

CONDITIONS OF APPROVAL

Design Review Revision DR94-0002-R/Village Square Planning Commission/February 9, 2017

Planning Services:

1. This Design Review approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below.

Any deviations from the project description, conditions, or exhibits shall be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project consists of the following:

- a. Re-facing of existing 2,209 square-foot restaurant building, including new siding, roofing, and other design details occurring throughout the shopping center, including aluminum storefront, terracotta colored brick, neutral painted wood elements, and charcoal asphalt roof shingles (Exhibits E, F) as depicted in exhibits.
- b. Signs on the north, south, east, and west-facing façades, not exceeding 50 square feet total, to include:
 - i. Front Entry Tower: 14.19-square-foot bell logo
 - ii. Right Side Entry Tower: 14.19-square-foot bell logo
 - iii. Rear Tower: 8.83-square foot bell logo; 10.65-square-foot Commercial Sign (Existing)
- c. Removal of approximately 96 square-feet of landscape area for the purpose of improving wheelchair access to the building and improving on-site pedestrian circulation.

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. The final project lighting plans shall be substantially consistent with Exhibits E-1 through F. All street lights and outdoor lighting shall conform to Chapter 130.34 and the Outdoor Lighting Standards. Should installed lighting be non-compliant with full shielding

requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Development Services.

3. Landscaping shall substantially comply with the proposed landscape plan (Exhibit E-1) and the Landscaping and Irrigation Standards for drought tolerance, irrigation, water-efficiency, and maintenance.
4. In compliance with Section 130.22.250 of the Zoning Ordinance, implementation of the project must occur within 24 months of approval of this Design Review 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.
5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, 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 subdivision, which action is brought within the time period provided for in Section 66499.37.

El Dorado County shall notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.

~~Original Conditions of Approval for DR94-02:~~

6. ~~The construction plans for the Village Square Commercial Center shall comply with the architectural and site design elements as presented in this Design Review application (Exhibits ~~B and C~~ E-1 through F). The colors and materials selected for this project shall comply with those identified on Exhibit C- 1 and C- 2 (elevations approved DR91- 05, Exhibit H).~~
7. ~~All roof-mounted mechanical equipment shall be screened from view by use of architecturally compatible screens, walls and other elements.~~
8. ~~Prior to issuance of any permit within Phase 2 or future phases, the following shall be submitted for review and approval by the Planning Director:~~
 - a. ~~Final construction plans for the Village Square Center shall be submitted to the Planning Director and shall be checked for compliance with conditions noted~~

~~herein and applicable zoning code standards, prior to issuance of a building permit.~~

- ~~b. The construction plans for the site landscaping and irrigation shall be submitted to the Planning Director for approval along with a Water Conservation Review application (if applicable), prior to issuance of any building permit. The construction plans for the site landscaping and irrigation shall also comply with the minimum requirements of the Zoning Code, Chapter 17.18.~~
- ~~c. No permits shall be issued for any freestanding or monument signs until an application has been submitted and approved for an amendment to this Design Review for such signs. The exception being those signs necessary for traffic control, or wall mounted signs on the face of buildings which conform to the style of those existing within the center, and satisfy the requirements of the Zoning Code for signs in the C Commercial District.~~
- ~~d. The abandonment proposed for the east segment of Saratoga Way shall be approved by the County prior to occupancy of any building for Phase 2 of the commercial center as displayed on the approved site plan (Exhibit B).~~
- ~~e. Prior to the issuance of a building permit in Phase 2, the applicant shall submit a lighting and illumination plan for the parking areas of the project site. This plan shall indicate the relative parking area lighting levels. This plan shall be approved by the Planning Director.~~
- ~~f. Fire hydrants shall be installed in accordance with fire district approval, prior to building permit issuance.~~
- ~~g. A special use permit for the proposed project and tenant signs shall be required and approved prior to the issuance of a building permit for the installation of any signs which exceed the sizes, height and types of signs allowed by right in the C zone district.~~

~~Should the Planning Director find any of these proposed plans raise significant issues not addressed by the Planning Commission, the review of these plans shall be placed on the Planning Commission agenda for their review and finding of consistency.~~

