

CONDITIONS OF APPROVAL

Design Review DR21-0006/Courtside Apartments, Phase II Planning Commission/September 9, 2021

1. Approval of Design Review Permit DR21-0006 is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit K.....Project Site Plan
 Exhibit LArchitectural Building Elevations
 Exhibit MPreliminary Landscape, Grading & Drainage Plans
 Exhibit S.....Preliminary Signage Plan

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 would constitute a violation of permit approval.

The project description is as follows:

Design Review Permit DR21-0006 approves the construction and operation of Courtside Apartments, Phase II, an affordable housing development consisting of six multi-unit residential buildings (proposed buildings No. 1, 2, 3, 4, 5, and 6) with a total of 24 two-bedroom rental units, targeted to serve households earning 50%-80% of the [Area Median Income](#) (AMI). 12 of the 24 units created would qualify as senior housing. Each building would be 3,158 square feet with each unit size 969 square feet. The project includes 82 off-street parking spaces (27 existing and 55 new) with associated parking lot lighting and landscaping, and open space/common areas between buildings. Approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project. Access to the project site is provided via two driveways along Racquet Way.

Building	Building Area	Improvements
1	3,158 sf	4 Rental Units
2	3,158 sf	4 Rental Units
3	3,158 sf	4 Rental Units
4	3,158 sf	4 Rental Units
5	3,158 sf	4 Rental Units
6	3,158 sf	4 Rental Units

The residential units will also be deed-restricted to require at least 50% of the units to be affordable for households at or less than 80% of the Area Median Income (AMI) consistent with applicable provisions of SB 35. Access to the project site would be provided via two proposed driveways along Racquet Way. Public water/sewer service would be provided by the El Dorado Irrigation District (EID) via extensions to connect to existing water and sewer infrastructure lines on or immediately adjacent to the project site. Electric service would be provided by Pacific Gas and Electric (PG&E) via existing PG&E infrastructure also adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. Approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that will not be impacted by the project.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the 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 development plans must be submitted for review and approval and shall be implemented as approved by the County.

Standard Requirements of Law

Note: In accordance with Government Code Section 65913.4 (SB 35 streamlined ministerial approval for affordable housing) the below County agencies or departments recommended standard non-discretionary conditions of approval (COAs) to notify the applicant of site-specific requirements of law applying to this project.

Planning Division

2. **Permit Time Limits:** Design Review DR21-0003 shall automatically expire 36 months from the date of approval pursuant to applicable provisions of Government Code Section 65913.4 (SB 35) unless vertical construction has been initiated prior to the expiration date. This application may qualify for a one-time, one-year time extension, at the discretion of the County, if the project proponent submits a timely request for such extension including documentation of significant progress toward construction. Such documentation shall include but not be limited to submitted building or grading permit application(s).
3. **Outdoor Lighting:** All outdoor lighting shall conform to Section 130.34.020 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture indicated on the site plan that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

4. **Landscaping:** The final landscape plan shall be substantially consistent with the Preliminary Landscape Plan (Exhibit M) and be consistent with all applicable provisions of Zoning Ordinance Chapter 130.33 (Landscaping Standards) and the 2015 California Model Water Efficiency Landscape Ordinance (MWELo).
5. **Signs:** Final installed signage must be consistent with the approved sign design and location as detailed on the project Signage Plan (Exhibit S).
6. **Tribal Cultural Resources (Shingle Springs Band of Miwok & Auburn Rancheria):** If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCRs to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA, including AB 52, has been satisfied.
7. **Construction Noise:** To avoid nighttime and evening construction noise in excess of the objective thresholds of Table 130.37.060.1 and as further specified in General Plan Policy 6.5.1.11, noise-generating construction activities shall be limited to between the hours of 7:00 am and 7:00 pm Monday through Friday and between 8:00 am to 8:00 pm on weekends and on federally-recognized holidays.

In addition, the following noise-reducing measures shall be added as notes on all building and grading permit plans:

- A. All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.

- B. All mobile or fixed noise-producing equipment used on the project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
 - C. Electrically powered equipment shall be used instead of pneumatic or internal combustion-powered equipment, where feasible.
 - D. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive uses.
 - E. Project area and site access road speed limits shall be established and enforced during the construction period.
 - F. Nearby residences shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.
8. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, including the determination that the project qualifies for streamlined review under SB 35, 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 this Design Review application.

