canal(s) describing any restrictions, requirements, easements, etc. relative to construction of the project. Said letter shall be provided to the ESD prior to the approval of the Improvement Plans. During construction, drainage from the project site shall not enter the Fiddler Green Canal. Measures such as temporary construction fencing shall be placed around the canal to prevent people, animals and debris from entering the canal during construction. Concurrent with the encasement and realignment of the Fiddler Green Canal, a trash rack and spillway shall be constructed at the upstream end of the canal. **(MM 12-2) (ESD)**

37. The project applicant shall prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the Land Development Manual 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 onsite and offsite 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. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM 12-1a) (ESD)**

38. 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 owner is responsible for maintaining the legibility of these messages. **(MM 12-3a)(ESD)**

39. 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 12-3b) (ESD)**

40. Materials with the potential to contaminate stormwater that are to be stored outdoors shall be placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure

that prevents contact with runoff or spillage to the stormwater conveyance system, or protected by secondary containment structures such as berms, dikes, or curbs. The storage area shall be paved to contain leaks and spills and shall have a roof or awning to minimize collection of stormwater within the secondary containment area. **(MM 12-3c)(ESD)**

41. Loading dock areas shall be covered and run-on and/or runoff of stormwater to the dock area shall be minimized. Direct connections to storm drains from depressed loading docks (truck wells or sumps) are prohibited. **(MM 12-3d)(ESD)**

42. The fuel dispensing area shall be covered with an overhanging roof structure or canopy. The canopy shall not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area. The fuel dispensing area shall be paved with Portland cement concrete and have a minimum 2 percent slope, with separation from the rest of the site by a grade break to prevent runoff of stormwater. **(MM 12-3e)(ESD)**

43. The following off-site drainage facilities shall be evaluated in the drainage report for condition and capacity and shall be upgraded, replaced, or mitigated as specified by the Engineering and Surveying Department: **(MM 12-3f)(ESD)**

- a) The existing downstream 36-inch storm drain system from the point of connection to State Route 49; and
- b) The existing 42-inch storm drain pipe crossing State Route 49.

44. Storm water run-off shall be reduced to pre-project conditions through the installation of retention/detention facilities. Retention/detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Department (ESD). The ESD may, after review of the project drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. In the event on-site detention requirements are waived, this project may be subject to payment of any in-lieu fees prescribed by County Ordinance. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM 12-3g)(ESD)**

45. Submit to the Engineering and Surveying Department, 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

JULY, 2010

- e) Special problems discovered onsite, (i.e., groundwater, expansive/unstable soils, etc.)
- f) Slope stability

Once approved by the Engineering and Surveying Department, two copies of the final report shall be provided to the Engineering and Surveying Department 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 11-3)(ESD)**

46. 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 DPW 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)**

47. 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. **(MM 13-5) (ESD)**

48. Extend a pressurized water system to the site to County (Section 7 of the LDM), fire district, or PCWA standards, whichever are greater. **(ESD)**

ROADS/TRAILS

49. The project applicant shall be responsible for constructing the following improvements on northbound New Airport Drive:

- a) Widen northbound New Airport Drive to provide an exclusive left-turn lane; and
- b) Modify the signal to accommodate right-turn overlap phasing for northbound New Airport Road.

This intersection is not included in the improvements list outlined within the Countywide Capital Improvement Program (CIP), Placer County, July 2007. The above improvements would improve "Plus Project" traffic operations back to "No Project" v/c levels. **(MM 8-2)(ESD)**

50. Construct an emergency vehicle access driveway onto Canal Street to a Plate R-12, LDM standard with turning radii and driveway width designed per the specifications of the servicing fire district. (ESD)

51. Bell Road/New Airport Drive: Prior to the approval of Improvement Plans, the project applicant shall pay the applicable fair share fee towards the following improvement to the intersection at Luther Road/Canal Street in order to relieve predicted reductions in the LOS for the two arterial roadway segments that would result from the implementation of the Short Term Plus Project development scenario: **(MM 8-3b)(ESD)**

- a) Signalize the Intersection.

52. SR 49 between Bell Road and Willow Creek Drive: Prior to the approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at SR 49 / Bell Road: **(MM 8-4a)(ESD)**

- a) Restripe the existing northbound (SR 49) right-turn lane between Bell Road and Willow Creek Road to a through-right lane.
- b) Widen the southbound (SR 49) approach to include a 300-foot right-turn lane; with this improvement the southbound approach will include two left-turn lanes, two through lanes, and one right-turn only lane.
- c) Construct appropriate additional receiving lanes as required to accommodate the above improvements.

