



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

TO: Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: June 23, 2009

**SUBJECT: THIRD-PARTY APPEAL – PLANNING COMMISSION APPROVAL OF A
MINOR USE PERMIT (PCPA 20080369) “AMERICA’S TIRE COMPANY”**

ACTION REQUESTED

The Board is being asked to consider a third-party appeal from Tom LoPiccolo of the Planning Commission’s approval of a Conditional Use Permit for America’s Tire Company. It is staff’s recommendation that the Board uphold the decision of the Planning Commission and deny the appeal.

BACKGROUND

On July 8, 2008, the applicant submitted an Environmental Questionnaire for the project to the County’s Environmental Review Committee. Upon completion of review, County staff prepared an Initial Study and a Mitigated Negative Declaration (Exhibit 6), dated April 20, 2009.

The America’s Tire Company project was presented as an Action Item to the North Auburn MAC on April 14, 2009. During the public comment period, Tom LoPiccolo (owner of the Les Schwab Tire Store located on the parcel adjacent to the south of the project site) spoke in opposition to the project. Although most of his issues were resolved at the meeting, the MAC had concerns about one of Mr. LoPiccolo’s statements: that the America’s Tire Company project was not held to the same landscaping standards to which his project had been held when he expanded and remodeled his facility in 2007. The MAC voted 5-0 to recommend that the Planning Commission approve the project, provided that the landscape requirements for the America’s Tire Company project are equitable with those for the adjacent Les Schwab remodel.

PLANNING COMMISSION HEARING:

The Planning Commission heard the request for a Conditional Use Permit for America’s Tire Company on April 23, 2009. At that hearing, the Commission considered reports from the Development Review Committee staff and received written and oral testimony from Mr. LoPiccolo. No other responses were received or recorded.

Mr LoPiccolo identified the following issues related to the project: 1) the economic impacts of a similar business operating on an adjacent parcel; 2) the inconsistent application of design criteria for each of these tire store projects; and 3) the amount of warehouse use proposed for the America's Tire Company project exceeds the amount of warehouse space allowed for the Les Schwab Tire Center expansion. In response to these comments, the Commission questioned staff and determined that the America's Tire Company project, as proposed, is consistent with all applicable Ordinances and Guidelines. In addition, Commissioner Brentnall expressed that the potential for competition between adjacent businesses could not be considered in a hearing body's approval of a proposed project.

The Commission voted 6-1 to approve the project. The single dissenting vote was cast by Commissioner Gray, who offered no explanation for his decision.

APPEAL

Mr. LoPiccolo appealed the decision by the Planning Commission on May 1, 2009 (Exhibit 4). As discussed in the Commission hearing, the appeal is centered on the allegation that the design criteria has been applied inconsistently. Mr. LoPiccolo has implied that his project was held to a more rigorous design standard than was applied to the America's Tire Company project. Three primary issues are mentioned in the appeal; 1) Inconsistent building setback requirements, 2) Inconsistent landscaping requirements, and 3) Inconsistent allowable warehouse space for a retail building in the CPD (Commercial Planned Development) zone district.

DISCUSSION OF ISSUES

Following is a summary of the issues contained in the appeal and staff's response to these issues.

Inconsistent building setback requirements

The appellant states that the minimum structural setbacks from the side property line for his Les Schwab expansion were ten feet, whereas the minimum side setback for the America's Tire project are five feet from property line.

Staff Response:

Structural setbacks are established in the Zoning Ordinance and vary by zone district. In the CPD zone district, the minimum setbacks are not exact figures, but are applied "as required by the CUP". The CPD zone district is unique in that all new development is considered in the context of surrounding development. When the Les Schwab expansion was proposed, the adjacent lot to the north was undeveloped. Because the public view of the north face of the structure from southbound traffic on Highway 49 would have been the back side of a warehouse, the Environmental Review Committee (ERC) determined that a ten-foot setback area would be appropriate in order to provide adequate landscaping to screen a portion of the structure.

For the America's Tire Company project, the south side property line abuts the existing Les Schwab development, and will not be visible to the public. Therefore, the Planning Commission concluded that five feet of structural setback is sufficient to provide light and air between the buildings.

Inconsistent project landscaping requirements

The appellant states that his project was required to provide 20 feet of frontage landscaping at Masters Court, while the America's Tire Company project was only required to provide ten feet of landscaping at its Willow Creek Drive frontage.

Staff Response:

As set forth in the Placer County Landscape Design Guidelines, the minimum landscaping requirement for commercial projects is ten feet along roadway frontages, except where a commercial project abuts residential zoning or use. The Les Schwab expansion was proposed on a separate parcel adjacent to the west of the existing Les Schwab Tire Center. The adjacent parcel borders residential development along the south property line. Therefore, the Les Schwab project was required to provide 20 feet of landscaping to serve as screening of the commercial activity from the back yards of the residential development.

In contrast, the America's Tire Company project fronts onto Willow Creek Drive, and to commercially zoned property to the north. As a result, the Planning Commission concluded the proposed ten feet of landscape border at this frontage is consistent with the Placer County Landscape Design Guidelines.

Inconsistent allowable warehouse space for a retail building in the CPD zone district

The appellant states that, in the process of his expansion, he was informed that the maximum amount of warehouse space he could provide for his project is 25 percent of the total floor area. The America's Tire Company project proposes a mezzanine storage area, and this area, combined with the storage area beneath it exceeds 25 percent of the gross floor area of the structure.

Staff Response:

In 2004, the appellant submitted an Environmental Questionnaire to identify potential impacts associated with a proposal for an expansion of the existing 10,000 square-foot Les Schwab Tire Center on an adjacent parcel to include a new ±14,000 square-foot warehouse structure with eight service bay doors facing onto Masters Court. The initial comments from the Environmental Review Committee (ERC) included the following observation:

"Please note that warehousing is not a permitted use in the CPD zone district. The County has permitted, in some cases, a retail business with up to 25 percent of the gross floor area as warehousing as an accessory use".

The comment was based upon the former Planning Director's determination that: some warehousing of merchandise is a necessary function of most retail uses; such warehousing cannot be a primary use in the CPD zone district and; adequate parking for the retail use is provided. With regard to the Les Schwab expansion, the former Planning Director determined that 25 percent of the gross floor area could be used for warehouse/storage and that adequate customer parking would be provided on the site. The 25 percent figure was specific to the Les Schwab expansion project, and is not contained in any County Ordinance, Policy or Guideline and is not necessarily applicable to other commercial projects in the CPD zone district.

In the case of the Les Schwab expansion, the ERC was reviewing a proposal for a large warehouse structure with eight bay doors that would have faced out to a roadway frontage

(Masters Court). The ERC concluded that the proposal did not meet the intent of the CPD zone district in terms of its requirement for excellence in building design and the restriction of industrial or heavy commercial uses. The appellant withdrew the EQ application, reduced the size of the warehouse (from 14,000 square feet to 7,700 square feet) and removed all but one of the bay doors. The resulting project was now exempt from Environmental Review, was approved with a Design Review Agreement and construction was completed earlier this year.

By contrast, the America's Tire project is a 6,320 square-foot retail structure that contains an office, showroom, accessory storage and three bay doors that face toward the parking lot, away from road frontages. This structure will not look like, nor act like, a warehouse. It will have the outward appearance of a retail building and its storage capacity will not be evident to passers-by. In addition, the America's Tire Company project provides parking based entirely on the retail use, and does not seek a partial warehouse calculation to arrive at a reduced parking requirement. Therefore, the Planning Commission concluded that a restriction of the warehouse use is not necessary in this review, and the project has been determined to be consistent with all applicable Ordinances and Guidelines.

RECOMMENDATION

Based on the analysis described above, staff recommends that the Board of Supervisors deny the appeal and uphold the Planning Commission's approval of the Conditional Use Permit subject to the following findings and attached Conditions of Approval:

FINDINGS:

CEQA:

1. The Mitigated Negative Declaration 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 water quality best management practices, biological and cultural resource protections, frontage improvements, utilities installation and traffic mitigation.
2. There is no substantial evidence in the record as a whole that the Project as revised 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 custodian of records for the Project is the Placer County Planning Director, Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603.

CONDITIONAL USE PERMIT:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the Auburn Bowman Community Plan.
2. The proposed project is consistent with all applicable provisions of the Placer County Zoning Ordinance.

3. The establishment, maintenance or operation of the proposed building and 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.
4. The proposed project will be consistent with the character of the immediate neighborhood, which is industrial in nature, and will not be contrary to its orderly development.
5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

EXHIBITS:

- Exhibit 1 – Conditions of Approval
- Exhibit 2 – Vicinity Map
- Exhibit 3 – Site Plan
- Exhibit 4 – Appeal to Board of Supervisors
- Exhibit 5 – Planning Commission Staff Report
- Exhibit 6 – Mitigated Negative Declaration

cc: Tom LoPiccolo – Appellant
Basilio and Orsalina Procissi
Don Thrailkill, America's Tire Company – Applicant
Scott Sehm – CEI Engineering Associates, Inc.
Noel Anasco – The Bergman Companies

Copies Sent by Planning:

Michael Johnson – Community Development Resource Agency Director
Paul Thompson – Deputy Planning Director
Karin Schwab - County Counsel
Sarah Gilmore - Engineering and Surveying Division
Grant Miller - Environmental Health Services
Andy Fisher - Parks Department
Yu-Shuo Chang - Air Pollution Control District
Subject/chrono files



**RECOMMENDED CONDITIONS OF APPROVAL - CONDITIONAL
USE PERMIT - "AMERICA'S TIRE COMPANY"
(PCPA 20080369)**

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 is approved to allow for the construction and operation of a ±6,320 square foot retail tire store on a 1.77-acre site (APN 052-070-064) at the southwest corner of Highway 49 and Willow Creek Drive.
2. A 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. This Conditional Use Permit allows for the retail commercial use identified above. If, in the future, a new use is proposed on this site which requires more parking than is required for retail sales, the applicant shall obtain approval of a Modification of this Conditional Use Permit from the appropriate hearing body as determined by the Planning Director. (PD)

IMPROVEMENT PLANS

4. The project is subject to review and approval by the Placer County Development Review Committee (DRC). 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; fences and walls; tree impacts, 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 (and Parks Division if maintenance is provided through a CSA). Said landscaping shall be installed prior to the County's acceptance of the Improvement Plans. (MM) (PD/DFS)
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. (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 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 by the County of site improvements.

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 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. 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.

Submit to the ESD a letter of credit or cash deposit in the amount of 110% 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 VI.2) (ESD)

8. 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) BMPs for the project include, but are not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Straw Wattles, Storm Drain Inlet Protection (SE-10), Hydroseeding (EC-4), Silt Fence (SE-1), Stabilized Construction Entrance (TC-1), and revegetation techniques.

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. BMPs 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) BMPs for the project include, but are not limited to: Water Quality Inlets (TC-50), Storm Drain Signage (SD-13), etc. 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 or Final Map 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 VI.3) (MM VIII.3) (ESD)

9. Prior to issuance of a Building Permit, the applicant shall obtain a State Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit 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. (MM VI.4) (ESD)

10. 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 VIII.4) (ESD)**

11. 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. **(ESD)**

12. 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. **(ESD)**

13. 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)**

14. Storm water run-off shall be reduced to pre-project conditions through the installation of detention facilities. 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). 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. No detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM VIII.2) (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. **(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. 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 Engineering and Surveying Department 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 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, both of these maintenance agreements shall be executed prior to approval of the Improvement Plans. **(ESD)**

19. 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)**

20. 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)

21. 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)

ROADS/TRAILS

22. Where the DRC has approved additional streetlights, the following standards shall apply: All interior street lighting shall be designed to be consistent with the "Dark Sky Society" standards for protecting the night sky from excessive light pollution. Other resources providing technical support include publications of the Illuminating Engineering Society of North America (IESNA) and the IESNA Lighting Handbook, Reference & Application, Ninth Edition and Recommended Practices (RP). The intent of these standards is to design a lighting system, where determined necessary that maintains public safety and security in the project area while curtailing the degradation of the nighttime visual environment through limiting evening light radiation and/or light spill. In addition, metal halide lighting is prohibited unless authorized by the Planning Director. All street lighting shall be reviewed and approved by the DRC for design, location, photometrics, etc. (PD)

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

24. Construct public road entrances/driveways onto Willow Creek Drive to a Plate R-13 LDM standard. The design speed of Willow Creek Drive 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 9, but said section shall not be less than 3" AC over 8" Class 2 AB unless otherwise approved by the ESD. (ESD)

25. Construct one-half of a 70' road section plus concrete curb, gutter, and a 6'-wide sidewalk where the project fronts Willow Creek Drive, 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 conformance to existing improvements. The roadway structural

section shall be designed for a Traffic Index of 9, but said section shall not be less than 3" AC over 8" Class 2 AB, unless otherwise approved by DPW and ESD. (ESD)

26. Construct one-half of a 32' road section plus concrete curb, gutter, and a 6'-wide sidewalk along the project's western property line, as measured from the property line 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 conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 9, but said section shall not be less than 3" AC over 8" Class 2 AB, unless otherwise approved by DPW and ESD.

