

## CONDITIONS OF APPROVAL

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

### **Design Review Permit DR24-0008/Diamond Springs Village Apartments – Phase II Planning Commission/January 9th, 2024**

1. Approval of Design Review Permit DR24-0008 is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit D.....	General Plan Land Use Map
Exhibit E .....	Zoning Map
Exhibit G .....	Preliminary Utility Map
Exhibit K.....	Architectural Building Elevations
Exhibit M .....	Preliminary Lighting Plan
Exhibit N .....	Biological Resource & Wetland Technical Memo
Exhibit Q.....	Preliminary Grading and Drainage Plans
Exhibit R.....	Preliminary Site Plan
Exhibit S.....	Preliminary Landscape Plan

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

The project description is as follows:

Design Review Permit DR24-0008 consists of an affordable housing development under SB-35, consisting of four (4) multi-unit residential apartments with a total of 31 units, including one (1) manager’s unit. This includes eight (8) two-bedroom units in Building 1, eight (8) one-bedroom units in Building 2, eight (8) three-bedroom units in Building 3, and six (6) two-bedroom units in Building 4. The project includes a manager’s unit and an office/community room (Exhibits K and L). The project is income restricted to households earning 80 percent or less of the AMI. The project also proposes 61 off-street parking spaces with associated lighting and landscaping, with open space/common areas between buildings. Access to the project site would be provided via an existing paved non-County maintained private roadway (“Rest Lane”) to Pleasant Valley Road/State Route 49. Public water and sewer service would be provided by the El Dorado Irrigation District (EID) via connections to existing water and sewer lines on or immediately adjacent to the project site. Electric service would be provided by PG&E via existing PG&E infrastructure adjacent to the project site. Solid waste service would be provided by the local County waste franchisee, El Dorado Disposal. One (1) eight-inch blue oak tree would be removed by the project. The remaining oak trees would be protected from development and retained

on site as detailed in the project Biological Resources and Wetland Assessment Technical Memorandum (Exhibit N).

The development, use, and maintenance of the property, the size, shape, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All development plans must be submitted for review and approval and shall be implemented as approved by the County.

**Planning Division:**

1. **Permit Time Limits:** Design Review DR24-0008 shall automatically expire 36 months from the date of approval pursuant to applicable provisions of Government Code Section 65913.4 (SB-35) unless vertical construction has been initiated prior to the expiration date. This application may qualify for a one-time, one-year time extension, at the discretion of the County, if the project proponent submits a timely request for such extension including documentation of significant progress toward construction. Such documentation shall include but not be limited to submitted building or grading permit application(s).
2. **Outdoor Lighting:** All outdoor lighting shall conform to Exhibit M, and Section 130.34.020 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture indicated on Exhibit M that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cut-off standards, shall require a fixture substitution that meets that requirement.
3. **Landscaping:** The final landscape plan shall be substantially consistent with the Preliminary Landscape Plan (Exhibit S) and be consistent with all applicable provisions of Zoning Ordinance Chapter 130.33 (Landscaping Standards) and the 2015 California Model Water Efficiency Landscape Ordinance (MWELO).
4. **Signs:** All signage installed as part of the project shall be consistent with Zoning Ordinance Chapter 130.36 (Signs).
5. **Tribal Cultural Resources (United Auburn Indian Community):** If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Preservation in place is the preferred alternative, and every effort must be made to preserve the resources in place, including through project redesign. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial,

minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCRs to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe. The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of California Environmental Quality Act (CEQA), including AB 52, has been satisfied.

6. **Construction Noise:** To avoid nighttime and evening construction noise in excess of the objective thresholds of Table 130.37.060.1 and as further specified in General Plan Policy 6.5.1.11, noise-generating construction activities shall be limited to between the hours of 7:00 am and 7:00 pm Monday through Friday and between 8:00 am to 8:00 pm on weekends and on federally recognized holidays.

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

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

qualifies for streamlined review under SB-35, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and landowner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning this Design Review application.

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

8. **Oak Resources Conservation; In-Lieu Fee Payment:** Alteration of on-site individual oak trees and oak tree woodland or the implementation of on-site work that may affect on-site oak trees, including their canopy or root systems, shall adhere to the Biological Resources Assessment Technical Memorandum prepared by Greg Matuzak Environmental Consulting LLC on September 10th, 2024 (Exhibit N). The report identifies approximately one 8” blue oak to be removed. It also identifies project-specific oak tree protection measures for oak resources to be retained on site. Except for identified impacts to individual valley oak trees and valley oak woodlands, this project qualifies for an affordable housing exemption from mitigation under Section 130.39.050 (E). Therefore, oak resources mitigation fees shall not be required for impacts to individual valley oaks and/or valley oak woodlands, as specified in the assessment. Any additional mitigation fee payment shall be required prior to issuance of a grading permit. Processing, receipt, and documentation of mitigation fees collected may be subject to an Administrative Permit pursuant to Section 130.39.060 (A) (Oak Tree and Oak Woodland Removal Permits – Ministerial Development Projects).

**Office of the County Surveyor:**

9. Situs Addressing must be coordinated through the El Dorado County Surveyor’s Office.
10. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

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

11. All structures shall install fire sprinklers in accordance with National Fire Protection Association (NFPA) 13 and Fire Department requirements. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.

12. This development shall install Dry Barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants for this development shall be determined by the Fire District.

**Stormwater Unit:**

14. The project is subject to the State of California’s Phase II Municipal Separate Storm Sewer Systems (MS4) Permit and thus the County’s post-construction water quality requirements follow those outlined in that permit in Section E.12, or superseding permit at the time of application submittal.
13. An Erosion and Sediment Control Plan will need to be included in the plan submittal. If the project will disturb over one acre of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

**El Dorado County Department of Transportation:**

14. The applicant must design and pave the project encroachment(s) consistent with County Standard Plan 103C. Design the site improvements to ensure adequate stopping sight distance per Caltrans Highway Design Manual Chapter 200 is provided and maintained at the project driveway in both directions.
13. The applicant shall construct all roads as shown on the conceptual site plan.