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

9. **Oak Resources Conservation; In-Lieu Fee Payment:** Alteration of on-site individual oak trees and oak tree woodland or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the Arborist Report for Oak Woodland Resources prepared by California Tree and Landscape Consulting (Exhibit N). The report identifies that approximately 1.95 acres of the 4.5 acre parcel is covered with oak woodland (43.2% of the site). The total oak woodland proposed for removal is 1.74 acres (89.2% of the oak woodland). There are two Valley Oaks located outside of the property that would not be impacted from the project. Further, this project qualifies for an affordable housing exemption from mitigation under Section 130.39.050 (E). Therefore, oak resources mitigation shall be limited to an in-lieu mitigation fee. Mitigation fee payment shall be required prior to issuance of a grading permit. Processing, receipt and documentation of mitigation fees collected may be subject to an Administrative Permit pursuant to Section 130.39.060(A)(Oak Tree and Oak Woodland Removal Permits - Ministerial Development Projects).

Office of the County Surveyor:

10. The 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.
11. 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).
12. Easement abandonment must be coordinated through the El Dorado County Surveyor's Office.

El Dorado County Environmental Management Division (EMD)

Solid Waste Division Unit:

13. **Construction and Demolition (C&D) Debris Recycling:** 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, please do not hesitate to call Environmental Management at (530) 621-5300.
14. **AB 341 - Mandatory Commercial Recycling (Multi-family):** State law requires that all multi-family dwellings with five or more units 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.
15. **AB 1826 - Mandatory Commercial Organics Recycling (Multi-family):** State law requires that all multi-family dwellings with five or more units 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, and non-hazardous wood waste. Multi-family dwellings are currently not required to have a food waste program.
16. **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.

El Dorado County Air Quality Management District

The following standard conditions apply to the project:

17. **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. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the Air Quality Management District (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.
18. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
19. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
20. **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.
21. **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 (§ 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 CARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf. Questions on applicability should be directed to ARB at 1-866-634-3735. CARB is responsible for enforcement of this regulation.
22. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said 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, and daily hours of operations of each piece of equipment.

23. **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 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.
24. **Electric Vehicle Charging – Multifamily Residential:** Consistent with the Residential Mandatory Measures identified in the 2019 Cal Green Building Code §4.106.4.2, if residential parking is available, ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number. Construction documents shall indicate the location of proposed EV spaces. Where common use parking is provided at least one EV space shall be located in the common use parking area and shall be available for use by all residents. Please refer to Cal Green Building Stds Code §4.106.4.2 for specific requirements: https://www.edc.gov.us/Government/building/pages/california_building_standards_in_effect.aspx.

El Dorado Irrigation District

25. **Facility Improvement Letter:** A Facility Improvement Letter (FIL) was issued by EID on September 25, 2020 (Exhibit Q) and is valid for a period of three years. The applicant shall be responsible for completing all required on site and off site water and sewer infrastructure improvements and required documentation to the satisfaction of the District, including dedication of easements and demonstration of required fire flow as needed, as detailed in the FIL. If facility improvement plans are not submitted to EID within the valid period of the letter, a new FIL shall be required.

Diamond Springs and El Dorado Fire Protection District (Fire District)

26. **Community Facilities District Annexation:** Approval of the subject project is conditioned on meeting the public safety and fire protection requirements of the County of El Dorado General Plan, which shall include the provision of a financing mechanism for said services. The financing mechanism shall include inclusion within, or annexation into, a Community Facilities District (CFD) established under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), established by the Diamond Springs/El Dorado Fire Protection District (District) for the provision of public services permitted under Government Code § 53313, including fire suppression services, emergency medical services, fire prevention activities and other services (collectively Public Services), for which proceedings are under consideration, and as such, shall be subject to the special tax approved with the formation of such CFD with the Tract's inclusion or annexation into the CFD.

27. **Fire Flow:** The potable water system with the purpose of fire protection for this residential/commercial development shall provide a minimum required fire flow found in the CFC Appendix B as adopted and amended locally. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval if requested.
28. **Underground Private Fire Mains:** After installation, all rods, nuts, bolts, washers, clamps, and other underground connections and restraints used for underground fire main piping and water supplies, except thrust blocks, shall be cleaned and thoroughly coated with a bituminous or other acceptable corrosion retarding material. All private fire service mains shall be installed per NFPA 24 and shall be inspected, tested and maintained per NFPA 25 California 2013 Edition.
29. **Sprinklers:** The building(s) shall have fire sprinklers installed in accordance with NFPA 13 (commercial use) and in accordance with the El Dorado County Regional Fire Protection Standard #C-001, #D-001 and #D-002. This deferred submittal will need to be submitted to and approved by the Fire District.
30. **Fire Alarm:** All buildings are required to be monitored by a fire alarm system. The fire alarm system shall adhere to CFC and local amendments (e.g. 72 hour battery storage via §907.6.2.1). The plans for the alarm system can be a part of the building submittal or a deferred submittal.
31. **Hydrants:** This development shall install Dry Barrel Fire Hydrants which conform to EID specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 1,000 feet commercial. The exact location of each hydrant on private roads and on main county-maintained roadways shall be determined by the Fire District.
32. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of amended/adopted Fire Code as well as State Fire Safe Regulations Title 14 as stated below (but not limited to):
 - a. All roadways shall be a minimum of 26 feet wide per Title 24, Part 9, Section D105.2. Per sheet
 - b. Each dead-end road shall have a turnaround constructed at its terminus.
 - c. Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