53. SR 49 between Marguerite Mine Road and Edgewood: Prior to the approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at SR 49 / Marguerite Mine Road: **(MM 8-4b)(ESD)**

- a) Widen the southbound SR 49 segment from two through lanes to three through lanes on the southbound approach between Edgewood Road and Nevada Street/Marguerite Mine Road in order to improve the southbound intersection approach geometrics at SR 49/Nevada Street/Marguerite Mine Road to include one left-turn lane, two through lanes, and a shared through-right turn lane.

54. Northbound left at the intersection of SR 49/Dry Creek Road: Prior to the approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvement to study area queue lengths: **(MM 8-6a)(ESD)**

- a) Increase the northbound left storage length at the intersection of SR 49/Dry Creek Road to 350 feet, which shall be accomplished by re-striping the roadway.
- b) Southbound left at the intersection of SR 49/Bell Road and southbound through/through-right at the intersection of SR 49/Bell Road

55. Northbound through/through-right at the intersection of SR 49/Edgewood Road: Prior to the approval of Improvement Plans, the project applicant shall pay the CIP or fair share fee(s) for the following improvement to the study area queue lengths: **(MM 8-6c)(ESD)**

- a) Improve the northbound approach at SR 49/Edgewood Road to include one left-turn lane, two through lanes, and an exclusive right-turn lane.

56. Southbound through/through-right at the intersection of SR 49/Nevada Street/Marguerite Mine Road: Prior to the approval of Improvement Plans, the project applicant shall pay the CIP or fair share fee(s) for the following improvements to the study area queue: **(MM 8-6d)(ESD)**

- a) Improve the southbound approach at SR 49/Marguerite Mine Road to include one left turn lane, two through lanes, and a shared through right-turn lane.

57. Undercrossing Road/I-80 EB ramps: Prior to approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at Undercrossing Road/I-80 eastbound ramps: **(MM 18-5b)(ESD)**

- a) Signalize the intersection; and
- b) Provide split phasing for the eastbound and westbound approaches.

58. Luther Road/Bowman Road: Prior to approval of Improvement Plans, the project applicant shall pay the applicable CIP or fair share fee(s) towards the following improvements to the intersection at Luther Road/Bowman Road: **(MM 18-5d)(ESD)**

- a) Signalize the intersection.

59. SR 49/Bell Road: Prior to the approval of Improvement Plans, the project applicant shall pay the applicable fairshare payment towards the following improvement to the intersection located at SR 49/Bell Road: **(MM 18-5e)(ESD)**

- a) Provide an exclusive right-turn lane in the northbound approach. With the addition of the exclusive right-turn lane, the northbound approach would include one left-turn lane, three through lanes, and an exclusive right turn lane.

60. SR 49 between Willow Creek Drive and Bell Road: Prior to the approval of Improvement Plans, the project applicant shall pay a fair share contribution towards the following improvements to arterial roadway segment of SR 49 between Willow Creek Drive and Bell Road: **(MM 18-6)(ESD)**

- a) Provide an exclusive right-turn lane in the northbound approach with this improvement, the northbound approach at SR 49/Bell Road would include one left turn lane, three through lanes, and an exclusive right-turn lane.

61. SR 49 / Dry Creek Road: Prior to the approval of Improvement Plans, the project applicant shall pay a fair share contribution towards the following improvements to study area queue lengths

JULY, 2010

in order to offset predicted impacts resulting from implementation of the Cumulative Plus Project scenario (Options 1 and 2): **(MM 18-8a)(ESD)**

- a) Increase the northbound left storage length at the intersection of SR 49/Dry Creek Road to 350 feet, which could be accomplished by re-striping (Note: this improvement is already required at the project level per Mitigation Measure 8-6(a)); and
- b) Increase the northbound left storage length at the intersection of SR 49/Dry Creek Road to 350 feet, which could be accomplished by re-striping.

62. SR 49 / Willow Creek Drive: Prior to the approval of Improvement Plans, the project applicant shall pay a fair share contribution towards the following improvements to study area queue lengths in order to offset predicted impacts resulting from implementation of the Cumulative Plus Project scenario (Options 1 and 2): **(MM 18-8b)(ESD)**

- a) Increase the northbound left storage length at SR 49/Willow Creek Drive to 300 feet, which could be accomplished by re-striping.

63. 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. **(MM 8-1)(ESD)**

64. Final approval of on-site and off-site waterline, sewerline, and storm drain routes must be obtained from the DRC. **(ESD)**

65. 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" AC over 4" Class 2 AB, or the equivalent. **(ESD)**

66. Prior to Improvement Plan approval, obtain an Encroachment Permit from Caltrans for any work proposed within the State Highway right-of-way. A copy of said Permit shall be provided to the ESD prior to the approval of the Improvement Plans. Provide right-of-way dedications to the State, as required, to accommodate existing and future highway improvements.

