

**Conditions of Approval**

**Planning Services**

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

Exhibit F-1 .....	Site Plan, Sheet A1.0, <u>date stamped February 23, 2016</u>
Exhibit F-2 .....	Signage Plan, Sheet A1.1, <u>date stamped February 23, 2016</u>
Exhibit F-3 .....	Site Lighting Plan, Sheet A1.2, <u>date stamped February 23, 2016</u>
Exhibit F-4 .....	Floor Plan, Sheet A2.0, <u>date stamped February 23, 2016</u>
Exhibit F-5 .....	Exterior Elevations, Sheet A3.0, <u>date stamped February 23, 2016</u>
Exhibit G .....	Landscaping Plan, <u>date stamped June 9, 2015</u>
Exhibit H .....	Color Elevation, <u>date stamped February 23, 2016</u>
Exhibit I-1 .....	Improvement Plan Cover Sheet, Sheet C1, <u>date stamped June 12, 2015</u>
Exhibit I-2 .....	Grading and Drainage Plan, Sheet C2, <u>date stamped June 12, 2015</u>
Exhibit I-3 .....	Grading and Paving Plan, Sheet C3, <u>date stamped February 23, 2016</u>
Exhibit I-4 .....	Horizontal Control Plan and Storm Water Management Detail, Sheet C4, <u>date stamped June 12, 2015</u>
Exhibit I-5 .....	Utility Plan, Sheet C5, <u>date stamped June 12, 2015</u>
Exhibit I-6 .....	Storm Water Soil Loss Prevention Plan, Sheet C6, <u>date stamped June 12, 2015</u>
Exhibit I-7 .....	Storm Water Soil Loss Prevention Plan Details, Sheet C7, <u>date stamped June 12, 2015</u>
Exhibit I-8 .....	Grading and Drainage Details, Sheet C8
Exhibit I-9 .....	Details, Sheet C9, <u>date stamped June 12, 2015</u>
Exhibit I-10 .....	Retaining Wall Detail, Sheet S1, <u>date stamped June 12, 2015</u>
Exhibit J-1 .....	Lot Line Adjustment-Merge Legal Description, <u>date stamped December 18, 2014</u>
Exhibit J-2 .....	Lot Line Adjustment-Merge Exhibit, <u>date stamped December 18, 2014</u>

Exhibit K-1.....	Domestic Waste Water Disposal System, Sheet SS1.0, <u>date stamped April 2, 2015</u>
Exhibit K-2.....	Domestic Waste Water Disposal System, Sheet SS2.0, <u>date stamped April 2, 2015</u>
<u>Exhibit P.....</u>	<u>Building Section, Sheet A4.0, date stamped February 23, 2016</u>
<u>Exhibit Q-1.....</u>	<u>Trash Enclosure Elevation, date stamped January 5, 2016</u>
<u>Exhibit Q-2.....</u>	<u>Trash Enclosure Simulation, date stamped January 5, 2016</u>

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

The project description is as follows:

- A. Design review and boundary line merge request to allow the construction of the following:
- a. 9,100 square foot retail structure with two wall identification signs;
  - b. Eight-foot tall, 32 square-foot wooden monument sign;
  - c. Parking lot containing 31 off-street parking spaces, including two ADA compliant spaces;
  - d. Drop off and loading area;
  - e. One bicycle rack containing three bicycle parking spaces;
  - f. Perimeter and parking lot landscaping and irrigation;
  - g. Six exterior wall mounted lantern-style lighting fixtures and three 13-foot tall pole lights, containing a total of four lighting fixtures, with a concrete base that is 2 feet above natural grade;
  - h. Eight-foot high retaining wall with railing;
  - i. A covered trash enclosure;
  - j. Drainage improvements to accommodate both on- and off-site flows;
  - k. An advanced treatment system for wastewater treatment consisting of an aerobic treatment unit and subsurface drip system;
  - l. Sidewalk improvements along the project frontage on Main Street, ~~and School Zone crosswalk improvements at the intersection of Main Street and Harkness Street, and a standard crosswalk across Orleans Street along Main Street;~~ and
  - m. A paved driveway encroachment onto Main Street.
- B. Finding of Consistency with General Plan Policy 7.3.3.4 to allow a reduction of the wetland setback from 50 feet to no setback with construction and structures within the required setback to allow the fill of an approximately 0.05 acre wetland;

- C. Site clearing and removal of three on-site existing canyon live oak trees, the removal of which would be exempt from the retention standards of General Plan Policy 7.4.4.4 Option A as the project site is greater than an acre and oak canopy covers less than one percent of the site; and
- D. An irrevocable offer to dedicate in fee, a 25 foot wide (1/2 width) right-of-way along the entire frontage of Harkness Street or an offer of dedication in the form of an easement for “Road, Slope, Drainage, Pedestrian and Public Utility purposes.”