- ~~4. Project building permits may be issued prior to the issuance of an encroachment permit or road improvement agreement providing that an application for the encroachment or road improvement has been submitted to the County Department of Transportation. Such improvements shall be completed to the satisfaction of the Department of Transportation prior to issuance of a certificate of occupancy, or adequate bonds posted.~~

8. When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.
9. All permanent signs shall be constructed of quality materials such as metal, concrete, natural stone, wood, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements. Signs shall be up-kept to maintain appearances as proposed and shall be maintained in good working order.
10. The person erecting a sign and the owner of the premises shall maintain any legally required clearance from communications, electric, and other public facilities. A sign may not be constructed, erected, installed, maintained, or repaired in any manner that conflicts with a rule, regulation, or order of the California Public Utilities Commission pertaining to the construction, operation, and maintenance of public utilities facilities.
11. When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected surfaces shall be restored to match the adjacent portion of the structure. This requirement does not apply to routine maintenance.
- ~~5. No certificate of occupancy for any retail shops in Phase 2 shall be granted until all of the associated access roads, landscaping, parking, loading, lighting, walkways, and trash facilities are provided as noted on the development plan (Exhibit B) for said phase.~~
- ~~6. If and when a signal is required, the applicant shall participate in the funding of a traffic signal at Park Drive and El Dorado Hills Boulevard at 25 percent of the full installation cost. The timing of the installation of this traffic signal shall be determined by the Director of the County Department of Transportation and be based on traffic studies which determine that a signal at Park Drive is necessary.~~
- ~~7. Modifications may be required for the traffic signals at Saratoga and El Dorado Hills Boulevard and at the Highway 50 westbound ramps at El Dorado Hills Boulevard. The proportional cost of the modifications which are caused by the development of this project shall be paid prior to issuance of the occupancy permit for any Phase 2 construction.~~
- ~~8. Full width improvements shall be required along El Dorado Hills Boulevard (to three lanes on the east side of El Dorado Hills Boulevard) including full curb, gutters and sidewalks which comply with County design standards. Construction of the full width improvements shall be completed prior to the issuance of an occupancy permit for Phase I of the commercial center, as displayed on the approved site plan.~~

~~Applicant shall receive a traffic impact fee credit for the above described improvements to El Dorado Hills Boulevard up to the amount of \$100,000.00 against the amount of~~

~~traffic impact fees required for the project according to the fee schedule in effect at the time a permit is obtained. Reimbursement for costs of construction of the improvements in excess of the \$100,000.00 traffic impact fee credit shall be made to the applicant by County on the basis of a reimbursement policy, procedure and formula to be adopted and approved by the Board of Supervisors.~~

~~The total amount of construction costs for the full width improvements subject to a traffic fee impact credit or reimbursement shall not exceed the Engineer 's Cost Estimate prior to construction of the improvements or the letting of a contract for the construction of the improvements, whichever occurs earlier, subject to the review and approval by the Director, County of El Dorado Department of Transportation, as to the reasonable and necessary costs of construction of the improvements.~~

12. As displayed on the site plan (Exhibit E-1), the applicant shall provide for a pedestrian circulation system within the project which includes walkways and crossings providing access to the buildings and to the public sidewalk in the El Dorado Hills Boulevard right-of-way, when constructed. Wherever possible, the pedestrian circulation system shall be a walkway which is separated from the roadways in the project.
13. A road improvement agreement or an encroachment permit will be required for all work in the public right-of-way.
14. A County grading permit is required for all site grading as may be required by the County Grading Ordinance. The grading permit shall include an erosion control plan, storm water drainage system design and grading/earth work plans.
15. Provisions shall be made for a bus turnout adjacent and/or near to the central commercial structure and will be exclusively signed for use of public transit when and if the appropriate transit authority determines a turnout is needed in this commercial center.
16. Concrete curb and gutters shall be required on all internal roadways.
- ~~14. The road circulation system shall be modified in the area around Building F and G by eliminating access to El Dorado Hills Boulevard. A revised internal road access plan shall be submitted to the Planning Director and DOT for review and approval prior to issuance of any building permits for Buildings F and G.~~