Due to the infeasibility of construction of one-half of the north-south connection road along the westerly perimeter of the project, a fee in lieu of construction shall be paid to Placer County for the estimated cost to design and construct the applicant's share of frontage road improvements. The cost estimate shall be based on an engineer's cost estimate obtained by the developer at their cost. This fee shall be for 125% of the cost to design and construct, shall be reviewed and approved by ESD and shall be paid prior to the approval of improvement plans. (ESD)

27. 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)

PUBLIC SERVICES

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

- A) PG&E
- B) Placer County Facility Services, Special Districts SMD 1, Sewer District
- C) Nevada Irrigation District, Water District NID
- D) Auburn Placer disposal Service, Refuse Collection Company
- E) AT&T

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)

29. 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) Auburn Union School District
- B) Placer Union High School District

C) The Placer County Sheriff's Office (ESD)

30. 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 "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 therefore by June 30, 2011. The mitigation fee shall be calculated based on 1.5 EDUs. (MM XVI.1) (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:

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 one-half of an 88'-wide highway easement (Ref. Chapter 12, Article 12.08, Placer County Code) where the project fronts Willow Creek Drive, as measured from the centerline of the existing roadway, plan line, or other alignment as approved by the Transportation Division of DPW. (ESD)

f. Dedicate to Placer County one-half of a 50'-wide highway easement (Ref. Chapter 12, Article 12.08, Placer County Code) along the project western property line, as measured from the property line, plan line, or other alignment as approved by the Transportation Division of DPW. (ESD)

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

h. An Irrevocable Offer of Dedication on the Improvement Plans and Final Map to the satisfaction of the ESD and DRC for easements as required for access to, and protection and maintenance of, storm drainage 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)

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

j. 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)

k. Dedicate 12.5' multi-purpose easements adjacent to all highway easements. (ESD)

VEGETATION AND OTHER SENSITIVE NATURAL AREAS

32. 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 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.

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)

33. 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) (MM)

CULTURAL RESOURCES

34. 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)

35. A qualified paleontological monitor shall be present during excavations deeper than 20 feet to ensure that paleontological resources are assessed. (PD) (MM)

FEES

36. 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 \$2,043.00 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)

37. This 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 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 \$46,459.98 for an approximately 7,000 square foot tire store facility. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. (MM XV.1) (ESD)

ENVIRONMENTAL HEALTH

38. Prior to Building Permit issuance, the applicant shall submit to EHS, a solid waste management plan to discuss waste tire disposal at this facility. A plan form specifying required information can be obtained in the EHS office. (EHS)

As a condition of this project, the project will be required to store less than 500 waste tires and all tires must be stored indoors. No exterior storage of tires will be allowed. The waste tires shall be hauled only by a California Integrated Waste Management Board Registered Hauler in good standing. (MM) (EHS)

39. Prior to Tenant Improvement approval, the Occupant shall submit: (EHS)

A) 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 the 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)

40. Prior to Improvement or Grading Plan approval, the Improvement and/or Grading Plans shall include a note that if a septic tank is discovered during the grading and improvement activities, the contractor will obtain a septic tank destruction permit from Environmental Health Services. The septic tank shall be properly destroyed under permit and inspection from Environmental Health Services. (MM) (EHS)

41. Prior to Improvement Plans approval, a Note shall be placed on Improvement 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)

42. 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

43. The applicant shall, upon written request of the County, defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorney's fees awarded by a certain development project know as the America's Tire Company Conditional Use Permit (PCPA 20080369). 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 provision of this condition.

44. 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 shall 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)

45. 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
46. During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. (ESD)
47. 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. (ESD)
48. 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)

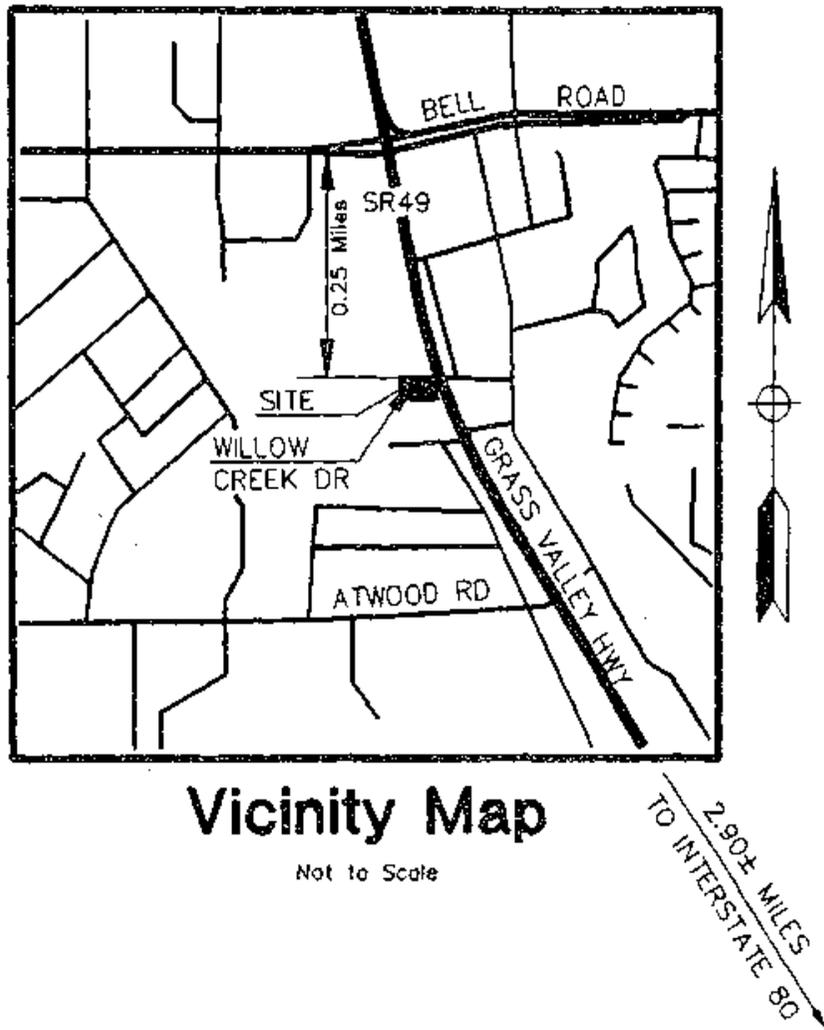
NOTIFICATION TO FUTURE BUYERS

49. Notice of Airport in Vicinity to future buyers, tenants, and/or occupants of the property affected: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. (PD)

EXERCISE OF PERMIT

50. This Conditional Use Permit shall be approved for 24 months and shall expire on May 4, 2011, unless exercised before that date.

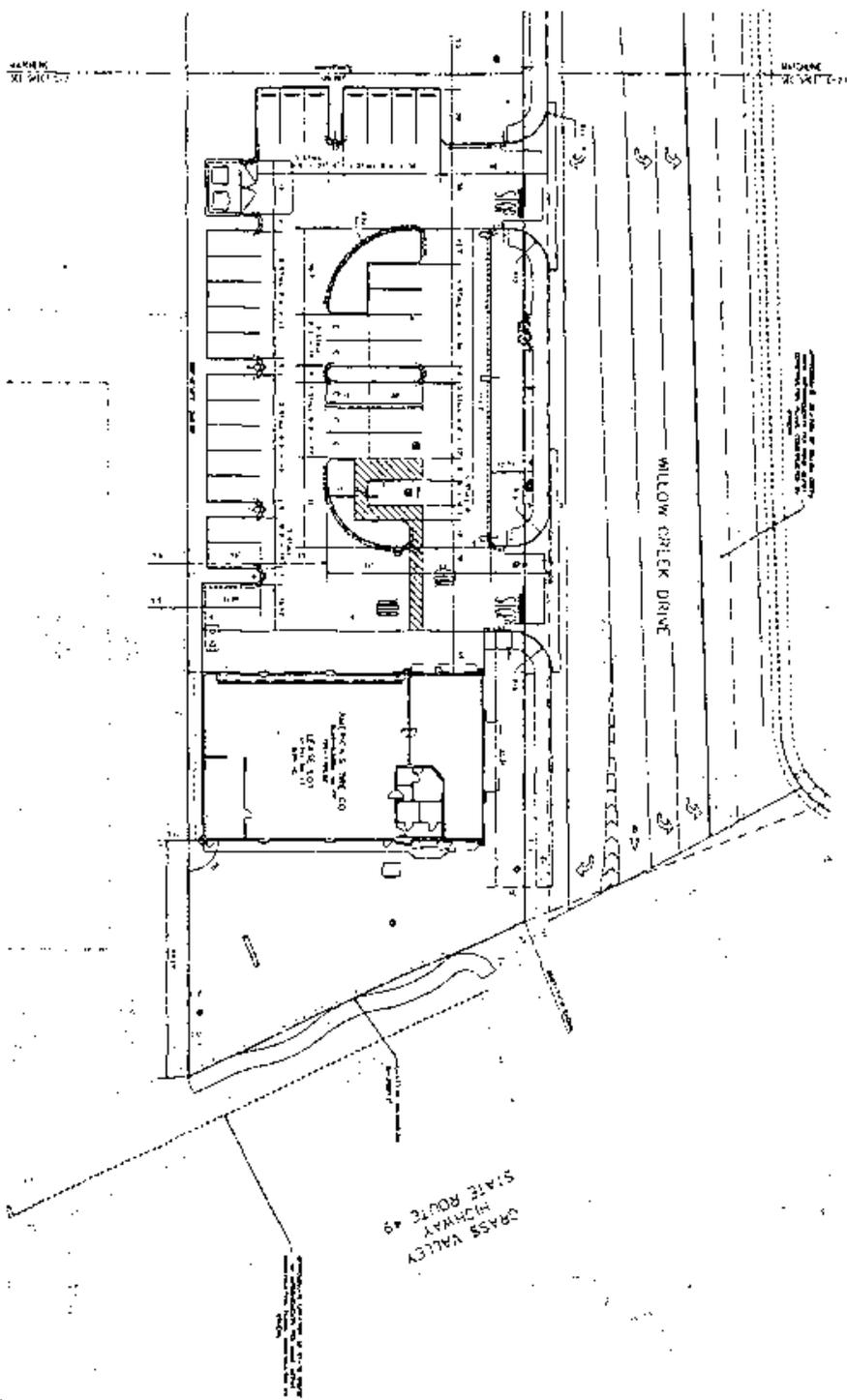
O:\PLUS\PLN\PROJECT FILES\PCPA 20080369 AMERICA'S TIRE COMPANY STORE #CAN058\CondD - compiled 4-23-09 America's Tire Co 20080369.doc



Vicinity Map

Not to Scale

2.90± MILES
TO INTERSTATE 80



CRJ ENGINEERING ASSOCIATES, INC. 2000 DAVIS VALLEY ROAD SUITE 100 DAVIS, CALIFORNIA 95618 (916) 433-1111	
PROJECT NO. 01-001 SHEET NO. 1 OF 1	DATE: 01/15/01 DRAWN BY: J. [Name] CHECKED BY: [Name]
CLIENT: AMERICA'S TIRE CO. PROJECT: SITE PLAN 2000 DAVIS VALLEY ROAD SUITE 100 DAVIS, CALIFORNIA 95618	SCALE: AS SHOWN NORTH: [Arrow pointing up]



PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE
3091 County Center Dr
Auburn, CA 95603
530-886-3000/FAX 530-886-3080
Web page: www.placer.ca.gov/planning

TAHOE OFFICE
565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
E-Mail: planning@placer.ca.gov

Reserved for Date Stamp

RECEIVED
MAY 01 2009
CDRA

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

---OFFICE USE ONLY---

Last Day to Appeal 5/4/2009 (5 pm)
Letter _____
Oral Testimony _____
Zoning CPD-DC
Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 445.--
Date Appeal Filed 5/1/2009
Receipt # 09-0055212
Received by L. P. Brown
Geographic Area CENTRAL TOWN

---TO BE COMPLETED BY THE APPLICANT---

- Project name Discount Timber "Ancient's Timber"
- Appellant(s) TOM LOPELLO Telephone Number (530) 825-9082 (530) 926-4468 (530) 823-0305 Fax Number _____
Address 2549 Downes Valley Hwy Auburn CA 95603 City _____ State _____ Zip Code _____
- Assessor's Parcel Number(s): ?
- Application being appealed (check all those that apply):

