

**S10-0009/Villa Florentina Bed & Breakfast** – As approved by the Planning Commission on February 8, 2018

**Modified Conditions of Approval (County-initiated)**

**El Dorado County Planning Services**

1. This Special Use Permit approval is based upon and limited to compliance with the project description and following hearing Exhibits:

Exhibit F.....Site Plan  
Exhibits G1-G2 .....Residence Floor Plan  
Exhibit H.....Sign Plan  
Exhibit I .....Garage Floor Plan  
Exhibit J .....Parking Plan  
Exhibits K1-K6 .....Elevations

Any deviations from the project description, exhibits, or Conditions of Approval set forth below 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 description is as follows:

Request for a Special Use Permit for a Bed and Breakfast Inn to be located on a 3.57 acre parcel known as APN 006-132-28 and to include the following:

- a. Three guest rooms shall be contained within the 4,032 square foot primary residence. The occupancy shall include six guests, excluding owners.
- b. A 1,584 square foot detached garage shall accommodate owner and guest parking and two bathroom facilities for Special Events.
- c. A total of ~~20~~ 15 Special Events shall be permitted annually with a maximum of ~~189~~ 130 guests. (Condition revoked modified on February 8, 2018.)
- d. The site shall accommodate a minimum of 63 parking spaces. Five covered parking spaces shall be provided within the garage for the owner and guests and 58 additional parking spaces shall be provided along the driveway and drive aisle between the rows of olive trees. Condition modified on February 8, 2018
- e. A 1 foot by 6 feet non-internally illuminated sign.

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. **Site Plan:** All site improvements shall conform to Exhibit F.
3. **Outdoor Music:** All amplified outdoor sound systems shall be place in the covered patio area to take advantage of the acoustical shielding provided by the project buildings. Sound systems shall not be positioned anywhere other than that identified in Exhibit L, Appendix A. Noise levels during Special Events shall not exceed the levels specified in Table 6-2 of the General Plan. All amplified music shall end by 7:00 P.M. (Condition ~~revoked~~ modified on February 8, 2018.)
4. **Special Events:** Special Events shall end by 9:30 PM to allow guest to exist the project area before 10:00 PM. Condition ~~revoked~~ on February 8, 2018
5. **Business License:** The applicant shall obtain a business license prior to initiation of the use.
6. **Site Lighting:** If outdoor lighting is to be considered in the future, all outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following shall apply:
  - a. External lights used to illuminate a sign shall be shielded and directed downward in order to prevent light from shining on to the adjacent roadway.

Should final, 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 Planning Services.
7. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to occupancy or issuance of a building permit for verification of compliance with applicable Conditions of Approval.
8. **Processing Fees:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.

9. **Hold Harmless Agreement:** 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 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 by El Dorado County.

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

### **El Dorado County Department of Transportation**

10. **Encroachment:** The applicant shall construct/verify the driveway encroachment onto Carvers Road to the provisions of County Design Std 103C. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to establishment of the use.
11. **Traffic Control:** The applicant shall provide a Traffic Control and Parking Management Plan that indicates all measures to be used. This plan shall include at a minimum:
- a. Site Plan showing vehicular and pedestrian ingress/egress points and circulation for the event.
  - b. Name and contact information for person in charge of traffic control / parking, and responsible for responding to complaints on the days of the events.
  - c. Location of all traffic control personnel on a site plan or vicinity map.
  - d. Location of all traffic control and directional signs on a site plan or vicinity map.
  - e. Location of all parking lots, parking capacity of each, and the sequence of use.
  - f. Location of all shuttle stops and the proposed shuttle routes. (if applicable)
  - g. Emergency access ways.

This Traffic Control and Parking Management Plan shall be submitted to DOT for review and approval prior to establishment of the use.

12. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
13. **Signage:** The applicant shall install all necessary signage such as stop signs, street name signs, and/or "not a county maintained road" road sign as required by the Department of Transportation prior to issuance of a building permit. The signing and striping for this encroachment shall be designed and constructed per the latest version of the Manual Uniform Traffic Control Devices (MUTCD) and the California Supplement.

14. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element and limited to the daylight hours between 7:00 a.m. and 7:00 p.m. on any weekday, and 8:00 a.m. and 5:00 p.m. on weekends and federal holidays.
15. **DISM Consistency:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual from the County Department of Transportation, and pay all applicable fees prior to issuance of a building permit.
16. **CEQA Review:** All on and off-site road improvement requirements required as conditions of approval and/or mitigation measures shall be analyzed in the environmental document for this development project to the appropriate extent under CEQA. Any improvements that are not thoroughly analyzed shall include a discussion and justification under that particular impact analysis within the CEQA document as to the circumstances preventing such analysis along with a method and time frame for any future analysis. Mitigation measures that are included in the 5 year CIP must have the CEQA processing completed to fulfill this condition as funded and programmed per the 2004 General Plan Policy TC-Xf.
17. **Off-site Improvements (Security):** Prior to the issuance of a building permit, the applicant shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required offsite improvements, including the full costs of acquiring any real property interests necessary to complete the required improvements. In addition to the agreement, the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in the amount sufficient to pay such costs, including legal costs, subject to the approval of County Counsel.
18. **Off-site Improvements (Acquisition):** As specified in the Conditions of Approval, the applicant is required to perform off-site improvements. If it is determined that the applicant does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the applicant's expense, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property. In such cases, prior to the issuance of a building permit, the applicant shall submit the following to the Department of Transportation Right of Way Unit, and enter into an agreement pursuant to Government Code Section 66462.5 and provide acceptable security to complete the offsite improvements, including costs of acquiring real property interest to complete the required improvements, construction surveying, construction management and a 20% contingency:
  - a. A legal description and plat, of the land necessary to be acquired to complete the offsite improvements, prepared by a civil engineer or land surveyor.

