

CONDITIONS OF APPROVAL

Design Review Permit DR20-0009/The Bean Barn Planning and Building Department Director/December 8, 2021

Planning Services

1. The Design Review Permit is based upon and limited to compliance with the project description, the hearing exhibits, and conditions of approval set forth below.

The application is a request for a Design Review Permit for the construction of a 360-square-foot commercial structure to be used as a drive-thru coffee shop on a currently vacant commercial property. The coffee shop structure will be a rectangular building to include brown lap siding, white trim board, and white board and batten siding on all sides of the exterior. There will be a metal canopy installed above the drive-thru window on the western elevation of the coffee shop structure. On both sides of the drive-thru window, there will be either a company art piece or a menu board. Entry to the coffee shop structure is along the southern elevation. The proposed structure will be constructed on the southern portion of the property alongside drive-thru and parking lot improvements. The drive-thru will be constructed to reasonably handle four stacked cars. Proposed parking includes ten parking stalls, of which one is American with Disabilities Act (ADA) compliant. New landscaping is proposed around the eastern, southern, and western perimeter of the proposed pavement. Landscaping will make use of low and very low water usage plants including Western Redbud and Catawba Crape Myrtle trees and five species of shrubs interspersed between the tree plantings. No new landscaping is proposed along the northern property boundary due to the existing large oak trees which provide natural screening of the site. No protected plant species will be removed or impacted as a result of this project. There will be grading associated with this project which is expected to result in 33-cubic-yards of fill and 516-cubic-yards cut for a total of 483-cubic-yards of soil exported from the site. The project proposes to connect to public utilities including El Dorado Irrigation District (EID) for water and sanitation and PG&E for electric service.

This project, as proposed, is consistent with all applicable development standards, General Plan policies, and project exhibits labeled Exhibits F through J.

Exhibit F.....	Site Plan
Exhibit G.....	Grading and Drainage Plan
Exhibit H.....	Exterior Elevations and Interior Floor Plans
Exhibit I.....	Stacking Lane Site Plan
Exhibit J.....	Cameron Park Design Review Committee Comments

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require

approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Planning Review of Plan Modifications:** Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Planning Director.
3. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24-months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with Conditions of Approval.
4. **Lighting:** All building and parking lot lighting shall be designed so as to direct light downwards (top and side shielded). Lights shall be placed so that no glare or light spills over onto an adjoining property or established road right-of-way consistent with Chapter 130.34: Outdoor Lighting. Should final, installed lighting be non-compliant the development standards as required in Chapter 130.34, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Planning and Building Department.
5. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Design Review Permit.

6. **Archeological Resources:** The following shall be incorporated as notes on the grading/improvement plans: In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50-feet of the discovery until an archeologist can examine the find in place. If the

find is determined to be a “unique archeological resource,” contingency funding, and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource,” the archeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “non-unique archeological resource.”

7. **Human Remains:** In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24-hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48-hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

Cameron Park Design Review Committee

8. **Consistent Design Aesthetic:** The primary structure is relatively small, and there is another structure (storage) indicated on the site. Both structures must be of similar design, with earth-tone colors and brick or other natural materials used around the base of the buildings to be more in keeping with the rural setting and nearby commercial structures. The shed must be combined with the trash enclosure to reduce any “disjointed” appearance of the project. Another alternative option may be considered by re-siting the trash enclosure to a location on site which would better conceal the

enclosure. Planning Services will verify compliance with this condition during the building permit planning plan check review process.

9. **Perimeter Landscaping:** Landscaping along property lines is required to be at least ten-feet in depth.
10. **Fencing:** If fencing should be installed in the future, it must be attractive. Attractive fencing cannot include wire, chain-link, etc. Attractive fencing may include low brick pillars separated with ornamental iron. However, another option which is in keeping with the rural setting and nearby commercial uses may be considered.
11. **Ground Mounted Equipment:** All ground mounted equipment must be screened with landscaping.
12. **Roof-Mounted Items:** Given the proposed design and small stature of the building, any roof-mounted items must not be visible from the adjacent streets.