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. **Landscaping:** The final landscape plans shall be substantially consistent with Exhibit G and comply with Zoning Ordinance Section 130.18.090, General Plan Policy 7.3.5.1, and the County Water Efficiency Landscape Ordinance, if applicable. The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.
- 3. **Lighting:** The final project lighting plans shall be substantially consistent with Exhibit F-3. Exterior lighting shall be limited to six exterior wall mounted lantern-style lighting fixtures and three 13-foot tall pole lights, containing a total of four lighting fixtures, with a concrete base that is 2 feet above natural grade. All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. Any light fixture that does not have a specification sheet submitted with the building permit that specifically states that fixture meets the full cutoff standards, shall require a fixture substitution that meets that requirement.

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 Development Services.

- 4. **Parking:** Parking shall be improved consistent with Chapter 130.18 of the County Code. Parking shall conform to the approved Site Plan (Exhibit F-1) and have 31 total parking spaces, including two ADA compliant parking spaces.
- 5. **Signage:** All signage installed as part of the project shall be consistent with Exhibits F-2, F-5, and H for location, materials, sizes, and colors. One monument sign is approved and

shall not exceed eight feet in height measured from ground. The overall size of the monument sign area shall not exceed 32 square feet.

6. **Condition Compliance:** Prior to issuance of any 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.
7. **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.

8. **Permit Implementation:** In compliance with Section 130.22.250 of the Zoning Ordinance, implementation of the project must occur within 24 months of approval of this Design Review Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
9. **Archeological Resources:** The following shall be incorporated as a note on the grading plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archaeological resource”, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a “nonunique archeological resource”.

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

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

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

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

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

11. **Lot Line Adjustment-Merge:** Prior to the issuance of any County Permits, the proposed Lot Line Adjustment-Merge shall be finalized with the El Dorado County Surveyor's Office. The Lot Line Adjustment-Merge application is valid for one year. A time extension may be approved by written request to Planning Services prior to the expiration date, along with a \$50.00 extension fee. The Lot Line Adjustment-Merge shall be forwarded by Planning Services to the County Surveyor's Office. To complete the Lot Line Adjustment-Merge, the applicant's land surveyor shall process the necessary record map and documents.

### **Building Services**

12. The project will require an on-site grading permit and a building permit.

### Transportation Division (EDCTD)

13. **Road Improvements:** Main Street shall be widened along the project frontage to a total width of 32 feet. This includes one 12-foot wide lane in each direction and an 8-foot wide paved shoulder on the project side of Main Street. The structural section of the widened portion of Main Street shall be determined in accordance with the California State Department of Transportation Highway Design Manual and included in the project final geotechnical report based on the “R” value of the subgrade soil and a Traffic Index (TI) of 7.5.

The area outside the 8-foot wide shoulder shall be graded at a 5% slope away from the pavement to ensure runoff from Main Street is collected and accommodated by the project drainage improvements. A 2-foot wide area adjacent to the pavement shall be “backed” with Class 2 Aggregate Base.

The project shall install “No Parking Zone” signs on Main Street along the project frontage to prevent vehicles from obstructing sight distance for vehicles entering Main Street from Orleans Street, the project entrance, and Harkness Street.

The project shall construct public sidewalks or equivalent alternative pedestrian facilities (subject to review and approval by the Transportation Division) along the entire frontage of Main Street. Such facilities may be located within the County right of way, or on the project site as necessary to accommodate the project design and roadway conditions. Pedestrian easements may be required for portions of the sidewalk on private property.

A School Zone Cross Walk shall be constructed across Harkness Street, to provide pedestrian connectivity to the existing sidewalk on the east side of Harkness Street, and the existing School Zone Cross Walk crossing Main Street just east of Harkness Street. These improvements shall include completion of the sidewalk on the east side of Harkness Street to connect to the existing Main Street cross walk.

A standard crosswalk shall be constructed across Orleans Street from the project sidewalk as shown on the revised Grading and Paving Plan, Sheet C3.

Roadway improvements shall be completed to the satisfaction of the Transportation Division prior to occupancy of the building.

14. **Offer of Dedication (In Fee):** The applicant shall irrevocably offer to dedicate in fee, a 25 foot wide (1/2 width) right-of-way along the entire frontage of Harkness Street, prior to issuance of a building permit. Slope easements shall be included as necessary. This offer will be accepted by the County.

As an alternative, the County may accept an offer of dedication in the form of an easement for “Road, Slope, Drainage, Pedestrian and Public Utility purposes.”

