

**CORRECTED**

(On April 30, 2018, new Condition of Approval No. 13 [Provision of Public Open Space] was added to accurately reflect the Board of Supervisor’s motion as captured on the video recording.)

**A16-0001/Z16-0004/SP86-0002-R-3/PD94-0004-R-3/El Dorado Hills Apartments** – As approved by the Board of Supervisors on February 13, 2018

**Conditions of Approval**

- 1. The approval of the Town Center East Development Plan revisions for the El Dorado Hills Apartments project is based upon and limited to compliance with the approved project description and the following hearing exhibits:

Exhibit H.....	Detailed Project Narrative, El Dorado Hills Specific Plan Land Use and Rezone Exhibit, And Matrix of Revised Development Standards for El Dorado Hills Apartments
Exhibit I .....	Preliminary Site Plan
Exhibit J .....	Preliminary Building Elevation Plan
Exhibit K.....	Preliminary Landscape Plan
Exhibit L .....	Preliminary Photometric Plan
Exhibit M .....	Preliminary Open Space/Amenities Plan
Exhibit N.....	Preliminary Grading Plans
Exhibit O.....	Preliminary Utility Plan Preliminary Utility Plan and Facilities Improvement Letter (FIL)
Exhibit P.....	Draft Design Guidelines and Development Standards for El Dorado Hills Apartments

Conditions of approval are set forth below. Any deviations from the project description, exhibits, or conditions 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.

**Revision to the approved Town Center East Development Plan incorporating multifamily residential use, density, and related design and development standards for the proposed 214-unit apartment complex within Planning Area 2 of the Town Center East Development Plan. The proposed apartment complex would be contained in a two maximum 4-story, 60-foot-tall buildings and a 5-level, 60-foot-tall parking garage and other amenities.**

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 attached hereto. All plans shall be submitted for review and approval and shall be implemented as approved by the County.

Should any disagreement occur between the applicant and staff in complying with the direction and intent of these conditions, the Design Guidelines and Development Standards (Exhibit P) shall be brought back to the Planning Commission as a regularly scheduled agenda item for final approval and/or modification of the documents.

Approval of this development plan authorizes the processing of building and grading permits for projects found to be consistent with the approved Development Plan and conditions of approval noted herein. Such building and grading permit applications are processed as a ministerial permit, and approved by the applicable County departments. In those instances where the development plan establishes specific standards, they shall supersede County standards. In those instances where the Development Plan does not address an issue or standard, applicable County standards shall apply.

In those situations where in the opinion of the Planning and Building Director, there is a significant departure from the approved Development Plan, or if issues are discovered which are not readily clarified in the conditions of approval of the Development Plan, then the Planning Building and Department Director shall first present such changes to the Planning Commission at a regular meeting (not requiring hearing notification) to determine if the Planning Commission can make a finding of consistency. If such a finding cannot be made, plans shall be modified to be brought into consistency or an amendment application shall be put forth for Planning Commission consideration at a public hearing.

The final Design Guidelines and Development Standards for the El Dorado Hills Apartments shall be referenced as part of the CC&Rs for the project. These guidelines are to be used only by the Town Center East Design Review Committee to be empowered within the CC&Rs.

2. **Superseding of Previously Approved PD Permit:** Approval of the project described above would supersede the approved entitlements for the El Dorado Hills Apartment filed under applications General Plan Amendment A14-0001, Rezone Z14-0001, Amendment to El Dorado Hills Specific Plan Amendment SP86-0002-R, and Revision to Town Center East Development Plan PD94-0004R-2, if either (1) the pending litigation concerning the legal validity of those approved entitlements results in a final legal judgment requiring the County to rescind the entitlements, or (2) the project applicant request rescission of those approved entitlements
3. **Mitigation Monitoring Reporting Program (MMRP):** The applicant shall implement the mitigation measures in the adopted Mitigation Monitoring Reporting Program included as Exhibit Q.

### **Planning Services**

4. **Conditions Compliance:** Prior to issuance 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 issuance of a building permit for verification of compliance with applicable conditions of approval.
5. **Site Improvements:** Building design, colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with all exhibits listed in Condition 1 above. Minor variations may be permitted; however, any major changes in the design and location of building, building elevations, landscaping, trash enclosure, bike racks, access driveways, or parking shall require review and approval by Planning Services prior to project modifications.
6. **Landscaping:** The final landscape plan shall be consistent with Exhibit K comply with Zoning Code Chapter 130.33 and General Plan Policies 7.3.5.1 and 7.3.5.2; and be approved by Planning Services prior to issuance of a building permit. The following additional information will need to be submitted prior to final inspection of installed landscaping:
  - A. Completed, signed Model Water Efficient Landscape documents consistent with the new County Model Water Efficient Landscape Ordinance.
  - B. A filed copy of an irrigation audit report or survey approved by the El Dorado Irrigation District with the Certificate of Completion.

The applicant shall install and maintain the landscaping in accordance with the approved final landscaping plan in perpetuity.

7. **Lighting:** All outdoor lighting shall conform to Section 130.34 of the Zoning Ordinance and the approved Development Plan Standards for the project, 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-1 that does not have a specification sheet submitted with the building permit that specifically states that the fixture meets the said full cut-off standards shall require a fixture substitution that meets that requirement. In addition, the following shall apply:
  - A. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.