<input type="checkbox"/> Administrative Approval (AA-_____)	<input type="checkbox"/> Tentative Map (SUB-_____)
<input checked="" type="checkbox"/> Use Permit (CUP/MUP-_____)	<input type="checkbox"/> Variance (VAA-_____)
<input type="checkbox"/> Parcel Map (P-_____)	<input checked="" type="checkbox"/> Design Review (DSA-_____)
<input type="checkbox"/> General Plan Amendment (GPA-_____)	<input type="checkbox"/> Rezoning (REA-_____)
<input type="checkbox"/> Specific Plan (SPA-_____)	<input type="checkbox"/> Rafting Permit (RPA-_____)
<input checked="" type="checkbox"/> Planning Director Interpretation <u>3/23/07</u> (date)	<input type="checkbox"/> Env. Review (EIAQ-_____)
<input type="checkbox"/> Minor Boundary Line Adj. (MBR-_____)	Other: _____

- Whose decision is being appealed: Planning Commission (see reverse)
- Appeal to be heard by: Board of Supervisors (see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):

INCONSISTENT - SEE BACKS & DISCUSSION REASONABLE
Allocation of future resource - split in a retail building in the CPD zone D1
(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Details to Follow

Signature of Appellant(s) [Signature]

Gerry Haas

From: Tom.K.LoPiccolo@lesschwab.com
Sent: Monday, June 01, 2009 8:15 PM
To: Gerry Haas
Cc: tom.k.lopiccolo@lesschwab.com
Subject: Re: America's Tire Company Appeal

To whom it may concern:

In regards to the conditional use permit for America's Tire:

Topics for discussion

- A) Conditional use permit requirements for Les Schwab Tire Center compared to the conditional use permit requirements for Americas Tire.
- B) Review MAC recommendations to planning department.
- C) Review discussion and outcome of the planning commissions hearing for conditional use permit for Americas Tire.

Tom LoPiccolo
Les Schwab Tire Center
2547 Grass Valley Hwy.
Auburn, CA 95603
Office: 530-823-7082
Cell: 530-906-4468
Fax: 530-823-0375
E-Mail: tom.k.lopiccolo@lesschwab.com
Secretary: Sandy



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: April 23, 2009
ITEM NO.: 2
TIME: 10:15 am

TO: Placer County Planning Commission

FROM: Development Review Committee

DATE: April 23, 2009

**SUBJECT: CONDITIONAL USE PERMIT (PCPA 20080369)/ MITIGATED NEGATIVE
DECLARATION - "AMERICA'S TIRE COMPANY"**

COMMUNITY PLAN AREA: Auburn/Bowman Community Plan

GENERAL PLAN DESIGNATION: Mixed Use

ZONING: CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)

APN: 052-070-064

STAFF PLANNER: Gerry Haas, Associate Planner

LOCATION: The project is located on the southwest corner of Willow Creek Drive and Highway 49 in the North Auburn area.

APPLICANT: Scott Sehm on behalf of Don Thrailkill, America's Tire Company

PROPOSAL:

The applicant requests the approval of a Conditional Use Permit to allow for the construction and operation of a ±6,320 squarefoot retail tire store on a ±1.77-acre site in the North Auburn 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 four-foot by four-foot public notification sign with the sign copy "Development Proposal Pending", was installed along the Highway 49 frontage. 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 Facility Services for their review and comment. The comments received from these agencies have been addressed in the analysis section

EXHIBIT 5
37

of this report. The Agency received one public comment letter (Attachment C) and the issues expressed in this letter are addressed in the Discussion of Issues section of the report.

PROJECT DESCRIPTION:

The America's Tire Store project is a ±6,320 square-foot structure that includes a showroom, warehouse, office and three tire and wheel installation service bay doors, situated on a ±1.77-acre parcel at the southwest corner of Highway 49 and Willow Creek Drive in the North Auburn area. Two driveways along Willow Creek Drive will provide vehicle access to the site. These driveways will be approximately 110 feet apart; the eastern driveway will be located approximately 90 feet west of Highway 49. The project site will be improved with landscaping, exterior lighting, sidewalks and parking. A total of 32 parking spaces are proposed to serve the project, two of which will be disabled parking spaces.

BACKGROUND:

On July 14, 2005, the Planning Commission approved a Conditional Use Permit for a 7,144 square-foot auto parts store (Autozone) to be located on the subject parcel. Following approval, the project experienced financial constraints that prevented the applicant from submitting the required Improvement Plans. Because of this, Autozone was unable to initiate construction of the facility, and the project was withdrawn in 2007.

On July 8, 2008, the applicant submitted an Environmental Questionnaire for the project to the County's Environmental Review Committee. Upon completion of review, County staff prepared an Initial Study and a Mitigated Negative Declaration (Attachment D), dated April 20, 2009.

The America's Tire Company project was presented as an Action Item to the North Auburn MAC on April 14, 2009. During the public comment period, the owner of the Les Schwab Tire Store, located on the parcel adjacent to the south of the project site, spoke in opposition to the project. Although most of his issues were resolved at the meeting, the MAC had concerns about one of Mr. LoPiccolo's statements: that the America's Tire Company project was not held to the same landscaping standards to which his project had been held when he remodeled in 2007. The MAC voted 5-0 to recommend that the Planning Commission approve the project, provided that the landscape standards for the America's Tire Company project be equitable to those for the adjacent Les Schwab remodel.

SITE CHARACTERISTICS:

The 1.77-acre development parcel is located on the southwest corner of Highway 49 and Willow Creek Drive in the North Auburn area. The parcel is designated Mixed Use in the Auburn/Bowman Community Plan, and is zoned CPD-Dc (Commercial Planned Development combining Design Scenic Corridor). Most of the surrounding parcels support commercial development and associated infrastructure. The site is relatively flat and supports a degraded grassland habitat with a mix of native and non-native trees and grasses. At one time, there were five residential structures with gravel driveways on the property. These improvements have since been removed and the property is currently undeveloped.

Given the proximity of the site to existing development and the disturbed condition 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 during field surveys. In addition, the site supports no known archaeological or historic resources.

EXISTING ZONING AND LAND USE:

Location	Zoning	General Plan / Community Plan	Existing Conditions & Improvements
Site	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)	Mixed Use	Undeveloped

North	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)	Mixed Use	Former Crossroads Auto Dealership
South	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)	Mixed Use	Les Schwab Tire Store
East	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)	Commercial	Undeveloped
West	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)	Mixed Use	Shopping Center

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, and adjoining parcels to the west, north and south, as Mixed Use. The Development Vision for the Dewitt Center area Mixed Use designation is that parcels closest to Highway 49 should "be developed with retail/service commercial to serve the population working and residing at, or in close proximity to, the Dewitt Center while still drawing business from traffic on Highway 49". The proposed retail tire store is consistent with the intent of the Mixed Use land use designation of the Community Plan, and the associated EIR that was adopted for the Plan provides an analysis of a commercial use such as that proposed by the project.

Site zoning is CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor) and automobile parts sales is an allowable land use in this zoning designation, with approval of a Conditional Use Permit. The CPD zone district is designated for areas where excellence in site planning and building design are important objectives. Because the CPD zone district has a higher standard of design criteria, the project has been designed to be consistent with the Design Guidelines Manual and its requirements for new development within the "Core Area" of North Auburn. The commercial building will be oriented so that the service bay doors will not be visible from traffic on Highway 49 or from Willow Creek Drive. A full roof system is proposed, red brick veneer will be utilized as the primary building material, and decorative cornices, pillars and accent bands will articulate the building facade. In order to ensure consistency with the recently constructed Home Depot, and to provide appropriate entry treatment to the DeWitt Center, the street trees proposed along Willow Creek Drive are taken from the same landscape pallet that was installed at the Home Depot frontage. Also consistent with the Guidelines, the entire Highway 49 frontage area, which ranges from 30 feet to 80 feet in width, will be landscaped and a meandering sidewalk will be installed. Staff has determined that the project design accomplishes the goals of the CPD zone district and the design criteria set forth in the Placer County Design Guidelines.

Project Impacts

The America's Tire Company project proposes the construction of a retail tire store 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 D). 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

The project is located within the Sacramento Valley Air Basin within the jurisdiction of the Placer County Air Pollution Control District. This Air Basin is currently considered non-attainment for federal and state ozone levels, and non-attainment for state particulate matter standards. After analyzing the process through the "URBEMIS 9.24" model, it was determined that the project's short-term impacts would be less than significant after implementing the appropriate mitigation measures identified by the Placer County Air Pollution Control District. These mitigation measures are identified in the Mitigated Negative Declaration and have all become recommended Conditions of Approval (Attachment A). They include preventative actions such as a Dust Control Plan, Emissions Standards, use of clean fuels and low Volatile Organic Compound coatings and burn controls. Because there are no known sensitive receptors in close proximity to the project, long-term operational impacts from odors are less than significant.

Biological Resources

The project site does not contain wetlands or sensitive habitat, nor does it contain suitable habitat to support any rare, threatened, or endangered species; however, the site does provide potential habitat for raptors, such as the Cooper's hawk and the white-tailed kite. While neither species was observed during site surveys, the development of the project will result in a reduction in habitat and this reduction may adversely impact nesting and foraging opportunities for those raptor species that might utilize 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.

Hydrology and Water Quality/Geology and Soils

The proposed project will create impervious surfaces including on-site parking areas and buildings. This increase in impervious surfaces typically has the potential to increase the stormwater runoff amount and volume. The increases in stormwater runoff have the potential to result in downstream impacts. A preliminary drainage report was prepared for the project, in which the post-project flows will be greater than pre-development levels. The project is located in a portion of the Auburn/ Bowman Community Plan area where on-site detention is recommended. The project proposes to ensure that the quantity of post development peak flow from the project is, at a minimum, no more than the pre-development peak flow quantity by installing detention facilities. While the post-project volume of runoff will be higher due to the increase in impervious surfaces, this is a less than significant impact because the project proposes detention facilities designed to handle the increase in peak flow runoff.

A final drainage report will be prepared and submitted with the site improvement plans for County review and approval in order to monitor the preliminary report drainage calculations and to ensure water quality standards.

The disruption of the soil associated with construction of the project increases the risk of erosion and creates a potential for contamination of storm runoff with disturbed sediment or other pollutants introduced through typical grading practices. In addition, this soil disruption has the potential to modify the existing on-site drainageways by transporting erosion from the disturbed area into local drainageways. Discharge of concentrated runoff after construction could also contribute to these impacts in the long-term. Erosion potential and water quality impacts are always present and occur when soils are disturbed and protective vegetative cover is removed. The project would increase the potential for erosion impacts without appropriate Best Management Practices (BMP's) such as use of fiber rolls, straw bale barriers, storm drain inlet protection, hydroseeding, stabilized construction site entrance and revegetation. The project will be required to submit Improvement Plans for County review and approval prior to construction. The Improvement Plans will ensure that the BMP's are in place and will also ensure consistency with the mitigation measure set forth in the Mitigated Negative Declaration.

Noise

The project does not have the potential to expose people to noise levels in excess of standards contained in the Auburn Bowman Community Plan because the bay doors face west, away from the

public areas, and toward the parking lot, and there are no sensitive receptors in the project area. The project will not cause a permanent substantial increase in the ambient noise levels because the commercial activity proposed for the site will be essentially the same type of activity that exists on surrounding properties.

Construction of the project, through build-out, will increase ambient noise levels. This impact is considered to be temporary and less than significant. Construction noise is exempt from the provisions of the Placer County Noise Ordinance provided that the hours of construction activity are limited. This limitation is a required condition of approval for this Conditional Use Permit.

Transportation and Traffic.

The proposed project will generate approximately 30 PM peak hour trips, and approximately 300 average daily trips. With the project traffic added to the existing traffic volumes, all roadway segments and intersections near the project will continue to operate within acceptable level of service standards.

The increases in traffic due to the project are consistent with those anticipated in the Auburn/Bowman Community Plan both individually and on a cumulative basis. For potential cumulative impacts, the Auburn/Bowman Community Plan includes a fully funded Capital Improvement Program, which with payment of traffic mitigation fees for the ultimate construction of the Capital Improvement Program improvements, would help reduce the cumulative traffic impacts to less than significant levels. The proposed project's impacts associated with increases in traffic will be mitigated to a less than significant level by implementing mitigation measures such as payment of traffic impact fees, construction of frontage improvements along Highway 49 and Willow Creek Drive and dedication of Right-of-Way for a future connection road.