- b. Approved improvement plans and specifications of the required off-site improvements, prepared by a civil engineer.
- c. An appraisal prepared by a certified appraiser of the cost of land necessary to complete the off-site improvements.

In addition to the agreement the applicant shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

19. **TIM Fees:** The applicant shall pay the traffic impact fees in effect at the time a building permit is deemed complete.

### **El Dorado County Department of Environmental Health**

20. **Food Facility Permit:** Bed and Breakfast Inn establishments under the California Retail Food Code (CAL CODE), Section 113893, Restricted Food Service Facility, requires that the property owner obtain and maintain an Annual Food Facility Operating Permit issued by Environmental Health prior to operating the Bed and Breakfast. Because this establishment is served by well water, periodic water testing shall be required under CAL CODE requirements and includes a permit to operate a Food Facility Water System.
21. **Hazardous Materials:** If any hazardous materials handling has taken place from commercial, industrial, agricultural, or mining activities on the site in the past, the applicant must conduct a Phase I Environmental Site Assessment (ESA). The Phase I must be conducted in accordance with ASTM standard E 1527-00. All information developed in the Phase I process must be submitted to the Hazardous Materials Division (HMD) for review. If upon review of the Phase I information, HMD determines the property is a potentially impacted site, the applicant must apply for a permit, submit a workplan and conduct a Phase II ESA and any required site remediation activities prior to developing property.

If the commercial facilities will store reportable quantities of hazardous materials (55 gallons) or generate hazardous waste, prior to commencing operations the owner/operator must:

- a. Prepare, submit and implement a hazardous materials business plan and pay appropriate fees. Business owners and operators intending to handle hazardous materials in excess of reportable quantities are required by law to complete and file a hazardous materials business plan prior to obtaining a business license ([http://www.edcgov.us/emd/solidwaste/bus\\_plan\\_index.html](http://www.edcgov.us/emd/solidwaste/bus_plan_index.html)).
- b. Obtain a hazardous waste generator identification number from the California Department of Toxic Substances Control.
- c. Train all employees to properly handle hazardous materials and wastes.
- d. Implement proper hazardous materials and hazardous waste storage methods in accordance with the Uniform Fire Code and Uniform Building Code.

All solid waste, including animal waste must be stored in trash containers with tight fitting lids and hauled from the site at least once every seven days for proper disposal. Any and all infectious medical waste and sharps must be properly handled, stored, transported and disposed of in accordance with the California Medical Waste Management Act.

### **El Dorado County Fire Protection District**

22. **Site Plan:** The applicant shall provide a site review plan fee to El Dorado County Fire of \$150.00 prior to initiation of any use authorized by the approval of this Special Use Permit.
23. **Exists:** Two approved exits shall be required. If the occupant load for the second story exceeds 10, a second exit shall be required for the second floor. The El Dorado County Fire Protection District shall review the occupancy load and floor plans prior to establishment of the use to determine whether the additional exists shall be required.
24. **Emergency Escape:** Sleeping rooms shall be required to have at least one emergency escape and rescue opening compliant with Section 1026, California Fire Code (CFC). The El Dorado County Fire Protection District shall review the floor plans prior to establishment of the use to determine whether the emergency escape and rescue opening is compliance with CFC requirements.
25. **Smoke Alarms:** The property owner shall provide smoke alarms in all sleeping rooms and rooms in the path of the means of egress. The El Dorado County Fire Protection District shall review the floor plans with the location of all smoke alarms identified prior to establishment of the use to determine adequacy.
26. **Fire Extinguisher:** The property owner shall provide at least one minimum rated 2A10BC fire extinguisher, per floor, within 75 feet of travel distance to all areas of the facility. It shall be mounted in a location that is readily visible and easily accessible. The top of the fire extinguishers shall be no higher than 5 feet from the ground. The El Dorado County Fire Protection District shall verify the location of required fire extinguishers prior to the establishment of the use.
27. **Commercial Kitchen Hood:** A commercial kitchen hood may be required based on intended use. Consult with the El Dorado County Fire Protection District to determine requirements prior to establishment of use.
28. **Tents, canopies:** All temporary tents, canopies and other membrane structures used in the future shall comply with the CFC, current edition. The property owner shall verify requirements with the El Dorado County Fire Department prior to use of a temporary structure.

**Planning Commission (March 24, 2011)**

29. The project shall be reviewed by the Planning Commission in one year from the date of approval to review noise and traffic impacts as a result of the approval of the Special Use Permit. The applicant shall provide Planning Services with a report detailing dates of Special Events that were held during the year to be included in report to the Planning Commission.

**Planning Commission (February 8, 2018)**

30. **Lawn Area:** Use of the lawn area during special events shall end by 7:00 P.M.
31. **Event Noticing:** The property owner shall contact the immediate neighbors to the property and the Planning Director to provide notice of special events. This shall occur one week in advance of the scheduled special event.
32. **Eight Month Review:** The project shall be reviewed by the Planning Commission in eight months from the date of approval to review impacts as a result of the Special Events allowed under the Conditional Use Permit. The applicant shall provide Planning Services with a report detailing dates of Special Events that were held during the year.
33. **Stay of Enforcement:** Enforcement of the County Noise Ordinance and the Conditions of Approval shall be stayed during the upcoming three events that the property owner already has a contract on.