Caltrans will not issue an Encroachment Permit for work within their right-of-way for improvements (other than signals, road widening, striping and signing) without first entering into a Landscape Maintenance Agreement with the County. This agreement allows for private installation and maintenance of concrete curb/gutters, sidewalks, trails, landscaping and/or irrigation within Caltrans' right-of-way. A similar agreement between the County and the applicant is required prior to the County entering into the agreement with Caltrans. If applicable,

JULY, 2010

both of these maintenance agreements shall be executed prior to approval of the Improvement Plans.

PUBLIC SERVICES

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

- a) PG&E
- b) PCWA
- c) Placer County Sewer Maintenance District #1 (SMD 1) (see Will Serve Requirements Letter dated April 19, 2010)
- d) Franchised refuse collector for weekly or more frequent refuse collection service.

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)**

68. 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: **(ESD)**

- a) Placer Union High School District
- b) Auburn Union School District
- c) The Placer County Sheriff’s Office **(MM 13-6)**

69. Prior to approval of Improvement Plans, the project applicant shall receive a water availability letter from PCWA confirming adequate water supply and system service capacity exists to serve the proposed project. In addition, the project applicant shall submit water system improvement plans for review and approval by PCWA. Prior to the County’s approval of the Improvement Plans, the applicant shall obtain approval from PCWA. The project applicant shall fund and construct all necessary water system improvements needed for the project and comply with PCWA requirements and standards. **(MM13-1)**

70. Prior to Improvement Plan approval, the applicant shall submit with the Improvement Plans a final Master Sanitary Sewer Study prepared by a registered California Civil Engineer which depicts future extension of public sewer to serve the project and diversion of the Country Club Estates Residential Diversion (275 EDUs) to an existing line located on New Airport Road, subject to approval by the Engineering and Surveying Department and Facility Services Environmental Engineering Division. This is to allow the flows to be diverted around the Highway 49 siphon. This study, at minimum, shall provide pipe sizing for pipe segments which may potentially need to be upsized prior to the Bohemia Retail Project and/or the Residential Diversion diverting flows to the New Airport Road sewer line. The applicant shall be required to complete the following: **(MM13-2a)(ESD)**

JULY, 2010

- a) Design the sewer alignment to divert flows to an existing line located on New Airport Road to accommodate the flows from the 275 EDUs of the Residential Diversion from the existing system located to the northeast of the property in order to bypass the Highway 49 siphon.
- b) Construct the sewer alignment to New Airport Road and procure the required easements from PG&E and UPRR. The applicant will consider constructing the entire alignment to New Airport Road for all portions that they have access to at the time of construction of the Bohemia Retail Project. Paved access is required to all sewer manholes and will be shown on the Improvement Plans for review and approval by the Engineering and Surveying Department and the Facility Services Environmental Engineering Division. As a portion of the alignment is offsite, any exceptions to this requirement are subject to the review and approval by the Engineering and Surveying Department and the Facility Services Environmental Engineering Division.
- c) In the event the connection of the sewer to New Airport Road is not completed in time to connect the project due to a delay in acquiring the required easements from PG&E and UPRR, the applicant may construct a temporary connection to Canal Street to be utilized by the proposed retail project and must be abandoned when the connection to New Airport Road is available. The project will construct the sewer alignment to New Airport Road as described in part b above and will provide a valve in the line which may be accessed at the time the New Airport Road connection is complete in order to divert the flows from the proposed retail project and the 275 EDUs from the Residential Diversion. The placement of the valve and alignment of the sewer line are subject to approval by the Facility Services Environmental Engineering Division.
- d) In the event there are segments of pipeline which must be upsized in the Highway 49 trunk line from downstream of the siphon to the SMD-1 Wastewater Treatment Plant in order to accommodate the diversion of the 275 EDUs from the Residential diversion, the project will construct the sewer alignment to New Airport Road as described in part b. above and will provide a valve in the line which may be accessed at the time the New Airport Road connection is complete and the Highway 49 trunk line segments of pipeline have been upsized to accommodate the diversion of the 275 EDUs from the Residential Diversion. The placement of the valve and alignment of the sewer line are subject to approval by the Facility Services Environmental Engineering Division.

