



Panel Notations:

| Key for Tree Identification | Key for Parking Identification |
|-----------------------------|--|
| • : Olive | C#: Compact Parking 0° Space is 8'x20' |
| W : Walnut | S#: Standard Parking 0° Space is 9'x22' |
| Oak : Oak | G#: Guest Parking (B&B) 90° Space is 9'x22' |
| CY : Cypress | P#: Proprietor/Staff Parking 90° Space is 9'x22' |
| Juniper: Juniper | H#: Handicapped Parking 90° Space is 10'x18' Min Space Between: 4' |
| CE : Cedar | |
| PI : Pine | |
| MA : Maple | |
| BI : Birch | |

PLOT PLAN
SCALE: 1" = 20'

Owner Notations:

- No new construction proposed. All roadways, structures, and landscaping completed.
- Septic system purpose built to accommodate all proposed uses.
- Poll of neighboring properties showed overwhelming majority support for proposed use.
- Please feel encouraged to contact owner to discuss questions at 916-662-2144.

APPROVED
EL DORADO COUNTY
PLANNING COMMISSION
DATE: March 24, 2011
BY: [Signature]
EXECUTIVE SECRETARY

*Exception is to place gravel road base in orchard for drive aisle, turnaround, and parking

Project Name: Villa Florentina
 Location: 6673 Carvers Rd., Coloma, CA 95613
 APN: 006-132-28-100
 Owner/Applicant: Loren Sperber
 P.O. Box 551, Coloma, CA 95613 (916)662-2144 loren_sperber@hotmail.com

SHEET TITLE:
PLOT PLAN

OWNER:
LOREN SPERBER
916-662-2144

| | |
|-------------------|-------|
| Date MAY, 2010 | Sheet |
| Scale AS SHOWN | |

Exhibit A

S10-0009/Villa Florentina Bed and Breakfast Inn – As approved by the Planning Commission on March 24, 2011

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing structures which require only ministerial permits for any upgrades required by the Fire Department or Department of Transportation. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation permits Bed and Breakfast Inns with a special use permit.
- 2.2 The proposal is consistent with General Plan policies, 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations). It has been determined that the project is consistent with the General Plan because the project is compatible with the land use and would provide adequate access.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Estate Residential (RE-10) zone district, pursuant to Sections 17.70.100, 17.70.100.G and 17.14.220 provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance. The project has been proposed with sufficient parking for the Bed and Breakfast use and Special Events.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 **The issuance of the permit is consistent with the General Plan;**

Exhibit B

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations) and has been found to be consistent with these policies.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns. The proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the proposed number of Special Events associated with the proposed use and the hours of the Special Events have been limited in order not be detrimental to the adjacent residential uses.

4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use, as conditioned, is specifically permitted by Special Use Permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

Conditions of Approval

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 Special Events shall be permitted annually with a maximum of 189 guests.
- 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.
- 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 placed 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.
4. **Special Events:** Special Events shall end by 9:30 PM to allow guest to exit the project area before 10:00 PM.
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).
- 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

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.

FROM THE PLANNING COMMISSION MINUTES OF MARCH 24, 2011

8. SPECIAL USE PERMIT

a. **S10-0009/Villa Florentina Bed and Breakfast Inn** submitted by LOREN SPERBER for a Bed and Breakfast within an existing single-family dwelling, with a maximum occupancy of six people. Special Events, including amplified music, would be held at the site for up to 189 guests for a maximum of 20 events per calendar year. The property, identified by Assessor's Parcel Number 006-132-28, consisting of 3.57 acres, is located on the northeast side of Carvers Road, approximately 1,750 feet north of the intersection with Mt. Murphy Road, in the Coloma area, Supervisorial District 4. [*Project Planner: Gina Paolini*] (Categorical Exemption pursuant to Sections 15301 and 15303 of the CEQA Guidelines)**

Gina Paolini presented the item to the Commission with a recommendation of approval.

Loren Sperber/applicant indicated that he would not be an absentee landlord as he lives in the community and has a good relationship with the neighbors. He understood the neighbors' issues regarding traffic, noise and safety, but felt that this proposal met these concerns. Mr. Sperber made the following comments:

- Events would be sited in the center of the property;
- House has a covered patio which includes a roof and three walls;
- All noise-making equipment would be located within the covered patio and the sound would be directed away from the other properties;
- Closest neighbor is approximately 200ft – 400ft with an abundance of foliage in-between the two locations;
- Loudest noise in the area is the road noise coming from State Hwy 49;
- Chose to include amplified music in permit so as to provide more business opportunities; and
- Special events would primarily be weddings and there will be no live percussion.

Chair Heflin confirmed that Mr. Sperber was aware of the Staff Memo dated March 23, 2011 deleting Condition #10 and revising current Condition #11.

Larry Cottingham voiced concern regarding the single-lane bridge/road which currently becomes congested from tourists in the area. He also stated that music from the campground is already an issue for the neighborhood.

Robert Smay stated that he lives approximately 400-500ft from the project and is concerned with the noise the special events would bring since there are already issues with noise from other surrounding businesses. He explained that due to the area's topography, the noise is channeled and localized in the river valley. Mr. Smay indicated that he did not have any issues with the Bed and Breakfast and that it was the special events he was concerned about, particularly the road issues due to the blind curves on this country lane. He referenced a letter submitted by his daughter, Robin Smay, who recently purchased the house next door to this project and would be

Exhibit C

moving into the area, and stated that she had not been aware of this pending project. Mr. Smay requested that the number of special events be reduced.

Bob Palacios complimented Mr. Sperber on bringing beauty and class to the area. He had no objections to the Bed and Breakfast, but was concerned with the proposed special events due to traffic, noise, fire hazards, and the road not designed for heavy traffic.

Sara Schwartz-Kendall supported the nature of the business as there is a need for Bed and Breakfasts since tourism feeds the valley. She stated that Mr. Sperber is conscientious and has mitigated problems as they have arisen during this process.

Gretchen Fretter stated she is not only related to the applicant, but is also a realtor and said that any potential buyers should be informed by their realtor of an area's activities, whether they are current or pending. In regards to the proposed project, Ms. Fretter said the structures are laid out to face the river and direct the noise to that area. She also was confident that Mr. Sperber would instruct his customers that they must drive slowly on the road when traveling to his business.

Donna Smay said that the area noise is already amplified due to the nature of the area. She is also concerned with the road traffic as tourists walk to the bridge in order to look at the river and the added traffic from this project will cause more congestion.