15. **Encroachment Permit:** The applicant shall obtain an encroachment permit or Road Improvement Agreement from EDCDT for the improvements to Main Street and Harkness Street within the County right of way. The driveway encroachment onto Main Street shall be constructed to the provisions of County Design Standard Plan **103C**.
16. **TIM Fees:** The applicant shall pay the traffic impact mitigation fees at issuance of building permit.
17. **Signing and Striping:** All necessary signing and striping shall be included in the project improvement plans and constructed by the developer to the satisfaction of the Transportation Division prior to occupancy. Signing and striping shall conform to the latest version of the California Manual Uniform Traffic Control Devices (MUTCD).
18. **Curb Returns:** All curb returns, at pedestrian crossings, will need to include a pedestrian ramp with truncated domes per Caltrans Standard A88A and 4 feet of sidewalk/landing at the back of the ramp.
19. **Construction Hours:** Construction activities shall be conducted in accordance with the County Health, Safety, and Noise Element of the General Plan 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.
20. **DISM Consistency:** 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.
21. **Road Improvement Agreement & Security:** If the value of the public improvements exceeds \$100,000, the developer shall enter into a Road Improvement Agreement (RIA) with the County for all roadway, frontage, and intersection improvements within the County right of way. The developer shall complete the improvements to the satisfaction of the Transportation Division or provide security to guarantee performance of the RIA prior to occupancy.
22. **Import/Export Grading Permit:** Any import, or export to be deposited or borrowed within El Dorado County, shall require an additional grading permit for that off-site grading.
23. **Grading Permit / Plan:** The applicant shall submit a site improvement /grading plan prepared by a professional civil engineer to the County for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the "*Off-Street Parking and Loading Ordinance*", and the State of

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

24. **Grading Plan Review:** Grading and improvement plans shall be prepared and submitted to the El Dorado County Resource Conservation District (RCD) and the Transportation Division. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the RCD, the Transportation Division shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. Grading plans shall incorporate appropriate erosion control measures as provided in the El Dorado County Grading Ordinance, Drainage Manual and as required otherwise by Law.
25. **RCD Coordination:** The timing of construction and method of re-vegetation shall be coordinated with the RCD. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the RCD for review and recommendation to the Transportation Division. The Transportation Division shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
26. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from, the El Dorado County Community Development Agency. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
27. **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.
28. **Drainage Study / NPDES Compliance:** The project proposes to render more than 5000 square feet impervious to surface runoff. This qualifies the project as a "Regulated Project" under section E.12.c of the California State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ (Order).

The project shall incorporate Site Design Measures, Source Control Measures, and Low Impact Development (LID) Design Standards consistent with the Order into the project design, and construct such measures with the project. If the Order is amended or



replaced by action of the SWRCB, the applicant shall comply with the Order in place at the time of issuance of construction permits.

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

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

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

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

29. **Drainage Easements:** Pursuant to Section 4.D of the DISM, the site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on site grading plans.
30. **NPDES Construction Permit:** The project proposes to disturb more than 1 acre of land and therefore, is required to obtain coverage under the California State Water Resources Control Board Construction General Permit Order No. 2009-0009-DWQ (CGP), including any and all amendments or revised orders issued by the SWRCB.

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

31. **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 EDCTD with the record drawings, drainage report, structural wall calculations, and geotechnical reports and record drawings in PDF format (TIF format optional for record drawings only).

### **Georgetown Fire Protection District**

32. Construction plans shall be submitted to the Georgetown Fire Department for review and approval.
33. Sprinkler and fire alarm plans shall be submitted to the Georgetown Fire Department for review and approval.
  - a. Plans to show proposed placement of fire hydrant and FDC.
34. Fire flow, based on V-B construction, is estimated to be approximately 4,000 gallons per minute, prior to any allowance for sprinkler and alarm system.
35. Vegetation/fuel modification will be required along the riparian zone, adjacent to the project.

### **County of El Dorado Air Quality Management District**

36. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM<sub>10</sub>) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction (Rules 223 and 223.1).
37. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
38. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
39. **Open Burning:** Burning of wastes that result from “Land Development Clearing” must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
40. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf). Question

s on applicability should be directed to ARB at [1-866-634-3735](tel:1-866-634-3735). ARB is responsible for enforcement of this regulation.

41. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors (Rule 501 and 523).
42. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with ARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.

#### **Environmental Management Division – Environmental Health**

43. Septic system must be installed under permit from Environmental Management Division. The septic system must meet a minimum 50-foot setback from the swale.
44. The facility will need to undergo a plan review and obtain an annual food facility permit prior to commencement of operation.

#### **Environmental Management Division – Solid Waste and Hazardous Materials**

45. Solid Waste: All refuse collection/storage areas (enclosures) shall include room for both trash and recycling dumpsters. The enclosures shall be accessible to service trucks.

Please visit our website to review the State requirements for biohazard/medical waste.  
[www.co.el-dorado.ca.us/emd/solidwaste/med\\_waste\\_mgmt\\_act.html](http://www.co.el-dorado.ca.us/emd/solidwaste/med_waste_mgmt_act.html).

46. Hazardous Materials: If the commercial facilitates 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.
  - 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.

**El Dorado County and Georgetown Divide Resource Conservation District**

47. The district will require an erosion control plan delineating surface water flows, lot drainage easements, standard details of culvert inlets and outlets and pre and post construction erosion control practices.

**County of El Dorado Office of County Surveyor**

48. Any irrevocable offers of dedication will require an application through the County Surveyor's Office. Applicant will be responsible for any associated fees.
49. Situs addressing for the project shall be coordinated with the County Surveyor's Office prior to development.