

CONDITIONS OF APPROVAL

Special Use Permit S14-0010/Westmont Living Assisted Living-Memory Care Facility Planning Commission/July 28, 2016

1. **Project Description:** This Conditional Use Permit approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

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| Exhibit F | Applicant-submitted Project Description; September 9, 2014 |
| Exhibit G | Project Plans Cover Sheet/Project Details |
| Exhibit H | Site Plan |
| Exhibit I | Preliminary Grading Plan |
| Exhibit J | Site Plan Detail |
| Exhibit K | First Floor Plan |
| Exhibit L | Second Floor Plan |
| Exhibit M | Roof Plan |
| Exhibits N1-N3 | Elevations |
| Exhibit O | Landscape Plan |
| Exhibit P | Irrigation Plan |
| Exhibit Q | Landscape Plant List |
| Exhibit R | Site Lighting and Photometric |

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 description is as follows:

Conditional Use Permit for the construction and operation of a two-story, 120,213 square foot residential care facility to be built in two phases with a total of 134 units. Phase 1 proposes 52 studio units, 39 one-bedroom units, and nine two-bedroom units. Phase 2 includes eight studio units, 20 one-bedroom units, and six two-bedroom units.

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. **Interior Noise Levels:** All first and second-floor windows of project units adjacent to Carson Crossing Drive shall be upgraded to a Sound Transmission Class (STC) rating of 30.
3. **Lighting:** All outdoor lighting shall conform to Section 130.14.170 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 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. In addition, the following apply:
 - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
 - b. No more than 50 percent of the parking lot lighting may remain on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.
 - c. No pole light shall exceed 16-feet in height measured from ground level.

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.

4. **Landscaping:** As part of the building permit process, the applicant shall submit for approval a final landscape plan in substantial compliance with the preliminary plan including compliance with the County water conserving landscape standards and the Carson Creek Specific Plan.
5. **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.
6. **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.

7. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.22.250, implementation of the project must occur within twenty-four months of approval of this Conditional Use 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.

8. **Archeological Resources:** The following shall be incorporated as a note 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 archaeologist 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 archaeologist 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 “nonunique archeological resource”.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

9. **Human Remains:** The following shall be incorporated as a note on the grading/improvement plans:

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, or has reason to believe that they are 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 archaeological 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.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

El Dorado Hills Fire Department

10. **Fire Flow:** The potable water system with the purpose of fire protection for this Assisted Care Facility shall provide a minimum fire flow of 3,125 gallons per minute with a minimum residual pressure of 20 psi for a four-hour duration. This requirement is based on a structure 125,500 square feet or less in size, Type V-A construction. All structures shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. 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.
11. **Hydrants:** This development shall install Mueller Dry Barrel fire hydrants or any other hydrant as approved by the El Dorado Irrigation District. The spacing between hydrants for this development shall not exceed 300 feet. The exact location of each hydrant shall be determined by the Fire Department. The spacing shown on the plans exceeds the 300 feet maximum spacing for fire hydrants. Two hydrants need to be added in the following locations:
 - a. One hydrant at the NW Corner in the planter.
 - b. One hydrant near the SE Driveway (unless there is a hydrant on the new Carson Crossing Drive near that driveway).
12. **Hydrant Visibility:** In order to enhance nighttime visibility, the hydrant shall be painted with safety white enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
13. **Fire Access:** 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 by the Fire Department, Standard B-003.

14. **Sprinklers:** Any Fire Department Connection (FDC) to the sprinkler system shall be positioned so as not to be obstructed by a parked vehicle.
15. **Access Surface:** All fire apparatus access roads shall be an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.
16. **Turning Radius:** Fire apparatus turning radius is 56 feet outside and 40 feet inside. The main entrance from Golden Foothill Parkway will need to be revised to allow for this access.
17. **Parking and Fire Lanes:** The only authorized parking will be in the designated parking spaces shown on the plans. All curbs shall be fully painted a continuous red with the words "No Parking - Fire Lane" painted every 25 feet.
18. **Knox Box:** A Knox Box is required for nighttime and afterhours access to the alarmed buildings.
19. **Addressing:** Addressing is required as described in the in accordance with the El Dorado Hills Fire Department Addressing of Buildings Standard B-001.
20. **Knox Key Shunt:** A Knox Key shunt system shall be installed to terminate power to generators.
21. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway.
22. **Gates:** If any gate is proposed, it shall meet the El Dorado Hills Fire Department Gate Standard B-002.
23. **Landscaping:** The landscaping plan will be reviewed to ensure that trees proposed to be adjacent to the Fire Apparatus Access roads will not impede fire apparatus access when fully grown.
24. **Plans Submittal:** A PDF electronic copy of all plans shall be provided to the fire department for electronic storage and use for engine company pre-fire planning.