Air Quality Management District

13. **Fugitive Dust:** The project construction will involve grading and excavation operations which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process whether or not a dust plan is required. A Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the County's Air Quality Management Department (AQMD) prior to start of project construction if a Grading Permit is required from the Building Department. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
14. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
15. **Painting/Coating:** The project construction will involve the application of architectural coatings, which shall adhere to AQMD Rule 215, Architectural Coatings.
16. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.
17. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25-horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (Section 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the

regulation can be found at ARB's website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment>. Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.

18. **New Point Source:** Prior to construction, installation or use of any new emissions sources exceeding AQMD permit thresholds (e.g. propane heaters/boilers aggregating > 1 Million British Thermal Units per Hour (MMBH), emergency standby engine rated at 50-horsepower or greater, etc.); an Authority to Construct application shall be submitted to the AQMD. Applications shall include facility diagram(s), process flow charts, equipment specifications, and emissions or emission factors for each source of emissions pursuant to Rule 501, General Permit Requirements and Rule 523, New Source Review.
19. **Portable Equipment:** All portable combustion engine equipment with a rating of 50-horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration shall be with pertinent equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.
20. **Electric Vehicle Charging – Non-Residential:** The project shall comply with the Non-Residential Mandatory Measures identified in the 2019 Cal Green Building Code Section 5.106.5.3 concerning installation of electric vehicle supply equipment (EVSE). Plans shall include; the location(s) and type of EVSE, a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit originating at a service panel with sufficient capacity to accommodate a minimum 40-amp dedicated circuit, and terminating in a suitable enclosure in close proximity to the proposed location of the charging equipment. Plans, specifications and electrical calculations shall show the electrical system has sufficient capacity to simultaneously charge all required electric vehicles at their full rated amperage. Raceways shall be installed from the electrical service panel to the designated parking areas at the time of initial construction. Please refer to Cal Green Building Stds Code Section 5.106.5.3 for specific requirements: https://www.edcgov.us/Government/building/pages/California_building_standards_in_effect.aspx.

Cameron Park Airport District

21. **Obstruction Heights:** The overall height of the structures and landscaping (both present and future) shall not penetrate the transitional surface along the runway approach per the Comprehensive Land Use Plan. An Federal Aviation Administration (FAA) request form 7460-1, Notice of Proposed Construction or Alteration shall be filed with the FAA copied to CalTrans Division of Aeronautics and Cameron Park Airport District (CPAD) to determine if any project remediation is necessary. Proof of the filing including the FAA response shall be submitted to Planning Services prior to issuance of a building permit. CPAD requests that it is also provided with a copy of the proof of filing and any associated correspondence.

22. **Temporary Obstructions:** Use of equipment such as cranes, boom-type concrete pumps, etc., must comply with the notice and marking requirements of 14CFR Part 77(c), California Public Utilities Code 21659, and FAA AC 70/7460-1M (obstruction marking and lighting). Such equipment may cause a significant safety hazard; as such, CPAD requests that notice of any intended use of such obstruction equipment is provided to the Airport Manager (530-676-8316 and manager@cameronparkairport.com) at least three (3) business days prior to the work for purposes of publishing required Notices to Airmen with the FAA.
23. **Solar Glare:** Use of solar panels, if any, shall not cause hazardous glare to aircraft approaching Cameron Park Airport's runways. Projects with ground or roof-mounted panels, even if below the height limitations, must still submit a case to the FAA for analysis to ensure that the project does not cause such hazardous glare. The same Form 460 FAA used for height/elevation determinations will initiate a no-cost FAA aeronautical study of the project and will produce a determination of hazard or no hazard. The 7460 case data can be completed as a hard copy or online at the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) website – <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
24. **Avigation Easement:** The developer shall file a current El Dorado County Avigation and Noise Easement to the title of the property, which shall be submitted to Planning Services prior to issuance of a building permit.

