

**Design Review DR19-0006/Cool General Retail** – As Modified by the Board of Supervisors on June 29, 2021

**Conditions of Approval**

**Planning Services**

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

Exhibit F.....Site Plan, Floor Plan, Elevations and Signs  
Exhibit G.....Preliminary Grading, Drainage Plan  
Exhibit H.....Architectural Renderings  
Exhibit I .....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:

The project applicant proposes to construct a 9,100 sq. ft. commercial retail building (Dollar General) on a 1.69 acre site. The single-story building would have a maximum height of 33 feet. The building would be located in the southerly half of the project site, facing the intersection of Highway 49 and Northside Drive. The project design is in the style of new traditional, Western false front architecture. The building has parapet walls extending along the building facade. The project would include parking for 31 vehicles, a dumpster enclosure for solid waste, landscaping, an on-site septic system, and on-site stormwater treatment. With the approval of the project, a design exception through the Department of Transportation would be issued for the reduction of the road width for Northside drive from the County Standard 101A width of 40 feet, with curb, gutter and sidewalk, to a 24 foot wide private commercial roadway.

2. **Lighting:** All outdoor lighting shall conform to Section 130.34.020 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. Any light fixture shown on Exhibit I that does not have a specification sheet submitted with the building permit that specifically states the fixture meets the full cutoff standards, shall require a fixture substitution that meets this requirement. Compliance with this condition shall be further verified during review and prior to issuance of the building permit.
3. **Landscaping:** The final landscape plan shall be consistent with Exhibit F and comply with Zoning Ordinance Chapter 130.33. Compliance with this condition shall be further verified during review and prior to issuance of the building permit. All plant materials shall be maintained in a healthy and attractive manner and kept free from weeds, debris, and undesirable materials for fire safety as well as aesthetic purposes. Plant materials

showing damage from insects, disease, of lack of maintenance shall be replace in accordance with the approved landscape plan.

4. **Indemnity:** 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 the County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Parcel Map.

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

5. **Archaeological Resources:** In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission and all tribes who have requested AB52 consultation. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

6. **Oak Trees:** 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 Oak Woodland Technical Report (Exhibit L). The plan identifies appropriated individual oak tree preservation measures and identifies

mitigation measures in accordance with the Oak Resources Management Plan (ORMP). In-lieu mitigation fees, in the amount of \$37,944.00 shall be submitted to Planning Services prior to issuance of Building and Grading Permits.

7. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this design review, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
8. **Mitigation Monitoring Reporting Program (MRRP):** The applicant shall implement the mitigation measure in the adopted Mitigation Monitoring Reporting Program for Cool Dollar General included as Exhibit T.

#### **Office of County Surveyor**

9. Addressing, including Suite Number Assignments, must be coordinated through the El Dorado County Surveyor's Office. Building permits shall not be issued until addresses and suites are assigned and approved through the 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).
11. Easement abandonment must be coordinated through the El Dorado County Surveyor's Office.

#### **Department of Transportation Project Specific Conditions**

12. **Northside Drive:** Construct improvements to Northside Drive consistent with the approved Site Plan, and Preliminary Grading Plan. Construct a 4-foot-wide asphalt pedestrian path along Northside Drive from SR49 to the project driveway.

Widen, improve, and maintain Northside Drive consistent with County Standard 101C (paved) - to a consistent minimum width of 24 feet from SR49 to the project east boundary. The 24-foot width is to be measured from the opposite curb or edge of pavement to the flowline of the edge of pavement.

Delivery trucks for the project shall only access the property via right-in turns from SR 49 to Northside Drive and exit the property via left-out turns from Northside Drive to SR49.

Truck deliveries for the project shall be restricted to the hours of 9:00 a.m. to 3:00 p.m.

13. **Frontage Improvements to SR49:** Construct an eight-foot-wide Class 2 Bike Lane along the shoulder of SR49 from the southerly property line, north to Northside Drive. Obtain an encroachment permit(s) from Caltrans for improvements within State right of way. Complete this work to the satisfaction of Caltrans. As an option, the applicant may pay an in-lieu fee to the County, to be combined with other funding, to construct said frontage improvements in concert with improvements required of adjoining properties. The in-lieu fee shall be equal in value to the required improvements. The applicant's engineer is to provide an Engineer's Estimate of the cost, to be reviewed and subject to the approval of the County Engineer.
14. **Encroachment Permit(s):** Obtain an encroachment permit from Caltrans for improvements within State right of way.
15. **Waiver of Direct Access Rights:** Waive direct access rights to SR49 excepting the project accesses at Northside Drive.

#### **Department of Transportation Standard Conditions**

16. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and Improvement Standards Manual (as may be modified by these Conditions of Approval or by approved Design Waivers) from the Transportation Division and pay all applicable fees prior to filing of the final map.