Utilities and Service Systems.

Wastewater treatment will be provided by Placer County Sewer Maintenance District Number 1. Approval of Improvement Plans will be required by the County prior to connection to the County's transmission system. The project will add wastewater flow equivalent to approximately 1.5 equivalent dwelling units to the wastewater conveyance and treatment systems. The sewage generated by the proposed project is not expected to cause the existing treatment facilities to exceed the Regional Board's treatment process requirements. However, the treatment facility does experience hydraulic surcharging (overloading) during peak wet weather storm events. The Highway 49 trunk sewer line also currently exhibits capacity issues during peak wet weather storm events. During recent storm events, both the existing wastewater conveyance and treatment systems experienced hydraulic surcharging. The project will contribute additional flow to the Highway 49 trunk sewer line and will exacerbate a stressed wastewater system. The project impacts to sewer flows will be mitigated to a less than significant level by implementing the mitigation measures contained in the Mitigated Negative Declaration, all of which have become recommended conditions of approval.

Comment Letter by Les Schwab:

On April 23, 2008 Placer County received a letter (Attachment C) from Tom LoPiccolo, owner of the Les Schwab Tire Store south of the project site. The letter raises the following concerns with the project as proposed:

1. Les Schwab has just completed an exterior renovation and expansion of the existing facility. Their original plans consisted of a second building with eight bay doors that faced toward Masters Court. Mr. LoPiccolo was informed that the bay doors should not be visible to the public, and he was forced to redesign the project. The resulting project now consists of a remodel of the existing building and a new 7,000 square-foot warehouse structure with no bay doors (only a single overhead delivery door). Mr. LoPiccolo would like assurance that the design of the America's Tire Company project will be held to the same development standards to which his project was held.

Response to Comment 1:

As mentioned in the discussion of General Plan and Zoning Consistency, the project has been reviewed and determined to be consistent with the standards in place for new commercial development in the North Auburn area. Specifically, the bay doors do not face a public roadway, but are instead oriented toward the store's own parking lot to the east (see Site Plan, Attachment B).

2. The adjacency of two tire stores will put a strain on both businesses and will result in a hostile sales environment that could drive the potential sales of each business below the fair market values.

Response to Comment 2:

The proposed project is an America's Tire Company and is adjacent to an existing Les Schwab Tire Center. Because the proposed use is identical to an adjacent existing use, market competition is likely. However, the possibility for economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration does not exist for the project due to the limited scope of the potential economic impacts. The North Auburn Market and Commercial Study (January 2007, by Marie Jones Consulting-Section 5.2) indicates that local retail trade will continue to grow in North Auburn due to existing unmet demand for local retail and the anticipated population growth of the area. Although it is not anticipated that either business would fail, in the event that one of the businesses is forced out of business, another retailer is likely to take occupancy of the vacated structure in a short amount of time. Therefore the project would have a less than significant impact on urban decay or deterioration.

RECOMMENDATION:

The Development Review Committee recommends the Planning Commission adopt the Mitigated Negative Declaration and approve the Conditional Use Permit for the America's Tire Company project (PCPA 20080369), based upon the following findings and recommended conditions of approval.

FINDINGS:

CEQA:

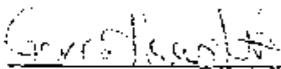
The Planning Commission has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments, written and oral, thereto and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. The Mitigated Negative Declaration for the America's Tire Company 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 raptors; enforcement of structural setbacks; the construction of a frontage and infrastructure improvements; 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 Monitoring Plan 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

6. The proposed use is consistent with applicable policies and requirements of the Auburn/Bowman Community Plan and the Placer County General Plan.
7. 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.
8. The proposed retail tire store 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,



GERRY HAAS
Associate Planner

GH:kh

ATTACHMENTS:

- Attachment A – Recommended Conditions of Approval
- Attachment B – Site Plan
- Attachment C – Public Comment Letter
- Attachment D – Mitigated Negative Declaration
- Attachment E – Mitigation Monitoring Plan

- cc: Basilio and Orsalina Procissi – Owners
Don Thraikill, Discount Tire Company – Applicant
Tom LoPiccolo – Les Schwab Tire Store
Scott Sehm, CEI Engineering Associates, Inc. – Engineer
Sarah Gilmore – Engineering and Surveying Department
Janelle Heinzen – Engineering and Surveying
Grant Miller – Environmental Health Services
Yu-Shuo Chang -- Air Pollution Control District
Vance Kimbrell – Parks Department
Michael Johnson – Community Development Resources Agency Director
Michael Wells – Supervising Planner
Scott Finley – County Counsel
Subject/chrono files

O:\PLUS\PLN\PROJECT FILES\PCPA 20080369 AMERICA'S TIRE COMPANY STORE #CAN058\AmericaTire Stf Rpt.doc



COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

Gina Langford, Coordinator

**NOTICE OF INTENT
TO ADOPT A MITIGATED NEGATIVE DECLARATION**

The project listed below was reviewed for environmental impact by the Placer County Environmental Review Committee and was determined to have no significant effect upon the environment. A proposed Mitigated Negative Declaration has been prepared for this project and has been filed with the County Clerk's office.

PROJECT: Discount Tire Company Store (PCPA T20080369)

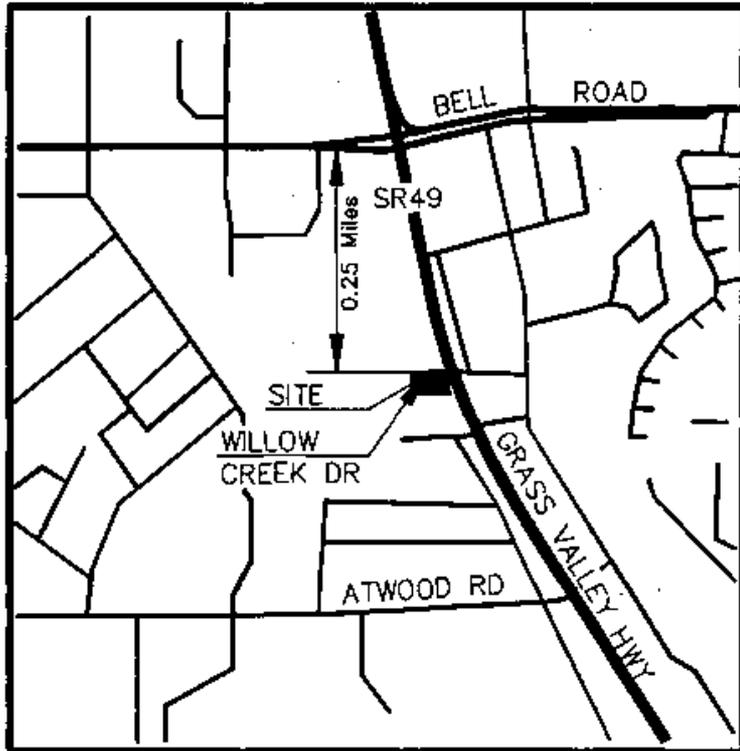
PROJECT DESCRIPTION: Project proposes approval of a Conditional Use Permit to construct a 6,320 square foot retail tire store on an undeveloped corner lot.

PROJECT LOCATION: Southwest corner of HWY 49 and Willow Creek Drive in the North Auburn area, Placer County

APPLICANT: CEI Engineering Associates, 1044 E Herndon Ave, Ste 108, Fresno CA 93720 (559) 447-3119

The comment period for this document closes on **April 20, 2009**. A copy of the Negative Declaration is available for public review at the County's web site <http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx>, Community Development Resource Agency public counter, and at the Auburn Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Zoning Administrator. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3075, between the hours of 8:00 am and 5:00 pm, at 3091 County Center Drive, Auburn, CA 95603.

Newspaper: Auburn Journal, Tuesday, March 24, 2009



Vicinity Map

Not to Scale

2.90± MILES
TO INTERSTATE 80



COUNTY OF PLACER
Community Development Resource Agency

Michael J. Johnson, AICP
 Agency Director

**ENVIRONMENTAL
 COORDINATION
 SERVICES**

Gina Langford, Coordinator

MITIGATED NEGATIVE DECLARATION

In accordance with Placer County ordinances regarding implementation of the California Environmental Quality Act, Placer County has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment, and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report and this **Negative Declaration** has been prepared.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A **Mitigated Negative Declaration** has thus been prepared.

The environmental documents, which constitute the Initial Study and provide the basis and reasons for this determination are attached and/or referenced herein and are hereby made a part of this document.

PROJECT INFORMATION

Title: Discount Tire Company Store	Plus# PCPA T20080369
Description: Project proposes approval of a Conditional Use Permit to construct a 6,320 square foot retail tire store on an undeveloped corner lot.	
Location: Southwest corner of HWY 49 and Willow Creek Drive in the North Auburn area, Placer County	
Project Owner: Discount Tire Company, 20225 North Scottsdale Road, Scottsdale, AZ 85255 (480) 606-5781	
Project Applicant: CEI Engineering Associates, 1044 E Hemdon Ave, Ste 108, Fresno CA 93720 (559) 447-3119	
County Contact Person: Garry Haas	530-745-3084

PUBLIC NOTICE

The comment period for this document closes on **April 20, 2009**. A copy of the Negative Declaration is available for public review at the County's web site (<http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/EnvDocs/NegDec.aspx>), Community Development Resource Agency public counter, and at the Auburn Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Zoning Administrator. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3075 between the hours of 8:00 am and 5:00 pm at 3091 County Center Drive, Auburn, CA 95603.

If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references. Refer to Section 18.32 of the Placer County Code for important information regarding the timely filing of appeals.

<p>POSTED <u>03/19/2009</u> Through _____ JIM McCauley COUNTY CLERK By <u>[Signature]</u> Deputy Clerk</p>	<p>FILED MAR 19 2009 Jim McCauley COUNTY CLERK OF PLACER COUNTY BY <u>[Signature]</u> DEPUTY</p>
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COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
SERVICES**

Michael J. Johnson, AICP
Agency Director

Gina Langford, Coordinator

3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3003 • www.placer.ca.gov/planning

INITIAL STUDY & CHECKLIST

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration shall be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration shall be prepared.

A. BACKGROUND:

Project Title: Discount Tire Company Store	Plus# PCPA T20080369
Entitlements: Conditional Use Permit, Design Review Agreement	
Site Area: 1.8 acres/±6,320 square feet	APN: 052-070-064
Location: Southwest corner of Highway 49 and Willow Creek Drive in the North Auburn area, Placer County.	

Project Description:

The applicant is requesting approval of a Conditional Use Permit to construct a 6,320 square foot retail tire store on an undeveloped 1.77 acre parcel adjacent to Highway 49 in the North Auburn area. The project is proposed as a single-story structure that will contain an office, customer service area, and warehouse and service bays. A total of 32 parking spaces are proposed to serve the project, two of which will be handicapped accessible.

Project Site:

The property is located on the southwest corner of Highway 49 and Willow Creek Drive in the North Auburn area. The area is designated Mixed Use in the Auburn Bowman Community Plan, and the project site is zoned CPD-Dc (Commercial Planned Development combining Design Scenic Corridor). Most of the area is improved with commercial development and infrastructure. Although currently undeveloped, the project site once contained five structures and gravel roads, all of which have been removed. The site is relatively flat and supports a degraded grassland habitat with a mix of native and non-native trees, shrubs, and grasses.

B. ENVIRONMENTAL SETTING:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	CPD-Dc (Commercial Planned Development, combining Design Scenic Corridor)	Mixed Use	Undeveloped
North	Same as project site	Same as project site	Former Crossroads Auto Dealership
South	Same as project site	Same as project site	Les Schwab Tire Store
East	Same as project site	Commercial	Same as project site
West	Same as project site	Same as project site	Shopping Center

C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study shall be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ Placer County General Plan EIR
- ➔ Auburn Bowman Community Plan EIR

Section 15183 states that "projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site." Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project (see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including "No Impact" answers.
- b) "Less Than Significant Impact" applies where the project's impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) "Less Than Significant with Mitigation measures" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).

- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.
 - ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - ➔ **Mitigation measures** – For effects that are checked as "Less Than Significant with Mitigation measures," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

I. AESTHETICS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (PLN)				X
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN)				X
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN)			X	
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN)			X	

Discussion- Items I-1,2:

The site does not contain a scenic resource and is not located within a scenic vista. Therefore, no impacts to scenic resources or vistas will occur as a result of the project.

Discussion- Item I-3:

The Discount Tire project consists of a single new building to be constructed on an undeveloped parcel. This development will alter the current visual character of the site. However, properties to the west, south and east have already been commercially developed. As a result of the level of disturbance to surrounding properties and the project site, the proposed development of the project site is considered a less than significant impact to the visual character of the site and its surroundings.