Mr. Sperber made the following comments during his rebuttal:

- Appreciated the neighbors' comments and invited them to contact him with any concerns they may have;
- Had contacted the neighbors and discussed the project with them;
- There would be no off-site parking;
- Traffic circulation would have a minimal effect on the neighbors;
- Spoke regarding traffic counter;
- Referenced an e-mail from Bollard Acoustical Consultants, Inc. regarding the acoustical analysis (hard copy submitted for the record);
- Project would not be a major noise contributor for the area;
- Fire safety is a high priority and was designed into the project as he is a fire fighter by trade;
- Number of proposed special events is 5% of the calendar days; and
- There is a sign indicating road is not a through road.

Commissioner Pratt made the following comments:

- Project site is four-tenths of a mile off of Mt. Murphy Road;
- In agreement of formula used for determining parking spaces;
- Suspects that someday DOT will target bridge for renovations;
- Events always create fear, uncertainty, and doubt due to the unknown; and
- Acoustical analysis is the best indicator for possible noise issues.

Commissioner Rain had an issue with the amplified music and would prefer acoustical only. However, if amplified music was approved, then he would request that it come back in a year for

a review and would encourage the neighbors to contact the applicant instead of the police to resolve any noise complaints and to document them. County Counsel Paula Frantz confirmed that the Commission could condition the permit for a re-check to determine if the conditions needed to be altered.

Commissioner Mathews was concerned about the noise affecting the closest neighbor, Robin Smay. He made the following comments:

- Twenty special events per year would be a great feat right now since other Bed and Breakfasts are struggling to get events;
- County encourages tourist activity in the Coloma area; and
- Recommended having a one-year review on noise and road impact to Carvers Road and encouraged residents to document any problems that occur.

Chair Heflin felt that traffic and noise are the primary issues and agreed with a one-year review.

County Counsel Frantz stated that noise is individualistic and that is why acoustical studies are required. This project does comply with County noise standards, but the Commission does have the discretion to eliminate all amplified music, restrict the number of special events, etc.

Ms. Paolini read into the record a proposed condition addressing the one-year review. She also recommended adding language to the project description in Condition #1 clarifying that the occupancy number excluded the owners. This clarification would also be included in the Staff Report on pages 1 (project request) and 2 (project description).

No further discussion was presented.

Motion: Commissioner Pratt moved, seconded by Commissioner Rain, and carried (4-0), to take the following action: 1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 and 15303; and 2. Conditionally approve Special Use Permit S10-0009 based on the Findings and subject to the Conditions of Approval as modified: (a) Delete Condition #10 and modify current Condition #11 as identified in Staff Memo dated March 23, 2011; (b) Add new condition requiring a one-year review; and (c) Amend Condition #1 to clarify that the occupancy number excludes the owners.

AYES: Mathews, Rain, Pratt, Heflin

NOES: None

ABSENT: Tolhurst

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

1.0 CEQA FINDINGS

1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the

project is consistent with the residential development standards of the RE-10 Zone District for the existing structures which require only ministerial permits for any upgrades required by the Fire Department or Department of Transportation. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.

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- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance. The project has been proposed with sufficient parking for the Bed and Breakfast use and Special Events.

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4.1 The issuance of the permit is consistent with the General Plan;

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations) and has been found to be consistent with these policies.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits,

and 17.14.220, Bed and Breakfast Inns. The proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the proposed number of Special Events associated with the proposed use and the hours of the Special Events have been limited in order not be detrimental to the adjacent residential uses.

4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

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Conditions of Approval

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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.

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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. **Turnout(s):** The applicant shall construct a turnout in accordance to Section 1273.06 of the Fire Safe Standards and DISM Standard Plan 101C. The final location of the turnout to be approved by the fire department. Proper signing and pavement marking are also required. The improvements shall be completed to the satisfaction of the Department of Transportation and the fire department or the applicant shall obtain an approved improvement agreement with security, prior to establishment of the use.~~
- ~~11.~~ **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.
- ~~12.~~ **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.

- ~~13~~12. **Easements:** All applicable existing and proposed easements shall be shown on the project plans.
- ~~14~~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.
- ~~15~~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.
- ~~16~~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.
- ~~17~~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.
- ~~18~~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.
- ~~19~~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.

2019. **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

2120. **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.

2221. **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).
- 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

2322. **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.
2423. **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.
2524. **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.
2625. **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.
2726. **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.

- ~~28~~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.
- ~~29~~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

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.

To: Eldorado County Planning Commission

January 20, 2012

From: Loren Sperber

Owner, Villa Florentina

Re: 1 Year SUP Update

To Whom It May Concern,

Villa Florentina complied with all County mandates and opened for business on September 7, 2011. This was a costly process, but the results yielded a facility especially suited to hosting individual guests as well as special events.

I also received and responded to a single neighbor request and planted additional foliage and installed privacy screening to allay concerns about occasional special events. This neighbor expressed her satisfaction and no further concerns have been expressed.

To date I have hosted several guests at the inn, conducted one commercial special event, as well as continued to host private gatherings as in years past. A summary of my commercial operations since opening for business are shown directly below:

| | | | |
|---------------------------|----------------|-----------------------------|-----------------|
| Inn Room Nights Occupied: | 9 | Future Inn Reservations: | 1 |
| Special Events Conducted: | 1 (100 guests) | Special Event Reservations: | 1 (~100 guests) |

Despite significant costs associated with County compliance, facility improvements, and marketing and advertising, I am confident in the long term sustainability and viability of this small home-based business. Its location on a road hosting other home-based businesses, as well as very close proximity to larger commercial operations and a California State Park make my placement congruent with the community. Villa Florentina is just the type of business that is needed to create jobs, support our local economy, and accommodate those seeking to experience the rivers, orchards, vineyards, and rich history of Eldorado County.

The facility design was meticulously researched and documented to have little or no impact on my valued neighbors. I am happy to report that I have received not a single neighbor complaint related to the Special Use Permit operations. I am committed to my community and will work diligently to ensure that if concerns arise in the future, they receive my prompt attention.

Respectfully Submitted,

Loren Sperber

Owner, Villa Florentina

ATTACHMENT 1

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing structures which require only ministerial permits for any upgrades required by the Fire Department or Department of Transportation. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation permits Bed and Breakfast Inns with a special use permit.
- 2.2 The proposal is consistent with General Plan policies, 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations). It has been determined that the project is consistent with the General Plan because the project is compatible with the land use and would provide adequate access.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Estate Residential (RE-10) zone district, pursuant to Sections 17.70.100, 17.70.100.G and 17.14.220 provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance. The project has been proposed with sufficient parking for the Bed and Breakfast use and Special Events.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 **The issuance of the permit is consistent with the General Plan;**

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations) and has been found to be consistent with these policies.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns. The proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the proposed number of Special Events associated with the proposed use and the hours of the Special Events have been limited in order not be detrimental to the adjacent residential uses.