- d. Where maximum dead-end road lengths are exceeded, there shall be a minimum of two access roadways allowing for the safe access of emergency apparatus and civilian evacuation concurrently.
 - e. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility. Additionally, when fire apparatus access roads and driveways exceed 150' a turnaround shall be constructed at the terminus.
 - f. Driveways and roadways shall have an unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width.
 - g. Depending on final heights of each building, the final layout of fire apparatus access roads shall be determined and approved by the fire code official with consideration of whether a ladder truck or ground ladders would be used for firefighting operations.
 - h. Buildings exceeding thirty feet in height or 3 stories shall be subject to aerial fire apparatus access road requirements (As amended El Dorado County CFC D104, 104.4). All roads shall be a minimum of 26 feet.
33. **Roadways:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete, or other approved driving surface. Project proponent shall provide engineering specifications to support design if request by the local AHJ. All roadways shall meet El Dorado County DOT and CA Fire Code requirements. Road widths will be 20' minimum exclusive of striping and shoulders. All roads less than 30' shall be signed and denoted "No on Street Parking." 30' road widths shall have parking on one side only and shall be posted with appropriate signage. Parking on both sides will require 36 feet minimum road width; appropriate associated signage and road markings shall apply and be provided.
34. **Roadway Grades:** The grade for all roads, streets, private lanes, and driveways shall not exceed 10% unless approved by the fire code official.
35. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official (CFC Section 503.4.1).
36. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official and meet the requirements of Title 14

(Section 1273.04), (internal radius to be 40 feet or more and external radius to be 56 feet or more as provided in El Dorado County Standard #B-003 #9).

37. **Gates:** All gates shall meet the El Dorado County Regional Fire Protection Gate Standard B-002. If gates are manual, they are to be equipped with a Knox Padlock purchased through the El Dorado County Sheriff's. If an automatic gate is to be installed a Knox Key Switch shall be purchased under El Dorado County Sheriff's and installed.
38. **Fire Access During Construction:** In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified in a Fire District's local amendment Section 3312.1. A secondary means of egress shall be provided prior to any construction, or the project can be phased.
39. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle or vegetation.
40. **Emergency Fire Access Improvements:** The property owner shall be responsible for ensuring the maintenance of emergency access roadways, gates, vegetative clearances, and other fire access components.
41. **Wildland Fire Safe Plan:** Prior to issuance of a building permit, this development shall develop, implement, and maintain a Wildland Fire Safe Plan, approved by the Fire District, in compliance with State Fire Safe Regulations. A copy of such plan shall be submitted to the County Planning Division to be incorporated into electronic project records.
42. **Knox Box and Keys:** All Commercial or Public occupied buildings shall install a Knox Box and building keys including, but not limited to, main entry doors, utility closets, roof accesses, alarm panels, fire sprinkler locks and all other keys required by the fire code official for emergency access.
43. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code and the current DSP Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard titled "No Parking-Fire Lane." All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet "No Parking - Fire Lane." This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 "No Parking-Fire Lane" and the fire code official.

44. **Fire Safe Setbacks:** All parcels shall conform to State Fire Safe Regulations requirements for setbacks (minimum 30' setback for buildings and accessory buildings from all property lines).
45. **Vegetative Fire Clearances:** Annually, there shall be vegetation clearance around all EVA's (Emergency Vehicle Access), buildings, up to the property line as stated in Public Resources Code Section 4291 (including but not limited to Title 14 §1276.02), Title 19 as referenced in the CA Fire Code, and the above conditioned Wildland Fire Safe Plan.
46. **Knox Key Shunt:** A Knox Key Shunt system shall be installed to terminate power to all back-up power per local ordinance Section 1203.1.3.
47. **Addressing:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property, as per El Dorado County Regional Fire Protection Standard B-001(as provided).
48. **Landscaping:** The landscaping plan shall be reviewed by the Fire Department to ensure that the plans meet the requirements of PRC 4290 & 4291 and local county amendments.
49. **Improvement (Civil) Plans:** A Fire plan sheet shall be included in the improvement plans that shows or lists all requirements from the Fire Department as they relate to project design. These requirements include, but are not limited to, Fire Lanes (and how they relate to allowed parking), Hydrants, Turning Radius of all turns, Slope % of Roads/Driveways, 2 Points of Egress for the Public and Emergency Personnel, EVA's as required, Road Widths, Gates, etc.

El Dorado County Storm Water Coordinator West Slope

50. 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. An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project will disturb an acre or more of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board. The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html