Additionally, the project improvement plans and grading plans shall conform to the County *Grading, Erosion and Sediment Control Ordinance, Grading Design Manual, the Drainage Manual, Storm Water Ordinance (Ord. No. 5022), Off-Street Parking and loading Ordinance, all applicable State of California Water Quality Orders, the State of California Handicapped Accessibility Standards, and the California Manual on Uniform Traffic Control Devices (MUTCD).*

17. **Stormwater Management:** The project shall construct post construction stormwater measures to capture and treat the 85<sup>th</sup> percentile 24 hour storm event as outlined in the CA Phase II MS4 Permit and the County's West Slope Development and Redevelopment Standards and Post Construction Storm Water Plan. The Project shall also show detention and/or retention facilities on the project improvement plans to fully mitigate any increased runoff peak flows and volumes in accordance with the County Drainage Manual. As an alternative to treating the entire project with a regional treatment system, the project may propose distributed source control measures to be constructed for the roadways, any other impervious surfaces and on each lot with the individual lot building permits to achieve the same effect. In which case, a deed restriction shall be recorded with the final map to ensure construction of individual lot source control measures. Compliance with this condition shall be further verified during review and prior to issuance of the building permit.

18. **Geotechnical Report:** For any public improvements, prepare and submit a Geotechnical Report with the Project Grading or Improvement plans for review by the County Engineer. Incorporate the findings of the Report into Grading and Improvement Plans. The El Dorado County Grading Design Manual contains standards for content and scope of Geotechnical Reports, however, the County Engineer may require additional or specialized information. Compliance with this condition shall be further verified during review and prior to issuance of the building permit.
  
19. **Water Quality Stamp:** All new or reconstructed drainage inlets shall have a storm water quality message stamped into the concrete, conforming to the Storm Water Quality Design Manual for the Sacramento and South Placer Regions, Chapter 4, Fact Sheet SD-1. All stamps shall be approved by the El Dorado County inspector prior to being used.
  
20. **Regulatory Permits and Documents:** All regulatory permits and agreements between the project and any State or Federal Agency should be incorporated into the Project Improvement Plans prior to the start of construction of improvements subject to the Department of Transportation or Planning and Building Services approval.  
  
Improvement plans for any phase may be approved prior to obtaining regulatory permits or agreements for that phase, but grading/construction of improvements may not proceed until the appropriate permits or agreements are obtained and the grading/improvement plans reflect any necessary changes or modifications to reflect them.  
  
Project conditions of approval shall be incorporated into the Project Improvement Plans when submitted for review.
  
21. **Electronic Documentation:** Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Transportation Division with the drainage report, structural wall calculations, and geotechnical reports in PDF format and the record drawings in TIF format.

#### **Environmental Management Department**

22. **Construction and Demolition (C&D) Debris Recycling:** A minimum of 65% of the waste materials generated from construction and demolition projects must be diverted from being landfilled by being recycled or reused on site. Compliance with this condition shall be further verified during review and prior to issuance of the building permit.
  
23. **Commercial Recycling (MCR) for businesses:** All businesses and apartment communities/multi-family housing complexes with 5 or more units shall recycle. The franchise was hauler for the location of the project is El Dorado Disposal. Before the complex is open contact EL Dorado Disposal to set up garbage and recycling service. Compliance with this condition shall be further verified during review and prior to issuance of the building permit.

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

24. This development shall be prohibited from installing any type of traffic calming devices that utilize a raised bump or a lower dip section of roadway.
25. In order to provide the development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members.
26. All buildings shall be sprinklered in accordance with NFPA-13, 2007 edition, and the Fire Department requirements.
27. All trash enclosures shall be located a minimum of 5 feet from a building wall.
28. A KNOX box shall be installed on each building. The KNOX box shall contain the master key to open all exterior doors. The location is to be approved prior to installation.

### **Air Quality Management District (AQMD)**

29. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
30. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
31. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire (Rule 300 Open Burning).
32. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website. ARB is responsible for enforcement of this regulation. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
33. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors. (Rule 501 and 523)
34. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said

equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

35. **Electric Vehicle Charging – Non-Residential:** The commercial portion of the project shall comply with the Non-Residential Mandatory Measures identified in the 2016 Cal Green Building Code §5.106.5.3 concerning installation of electric vehicle supply equipment (EVSE). Plans shall include; the location(s) and type of EVSE, a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit originating at a service panel with sufficient capacity to accommodate a minimum 40A dedicated circuit, and terminating in a suitable enclosure in close proximity to the proposed location of the charging equipment. Plans shall include wiring schematics and electrical calculations to verify the electrical system has sufficient capacity to simultaneously charge electric vehicles at their full rated amperage (Level 2 EVSE). Raceways shall be installed from the electrical service panel to the designated parking areas at the time of initial construction. Please refer to Cal Green Building Stds Code §5.106.5.3 for specific requirements.
36. **Screening** - No outdoor storage or outdoor displays of stock, stock packaging, pallets, or loading equipment may occur at the project site without screening. Screening shall be durable and an integral part of the overall structural design.