4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use, as conditioned, is specifically permitted by Special Use Permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

Conditions of Approval

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-G2Residence Floor Plan
- Exhibit H.....Sign Plan
- Exhibit IGarage Floor Plan
- Exhibit JParking Plan
- Exhibits K1-K6Elevations

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 Special Events shall be permitted annually with a maximum of 189 guests.
- 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.
- 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.
4. **Special Events:** Special Events shall end by 9:30 PM to allow guest to exist the project area before 10:00 PM.
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).
- 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

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.

FROM THE PLANNING COMMISSION MINUTES OF MARCH 22, 2012

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

SPECIAL USE PERMIT – ONE YEAR REVIEW

c. S10-0009/Villa Florentina Bed & Breakfast: Planning Commission approved project on March 24, 2011 with Condition #29 requiring a one-year review of noise and traffic impacts.

Staff Recommendation: Receive and file report, with no further annual reviews required

END OF CONSENT CALENDAR

Motion: Commissioner Mathews moved, seconded by Commissioner Rain, and carried (3-0), to approve the Consent Calendar.

AYES: Rain, Mathews, Pratt

NOES: None

ABSENT: Heflin, Tolhurst



COMMUNITY DEVELOPMENT AGENCY

DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667

BUILDING

(530) 621-5315 / (530) 622-1708 Fax

biddept@edcgov.us

PLANNING

(530) 621-5355 / (530) 642-0508 Fax

planning@edcgov.us

LAKE TAHOE OFFICE:

3368 Lake Tahoe Blvd., Suite 302

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

tahoebuild@edcgov.us

November 4, 2016

Villa Florentina Bed and Breakfast

Attn: Mr. Adam Anderson

P.O. Box 511

Coloma, CA 95613

**Re: Special Use Permit S10-0009/Villa Florentina Bed and Breakfast
APN: 006-132-28**

Dear Mr. Anderson:

This notice is the third and final formal request to fully comply with the County noise standards and conditions of approval for Special Use Permit S10-0009. Any additional non-compliance with the County noise standards and the conditions of approval for the special use permit will result in the project being forwarded to the Planning Commission for consideration of revocation or County mandated modification of the special use permit in accordance with County Zoning Ordinance Section 130.54.090.

On October 12, 2016 Planning Services issued a second request for compliance letter regarding complaints received by our office that special event activities conducted on the site are violating the County noise standards and the conditions of approval for Special Use Permit S10-0009/Villa Florentina Bed and Breakfast (see Attachment 1). Since the issuance of that request for compliance letter, Planning Services has conducted a teleconference with you to discuss the noise standards and condition of approval violations in an effort to help bring the project into compliance. However, Planning Services has continued to receive complaints regarding noise violations of the County noise standards and conditions of approval for Special Use Permit S10-0009/Villa Florentina Bed and Breakfast during special events.

Please feel free to contact me at (530) 621-6644 or Robert.Peters@edcgov.us if you have any questions or concerns regarding this correspondence.

Sincerely,

Rob Peters,
Associate Planner

Attachment: Attachment 1 – August 19, 2016 and October 12, 2016 Compliance Request Letters

cc: Tiffany Schmid, Principal Planner
James Williams, Planning Commissioner, Supervisorial District 4

Exhibit F



COMMUNITY DEVELOPMENT AGENCY

DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667
BUILDING
(530) 621-5315 / (530) 622-1708 Fax
bldddept@edcgov.us
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LAKE TAHOE OFFICE:

3368 Lake Tahoe Blvd., Suite 302
South Lake Tahoe, CA 96150
(530) 573-3330
(530) 542-9082 Fax
tahoebuild@edcgov.us

October 12, 2016

Villa Florentina Bed and Breakfast
Attn: Mr. Adam Anderson
6673 Carvers Road,
Coloma, CA 95613

Re: Special Use Permit S10-0009/Villa Florentina Bed and Breakfast
APN: 006-132-28

Dear Mr. Anderson:

This notice is the second formal request to fully comply with the County noise standards and conditions of approval for Special Use Permit S10-0009. Continued non-compliance with the County noise standards and the conditions of approval for the special use permit will result in the project being forwarded to the Planning Commission for consideration of revocation or County mandated modification of the special use permit in accordance with County Zoning Ordinance Section 130.54.090 (see Attachment 1).

On August 19, 2016 Planning Services issued a request for compliance letter regarding complaints received by our office that special event activities conducted on the site are violating the County noise standards and the conditions of approval for Special Use Permit S10-0009/Villa Florentina Bed and Breakfast. Since the issuance of that request for compliance letter, Planning Services has conducted a teleconference with you to discuss the noise standard and condition of approval violations in an effort to help bring the project into compliance. However, Planning Services has continued to receive complaints regarding noise violations of the County noise standards and conditions of approval for Special Use Permit S10-0009/Villa Florentina Bed and Breakfast during special events.

Please feel free to contact me at (530) 621-6644 or Robert.Peters@edcgov.us if you have any questions or concerns regarding this correspondence.

Sincerely,

Rob Peters,
Associate Planner

Attachments: Attachment 1 – Zoning Ordinance Section 130.54.050

cc: Tiffany Schmid, Principal Planner
James Williams, Planning Commissioner, Supervisorial District 4

- B. Revisions to a permit or authorization which result in an expansion or substantial alteration of the project, or which may affect a condition of approval, mitigation measure, or finding that was specifically addressed by the review authority, may only be approved by said authority following a public hearing.
- C. Director approval of minor modifications shall be processed using the Staff Review with Notice procedures. If the Director determines that the request requires a public hearing by the review authority of original jurisdiction, notice shall be given in compliance with the same noticing requirements of the original application.
- D. The review authority may modify or impose new conditions to the permit revision when necessary to carry out the original permit or when necessary to protect the public health and safety or to comply with provisions of state or federal law.
- E. Appeal of a decision on a Revision to an Approved Permit or Authorization shall be processed in compliance with Section 130.52.090 (Appeals).

130.54.080 Resubmittals

- A. For a period of 12 months following the date of the disapproval of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.
- B. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or disapproved permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission in compliance with Section 130.52.090 (Appeals).