Department of Transportation: Project Specific Conditions

25. **Waiver of Direct Access Rights:** Waive direct access rights to Cameron Park Drive.
26. **Deferred Frontage Agreement:** Construct Frontage Improvements along Cameron Park Drive and Mira Loma Drive, consisting of Asphalt Concrete Dike on Mira Loma Drive, and portland cement concrete curb, gutter, and sidewalk on Cameron Park Drive. In lieu of constructing such improvements, enter into a deferred frontage agreement with the County to pay the estimated value of the improvements to the County for use in a future Capital Improvement Project at the intersection of Cameron Park Drive and Mira Loma Drive. Retain a licensed Civil Engineer to estimate the value, and obtain approval of the estimate from County Engineer. Execute the deferred frontage agreement prior to the issuance of building permits.

Department of Transportation: Standard Conditions

27. **Consistency with County Codes and Standards:** Obtain approval of project improvement plans and cost estimates consistent with County Standards (as may be modified by these Conditions of Approval or by approved Design Waivers) from the County's Department of Transportation (DOT) and pay all applicable fees prior to implementing the approved use. Ensure the project improvement plans and grading plans conform to the County Grading, Erosion and Sediment Control Ordinance, Grading

Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and Loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).

28. **Stormwater Management:** Construct post construction storm water mitigation measures to capture and treat the 85th percentile 24-hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan. Show detention, retention, and/or treatment facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual.
29. **Geotechnical Report:** For any public improvements, prepare and submit a Geotechnical Report with the Project Grading or Improvement plans for review by the County Engineer. Incorporate the findings of the Report into Grading and Improvement Plans. The El Dorado County Grading Design Manual contains standards for content and scope of Geotechnical Reports; however, the County Engineer may require additional or specialized information.
30. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on new or reconstructed drainage inlets, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. Obtain approval of proposed message from County Engineer prior to construction.
31. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Grading and Improvement Plans prior to the start of construction of improvements.

Grading or Improvement plans may be approved prior to obtaining regulatory permits or agreements, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect such permits or agreements.

Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.

32. **Electronic Documentation:** Upon completion of the required public improvements, provide As-Built Plans to the County Engineer in TIFF or PDF format, and provide final Drainage and Geotechnical reports, and structural wall calculations to the County Engineer in PDF format.

Environmental Management

33. **Environmental Management Review:** This project will be served by public water and sewer. As such, please submit a service request to the El Dorado County Environmental Management Department (EMD) for plan review and approval prior to construction. The

Bean Barn proposed will be classified as a “retail food facility” and will be required to be constructed to the standards of the California Retail Food Code. An annual health permit will also be required once the facility has been built and is ready to open.

34. **General Recycling Requirements:** State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. Please visit the following website to view El Dorado County’s Construction & Demolition Debris Recycling Ordinance Program information and requirements: https://www.edcgov.us/Government/emd/solidwaste/Pages/construction_and_demolition_debris_recycling.aspx. If after reviewing this information you still have questions, you’re welcome to call EMD at (530)621-5300.
35. **Mandatory Commercial Recycling (AB 341):** State law requires that all non-residential dwellings that generate at least two cubic yards of solid waste per week to have a recycling program for common recyclable materials such as bottles, cans, and paper.
36. **Mandatory Commercial Organics Recycling (AB 1826):** State law requires that all non-residential dwellings that generate at least two cubic yards of solid waste per week to have an organics recycling program for the following types of organic wastes: green waste, landscape, and pruning waste, non-hazardous wood waste, food waste, and food-soiled paper.
37. **Trash and Recycling Enclosures: CalGreen Section 5.410.1:** Recycling by occupants requires that new projects provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive. Please direct questions about this provision to Building Services. Building Services can be reached at (530)621-5315.

Pacific Gas and Electric

38. **PG&E Review and Approval:** PG&E is the provider of distribution and transmission facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Storm Water Management

39. **State of California Phase II MS4 Permit:** The County is subject to the State of CA Phase II MS4 Permit and thus the County’s post construction water quality requirements follow those outlined in that Permit in Section E.12. Projects typically qualify as a “Regulated” project under the MS4 Permit/West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan Requirements if improvements (i.e., parking lots, rooftops, driveways, etc.) create or replace 5,000-sf or more of impervious

surface. Regulated Projects are required to provide treatment of stormwater from the 85th percentile/24-hour storm event prior to the water leaving the site or entering a waterbody.

County's Surveyor Office

40. **Addressing:** Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required within 30-days of approval.
41. **Boundary Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).