JULY, 2010

71. The applicant shall implement an off-site mitigation program to offset the project's increase in peak wet weather flow from their project. The offsite 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 EDU (the "Mitigation 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 Mitigation 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 \$4,000.00 per EDU Fee, Developer shall be entitled to a refund of the difference if the Developer submits a request in writing therefore by June 30, 2011. **(MM13-2a)(ESD)**

72. The project will construct a connection to Manhole AC4-08 to the proposed new sewer line through the project in order to abandon an existing back-lot sewer line (Dyer Court) at the property's north boundary subject to approval by the Facility Services Environmental Engineering Division. SMD No. 1 will be fully responsible for the cost of this line that transports only wastewater generated from offsite (the connection to Dyer Court).

73. Prior to the approval of the Improvement Plans, submit to EHS a "will-serve" letter from Placer County Facility Services, Special Districts indicating that the district can and will provide sewerage service to the project. Connection of this project to sanitary sewers is required. **(EHS)**

74. Prior to the approval of the Improvement Plans, submit to EHS a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service. The owner or occupant of each lot shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder. **(EHS)**

75. Prior to the approval of the Improvement Plans, submit to EHS, for review and approval, a "will-serve" letter from Placer County Water Agency for domestic water service. The applicant shall connect the project to this treated domestic water supply. **(EHS)**

GENERAL DEDICATIONS/EASEMENTS

76. Provide the following easements/dedications on the Improvement Plans to the satisfaction of the Engineering and Surveying Department (ESD) and DRC:
JULY, 2010

- a) Public utility easements as required by the serving utilities. **(ESD)**
- b) Drainage easements as appropriate. **(ESD)**
- c) Landscape easements as appropriate. **(ESD)**
- d) Provide private easements for existing or relocated water lines, service/distribution facilities, valves, etc., as appropriate. **(ESD)**
- e) Provide an Irrevocable Offer of Dedication on the Improvement Plans to the satisfaction of the Engineering and Surveying Department and Design Review Committee for easements as required for access to, and protection and maintenance of post-construction water quality enhancement facilities (Best Management Practices). Said facilities shall be privately maintained until such time as the Board of Supervisors accepts the offer of dedication. **(ESD)**
- f) Fire protection and access easements as required by the servicing fire district. **(ESD)**
- g) Dedicate 12.5' multi-purpose easements adjacent to all highway easements. **(ESD)**

VEGETATION & OTHER SENSITIVE NATURAL AREAS

77. Prior to the issuance of a grading permit, the project applicant shall be responsible for retaining a qualified biologist to conduct a focused spring bloom survey to determine the presence or absence of Brandegee's clarkia (*Clarkia biloba* spp. Brandegeae). The survey shall be conducted by a qualified biologist during the identification periods for the Brandegee's clarkia. If the species is not found to be present during the focused bloom survey, then no further action is required. However, if Brandegee's clarkia is found, a mitigation plan conceived from consultation with the California Department of Fish & Game shall be prepared and submitted to the County. The plan shall detail the various mitigation approaches to ensure no net loss of the special-status plant. Mitigation could include, but would not be limited to, avoidance of the plant species, salvage of plant materials where possible, acquisition of credits at an approved mitigation bank, or acquisition and preservation of property that supports the plant species. (MM 5.1 – PD)

78. If project development activities occur during the breeding season for any of these species, a pre-construction survey shall be conducted by a qualified biologist no more than 30 days prior to any ground disturbance activity. The CDFG considers the breeding season of protected bird species to be January 1 to August 31 of any given year.

Prior to the initiation of any construction activities, the project applicant shall be responsible to coordinate with the CDFG for the pre-construction survey(s) and implementing any measures required to avoid disturbance to the Cooper's hawk, red-tailed hawk, red-

JULY, 2010

shouldered hawk, white-tailed kite, American kestrel, golden eagle, and other “raptor” species, as well as the purple martin, horned lark and yellow warbler. If any active nests or burrows of such species are found to be on-site, construction activities shall not occur within 500 feet of the nest until the young have fledged. If determined by a qualified biologist, other restrictions may be imposed on construction activities in the vicinity of any active nest(s). If construction activities are scheduled outside of the breeding period, then a pre-construction survey is not required. (MM 5.2 – PD)

79. Prior to issuance of a grading permit, pre-construction burrowing owl surveys shall be conducted by a qualified biologist, within a 30 day period, preceding the initiation of construction activities on the project site. The pre-construction burrowing owl survey shall be conducted within 250 feet of the project site boundary. Presence or signs of burrowing owls and all potentially occupied burrows shall be recorded and monitored according to CDFG and California Burrowing Owl Consortium guidelines. If burrowing owls are not detected by sign or direct observation, further mitigation is not necessary. If burrowing owls are detected, the project applicant shall implement Mitigation Measure 5-3(b). (MM 5.3(a) – PD)