130.54.090 Revocation or County Mandated Modification of a Permit

Any permit authorized under this Article may be revoked or modified by the county when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance.

- A. The following procedures shall be used for revocation or mandated modification of previously approved permits or authorizations:
 - I. The review authority of original jurisdiction shall hold a public hearing to revoke or modify a permit or authorization granted in compliance with the provisions of this Article. Where the review authority was the Director, the hearing shall be referred to the Zoning Administrator for determination.

2. Notice shall be provided to the owner of the property, as shown on the county's current equalized assessment roll, and to the applicant for the permit or approval if different from the property owner on which the use or structure authorized by the permit being considered for revocation exists for the permit or approval being considered for revocation.
 3. Notice shall be mailed through the U.S. Postal Service, certified, first class, and postage paid, at least twelve days prior to the public hearing for all permits being considered for revocation except Temporary Use Permits, which shall require mailed notice three days prior to the hearing.
 4. Any permit or authorization may be revoked or modified by the review authority if any one of the following findings can be made:
 - a. Circumstances under which the permit or authorization was granted have been changed by the applicant to the extent that one or more of the findings that justified the original approval can no longer be made;
 - b. The permit or authorization was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the testimony presented by the applicant during the public hearing;
 - c. One or more of the conditions of approval have not been substantially fulfilled or have been violated;
 - d. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
 - e. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare; or the manner of operation constitutes and/or is creating a public nuisance.
 5. As an alternative to revocation, the county may mandate modification of a permit or authorization including the duration of the permit or authorization, any operational aspect of the project, or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.
 6. The county's action to revoke a permit or authorization shall have the effect of terminating it and denying the privileges granted by the original approval.
- B. Any permit revoked by the review authority may be appealed in compliance with Section 130.52.090 (Appeals).
- C. **Use after Revocation.** When an approved permit or authorization has been revoked, no further development or use of the property authorized by the revocation shall be

continued, except in compliance with the approval of a new permit or authorization required by this Title.



COMMUNITY DEVELOPMENT AGENCY

DEVELOPMENT SERVICES DIVISION

<http://www.edcgov.us/DevServices/>

PLACERVILLE OFFICE:

2850 Fairlane Court, Placerville, CA 95667

BUILDING

(530) 621-5315 / (530) 622-1708 Fax

bddept@edcgov.us

PLANNING

(530) 621-5355 / (530) 642-0508 Fax

planning@edcgov.us

LAKE TAHOE OFFICE:

3368 Lake Tahoe Blvd., Suite 302

South Lake Tahoe, CA 96150

(530) 573-3330

(530) 542-9082 Fax

tahoebuild@edcgov.us

August 19, 2016

Villa Florentina Bed and Breakfast
Attn: Mr. Adam Anderson
6673 Carvers Road,
Coloma, CA 95613

**Re: Special Use Permit S10-0009/Villa Florentina Bed and Breakfast
APN: 006-132-28**

Dear Mr. Anderson:

Planning Services has received complaints regarding noise violations of the County noise standards and conditions of approval for Special Use Permit S10-0009/Villa Florentina Bed and Breakfast during special events. This notice is a formal request to fully comply with the County noise standards and conditions of approval for Special Use Permit S10-0009.

Planning Services recognizes that we have conducted correspondence with you prior to the date of this letter regarding noise compliance, and that progress has been made toward reaching compliance. However, we have continued to receive complaints regarding special events conducted on the site. The special event activities must comply with the County noise standards and the conditions of approval for the special use permit.

Condition of Approval No. 3, Outdoor Music, requires that "all amplified outdoor sound systems shall be placed 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." Attached to this letter is a copy of the approved site plan, a copy of the conditions of approval as approved by the Planning Commission on March 24, 2011, a copy of Exhibit L, Appendix A of the staff report, and a copy of Table 6-2 of the General Plan. Amplified outdoor sound is limited to the covered patio area and should be directed as outlined in the approved special use permit. The special use permit does not authorize outdoor amplified sound in any other locations.

Any modifications in the operation of amplified sound for special events would require revision to the special use permit, and would require an updated acoustical analysis to demonstrate

compliance with the County noise standards. I would be happy to help guide you through the requirements for revising the special use permit should you choose that course of action. However, special event activities must comply with the County noise standards and the conditions of approval for the special use permit in the interim.

Continued non-compliance with the County noise standards and the conditions of approval for the special use permit may constitute grounds for revocation.

I look forward to working with you in resolving this matter. Please feel free to contact me at (530) 621-6644 or Robert.Peters@edcgov.us if you have any questions or concerns regarding this correspondence.