The project will be subject to review and approval of the Design/Site Review Committee to address its physical conversion. The resulting Design Review Agreement will be signed prior to submittal of the Improvement Plans for the project. Design review will include, but not be limited to, a review of the building location, materials, finishes and colors as well a review of onsite landscaping, exterior lighting, parking, circulation and signage.

The Design Review requirements will ensure that the above-mentioned design features are adhered to and that visual and aesthetic impacts are less than significant. No mitigation measures are required.

Discussion- Item I-4:

Although the project will introduce new exterior lighting, the lighting will be shielded to prevent glare. Additionally, the lighting fixtures will be subject to Design/Site Review prior to approval. Primary building materials will be chosen in earth tones and windows will be made of non-reflective glass. The project is not anticipated to have significant impacts with regard to lighting or glare and the Design/Site Review process will ensure that impacts remain less than significant. No mitigation measures are required.

II. AGRICULTURAL RESOURCE – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN)				X
2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN)				X

3. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (PLN)				X
4. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland (including livestock grazing) to non-agricultural use? (PLN)				X

Discussion- All Items:

The Farmland Mapping and Monitoring Program of the California Resources Agency has determined the project site and surrounding area to be "Urban and Built Up Land". Therefore, the development of the site is not considered to be a conversion of farmland. There is currently no agricultural activity on the project site or on adjacent parcels. The proposed commercial project will not conflict with County policies regarding land use buffers for agricultural operations. In addition, the project will not conflict with existing Farm zoning or involve changes which could result in the conversion of Farmland.

III. AIR QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (APCD)			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (APCD)		X		
3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (APCD)		X		
4. Expose sensitive receptors to substantial pollutant concentrations? (APCD)				X
5. Create objectionable odors affecting a substantial number of people? (APCD)				X

Discussion- Item III-1:

According to the analysis, the project's related long-term operational emissions would be less than significant. In addition, the proposed project will be required to be in compliance with the District's related regulations. Therefore, the proposed project will not conflict with the Sacramento Regional Air Quality Plan to attain the federal ambient air quality standards. No mitigation measures are required.

Discussion- Items III-2,3:

The project is located within the Sacramento Valley Air Basin within the jurisdiction of the Placer County Air Pollution Control District. This Air Basin is currently considered non-attainment for federal and state ozone levels, and non-attainment for state particulate matter standards. After analyzing the process through the "URBEMIS 9.24" model, it was determined that the project's impacts would be less than significant after implementing the appropriate mitigation measures identified by the Placer County Air Pollution Control District. These impacts will be reduced to less than significant with the inclusion of the following mitigation measures:

Mitigation measures- Item III-2,3:**MM III.1 Construction**

1. Low nitrous oxide (NOx) natural gas water heaters shall be installed in accordance with *District Rule 246* if natural gas becomes available.
2. No open burning of vegetation or any other materials shall be permitted during construction. Post-construction burning shall only be permitted with a valid Burn Permit for use on the appropriate "Burn Days".

3. The project's construction and operational components shall be in compliance with all applicable rules of the Placer County Air Pollution Control District, including but not limited to *Rule 228* (Dust Control Measures) and *Rule 202* (Emission Standards). Pursuant to *Rule 228*, the applicant shall submit to the Placer County Air Pollution Control District for approval of a Construction Emission/Dust Control Plan, prior to groundbreaking. All grading operations shall be suspended if windblown dust results in fugitive dust exceeding *Rule 228*.
 - a. Pursuant to *Rule 202*, construction equipment exhaust emissions shall not exceed statutory limitations.
4. Minimize idling time to five minutes for all diesel powered equipment.
5. Wash all trucks and equipment leaving the site during the construction phase. An operational water truck shall be kept onsite at all times. Water shall be applied to control dust as needed to prevent fugitive dust.
6. Traffic speeds on all unpaved surfaces shall be restricted to 15 miles per hour or less.
7. Construction equipment shall make use of California diesel fuel (or a superior alternative) during the construction phase.
8. The applicant shall use existing power sources, such as power poles, or clean fuel generators rather than temporary diesel power generators.
9. Structures shall make use of low Volatile Organic Compounds coatings.

Discussion- Item III-4:

There are no known sensitive receptors in close proximity to the project.

Discussion- Item III-5:

The project would result in additional air pollutant emissions generated by diesel-powered construction equipment, and vehicle exhaust that could create objectionable odors in the short term. However, the mitigation measures listed in Item 3 above will reduce these "short term" impacts to a less than significant level. Long-term operational impacts from odors are less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)		X		
2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN)			X	
3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN)			X	
4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)				X
5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (PLN)				X
6. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (PLN)				X

7. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (PLN)			X	
8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN)				X

Discussion- Item IV-1:

A Biological Resource Assessment for the project, dated July 7, 2008, was prepared by Michael Brandman Associates. As part of the assessment, the entire site was walked and plants and animals observed onsite were recorded. Onsite habitats were evaluated for their potential to support special-status plant and wildlife species identified through a search of the California Natural Diversity Database (CDFG2006a). In addition, natural communities and habitats were evaluated.

For purposes of the Biological Resource Assessment prepared for the project, special-status species are those that fall into one or more of the following categories:

- listed as endangered or threatened under the federal Endangered Species Act (or formally proposed for listing),
- listed as endangered or threatened under the California Endangered Species Act (or proposed for listing),
- designated as rare, protected, or fully protected pursuant to California Fish and Game Code,
- designated a Species of Concern by the California Department of Fish and Game,
- defined as rare or endangered under the California Environmental Quality Act (CEQA), or
- Occurring on List 1, 2, 3 or 4 maintained by the California Native Plant Society.

No special-status plant species were observed in the field during the survey. In addition, the biologist has determined that there is no potential for such plant species to occur. No further surveys have been recommended by Michael Brandman Associates. Therefore, the project as proposed would result in a less than significant impact on special status species of plants.

Wildlife

Several regionally occurring special-status wildlife species were determined not to have the potential to exist onsite. However, five species were determined to have a low to moderate potential for occurring on the project site, due to the presence of suitable habitat on or near the site. These include white-tailed kite, Cooper's hawk, sharp-shinned hawk, pallid bat and the greater western mastiff bat.

Although the site does not contain suitable roost habitat for the bat species identified as having potential to occur onsite, construction of the project site could potentially impact the special status bird species listed above, in addition to other migratory songbirds and raptor species. Take of any active nest is prohibited under Fish and Game Code Section 3503.5. Mitigation measures are included below to reduce the projects impacts to less than significant level.

Mitigation measures- Item IV-1:

MM IV.1 To avoid take of active nests, it is recommended that trees be removed outside of the nesting season (April through August). If trees cannot be removed outside the nesting season, a qualified biologist shall conduct a nesting survey be completed no earlier than seven days and no more than 30 days prior to tree removal in the Study Area to search for active loggerhead shrike and white-tailed kite nests. Survey results shall then be submitted to the Placer County Planning Department and the California Department of Fish and Game. If active raptor nests are found on or immediately adjacent to the site, consultation should be initiated by California Department of Fish and Game to determine appropriate avoidance measures. If no nesting is found to occur, necessary tree removal could then proceed.

Discussion- Item IV-2:

The proposed development will reduce or eliminate onsite wildlife habitat, but will not create a substantial decrease in local area habitat, eliminate a plant or animal community, cause a fish or wildlife population to drop below sustaining levels, nor restrict the range of endangered, rare, or threatened species. This is primarily because the project size is limited and the property itself has been impacted by previous activity and is surrounded by commercial uses. As a result, impacts associated with the proposed project are less than significant and no mitigation measures are required.

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Discussion- Items IV-3,7:

The project site is located in Zone One of the Placer County Tree Preservation Ordinance, requiring mitigation for any impacts to protected trees that result from site improvements. However, this site has been previously disturbed and, as stated in the Biological Resource Assessment, contains only a single protected tree, an interior live oak. Because the tree exists at the westernmost edge of the project site, its removal will not be required. Whether the tree is removed or fenced and protected during construction does not change the anticipated impacts to oak woodlands. If the tree is to be left intact, protective fencing will be required. If the tree is to be removed, the Placer County Tree Ordinance will be applicable to the project and funds will be collected in the amount of \$100 per diameter inch at breast height (or the current County figure). In either event, the impacts to this single protected tree are less than significant. No mitigation measures are required.

Discussion- Items IV-4,5:

According to the Biological Resource Assessment, no drainages or wetlands were observed within the project site. Therefore, no additional surveys are required.

Discussion- Item IV-6:

Because the project site is isolated and fragmented, there are no known terrestrial migration corridors through or in the vicinity of the project site. The project site does not lend itself to a wildlife corridor due to its close proximity to commercial and residential development. No long-term significant impacts are expected to local and/or regional wildlife movement corridors as a result of the proposed project.

Discussion- Item IV-8:

The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN)				X
2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN)				X
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN)		X		
4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN)				X
5. Restrict existing religious or sacred uses within the potential impact area? (PLN)				X
6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN)				X

Discussion- Item V-1:

The North Central Information Center records search determined that there were no historic-period resources on the project site.

Discussion- Item V-2:

The Native American Heritage Commission has indicated the presence of Native American cultural resources in the vicinity of the project site, but not on the site itself. Following the recommendation of the Native American Heritage Commission, the applicant made phone calls and sent letters to each of the Native American representatives on the list of contacts provided by the Native American Heritage Commission. These correspondences took place in June 2008 and, to date, none of the representatives have responded. A field survey conducted by Michael Brandman Associates revealed no evidence of historic or prehistoric resources within the project area. The survey concluded that it would be

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an unlikely location for cultural resources because it is not near water or in a location typically associated with prehistoric or historic resources that the project area contained one small prehistoric archaeological site. The site was determined as not significant under any of the CEQA criteria and no further studies are recommended.

Although no archeological resources were found during the prior field survey, the following wording will be placed on improvement plans to ensure that no significant impacts to undiscovered archeological resources will occur:

If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any onsite construction activities, all work must stop immediately in the area and a Society of Professional Archaeologist shall be 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 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 included in the General Notes section of Improvement Plans for the project. A note to this effect shall be included in the General Notes section of 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.

Discussion- Item V-3:

The Phase I Cultural Resource Assessment prepared for the project by Michael Brandman Associates indicates that potential impacts to paleontological resources are nominal due to previous flood plain activity. However, to ensure that no impacts occur, the archaeologist recommends that a qualified paleontological monitor be present onsite during excavation procedures deeper than 20 feet (i.e. sewer line trenching).

Mitigation measures- Item V-3:

MM V.1 A qualified paleontological monitor shall be present during excavations deeper than 20 feet to ensure that paleontological resources are assessed.

Discussion- Item V-4:

The proposed project does not have the potential to cause a physical change, which would affect unique ethnic cultural values.

Discussion- Item V-5:

The proposed project will not restrict existing religious or sacred uses within the potential impact area.

Discussion- Item V-6:

The proposed project will not disturb any human remains, including those interred outside of formal cemeteries. As indicated in item 2 above, wording will be placed on Improvement Plans to ensure that no significant impacts occur should unknown buried remains be uncovered during project construction.

VI. GEOLOGY & SOILS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD)				X
2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD)		X		
3. Result in substantial change in topography or ground surface relief features? (ESD)		X		
4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD)				X
5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD)		X		

6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD)		X		
7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? (ESD)			X	
8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD)			X	
9. Be located on expansive soils, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? (ESD)			X	

Discussion- Items VI-1,4:

The proposed project is located on soils classified in the United States Department of Agriculture Soil Survey of Placer County and the United States Department of Agriculture-Natural Resources Conservation Service Web Soil Survey as Auburn silt loam soil. The Soil Surveys do not identify any unique geologic or physical features for the Auburn silt loam soil type. The only limitations identified were for slopes greater than eight percent and bedrock at depths less than 20 inches. Construction of a small commercial building and paved roadway/parking lot improvements will not create any unstable earth conditions or change any geologic substructure.

Discussion- Items VI-2,3:

The project proposal would result in the construction of a new building with associated infrastructure including driveway, parking area, sewer, drainage, and water. To construct the improvements proposed, potentially significant disruption of soils onsite will occur, including excavation/compaction for the onsite building, driveway and parking area improvements, foundations, and various utilities. Approximately one acre will be disturbed by grading activities. The project grading would result in approximately 1,000 cubic yards of soil on the site with approximately 500 cubic yards of soil imported. In addition, there are potentially significant impacts that may occur from the proposed changes to the existing topography. The project proposes soil cuts and fills of up to approximately four feet as identified on the preliminary grading plan and project description. The project's site specific impacts associated with soil disruptions and topography changes will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Items VI-2,3:

MM VI.1 The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section 11 of the Land Development Manual that are in effect at the time of submittal) to the Engineering and Surveying Department for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on and offsite. All existing and proposed utilities and easements, onsite 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 Design Review Committee 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 Engineering and Surveying Department prior to acceptance by the County of site improvements.