80. Prior to initiation of any construction activities, during the non-breeding season (September 1 through January 31), a non-disturbance buffer of 160 feet, and during the nesting season (February 1 to August 31), a non-disturbance buffer of 250-feet shall be established around each burrow with an active nest until the young have fledged and are able to exit the burrow, as determined by a qualified biologist. In the case of occupied burrows without active nesting, active burrows after the young have fledged, or if development commences after the breeding season, passive relocation, which involves installing a one-way door at the burrow entrance to encourage the owls to move from the occupied burrow of the owls, shall be performed. The CDFG shall be consulted for current guidelines and methods for passive relocation of any owls found on the site. (MM 5.3(b) – PD)

81. The project applicant shall be responsible for retaining a qualified biologist to conduct focused surveys for the western pond turtle and the California horned lizard species prior to the development of the proposed project. The focused surveys shall be conducted during the respective breeding season for each species. If either species is found to be present on the project site, the project applicant shall be responsible to notify and coordinate with the CDFG for expert advice and regulatory guidance for further action. (MM 5.4 – PD)

82. Prior to approval of the Improvement Plans, the applicant shall submit to the Placer County Tree Preservation Fund payment in the amount of \$65,180 for impacts to oak woodlands. If changes in the project are required during the Improvement Plan process, this figure may be altered provided that it is consistent with County policy. This payment must be received prior to any site disturbance. (MM 5.5 – PD)

JULY, 2010

83. To the extent feasible, the project applicant shall be responsible for the preservation of on-site water resources. If on-site preservation is not possible, the project applicant shall be responsible to coordinate with the USACE for an in-lieu fee program, which may include, but not be limited to, a local resource conservation bank, to offset the 0.05 acres of seasonal wetland (jurisdictional Waters of the U.S.) from project implementation. The required ratio for restoration of impacts to the 0.05 acres of seasonal wetland shall be determined by the resource agencies as part of the permitting process. (MM 5.6(a) – PD)

84. Prior to the approval of Improvement Plans, the applicant shall apply for a USACE Nationwide 39 Permit. If granted, the project applicant shall be responsible to ensure that all development activities adhere to the permit terms and requirements. (MM 5.6(b) – PD)

85. Subsequently, and also prior to the approval of Improvement Plans, the project applicant shall apply for a USACE pre-construction notification. If granted, the project applicant shall be responsible to ensure that all development activities adhere to the permit terms and requirements. (MM 5.6(c) – PD)

CULTURAL RESOURCES

86. During ground disturbance activities, if any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), work shall be halted in the immediate area of the find and shall not be resumed until after a qualified archaeologist, in coordination with the County Planning Department, has inspected and evaluated the deposit and determined the appropriate means of curation. (MM 6.2(a) – PD)

87. During construction, if any bone is uncovered that appears to be human, the County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be contacted to identify most likely descendants. A note which includes the wording of this condition shall be included on the Improvement Plans. (MM 6.2(b) – PD)

FEES

88. 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 \$2,842.00 for projects with Environmental Impact Reports. 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 JULY, 2010)

89. This project will be subject to the payment of traffic impact fees that are in effect in this area (Auburn Bowman Benefit 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 DPW prior to issuance of any Building Permits for the project:

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

The current total combined estimated fee is \$1,684,160 based on a 155,000 square foot building and 18 fueling stations. The fees were calculated using the information supplied. If either 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 the application is deemed complete. **(MM 18-5f)(ESD)**

ENVIRONMENTAL HEALTH

90. Prior to approval of Improvement Plans, the project applicant shall receive a water availability letter from PCWA confirming adequate water supply and system service capacity exists to serve the proposed project. In addition, the project applicant shall submit water system improvement plans for review and approval by PCWA. Prior to the County's approval of the Improvement Plans, the applicant shall obtain approval from PCWA. The project applicant shall fund and construct all necessary water system improvements needed for the project and comply with PCWA requirements and standards. **(EHS)(MM 13-1)**

91. Prior to final occupancy approval, the property owner or occupant shall submit a Hazardous Materials Project/Business Activities Screening Form to Environmental Health Services for review and approval. Please note that "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)**

92. This project shall comply with the hazardous waste generator and hazardous waste management requirements of the California Health & Safety Code, Chapter 6.5 and the California Code of Regulations, Title 22. **(EHS)**

93. Prior to opening for business, the applicant/operator shall contact EHS, pay required fees, and obtain an underground storage tank operating permit. All underground storage tank system operations shall comply with the requirements of Placer County Code, the California Code of Regulations and the California Health and Safety Code. **(EHS)**