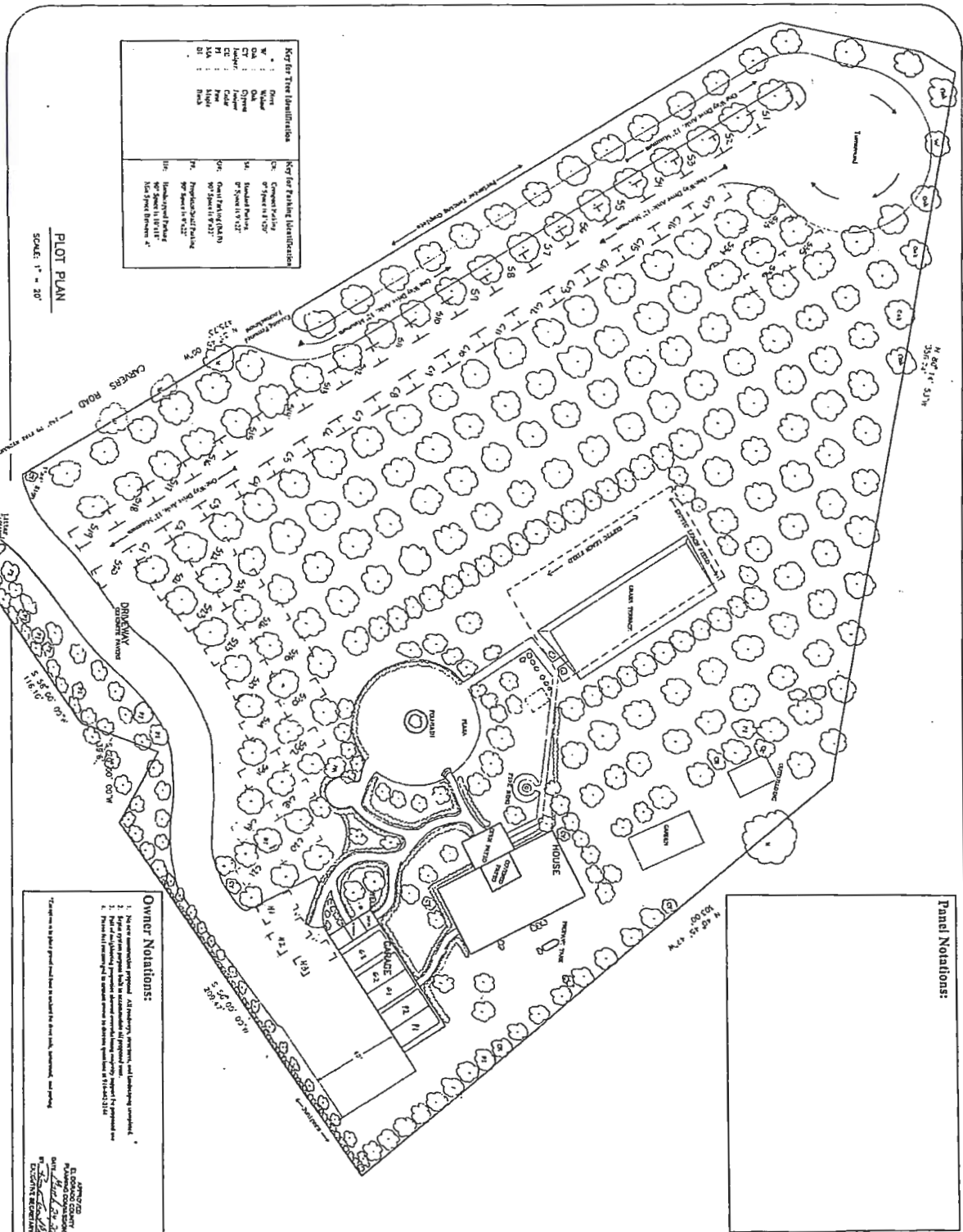
Sincerely,



Rob Peters,
Associate Planner

Attachments: Attachment 1 - S10-0009 - Approved Site Plan
Attachment 2 - S10-0009 - Conditions of Approval as approved by the Planning Commission on March 24, 2011
Attachment 3 - S10-0009 - Staff Report Exhibit L
Attachment 4 - Table 6-2 of the General Plan.

cc: Tiffany Schmid, Principal Planner
James Williams, Planning Commissioner, Supervisorial District 4



| Key for Tree Identification | | Key for Parking Identification | |
|-----------------------------|------------------|--------------------------------|-----------------|
| 10 | Maple | CP | Compact Parking |
| 11 | Oak | CP | Compact Parking |
| 12 | Redwood | CP | Compact Parking |
| 13 | Walnut | CP | Compact Parking |
| 14 | Yucca | CP | Compact Parking |
| 15 | Juniper | CP | Compact Parking |
| 16 | Boxwood | CP | Compact Parking |
| 17 | Spirea | CP | Compact Parking |
| 18 | Hydrangea | CP | Compact Parking |
| 19 | Philadelphus | CP | Compact Parking |
| 20 | Camellia | CP | Compact Parking |
| 21 | Lavender | CP | Compact Parking |
| 22 | Rose | CP | Compact Parking |
| 23 | Geranium | CP | Compact Parking |
| 24 | Verbena | CP | Compact Parking |
| 25 | Salvia | CP | Compact Parking |
| 26 | Ornamental Grass | CP | Compact Parking |
| 27 | Shrub | CP | Compact Parking |
| 28 | Flowering Shrub | CP | Compact Parking |
| 29 | Tree | CP | Compact Parking |
| 30 | Large Tree | CP | Compact Parking |
| 31 | Small Tree | CP | Compact Parking |
| 32 | Medium Tree | CP | Compact Parking |
| 33 | Large Shrub | CP | Compact Parking |
| 34 | Medium Shrub | CP | Compact Parking |
| 35 | Small Shrub | CP | Compact Parking |
| 36 | Large Tree | CP | Compact Parking |
| 37 | Medium Tree | CP | Compact Parking |
| 38 | Small Tree | CP | Compact Parking |
| 39 | Large Shrub | CP | Compact Parking |
| 40 | Medium Shrub | CP | Compact Parking |
| 41 | Small Shrub | CP | Compact Parking |
| 42 | Large Tree | CP | Compact Parking |
| 43 | Medium Tree | CP | Compact Parking |
| 44 | Small Tree | CP | Compact Parking |
| 45 | Large Shrub | CP | Compact Parking |
| 46 | Medium Shrub | CP | Compact Parking |
| 47 | Small Shrub | CP | Compact Parking |
| 48 | Large Tree | CP | Compact Parking |
| 49 | Medium Tree | CP | Compact Parking |
| 50 | Small Tree | CP | Compact Parking |
| 51 | Large Shrub | CP | Compact Parking |
| 52 | Medium Shrub | CP | Compact Parking |
| 53 | Small Shrub | CP | Compact Parking |
| 54 | Large Tree | CP | Compact Parking |
| 55 | Medium Tree | CP | Compact Parking |
| 56 | Small Tree | CP | Compact Parking |
| 57 | Large Shrub | CP | Compact Parking |
| 58 | Medium Shrub | CP | Compact Parking |
| 59 | Small Shrub | CP | Compact Parking |
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| 62 | Small Tree | CP | Compact Parking |
| 63 | Large Shrub | CP | Compact Parking |
| 64 | Medium Shrub | CP | Compact Parking |
| 65 | Small Shrub | CP | Compact Parking |
| 66 | Large Tree | CP | Compact Parking |
| 67 | Medium Tree | CP | Compact Parking |
| 68 | Small Tree | CP | Compact Parking |
| 69 | Large Shrub | CP | Compact Parking |
| 70 | Medium Shrub | CP | Compact Parking |
| 71 | Small Shrub | CP | Compact Parking |
| 72 | Large Tree | CP | Compact Parking |
| 73 | Medium Tree | CP | Compact Parking |
| 74 | Small Tree | CP | Compact Parking |
| 75 | Large Shrub | CP | Compact Parking |
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| 77 | Small Shrub | CP | Compact Parking |
| 78 | Large Tree | CP | Compact Parking |
| 79 | Medium Tree | CP | Compact Parking |
| 80 | Small Tree | CP | Compact Parking |
| 81 | Large Shrub | CP | Compact Parking |
| 82 | Medium Shrub | CP | Compact Parking |
| 83 | Small Shrub | CP | Compact Parking |
| 84 | Large Tree | CP | Compact Parking |
| 85 | Medium Tree | CP | Compact Parking |
| 86 | Small Tree | CP | Compact Parking |
| 87 | Large Shrub | CP | Compact Parking |
| 88 | Medium Shrub | CP | Compact Parking |
| 89 | Small Shrub | CP | Compact Parking |
| 90 | Large Tree | CP | Compact Parking |
| 91 | Medium Tree | CP | Compact Parking |
| 92 | Small Tree | CP | Compact Parking |
| 93 | Large Shrub | CP | Compact Parking |
| 94 | Medium Shrub | CP | Compact Parking |
| 95 | Small Shrub | CP | Compact Parking |
| 96 | Large Tree | CP | Compact Parking |
| 97 | Medium Tree | CP | Compact Parking |
| 98 | Small Tree | CP | Compact Parking |
| 99 | Large Shrub | CP | Compact Parking |
| 100 | Medium Shrub | CP | Compact Parking |