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.2 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. 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 Design Review Committee. 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 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 Engineering and Surveying Department.

Submit to the Engineering and Surveying Department 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 Design Review Committee/Engineering and Surveying Department for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the Design Review Committee/Engineering and Surveying Department to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

Discussion- Items VI-5,6:

The disruption of the soil discussed in Items 2 and 3 above, increases the risk of erosion and creates a potential for contamination of storm runoff with disturbed sediment or other pollutants introduced through typical grading practices. In addition, this soil disruption has the potential to modify the existing onsite drainageways by transporting erosion from the disturbed area into local drainageways. Discharge of concentrated runoff after construction could also contribute to these impacts in the long-term. Erosion potential and water quality impacts are always present and occur when soils are disturbed and protective vegetative cover is removed. It is primarily shaping of building pads, grading for transportation systems and construction for utilities that are responsible for accelerating erosion and degrading water quality. The project would increase the potential for erosion impacts without appropriate mitigation measures. The project's site specific impacts associated with erosion will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Items VI-5,6:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM VI.3 Water quality Best Management Practices 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).

Construction (temporary) Best Management Practices for the project include, but are not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Straw Wattles, Storm Drain Inlet Protection (SE-10), Hydroseeding (EC-4), Silt Fence (SE-1), Stabilized Construction Entrance (TC-1), and revegetation techniques.

MM VI.4 Projects with ground disturbance exceeding one-acre that are subject to construction stormwater quality permit requirements of the National Pollutant Discharge Elimination System 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.

Discussion- Items VI-7,8:

The project is located within Placer County. The site is situated near the western margin of the Foothills Fault System (Bear Mountain Fault Zone-½ mile east of the site). The California Department of Mines and Geology classifies the project site as a low severity earthquake zone. The project site is considered to have low seismic risk with respect to faulting, ground shaking, seismically related ground failure and liquefaction. However, there is a potential for the site to be subjected to at least moderate earthquake shaking during the useful life of any future buildings. The project would be constructed in compliance with the California Building Code, which includes seismic standards. These standards are expected to be adequate for the intensity of shaking that may result from any seismic activity. Therefore, this impact is less than significant and no mitigation measures are required.

Discussion- Item VI-9:

According to the United States Department of Agriculture Soil Survey of Placer County and the United States Department of Agriculture-Natural Resources Conservation Service Web Soil Survey, the site is not located on expansive soils. The Soil Survey concluded that the soils at the site were suitable for the proposed type of development. No mitigation measures are required.

VII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS)			X	
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS)			X	
3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (APCD)			X	
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS)				X
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN)		X		
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN)				X
7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN)				X
8. Create any health hazard or potential health hazard? (EHS)		X		
9. Expose people to existing sources of potential health hazards? (EHS)		X		

Discussion- Item VII-1:

The Discount Tire Company Store operations include tire and wheel sales, tire and wheel installations, and ancillary services, such as wheel alignments and tire puncture repairs. This facility will not be conducting fluid service repairs for oil, brake, radiator, transmission repairs nor will it have reportable threshold quantities of hazardous materials onsite. Therefore, the impact for creating a significant hazard to the public or the environment through the routine handling, transport, use or disposal of hazardous or acutely hazardous materials is less than significant. No mitigation measures are required.

Discussion- Item VII-2:

Construction of the proposed project would involve the short-term use and storage of hazardous materials typically associated with grading, such as fuel and other substances. All materials would be used, stored, and disposed of in accordance with applicable federal, state, and local laws including California Occupational Safety and Health Administration requirements and manufacturer's instructions. The proposed project does not pose a risk of accident or upset conditions involving the release of hazardous materials for its construction activities.

Therefore, the impacts associated with the upset and accidental release of hazardous materials is less than significant. No mitigation measures are required.

Discussion- Item VII-3:

Although there is an existing school within a quarter mile to the project location, the project's potential emissions would be less than significant after mitigation implementation and it is not expected to emit hazardous emissions. Therefore, the impacts will be less than significant and no mitigation measures are required.

Discussion- Item VII-4:

The project will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Discussion- Item VII-5:

The project site is approximately one mile southwest of the Auburn Municipal Airport and is within the compatibility overflight area Zone C2 (areas of less frequent overflights). Generally, commercial projects are not a concern within this Zone unless they are uses involving high concentrations of people such as schools or hospitals. While the project is listed as consistent with the Placer County Airport Land Use Compatibility Plan, the Airport Land Use Commission will review the proposed project to determine final consistency and provide project requirements prior to approval of the project at the public hearing.

Mitigation measures- Item VII-5:

MM VII.2 The project shall be reviewed by the Airport Land Use Commission, and must be found to be consistent with the Placer County Airport Land Use Compatibility Plan prior to project approval. Any recommendations by the Airport Land Use Commission will become Conditions of Approval for the project.

Discussion- Item VII-6:

The project is not located within the vicinity of a private airstrip.

Discussion- Item VII-7:

No wildlands are adjacent to the project site and commercial development exists in the immediate vicinity.

Discussion- Item VII-8:

The project will sell and install vehicular tires. The storage of automobile waste tires can create a human health hazard by providing a breeding ground for mosquitoes and rodents. Mosquitoes lay eggs in the interior of a waste tire after a rainfall or during times of standing water. Mosquitoes are a known vector that can cause diseases that harm the public's health such as the West Nile virus. Rodents use waste tires as nesting sites and the proliferation of rodents can cause a nuisance. The project proposes to store all used tires inside the building until properly disposed therefore an environment conducive to vector breeding will not be created.

The California Integrated Waste Management Board requires vehicular tire installers to obtain a waste tire storage permit if the tire facility exceeds 500 waste tires at any one time. The indoor storage capacity of this project is less than 500 tires and the project proponent states that the waste tires will be properly removed when inventory of waste tires reaches approximately 200 waste tires. Therefore, this project will not be required to obtain a waste tire storage permit.

The California Integrated Waste Management Board requires waste tires to be hauled only by a California Integrated Waste Management Board Registered Hauler. If the project proponent wishes to haul waste tires to a waste tire facility then the proponent shall obtain a registration from the California Integrated Waste Management Board as a waste tire hauler (<http://www.ciwmb.ca.gov/Tires/Haulers/>). The following mitigation measures will reduce these impacts to a less than significant level:

Mitigation measures- Item VII-8:

MM VII.3 As a condition of this project, the project will be required to store less than 500 waste tires and all tires must be stored indoors. No exterior storage of tires will be allowed.

The project will be conditioned to require all waste tires to be hauled only by a California Integrated Waste Management Board Registered Hauler in good standing.

Discussion- Item VII-9:

A Phase 1 Environmental Site Assessment was conducted by Moore Twining & Associates, Inc. on March 14, 2008. The Environmental Site Assessment indicated that a septic system and hand dug water well were located onsite. The hand dug water well was properly destroyed and abandoned in 2003. It is not known whether the septic system remains onsite as the buildings were torn down in 2003. There is nothing on record that indicates the septic

tank was properly destroyed via permit through Environmental Health Services. A septic tank that has not been properly abandoned is a potentially hazardous condition, as it can create a safety hazard by cave-ins and sewage overflows.

A pile of miscellaneous debris including tree trimmings, tires and broken concrete was observed in the Phase 1 Environmental Site Assessment. This pile was removed by the owner during environmental review.

The former Holmes BP station and Auburn Honda facility each had leaking underground storage tanks which introduced hazardous materials, diesel, gasoline and other petroleum products into the groundwater. Both of these facilities are located nearby the Discount Tire store proposal. The Auburn Honda site is located approximately 170 feet northeast of the project site and the Holmes BP was located 350 feet south-southeast of the site.

The Holmes BP station has undergone extensive remediation to remove the majority of the petrochemical contamination of the groundwater. The Central Valley Regional Water Quality Control Board, states the residual constituents remaining in the groundwater is limited and the residual mass does not pose a risk to human health. The Central Valley Regional Water Quality Control Board issued a "No Further Action" letter on June 8, 2006.

The former Auburn Honda facility is undergoing review with the Central Valley Regional Water Quality Control Board for the leaking underground storage tank and the resulting groundwater contamination. Due to the residual concentrations of petroleum hydrocarbons remaining in the soil and groundwater onsite, and the historical variability of the groundwater flows, a release from this facility could impact the project site. However, a discharge is unlikely as this facility is no longer in operation.

Both former facilities are under Central Valley Regional Water Quality Control Board scrutiny and discharges to the project site are considered unlikely. Thus, the impact of exposure to existing sources of potential health hazards is less than significant for the former Holmes BP station and the Auburn Honda facility. The unknown location of the septic tank onsite is a potentially significant health hazard that will be reduced to a less than significant level with the inclusion of the following mitigation measures:

Mitigation measures- Item VII-9:

MM VII.4 As a condition of the project, the Improvement and/or Grading Plans shall include a note that if a septic tank is discovered during the grading and improvement activities, the contractor will obtain a septic tank destruction permit from Environmental Health Services. The septic tank shall be properly destroyed under permit from Environmental Health Services.

VIII. HYDROLOGY & WATER QUALITY – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Violate any potable water quality standards? (EHS)			X	
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS)			X	
3. Substantially alter the existing drainage pattern of the site or area? (ESD)			X	
4. Increase the rate or amount of surface runoff? (ESD)		X		
5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD)		X		
6. Otherwise substantially degrade surface water quality?(ESD)		X		
7. Otherwise substantially degrade ground water quality? (EHS)			X	

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8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD)				X
9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD)				X
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD)				X
11. Alter the direction or rate of flow of groundwater? (EHS)			X	
12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD)		X		

Discussion- Item VIII-1:

The project will be served by a publicly available water supply (Nevada Irrigation District). This agency is in compliance with state and federal regulations with regard to potable water supply. The potential for the project to violate potable water quality standards is less than significant. No mitigation measures are required.

Discussion- Items VIII-2,7,11:

The project proposes the use of publicly treated surface water supplies, so there are no direct impacts to groundwater quantity, quality, or direction due to well withdrawals. There was hand dug water well on the property, which was properly abandoned by permit through Environmental Health Services in 2003. The removal of the water well prevents any impacts to groundwater quality or direction change due to well withdrawals. However, the introduction of commercial uses and impervious surfaces can have indirect groundwater recharge capability impacts in some areas. The soil types in the project area are not conducive to groundwater recharge, except in drainage ways. Therefore, the impacts relating to groundwater recharge, altering the direction or rate of flow of groundwater, and otherwise substantially degrading groundwater quality are less than significant. No mitigation measures are required.

Discussion- Item VIII-3:

A preliminary drainage report was prepared by the applicant's engineer. The site is a vacant lot with existing roadway improvements on the north and west sides. There are existing sub-surface drainage systems in Willow Creek Drive and SR 49. The site drains generally eastward toward SR 49. The project has analyzed a drainage system that will change the onsite drainage patterns due to the construction of proposed buildings, parking area, as well as some underground storm drain systems. However, the project will continue to convey flows to existing discharge points. The proposed improvements change the direction of existing onsite surface water runoff due to the proposed onsite improvements. However, the change in direction from existing onsite surface runoff is considered less than significant as the overall onsite watershed runoff continues to be conveyed to the same existing discharge points as the pre development conditions and ultimately into the Rock Creek watershed. Therefore, this impact is less than significant and no mitigation measures are required.

Discussion- Item VIII-4:

The proposed project will increase impervious surfaces including onsite parking areas and buildings. This increase in impervious surfaces typically has the potential to increase the stormwater runoff amount and volume. The potential for increases in stormwater runoff have the potential to result in downstream impacts. A preliminary drainage report was prepared for the project. The post project flows identified in the report indicated an increase in flows from pre development levels. The project is located in a portion of the Auburn Bowman Community Plan area where onsite detention is recommended. The project proposes to ensure that the quantity of post development peak flow from the project is, at a minimum, no more than the pre-development peak flow quantity by installing detention facilities.

The post development volume of runoff will be higher due to the increase in proposed impervious surfaces; however, this is less than significant because the project proposes detention facilities designed to handle the increase in peak flow runoff.

A final drainage report will be prepared and submitted with the site improvement plans for County review and approval in order to monitor the preliminary report drainage calculations and results. The proposed project's

impacts associated with increases in runoff will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Item VIII-4:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM VIII.1 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 on and offsite improvements and drainage easements to accommodate flows from the 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 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.2 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. 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. The Engineering and Surveying Department 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 onsite detention requirements are waived, the 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.