94. The project applicant shall comply with the Placer County permit conditions and State regulations (Title 23, Chapter 16), as well as State Fire Codes for the installation and operation of the underground storage tanks. Implementation of the aforementioned requirements shall include, but not be limited to, the following components:

JULY, 2010

- a) To be conducted by a qualified and licensed contractor
- b) Secondary containment for all tank penetrations
- c) Double wall vent and vapor lines, with crash protection post for vent risers
- d) Watertight tank sump lids and watertight traffic grade manways
- e) Overfill prevention equipment
- f) Traffic-rated drainways between the dispenser islands leading to an oil-water separator
- g) Underground storage tank lead detection system (automated) with positive shutdown
- h) Testing and monitoring including manual inspection of the underground storage tank system
- i) Periodic inspections of underground storage tanks by the local fire department
- j) Proven emergency response plan for potential spills
- k) Prompt reporting of the discovery of a leaking or ruptured tank system or major surface spill and
- l) Employee training for spill prevention, clean up, and reporting. **(EHS)(MM 14-1(b))**

95. Curbing around the perimeter of the fueling station shall be high enough to prevent off-site migration of a surface spill of up to 100 gallons of fuel. **(EHS)**

96. The oil and water separator shall be located and sized such that a surface spill of up to 100 gallons of fuel will be contained on-site and the site shall be sloped such that any accidental release will flow to the oil and water separator. **(EHS)**

97. Prior to Improvement Plans approval, provide a Plan Note on the Improvement Plans indicating destruction, under permit and inspection, of any existing well(s) and septic system(s) located within the project site. **(EHS)**

98. Prior to Final Map approval, complete the proper destruction under permit and inspection, of any existing well(s) and septic system(s) located within the project site. **(EHS)**

99. The drilling of individual water wells on any lot within the project area is prohibited. **(EHS)**

100. The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited. **(EHS)**

101. In order to discourage the breeding of mosquitoes which have the potential to cause disease to humans and other hosts, the project proponent shall abide by the Placer Mosquito Abatement District construction guidelines for stormwater detention systems. The Placer Mosquito Abatement District shall review the improvement plans. **(EHS)(MM VII.8)**

102. If at any time during excavation, grading, or during the course of constructing the proposed project, evidence of soil or groundwater contamination with hazardous materials 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 the Central

JULY, 2010

Valley Regional Water Quality Control Board. A note to this effect shall be placed on the Improvement Plans. **(EHS)**

103. Prior to Building Permit issuance or tenant improvement for a food facility, the applicant/operator shall 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)**

104. Prior to a food facility 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)**

105. 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)**

106. During construction, temporary storage and use of hazardous substances shall comply with Fire and EHS regulations and requirements, and spill prevention practices shall be used. **(EHS)**

107. The project proponent shall submit to the Placer County Environmental Health Services a Hazardous Materials Business Plan (HMBP) detailing the quantity of hazardous materials (fuels, oils, solvents, batteries) and waste that would be kept at the station. The HMBP shall include spill prevention measures, as well as procedures for the proper cleanup and disposal for all hazardous materials and waste transported, stored, used, or sold onsite. In addition to the HMBP, the project proponent, shall also submit complete construction plans to be reviewed by the Environmental Health Services prior to the approval of grading permits. The payment of all applicable fees shall also be submitted to the Environmental Health Services when construction plans are submitted.

108. The proponent shall submit to Environmental Health Services a Hazardous Materials Business Plan (HMBP) detailing the quantity of fuels, oils, solvents, and batteries that will be kept on hand. The HMBP will include procedures for the cleanup of hazardous materials used in this business facility. The project proponent will submit with payment of all applicable fees to Environmental Health Services complete construction plans of the underground storage tanks for the proposed gasoline station.

AIR POLLUTION

Construction

109. a) Prior to approval of Grading/Improvement Plans, the applicant shall submit a Construction Emission / Dust Control Plan to the Placer County APCD. This plan must address the minimum Administrative Requirements found in section 300 and 400 of APCD Rule 228, Fugitive Dust. The applicant shall not break ground prior to receiving APCD approval of the Construction Emission / Dust Control Plan. **(APCD) MM 9-1 (a)**

JULY, 2010

PAGE 23 OF 29

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b) Include the following standard note on the Improvement/Grading Plan: The prime contractor shall submit to the District a comprehensive inventory (i.e. make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction project. The inventory shall be updated, beginning 30 days after any initial work on site has begun, and shall be submitted on a monthly basis throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least three business days prior to the use of subject heavy-duty off-road equipment, the project representative shall provide the District with the anticipated construction timeline including start date, and name and phone number of the property owner, project manager, and on-site foreman. **(APCD)**

c) Prior to approval of Grading/Improvement Plans, the applicant shall provide written calculation to the Placer County APCD for approval by the District demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available. **(APCD)**