PLOT PLAN
SCALE: 1" = 20'

Owner Notations:

1. Not to be used for construction. All existing, proposed, and landscaping are indicated.
2. All existing and proposed structures are shown with existing and proposed.
3. All existing and proposed structures are shown with existing and proposed.
4. All existing and proposed structures are shown with existing and proposed.

ARCHITECT:
LORREN SPERBER
LORREN SPERBER ARCHITECTURE
1000 S. GARDEN AVENUE
COLUMBIA, CA 95613
(916) 662-2144

Panel Notations:

| | | | | |
|----------------------------------|---------------------------------|--|--|--|
| SHEET TITLE: PLOT PLAN | OWNER: LORREN SPERBER | Project Name: Villa Fiorentina | | |
| | | Location: 6673 Carvers Rd., Coloma, CA 95613 APN: 006-132-28-100 Owner/Applicant: Loren Sperber P.O. Box 551, Coloma, CA 95613 (916) 662-2144 loren_sperber@hotmail.com | | |
| DATE: 08/11/2010 | SCALE: 1" = 20' | | | |

S10-0009/Villa Florentina Bed and Breakfast Inn – As approved by the Planning Commission on March 24, 2011

Findings

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing structures which require only ministerial permits for any upgrades required by the Fire Department or Department of Transportation. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Rural Residential (RR) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation permits Bed and Breakfast Inns with a special use permit.
- 2.2 The proposal is consistent with General Plan policies, 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations). It has been determined that the project is consistent with the General Plan because the project is compatible with the land use and would provide adequate access.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by Special Use Permit in the Estate Residential (RE-10) zone district, pursuant to Sections 17.70.100, 17.70.100.G and 17.14.220 provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance. The project has been proposed with sufficient parking for the Bed and Breakfast use and Special Events.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

- 4.1 **The issuance of the permit is consistent with the General Plan;**

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan consistency) 2.2.5.21 (land use compatibility), 2.8.1.1 (light and glare), 6.2.3.2 (fire safe access) and 10.1.7.4 (home occupations) and has been found to be consistent with these policies.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns. The proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the proposed number of Special Events associated with the proposed use and the hours of the Special Events have been limited in order not be detrimental to the adjacent residential uses.

4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use, as conditioned, is specifically permitted by Special Use Permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

Conditions of Approval

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 Special Events shall be permitted annually with a maximum of 189 guests.
- 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.
- 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 placed 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.
4. **Special Events:** Special Events shall end by 9:30 PM to allow guest to exit the project area before 10:00 PM.
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).
- 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

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.

Environmental Noise Assessment

**Villa Florentina Bed & Breakfast and Special
Event Facility**

Coloma, California (El Dorado County)

BAC Job #2010-066

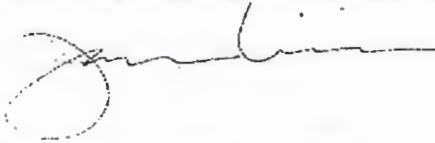
Prepared For:

Villa Florentina
Mr. Loren Sperber
6673 Carvers Road
Coloma, California 95613

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OCT 21 PM 3:21
PLANNING DEPARTMENT

Prepared By:

Bollard Acoustical Consultants, Inc.



Jason Mirise, Vice President

October 18, 2010



INTRODUCTION

Bollard Acoustical Consultants, Inc. has completed an environmental noise assessment for the proposed Villa Florentina Bed & Breakfast and Special Event facility at 6673 Carvers Road in Coloma, California (El Dorado County). The project applicant wishes to host daytime/evening (until 10 p.m.) receptions (e.g., wedding) within the outdoor patio areas on the west side of the project residence. Sound from the patio entertainment, which may include music from a DJ, should satisfy the County's noise exposure criteria at the closest residential receivers to the north, west, and east of the project facility. Please see the site aerial graphic presented as Appendix A.

Please refer to Appendix B for definitions of acoustical terminology used in this report.

CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

The El Dorado County Noise Element of the General Plan establishes hourly noise exposure limits for non-transportation (stationary) noise sources affecting rural residential land uses. These limits are summarized in Table 1. In this case, the noise level criteria have been reduced by 5 dB to account for the speech/music content of the project noise.

Table 1

**Exterior Noise Exposure Criteria
Applied at Rural Residential Property Lines Adjacent to the Project
El Dorado County, California Noise Element of the General Plan**

| Noise Level Descriptor | Noise Level (dB) | |
|------------------------|---------------------|--------------------------|
| | Day (7 a.m.-7 p.m.) | Evening (7 p.m.-10 p.m.) |
| Hourly L_{eq} | 45 | 40 |
| L_{max} | 60 | 50 |

Note: Levels have been reduced by 5 dB to account for the speech/music nature of the project noise.

SOUND SYSTEM (DJ) NOISE EXPOSURE

Noise Measurement Equipment and Atmospheric Conditions

Noise measurement equipment included a Larson-Davis Laboratories (LDL) Model 820 precision integrating sound level meter equipped with an LDL Model 2560 ½" microphone. The system was calibrated in the field before use using an LDL Model CAL200 acoustical calibrator. The measurement equipment/microphone was placed on a tripod approximately 5 feet above the ground.