Discussion- Items VIII-5,6:

The construction of the proposed improvements has the potential to degrade water quality. Stormwater runoff naturally contains numerous constituents; however, urbanization and urban activities including development and redevelopment typically increase constituent concentrations to levels that potentially impact water quality. Pollutants associated with stormwater include, but are not limited to, sediment, nutrients, oils/greases, etc. The proposed urban type development has the potential to result in the generation of new dry-weather runoff containing said pollutants and also has the potential to increase the concentration and/or total load of said pollutants in wet weather stormwater runoff. The project is located within the area covered by Placer County's municipal stormwater quality permit, pursuant to the National Pollutant Discharge Elimination System Phase II program and the project-related stormwater discharges are subject to all applicable requirements of said permit. The proposed project's impacts associated with water quality will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Items VIII-5,6:

Refer to text in MM VI.1

Refer to text in MM VI.2

Refer to text in MM VI.3

Refer to text in MM VI.4

Refer to text in MM VIII.1

MM VIII.3 Water quality Best Management Practices 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).

Storm drainage from on and offsite 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 include, but are not limited to: Water Quality Inlets (TC-50), Storm Drain Signage (SD-13), etc. 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 Best Management Practices shall be maintained as required to ensure 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 Engineering and Surveying Department 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 or Final Map 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.4 Best Management Practices shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff in accordance with "Attachment 4" of Placer County's National Pollutant Discharge Elimination System Municipal Stormwater Permit (State Water Resources Control Board National Pollutant Discharge Elimination System General Permit No. CAS000004).

Discussion- Items VIII-8,9,10:

The project site is not located within a 100-year flood hazard area as defined and mapped by the Federal Emergency Management Agency. The project improvements are not proposed within a local 100-year flood hazard area and no flood flows would be redirected after construction of the improvements. The project site is not located within any levee or dam failure inundation area.

Discussion- Item VIII-12:

The proposed project is located within the Rock Creek watershed. The proposed project's impacts associated with impacts to surface water quality will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Item VIII-12:

- Refer to text in MM VI.1
- Refer to text in MM VI.2
- Refer to text in MM VI.3
- Refer to text in MM VI.4
- Refer to text in MM VIII.1
- Refer to text in MM VIII.3
- Refer to text in MM VIII.4

IX. LAND USE & PLANNING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Physically divide an established community? (PLN)				X
2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect? (EHS, ESD, PLN)			X	
3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN)				X
4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN)				X
5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN)				X

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6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN)				X
7. Result in a substantial alteration of the present or planned land use of an area? (PLN)				X
8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN)			X	

Discussion- Item IX-1:

The project site is proposed to be developed commercially and all development in the area is also commercial. Due to the consistency of the proposed use with existing uses in the vicinity, no community would be divided by the project as proposed.

Discussion- Item IX-2:

The Auburn Bowman Community Plan land use designation for the project site is Mixed Use and the site Zoning is CPD-Dc (Commercial Planned Development), combining Design Scenic Corridor. The proposed use (auto parts sales) and intensity of use (square footage) are consistent with both Community Plan policies and Zoning Ordinance standards. This is a less than significant impact and no mitigation measures are required.

Discussion- Item IX-3:

The project does not conflict with any applicable habitat conservation plan or natural community conservation plan or other County policy, plan or regulation adopted for the purpose of avoiding or mitigating environmental effects.

Discussion- Item IX-4:

The proposed project will be developed as a retail tire store. As indicated in Item 1 above, the project site is adjacent to similar land uses and would not create land use conflicts.

Discussion- Item IX-5:

The project site is currently undeveloped and does not support agricultural or timber uses. Site development would not have an impact to soils, operations or plans associated with these uses.

Discussion- Item IX-6:

The proposed project will not divide or disrupt the physical arrangement of an established community, nor have a significant impact on a low-income or minority community.

Discussion- Item IX-7:

The proposed project will not result in a substantial alteration of the present or planned land use. The site is currently undeveloped and, as indicated above, the project is consistent with County plans for this site.

Discussion- Item IX-8:

The proposed project is a Discount Tire Company Store and is adjacent to an existing Les Schwab Tire Center. Because the proposed use is identical to an adjacent existing use, market competition is likely. However, the possibility for economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration does not exist for the project due to the limited scope of the potential economic impacts. The North Auburn Market and Commercial Study (January 2007, by Marie Jones Consulting—Section 5.2) indicates that local retail trade will continue to grow in North Auburn due to existing unmet demand for local retail and the anticipated population growth of the area. Although it is not anticipated that either business would fail, in the event that one of the businesses is forced out of business, another retailer is likely to take occupancy of the vacated structure in a short amount of time. Therefore the project would have a less than significant impact on urban decay or deterioration. No mitigation measures are required.

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X. MINERAL RESOURCES – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN)			X	
2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN)				X

Discussion- Item X-1:

The Mineral Land Classification of Placer County (California Department of Conservation–Division of Mines and Geology, 1995), was prepared for the purpose of identifying and documenting the various mineral compounds found in the soils of Placer County. The Classification is comprised of four primary mineral deposit types: those mineral deposits formed by mechanical concentration (placer gold); those mineral deposits formed by hydrothermal processes (lode gold, silver, copper, zinc and tungsten); industrial mineral deposits formed by magmatic processes (chromite); and construction aggregate resources and other deposits formed by diverse processes (sand, gravel, crushed stone, decomposed granite, clay, shale, quartz).

With respect to those deposits formed by mechanical concentration, the site and immediate vicinity are classified as Mineral Resource Zone 1 (MRZ-1), meaning, this is an area of no mineral resource significance.

With respect to those mineral deposits formed by hydrothermal processes, the site and vicinity have been classified as Mineral Resource Zone 3a (MRZ-3a). Specifically, this is the Western County Region (h-9), where copper, zinc and lode gold are likely to exist. However, the site has never been documented as containing a mine and the nearest mines are several gold and silver mines, each approximately one mile away.

The site is located in an area classified for chromite (MRZ-3a (m-1)). The Mineral Land Classification report states that no significant reserves of chromite exist at this location, although small ore bodies could be present. As there have been no past or present plans to mine the site, the proposed development does not represent a loss in the availability of a known mineral resource.

Implementation of the proposed project will result in less than significant impacts to mineral resources. No mitigation is required.

Discussion- Item X-2:

No recovery site has been delineated on the subject property or vicinity. Therefore, no impacts to the availability of locally-important mineral resources would occur as a result of the development of this site.

XI. NOISE – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (PLN)				X
2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)				X
3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)		X		

4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (PLN)			X	
5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X

Discussion- Item XI-1:

The project does not have the potential to expose people to noise levels in excess of standards contained in the Auburn Bowman Community Plan because the bay doors face west, away from the public areas, and toward the parking lot, and there are no sensitive receptors in the project area. In addition, the project as proposed will not be negatively impacted from noise generating sources as it is not considered a sensitive receptor because the use is commercial.

Discussion- Item XI-2:

The project will not cause a permanent substantial increase in the ambient noise levels because the commercial activity proposed for the site will be essentially the same type of activity that exists on surrounding properties.

Discussion- Item XI-3:

Construction of the project, through build-out, will increase ambient noise levels. Although the project site is surrounded by commercial development, residential development exists in the vicinity and may be negatively impacted. This impact is considered to be temporary and less than significant. Construction noise is exempt from the provisions of the Placer County Noise Ordinance provided that the hours of construction activity are limited. However, the following mitigation measures will be implemented to avoid any significant impacts as a result of project construction.

Mitigation measures- Item XI-3:

MM XI.1 The following restriction on hours of construction activity will be required:

"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 four foot by four foot shall be located throughout the project, 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 developer/builder will respond and resolve noise violations."

Discussion- Item XI-4:

The project is located within an airport land use plan, however, the C2 Zone applies to parcels over which planes fly in excess of 1,000 feet in elevation. As a result, the noise from the airport would not expose people working in the project area to excessive noise levels. No mitigation measures are required.

Discussion- Item XI-5:

The project is not located within the vicinity of a private airstrip and would not expose people residing or working to excessive noise levels.

XII. POPULATION & HOUSING – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN)				X

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2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN)				X
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Discussion- All Items:

The project will not induce significant population growth nor displace substantial numbers of existing housing because it is a relatively minor in-fill development of an existing commercial corridor.

XIII. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Fire protection? (EHS, ESD, PLN)			X	
2. Sheriff protection? (EHS, ESD, PLN)			X	
3. Schools? (EHS, ESD, PLN)				X
4. Maintenance of public facilities, including roads? (EHS, ESD, PLN)			X	
5. Other governmental services? (EHS, ESD, PLN)				X

Discussion- All Items:

The Placer County Fire Department provides fire protection services to the project area; the Placer County Sheriff's Department provides police protection services to the project area; the Placer County Department of Public Works is responsible for maintaining County roads; schools serving the site include Auburn Elementary and Placer Union High School.

Because the proposed project is consistent with the underlying land use designations, the project development will result in a negligible additional demand on the need for these public services. The proposed project is not anticipated to impact schools. As is required for all new projects, "Will Serve" letters will be required from these public service providers. The incremental increase in demand for these services will not result in significant impacts associated with the construction of new or physically altered governmental services or facilities. No mitigation measures are required.

XIV. RECREATION – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN)				X
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN)				X

Discussion- All Items:

The proposed project will not generate an increase in the use of, or include the construction of recreational facilities or neighborhood or regional parks.

XV. TRANSPORTATION & TRAFFIC – Would the project result in:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (ESD)		X		
2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD)		X		
3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD)			X	
4. Inadequate emergency access or access to nearby uses? (ESD)			X	
5. Insufficient parking capacity onsite or offsite? (ESD, PLN)				X
6. Hazards or barriers for pedestrians or bicyclists? (ESD)				X
7. Conflicts with adopted policies supporting alternative transportation (i.e. bus turnouts, bicycle racks)? (ESD)				X
8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (PLN)				X

Discussion- Items XV-1,2:

The project proposal would result in the construction of an approximately 7,000 square foot tire store building on a vacant parcel. The proposed project at build out will generate approximately 30 PM peak hour trips, and approximately 300 average daily trips. With the project traffic added to the existing traffic volumes, all roadway segments and intersections project near the will continue to operate within acceptable level of service standards. The increases in traffic due to the project are consistent with those anticipated in the Auburn Bowman Community Plan both individually and on a cumulative basis. For potential cumulative impacts, the Auburn Bowman Community Plan includes a fully funded Capital Improvement Program, which with payment of traffic mitigation fees for the ultimate construction of the Capital Improvement Program improvements, would help reduce the cumulative traffic impacts to less than significant levels. The proposed project's impacts associated with increases in traffic will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Items XV-1,2:

MM XV.1 The project will be subject to the payment of traffic impact fees that are in effect in this area (Auburn Bowman), 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

The current total combined estimated fee is \$46,459.98 for an approximately 7,000 square foot tire store facility. The fees were calculated using the information supplied. If the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.

Discussion- Item XV-3:

The project proposes to construct frontage improvements along Willow Creek Drive including curb, gutter, and six foot sidewalks consistent with Placer County road standards. The proposed project will be constructing two encroachments onto existing County maintained roadways. The encroachments will be constructed to Placer County Land Development Manual standards. Access will be maintained to the existing parcels to the south and west. Therefore, this impact is less than significant and no mitigation measures are required.

Discussion- Item XV-4:

The servicing fire district has provided comments on the proposed project and has not identified any impacts from inadequate emergency access. The Auburn Bowman Community Plan identifies a roadway connection between Willow Creek Drive and Masters Court to provide a parallel route for alternative circulation off SR 49. The project is proposing to dedicate appropriate right-of-way widths for one-half of the connector road along the western property boundary to allow for the future construction of this connector road. The applicant has identified the impacts from the construction of this connector road by providing preliminary grading plans showing the potential roadway construction. However, the County will be recommending that the project be required to pay a fee "in-lieu" of constructing one half of the roadway. With the inclusion of the connector roadway right-of-way, the proposed project does not impact the access to any nearby use. Therefore, this impact is less than significant and no mitigation measures are required.

Discussion- Item XV-5:

The project proposes the construction of approximately 6,320 square feet of retail space. Based on the Placer County minimum onsite parking requirement of one space for every 1,500 square feet of commercial use for auto parts sales, a minimum of five new parking spaces are required for the project. In total, 32 new spaces are provided, therefore, the onsite capacity is more than sufficient.