110. Include the following standard note on the Improvement/Grading Plan: Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations. Operators of vehicles and equipment found to exceed opacity limits are to be immediately notified by APCD to cease operations and the equipment must be repaired within 72 hours. Additional information regarding Rule 202 can be found at: <http://www.placer.ca.gov/Departments/Air/Rules.aspx> **(APCD) MM 9-1(d)**

111. Include the following standard note on the Improvement/Grading Plan: The contractor shall suspend all grading operations when fugitive dust exceeds Placer County APCD Rule 228 (Fugitive Dust) limitations. The prime contractor shall be responsible for having an individual who is CARB-certified to perform Visible Emissions Evaluations (VEE). This individual shall evaluate compliance with Rule 228 on a weekly basis. It is to be noted that fugitive dust is not to exceed 40% opacity and not go beyond property boundary at any time. If lime or other drying agents are utilized to dry out wet grading areas they shall be controlled as to not to exceed Placer County APCD Rule 228 Fugitive Dust limitations. **(APCD) MM 9-1(b)**

112. Prior to approval of Grading/Improvement Plans, an enforcement plan shall be established, and submitted to the APCD for review, in order to weekly evaluate project-related on-and-off- road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180 – 2194. An Environmental Coordinator, hired by the prime contractor or property owner, and who is CARB-certified to JULY, 2010

perform Visible Emissions Evaluations (VEE), shall routinely evaluate project related off-road and heavy duty on-road equipment emissions for compliance with this requirement. Operators of vehicles and equipment found to exceed opacity limits will be notified by APCD and the equipment must be repaired within 72 hours. **(APCD) MM 9-2(b)**

113. Include the following standard note on the Improvement/Grading Plan: During construction, no open burning of removed vegetation shall be allowed. All removed vegetative material shall be either chipped on site or taken to an appropriate disposal site. **(APCD) MM 9-1(e)**

114. Include the following standard note on the Improvement/Grading Plan: The prime contractor shall be responsible for keeping adjacent public thoroughfares clean of silt, dirt, mud, and debris, and shall “wet broom” the streets if silt, dirt, mud or debris is carried over to adjacent public thoroughfares. Dry mechanical sweeping is prohibited. **(APCD) MM 9-1(f)**

115. Include the following standard note on the Improvement/Grading Plan: During construction, traffic speeds on all unpaved surfaces shall be limited to 15 miles per hour or less. **(APCD) MM 9-1(g)**

116. Include the following standard note on the Improvement/Grading Plan: The prime contractor shall suspend all grading operations when wind speeds (including instantaneous gusts) exceed 25 miles per hour and dust is impacting adjacent properties. **(APCD) MM 9-1(c)**

117. Include the following standard note on the Improvement/Grading Plan: The contractor shall apply water to control dust, as required by Rule 228, Fugitive Dust, to prevent dust impacts offsite. Operational water truck(s), shall be onsite, at all times, to control fugitive dust. Construction vehicles leaving the site shall be cleaned to prevent dust, silt, mud, and dirt from being released or tracked off-site. **(APCD) MM 9-1(h)**

118. Include the following standard note on the Improvement/Grading Plan: During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. **(APCD) MM 9-2(c)**

119. Include the following standard note on the Improvement/Grading Plan: The contractor shall use CARB ultra low diesel fuel for all diesel-powered equipment. In addition, low sulfur fuel shall be utilized for all stationary equipment. **(APCD) MM 9-2(d)**

120. Include the following standard note on the Improvement/Grading Plan: The contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators. **(APCD) MM 9-2(e)**

JULY, 2010

121. Include the following standard note on the Improvement/Grading Plan: All on-site stationary equipment which is classified as 50 hp or greater shall either obtain a state issued portable equipment permit or a Placer County APCD issued portable equipment permit. **(APCD) MM 9-2(f)**

Operation

122. Prior to the issuance of a building permit for the fueling station facility, the applicant shall obtain an Authority to Construct Permit from the Placer County Air Pollution Control District (APCD). The applicant shall submit for review and approval by the APCD a detailed Health Risk Assessment to ensure the potential risk resulting from the proposed annual throughput for the fueling station will not exceed the risk threshold of 10 in a million. **(APCD) MM 9-5**

123. Prior to building permit approval, the applicant shall show that electrical outlets shall be installed on the exterior walls of both the front and back of all commercial buildings. **(APCD) MM 18-9(a)**