Atmospheric conditions during the acoustical measurements included a temperature of approximately 75° F with calm to light winds, and partly cloudy. It is assumed that these conditions would be typical for outdoor receptions at the project facility

Noise Level Measurements

Music in the project covered patio area was generated using a pair of Yamaha MSR 400 portable speakers with built-in amplifiers and an MP3 player. The sound system was installed at the designated location for reception DJs (see Appendix A). The sound system speakers were positioned to face the small dance floor (patio) and fountain/dining areas to the west. Rock music was played through the sound system for the reference measurements. The sound system was set to produce sound levels typical of what would be produced by a DJ during a wedding reception, measured at approximately 82 dB L_{eq} in the dance floor area (Site 1). Noise level measurements were completed at the fountain/dining area and at the residential property lines to the north, west, and east. Please see Table 2 for a summary of the measured noise exposure levels associated with the project.

Table 2

**Summary of Noise Level Measurements
Villa Florentina - Coloma, California (El Dorado County)
October 8, 2010 - 2:30-3:30 P.M.**

| Measurement Site - Description | L_{eq} , dB | L_{max} , dB |
|--|---------------|----------------|
| 1 - Patio dance floor area (15 feet from speakers) | 82 | 87 |
| 2 - Fountain/Dining Area (60 Feet from speakers) | 64 | 66 |
| 3 - Residence to the east (6683 Carvers Road) | 40 | 45 |
| 4 - Residence to the north (6641 Carvers Road) | <u>44</u> | 50 |
| 5 - Residence to the west (6640 Carvers Road) | 39 | 42 |

Notes: Please see the measurement locations in Appendix A. Project-related music was nearly inaudible at Site 3 due to shielding from project buildings. Project-related music was audible but not clearly measureable above traffic noise from nearby Highway 49 at Sites 4 and 5. The underlined level at Site 4 exceeded the applicable noise criterion (40 dB L_{eq}), but was dominated by traffic noise on Highway 49.

As shown in Table 2, noise exposure produced by a reception DJ in the project covered patio area did not produce noise exposure in excess of the applicable noise exposure criteria. Music was audible at the residential measurement sites, but was not clearly measureable relative to traffic noise from Highway 49.

GUEST NOISE EXPOSURE

The project proponent proposes to have events with no more than 189 people in the outdoor patio and fountain/dining areas. Persons engaged in normal conversation, such as during dinner, would generally produce noise levels of approximately 60 dB at a distance of 5 feet from one-another. If it is assumed that no more than 38 people (20% of capacity) would be speaking at any given time, and noise level reduction is -6 dB per doubling of distance (standard spherical divergence or spreading loss), noise exposure from the outdoor patio dining area at the closest residences to the north (approximately 180 feet from the center of the fountain/dining area) would be approximately 45 dB L_{eq} . This level represents unmitigated noise exposure (i.e., no reduction due to intervening property line barriers, topography, or structures). In this case,

additional noise level reduction from ground absorption and intervening topography would be expected to reduce guest noise levels to less than 40 dB L_{eq} at the closest residential property line. Therefore, average guest noise levels would be expected to satisfy the applicable daytime and evening noise exposure limits at the closest residential property line.

Worst-case, maximum noise exposure from guest laughter, cheering, etc. would be expected to exceed the County's evening noise exposure limit of 50 dB (L_{max}) at the closest residential property line to the north.

MITIGATION

Sound System

As presented above, noise exposure from a DJ sound system positioned in the covered patio area on the west side of the project residence would not be expected to exceed the applicable daytime or evening noise exposure limits at the closest residential property lines. It is critical that the sound system is placed in the covered patio area to take advantage of the acoustical shielding provided by the project buildings. The DJ sound system should not be positioned anywhere other than the covered patio area shown in Appendix A.

Guest Noise

Guest noise exposure during dinner or other times when the music is not a dominant noise source would not be expected to exceed the applicable 45 dB L_{eq} and 40 dB L_{eq} daytime and nighttime noise exposure limits, respectively, at the closest residential properties. To help mitigate the possibility of nighttime noise exposure impacts at neighboring residents, we recommend that reception activities end no later than 9:30 p.m. This would allow guests time to exit the project area before 10 p.m., limiting nighttime noise exposure in the project neighborhood.

CONCLUSIONS

Noise exposure from DJ Music and guests would not be expected to exceed the applicable daytime and evening average noise exposure criteria (L_{eq}) at the closest residential properties. Maximum noise exposure (L_{max}) from guest cheering, laughing, etc. would be expected to exceed the County's evening noise exposure criterion at the closest residential property to the north. There is no known mitigation for this impact.

Project-related noise exposure at neighboring residential uses may be reduced by limiting music to DJ sound systems or live, acoustic music (no amplification) with string and/or woodwind instruments only (no drums or brass). All music equipment or musicians should be positioning in the covered patio area as shown in Appendix A. Receptions should end no later than 9:30 p.m.

This concludes our environmental noise assessment for the Villa Florentina Bed & Breakfast and Special Event facility in Coloma, California (El Dorado County). Please contact me at (916) 663-0500 or jasonm@bacnoise.com if you have any questions or require additional information.

Appendix A
Villa Florentina Bed & Breakfast and Special Event Facility
Coloma, California (El Dorado County)



 : Short-Term Noise Level Measurement Site



Appendix B
General Acoustics Terminology

Absorption

Coefficient (α) The fraction of the randomly incident sound power which is absorbed by a material.

Acoustics The physics of sound.

Ambient Noise The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

Attenuation The reduction of an acoustic signal.

A-Weighting A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human auditory response.

Decibel or dB Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.

CNEL Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

Frequency The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.

Impulsive Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

L_n The sound level exceeded "n" percent of the time during a sample interval (L_{50} , L_{25} , L_5 , etc.). L_{50} equals the level exceeded 50 percent of the time.

L_{dn} Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.

L_{eq} Equivalent or energy-averaged sound level.

L_{max} The highest root-mean-square (RMS) sound level measured over a given period of time.

Noise Unwanted sound.

NLR Noise Level Reduction. The arithmetic difference in noise levels between two conditions. (e.g., $NLR = L_1 - L_2$ or $NLR = L_{source} - L_{receiver}$ or $NLR = L_{exterior} - L_{interior}$).

NRC Noise Reduction Coefficient. A single-number rating of the sound absorption properties of a material. The arithmetic mean of the sound absorption coefficients at 250, 500, 1,000, and 2,000 Hz, rounded to the nearest 0.05.

RT60 The time it takes reverberant sound to decay by 60 dB once the source has been removed.

SEL Sound Exposure Level. The equivalent sound level over a 1 second time interval for a discrete sound event (e.g., aircraft overflight).

Simple Tone Any sound which is distinguishable as a single pitch or set of single pitches.