Discussion- Item XV-6:

The proposed project will be constructing site improvements that do not create any hazards or barriers for pedestrians or bicyclists. The road frontages of Willow Creek Drive and SR 49 will have sidewalks/pedestrian paths.

Discussion- Item XV-7:

The proposed project will not conflict with any existing policies or preclude anticipated future policies, plans, or programs supporting alternative transportation.

Discussion- Item XV-8:

The project will not result in a change in air traffic patterns as it is a relatively minor in-fill development of an existing commercial corridor.

XVI. UTILITIES & SERVICE SYSTEMS – Would the project:

Environmental Issue	Potentially Significant Impact	Less Than Significant with Mitigation measures	Less Than Significant Impact	No Impact
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD)		X		
2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD)		X		
3. Require or result in the construction of new onsite sewage systems? (EHS)				X
4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD)			X	

5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS)			X	
6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD)		X		
7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS)			X	

Discussion- Items XVI-1,2,6:

Wastewater treatment will be provided by Placer County Sewer Maintenance District Number 1. The project will stub a new service onto the site. New sewer infrastructure will be required to be constructed to Placer County Standards and satisfy the requirements as stated in the Will Serve Requirements Letter (dated 2/9/09). Approval of Improvement Plans will be required by the County for the connection to the County's transmission system.

The project will add wastewater flow equivalent to approximately 1.5 equivalent dwelling units to the wastewater conveyance and treatment systems. The sewage generated by the proposed project would be typical of commercial development and is not expected to cause the existing treatment facilities to exceed the Regional Board's treatment process requirements. However, the treatment facility does experience hydraulic surcharging (overloading) during certain peak wet weather storm events. The Highway 49 trunk sewer line also currently exhibits capacity issues during peak wet weather storm events. The trunk sewer line to the treatment plant exhibits surcharging conditions in various sections during a 10-year storm event under existing conditions. During recent storm events, both the existing wastewater conveyance and treatment systems experienced hydraulic surcharging. The project will contribute additional flow to the Highway 49 trunk sewer line and will exacerbate a stressed wastewater system. This increase in sewer flows has the potential to exceed the sewer system capacity during peak wet weather storm events and could result in potentially significant impacts without appropriate mitigation measures. The proposed project's impacts associated with increases in sewer flows will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation measures- Items XVI-1,2,6:

Refer to text in MM VI.1

Refer to text in MM VI.2

MM XVI.1 The applicant shall implement an offsite 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 offsite mitigation program will replace and/or rehabilitate sewer infrastructure to, in effect, create capacity within the existing system equivalent to the project's peak wet weather flows as determined by the Environmental Engineering Division.

In lieu of implementing an offsite mitigation program, the applicant may pay a fee of four thousand dollars (\$4,000.00) per equivalent dwelling units (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.

Discussion- Item XVI-3:

The project will not require or result in the construction of new onsite sewage disposal systems.

Discussion- Item XVI-4:

The storm water will be collected in the onsite drainage facilities and conveyed via an underground storm drain system into an existing underground storm drain system. The existing system has the capacity to accept flows from the proposed project since the proposed project will not increase any downstream flows from the pre development condition with the construction of detention facilities. The project proposes the construction of a storm drain system to Placer County standards. The construction of these facilities will not cause significant environmental effects. Therefore, this impact is less than significant and no mitigation measures are required.

Discussion- Item XVI-5:

The project will result in the construction of new water and wastewater delivery and collection facilities. The Nevada Irrigation District and the Placer County Facility Services Department respectively have indicated their willingness and ability to service the project for public water and sewer services. Thus, this impact is less than significant and no mitigation measures are required.

Discussion- Item XVI-7:

The project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with local and state regulations. The solid waste will be deposited in the Western Regional Sanitary Landfill in Roseville, California. The Auburn Placer Disposal Company has indicated that they are willing and able to serve the project for solid waste disposal services. Thus, this impact is less than significant and no mitigation measures are required.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

Environmental Issue	Yes	No
1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have the potential for impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X
3. Does the project have environmental effects, which will cause the potential for substantial adverse effects on human beings, either directly or indirectly?		X

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

<input checked="" type="checkbox"/> California Department of Fish and Game	<input type="checkbox"/> Local Agency Formation Commission (LAFCO)
<input type="checkbox"/> California Department of Forestry	<input type="checkbox"/> National Marine Fisheries Service
<input type="checkbox"/> California Department of Health Services	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> California Department of Toxic Substances	<input type="checkbox"/> U.S. Army Corp of Engineers
<input checked="" type="checkbox"/> California Department of Transportation	<input type="checkbox"/> U.S. Fish and Wildlife Service
<input type="checkbox"/> California Integrated Waste Management Board	<input type="checkbox"/>
<input checked="" type="checkbox"/> California Regional Water Quality Control Board	<input type="checkbox"/>

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

Planning Department, Gerry Haas, Chairperson
 Engineering and Surveying Department, Phillip A. Frantz
 Engineering and Surveying Department, Wastewater, Janelle Heinzler

Department of Public Works, Transportation
 Environmental Health Services, Grant Miller
 Air Pollution Control District, Tom Thompson
 Flood Control Districts, Andrew Darrow
 Facility Services, Parks, Andy Fisher
 Placer County Fire/CDF, Bob Eicholtz/Brad Albertazzi

Gina Langford

Signature _____ Date March 13, 2009
 Gina Langford, Environmental Coordinator

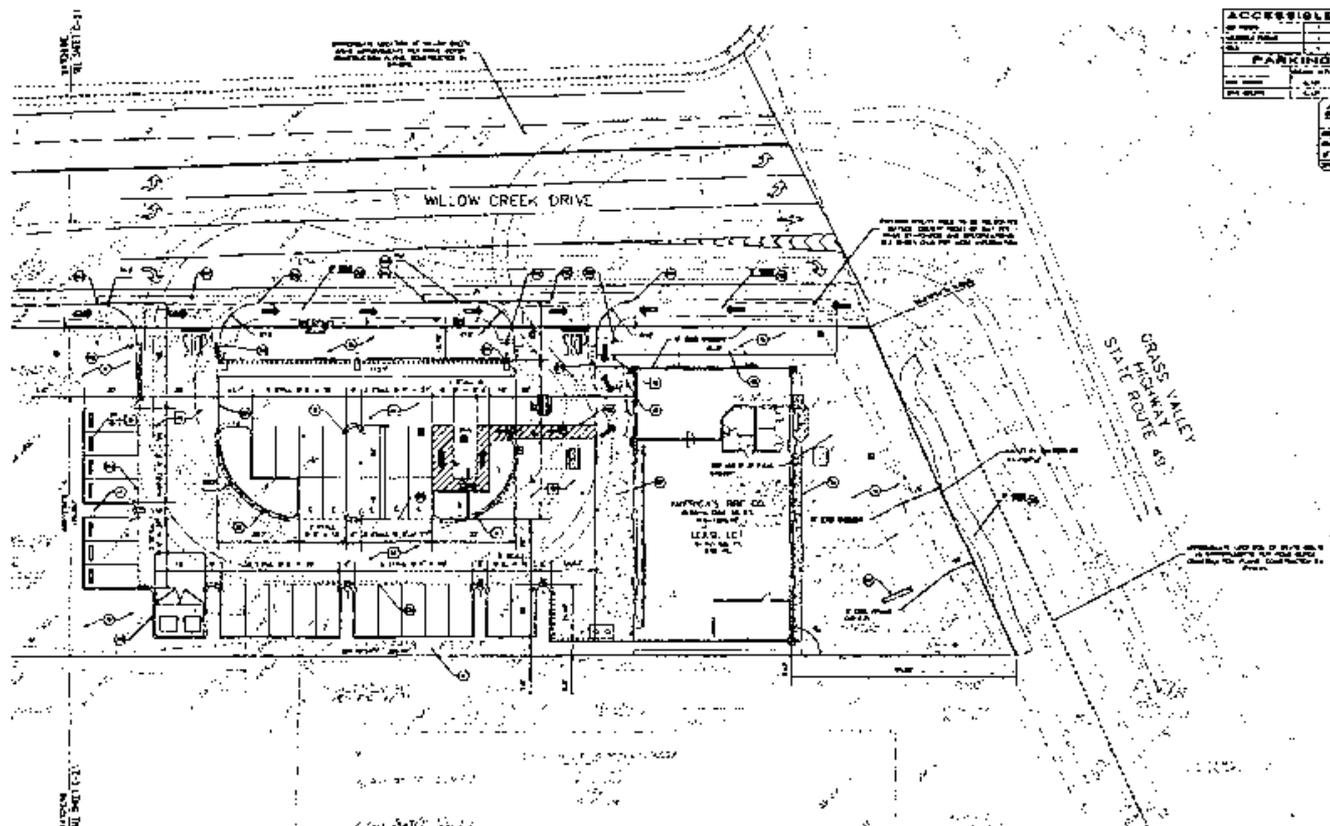
I. SUPPORTING INFORMATION SOURCES:

The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Suite 190, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

County Documents	<input checked="" type="checkbox"/> Community Plan	
	<input checked="" type="checkbox"/> Environmental Review Ordinance	
	<input checked="" type="checkbox"/> General Plan	
	<input checked="" type="checkbox"/> Grading Ordinance	
	<input checked="" type="checkbox"/> Land Development Manual	
	<input type="checkbox"/> Land Division Ordinance	
	<input checked="" type="checkbox"/> Stormwater Management Manual	
	<input checked="" type="checkbox"/> Tree Ordinance	
Trustee Agency Documents	<input type="checkbox"/> Department of Toxic Substances Control	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
Site-Specific Studies	Planning Department	<input checked="" type="checkbox"/> Acoustical Analysis
		<input checked="" type="checkbox"/> Biological Study
		<input checked="" type="checkbox"/> Cultural Resources Pedestrian Survey
		<input type="checkbox"/> Cultural Resources Records Search
		<input checked="" type="checkbox"/> Lighting & Photometric Plan
		<input checked="" type="checkbox"/> Paleontological Survey
		<input checked="" type="checkbox"/> Tree Survey & Arborist Report
		<input type="checkbox"/> Visual Impact Analysis
	<input checked="" type="checkbox"/> Wetland Delineation	
	<input type="checkbox"/>	
	<input type="checkbox"/>	
	Engineering & Surveying Department, Flood Control District	<input type="checkbox"/> Phasing Plan
		<input checked="" type="checkbox"/> Preliminary Grading Plan
		<input checked="" type="checkbox"/> Preliminary Geotechnical Report
		<input checked="" type="checkbox"/> Preliminary Drainage Report
		<input checked="" type="checkbox"/> Stormwater & Surface Water Quality BMP Plan

		<input type="checkbox"/> Traffic Study
		<input type="checkbox"/> Sewer Pipeline Capacity Analysis
		<input checked="" type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available)
		<input type="checkbox"/> Sewer Master Plan
		<input checked="" type="checkbox"/> Utility Plan
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____
	Environmental Health Services	<input type="checkbox"/> Groundwater Contamination Report
		<input type="checkbox"/> Hydro-Geological Study
		<input checked="" type="checkbox"/> Phase I Environmental Site Assessment
		<input type="checkbox"/> Soils Screening
		<input type="checkbox"/> Preliminary Endangerment Assessment
		<input type="checkbox"/> _____
	Air Pollution Control District	<input type="checkbox"/> CALINE4 Carbon Monoxide Analysis
		<input checked="" type="checkbox"/> Construction Emission & Dust Control Plan
		<input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos)
		<input type="checkbox"/> Health Risk Assessment
		<input checked="" type="checkbox"/> URBEMIS Model Output
		<input type="checkbox"/> _____
	Fire Department	<input type="checkbox"/> Emergency Response and/or Evacuation Plan
		<input type="checkbox"/> Traffic & Circulation Plan
<input type="checkbox"/> _____		
Mosquito Abatement District	<input type="checkbox"/> Guidelines and Standards for Vector Prevention in Proposed Developments	
	<input type="checkbox"/> _____	

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ACCESSIBLE PARKING			
NO. OF SPACES	STANDARD	MINIMUM	MAXIMUM
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10

PARKING RATIO			
NO. OF SPACES	STANDARD	MINIMUM	MAXIMUM
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10

ACREAGE SUMMARY			
NO. OF ACRES	STANDARD	MINIMUM	MAXIMUM
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10



Vicinity Map

LEGEND



- NOTES BY DATE**
1. All construction shall be in accordance with the plans and specifications.
 2. All work shall be done in accordance with the plans and specifications.
 3. All work shall be done in accordance with the plans and specifications.
 4. All work shall be done in accordance with the plans and specifications.
 5. All work shall be done in accordance with the plans and specifications.
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 10. All work shall be done in accordance with the plans and specifications.

Call USA at:
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