124. Prior to building permit approval, the applicant shall show that all truck loading and unloading docks shall be equipped with one 110/208 volt power outlet for every two dock doors. Diesel trucks shall be prohibited from idling more than five minutes and must be required to connect to the 110/208 volt power to run any auxiliary equipment. Signage shall be posted in the receiving areas and the parking lot to prohibit idling for more than five minutes. **(APCD) MM 18-9(b)**

125. Parking lot design shall include clearly marked pedestrian pathways between parking facilities and building entrances included in the design. **(APCD) MM 18-9(c)**

126. All off-road equipment used at the store for material handling or maintenance shall be natural gas, propane, or electric powered. **(APCD) MM 18-9(d)**

127. Back-up generators shall run on natural gas only. **(APCD) MM 18-9(e)**

128. Prior to the approval of design review or issuance of a building permit, landscaping plans shall provide for tree planting throughout all parking areas to attain 50 percent shading of parking areas within 15 years. Landscaping plans shall incorporate native and/or drought-resistant species. **(APCD) MM 18-9(e)**

129. Prior to the issuance of a building permit, the applicant shall participate in the Placer County Air Pollution District Offsite Mitigation Program by paying the equivalent amount of money, which is equal to the projects contribution of pollutants (ROG and NOx), which JULY, 2010

exceeds the cumulative threshold of 10 pounds per day. The actual amount to be paid shall be determined, and satisfied per current California Air Resource Board guidelines. (APCD) MM 18-9(f)

130. Prior to the issuance of building permits or approval of landscaping plans for the proposed project, the project applicant shall submit, for review and approval by Placer County Planning Department and the PCAPCD, building and landscaping plans that demonstrate compliance with the following mitigation measures set forth in Table 18-16 of the EIR (APCD)(MM 18-10):

- a) Landscaping plans shall provide for tree planting throughout all parking areas within 15 years of building permit issuance. Landscaping plans shall incorporate native and/or drought-resistant species to reduce the demand for use of landscape maintenance equipment;
- b) Design buildings to be as energy efficient as possible, including the incorporation of solar energy to the maximum extent feasible and to exceed by 20 percent, to the extent feasible, all applicable Title 24 or California Energy Efficiency Standards. Where solar systems cannot feasibly be incorporated into the project at the outset, construction of the building shall be constructed as “solar ready” as described in the U.S. Department of Energy, A Homebuilder’s Guide to Going Solar (brochure, 2008), available at <http://www.eere.energy.gov/solar>.
- c) Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use;
- d) Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings;
- e) Install light colored “cool” roofs, cool pavements, and strategically placed shade trees;
- f) Install energy efficient heating and cooling systems, appliances and equipment; and control systems;
- g) Install light emitting diodes (LEDs) for traffic, street, and other outdoor lighting;
- h) Create water-efficient landscapes;
- i) Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
- j) Design buildings to be water-efficient. Install water-efficient fixtures and appliances;

JULY, 2010

- k) Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff;
- l) Implement low-impact development practices that maintain the existing hydrologic character of the site to manage storm water and protect the environment (Retaining stormwater runoff on-site can drastically reduce the need for energy-intensive imported water at the site);
- m) Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, and concrete, lumber, metal, and cardboard);
- n) Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas;
- o) Improvement Plans shall demonstrate improved accessibility to the existing pathway infrastructure that leads to and from local services will be provided along the southern boundary of the project site;
- p) Improvement Plans shall demonstrate that the site will provide maximum access and connectivity to the existing Placer County bus shelter at the entrance of the project site;
- q) Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g. electric vehicle charging facilities and conveniently located alternative fueling);
- r) Provide adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Provide locked bicycle storage or covered/indoor bicycle parking;
- s) Comply with the requirements within the Regulation for the management of High Global Warming Potential Refrigerants for Stationary Sources in order to reduce the project's potential emission of high GWP refrigerants.

MISCELLANEOUS

131. 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 ~~Home Depot DeWitt~~ JULY, 2010

~~Center~~Bohemia (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.

132. The project proponent shall abide by the Placer County Mosquito Abatement District (PMAD) construction guidelines for stormwater detention systems. PMAD (or designated representative) shall review the improvement plans.

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

134. 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' in height (Ref. Chapter 17, Article 17.54.030, Placer County Zoning Ordinance). **(ESD)**

135. Utility pole(s) should be relocated / underground out of the sidewalk / right of way to a position approved by the County, state, utility company or other entity as applicable. **(ESD)**

EXERCISE OF PERMIT

136. The applicant shall have 36 months to exercise this Conditional Use Permit. Unless exercised or extended through approval of an Extension of Time application, this Conditional Use Permit (PCPA 20080157) shall expire on July 19, 2013.

JULY, 2010

61