STC Sound Transmission Class. A single-number representation of a partition's noise insulation performance.



**TABLE 6-2
NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND
USES AFFECTED BY NON-TRANSPORTATION* SOURCES**

| Noise Level Descriptor | Daytime 7 a.m. - 7 p.m. | | Evening 7 p.m. - 10 p.m. | | Night 10 p.m. - 7 a.m. | |
|------------------------|----------------------------|-------|-----------------------------|-------|---------------------------|-------|
| | Community | Rural | Community | Rural | Community | Rural |
| Hourly L_{eq} , dB | 55 | 50 | 50 | 45 | 45 | 40 |
| Maximum level, dB | 70 | 60 | 60 | 55 | 55 | 50 |

Notes:
 Each of the noise levels specified above shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).
 The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.
 In Community areas the exterior noise level standard shall be applied to the property line of the receiving property. In Rural Areas the exterior noise level standard shall be applied at a point 100' away from the residence. The above standards shall be measured only on property containing a noise sensitive land use as defined in Objective 6.5.1. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all effected property owners and approved by the County.
 *Note: For the purposes of the Noise Element, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Control of noise from facilities of regulated public facilities is preempted by California Public Utilities Commission (CPUC) regulations. All other noise sources are subject to local regulations. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, schools, hospitals, commercial land uses, other outdoor land use, etc.

Policy 6.5.1.11 The standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to those activities associated with actual construction of a project as long as such construction occurs between the hours of 7 a.m. and 7 p.m., Monday through Friday, and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. Further, the standards outlined in Tables 6-3, 6-4, and 6-5 shall not apply to public projects to alleviate traffic congestion and safety hazards.

Villa Florentina

Proposed Use and Operation

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EL DORADO COUNTY
DEVELOPMENT SERVICES DEPT

Summary of Requested Changes:

1. Increase bed and breakfast from 3 guest rooms to 4.
2. Add additional non-amplified events per year in addition to the 20 amplified events currently approved.
3. Extend the event use to year round not April through October.
4. Allow use of a microphone and amplifier on the ceremony lawn for use in wedding ceremonies. Limit the time allowed for this to one half hour in the afternoon.
5. Add "Health and Wellness Resort" to business description to accommodate special health and wellness events.
6. Extend hours for amplified noise to 10pm on weekends during daylight savings time.

General

Application is for a 4 room "Bed and Breakfast". Additional capability to host special events at the site is proposed. Additional capacity as a health resort and wellness center is proposed.

Bed and Breakfast

1. Application to operate as a "Bed and Breakfast" utilizing 4 of the home's bedrooms for guests.
2. Convert exercise room to caretakers' quarters.
3. Operation will comply with Eldorado County definition of a "Bed and Breakfast".
4. Year round availability limited principally by owner/operator presence and availability.
5. Guests will have access to house and grounds.
6. 1 permanent employee/owner to live onsite and operate the bed and breakfast.
7. Guests will not have access to kitchen.

Special Events

1. Application to host special events for up to 189 guests per event.
2. Limited to 20 amplified events per calendar year. Other non-amplified events allowed.
3. Hours of operation limited to 9am – 10:00pm with extended hours on weekends during daylight savings time of 9am – 10:30pm.
4. Any amplified music to comply with Eldorado County ordinances. No amplified music after 9:30pm or 10pm during extended hours.

5. Parking provided onsite for all guests.
6. Temporary employees as required by event host or coordinator.
7. Caterers or event coordinators have no access to kitchen inside home.

Health Resort and Wellness Center

1. Repurpose the office room into a spa room.
2. Host events on site for wellness retreats.
3. Provide lunch and dinner in addition to breakfast.

- B. Revisions to a permit or authorization which result in an expansion or substantial alteration of the project, or which may affect a condition of approval, mitigation measure, or finding that was specifically addressed by the review authority, may only be approved by said authority following a public hearing.
- C. Director approval of minor modifications shall be processed using the Staff Review with Notice procedures. If the Director determines that the request requires a public hearing by the review authority of original jurisdiction, notice shall be given in compliance with the same noticing requirements of the original application.
- D. The review authority may modify or impose new conditions to the permit revision when necessary to carry out the original permit or when necessary to protect the public health and safety or to comply with provisions of state or federal law.
- E. Appeal of a decision on a Revision to an Approved Permit or Authorization shall be processed in compliance with Section 130.52.090 (Appeals).

130.54.080 Resubmittals

- A. For a period of 12 months following the date of the disapproval of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.
- B. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or disapproved permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission in compliance with Section 130.52.090 (Appeals).

130.54.090 Revocation or County Mandated Modification of a Permit

Any permit authorized under this Article may be revoked or modified by the county when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance.

- A. The following procedures shall be used for revocation or mandated modification of previously approved permits or authorizations:
 - 1. The review authority of original jurisdiction shall hold a public hearing to revoke or modify a permit or authorization granted in compliance with the provisions of this Article. Where the review authority was the Director, the hearing shall be referred to the Zoning Administrator for determination.

Exhibit H

2. Notice shall be provided to the owner of the property, as shown on the county's current equalized assessment roll, and to the applicant for the permit or approval if different from the property owner on which the use or structure authorized by the permit being considered for revocation exists for the permit or approval being considered for revocation.
 3. Notice shall be mailed through the U.S. Postal Service, certified, first class, and postage paid, at least twelve days prior to the public hearing for all permits being considered for revocation except Temporary Use Permits, which shall require mailed notice three days prior to the hearing.
 4. Any permit or authorization may be revoked or modified by the review authority if any one of the following findings can be made:
 - a. Circumstances under which the permit or authorization was granted have been changed by the applicant to the extent that one or more of the findings that justified the original approval can no longer be made;
 - b. The permit or authorization was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the testimony presented by the applicant during the public hearing;
 - c. One or more of the conditions of approval have not been substantially fulfilled or have been violated;
 - d. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or
 - e. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare; or the manner of operation constitutes and/or is creating a public nuisance.
 5. As an alternative to revocation, the county may mandate modification of a permit or authorization including the duration of the permit or authorization, any operational aspect of the project, or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.
 6. The county's action to revoke a permit or authorization shall have the effect of terminating it and denying the privileges granted by the original approval.
- B. Any permit revoked by the review authority may be appealed in compliance with Section 130.52.090 (Appeals).
- C. **Use after Revocation.** When an approved permit or authorization has been revoked, no further development or use of the property authorized by the revocation shall be

continued, except in compliance with the approval of a new permit or authorization required by this Title.