El Dorado County Air Quality Management District

25. **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 AQMD prior to start of project construction. (Rules 223 and 223.1)
26. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
 27. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
 28. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
 29. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) 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 ARB'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. ARB is responsible for enforcement of this regulation.
 30. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rules 501 and 523)
 31. **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, daily hours of operations of each piece of equipment.
 32. **EV Charging:** AQMD recommends the applicant incorporate Electric Vehicle (EV) charging infrastructure into the parking lot design. This should/could consist of both Level I (110V) and Level 2 (240V) for use by residents, employees, and guests to facilitate the use of zero-emission EV's.
 33. **Exterior Electrical Outlets:** Electrical outlets shall be provided along the front and rear exterior walls of residential homes to allow for the use of electric landscape maintenance tools.

Community Development Agency-Environmental Management Division

34. **Pool:** The pool planned for this project will require a plan review for approval from this Division before it is built. This pool will be required to meet the standards of the California Health and Safety Code as well as the requirements of Title 22, Chapter 20 of the California Code of Regulations. Once the pool has been built, an annual health permit and annual inspections by the El Dorado County Environmental Management Division will be required.

Community Development Agency-Transportation Division

35. **Access:** The applicant shall obtain an encroachment permit from the County and shall construct the roadway encroachment access onto Golden Foothill Parkway to the provisions of County Design Standard Plan 103 C, modified as shown on the application drawings, and subject to review and approval by the Transportation Division.
36. **Driveway Restriction:** The County reserves the right to restrict the project driveway on Golden Foothill Driveway to a “Right-in, Right-out Only” configuration at any time in the future when deemed necessary by County for public safety and traffic circulation.
37. **Sidewalk:** The Project shall construct a 6-foot-wide sidewalk along the project frontage on Golden Foothill Parkway, subject to review and approval of the Transportation Division. Said sidewalk may be on-site or within the Golden Foothill Parkway right of way. If the sidewalk is on-site, the developer shall make an irrevocable offer of dedication to the County for a pedestrian easement. If the sidewalk is in the Golden Foothill Parkway right of way, the developer and contractor shall obtain an encroachment permit from the Transportation Division prior to performing any work in the County right of way.
38. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.
39. **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.
40. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that offsite grading.
41. **Grading Permit / Plan:** If more than 250 cubic yards of earth movement are required for improvements, the applicant shall submit a site improvement /grading plan prepared by a professional civil engineer to the County for review and approval. The plan shall be in conformance with the County of El Dorado Design and Improvement Standards Manual, the Grading, Erosion and Sediment Control Ordinance, the Drainage Manual, the Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility

Standards. All applicable plan check and inspection fees shall be paid at the time of submittal of improvement plans. The improvements and grading shall be completed to the satisfaction of County prior to occupancy clearance.

42. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance, Drainage Manual and as required otherwise by Law.
43. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with the El Dorado County RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
44. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Community Development Agency. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
45. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
46. **Drainage Study / NPDES Compliance:** The project proposes to render more than 5,000 square feet impervious to surface runoff, and qualifies the project as a "Regulated Project" under section E.12.c of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ (Order).

The project shall incorporate Site Design Measures, Source Control Measures, and Low Impact Development (LID) Design Standards consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or replaced by action of the SWRCB, the applicant shall comply with the Order in place at the time of issuance of construction permits.

The applicant shall provide a drainage report at time of grading permit application, consistent with the Drainage Manual and the Order. The Drainage Report shall address storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Transportation Division.

The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:

- The site can be adequately drained;
- The development of the site will not cause problems to nearby properties, particularly downstream sites;
- The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
- The ultimate drainage outfall of the project.

Pursuant to Section 1.8.3 of the Drainage Manual, the report shall be prepared by a Civil Engineer who is registered in the State of California. A Scoping Meeting for the required drainage study between County staff and the engineer shall occur prior to the first submittal of improvement plans. The engineer shall bring a watershed map and any other existing drainage system information to the Scoping Meeting. The improvements shall be completed to the approval of the Transportation Division prior to occupancy.

47. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on site grading plans.
48. **NPDES Construction Permit:** The project proposes to disturb more than one acre of land and therefore, is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (CGP), including any and all amendments or revised orders issued by the SWRCB.

The applicant shall demonstrate compliance with the CGP (or equivalent permit issued by the SWRCB) prior to issuance of construction permits by County.

49. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Transportation Division with the drainage report, structural wall calculations, and geotechnical reports and record drawings in PDF format (TIF format optional for record drawings only).

El Dorado County Surveyor's Office

50. Applicant shall 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.