- B. No more than 50 percent of the parking lot lighting may remain in parking on during hours of non-operation. Any security lighting on the buildings shall be designed with motion-sensor activation.

Should final, installed lighting be noncompliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

8. **Parking:** Parking shall be constructed consistent with Chapter 130.35 of the County Code and approved Development Plan Standards for the project.
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.

10. **State Fish and Wildlife Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$3,078.25 Department of Fish and Wildlife fee (subject to adjustment by the state) prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
11. **Lot Merger:** Prior to issuance of building permit, an application for a Boundary Line Adjustment shall be approved for the merger of the project parcels.
12. **Planning and Building Department Processing Fees:** Prior to issuance of a building permit, the applicant shall pay all outstanding Development Services Division fees associated with this application.
13. **Provision of Public Open Space.** In addition to provision of common open space pursuant to the requirements of the revised Town Center East Development Plan development standards, at least 0.47 acre of the site that are bounded on two sides by Vine Street and Mercedes Lane shall be set aside as open space accessible to the general public for passive recreational uses, subject to reasonable restrictions and conditions of public access to ensure the safety of the public and site residents, as determined by the Property Owner. Dedication of this publicly-accessible open space area to a public entity shall not be required.

## **Transportation Department**

### *Project-Specific Conditions*

14. **Signal Interconnect:** Consistent with Mitigation Measure C-TRA-2, the applicant shall construct a signal interconnect conduit and conductors from the new signal at Town Center Blvd / Post Street to the Latrobe Road / Town Center Blvd signal controller. The applicant shall coordinate with County Engineer for connection and operation.
15. **Maintenance and Operation of Traffic Signal at Town Center Boulevard and Post Street:** Consistent with Mitigation Measure C-TRA-2, the applicant shall monitor operations of the traffic signal for queuing impacts that could affect operations at the intersection of Latrobe Road and Town Center Blvd.

Provide signal timing plans to the County upon initial turn-on and whenever timing plans are changed, or when requested by County.

If the eastbound queue length at the intersection of Town Center Blvd / Post Street impacts vehicle movement from Latrobe Road on to Town Center Blvd, review and revise the signal timing plan to allow clearing of all queues from the Latrobe Road / Town Center Blvd Intersection within County's typical signal cycle times.

Ensure that the traffic signal at Town Center Blvd / Post Street is compatible and subordinate in control to County's traffic signal at Latrobe Road / Town Center Blvd.

Modify signal timing and/or equipment at Town Center Blvd / Post Street when required to ensure no operational impacts to Latrobe Road / Town Center Blvd.

Enter into an agreement with County outlining obligations, rights and terms for operations and maintenance of the traffic signal at Town Center Blvd / Post Street.

16. **Encroachment Permit(s):** Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from DOT for any construction within County right of way.
17. **ITS Program Fee Payment:** The project applicant shall pay a fee of \$ 173,441.00 to the El Dorado County Department of Transportation's Intelligent Transportation Systems Master Plan Program ("ITS Program"). Payment shall be made by the applicant prior to issuance of a Certificate of Occupancy for the Project. If, at that time, the County has not yet adopted and implemented the ITS Program as part of a mandatory fee program applicable in part to multi-family residential development projects, funds received from the applicant shall be held in a special revenue fund until such time as the County has adopted and implemented the ITS Program, at which time the funds shall be transferred into the ITS Program account. The project applicant has voluntarily agreed to pay the above-described fee, notwithstanding that the ITS Program has not yet been adopted and implemented by the County. The project applicant and County have agreed that (1) there is a reasonable relationship/nexus between the proposed ITS Program and the project,

and (2) if the ITS Program were currently in effect, the County could require the project applicant to pay the above-described fee as its fair-share payment into the Program for project-related impacts to the County's transportation system that will be mitigated by implementation of the ITS Program. Additionally, the applicant is hereby notified, in accordance with Government Code section 66020, that the 90-day period within which to protest the imposition of this condition shall commence upon the date of the Board of Supervisors' approval of the Project.

*Standard Conditions*

18. **Consistency with County Codes and Standards:** Comply with all County Codes and Standards, including, but not limited 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).*

The condition shall be incorporated as a note on building permit plans.

19. **Stormwater Management:** Construct post construction storm water mitigation 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](#).

Include 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, the project may propose distributed source control measures to be constructed for various impervious surfaces to achieve the same effect. The property owner is responsible for maintenance and operations of such facilities unto perpetuity. The condition shall be incorporated as a note on building permit plans.

20. **Water Quality Stamp:** Include a storm water quality message stamped into the concrete on all new or reconstructed drainage inlets. Use 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. The condition shall be incorporated as a note on building permit plans.

21. **Regulatory Permits and Documents:** Incorporate all regulatory permits and agreements between the project and any State or Federal Agency into the Project Improvement Plans prior to the start of construction of improvements.

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. The condition shall be incorporated as a note on building permit plans.

### **Solid Waste & Hazardous Materials Division**

22. **Solid Waste:** For all refuse collection/storage areas, enclosures shall include room for both trash and recycling dumpsters. The enclosures shall be accessible to service trucks. All solid waste, including animal waste, shall be stored in trash containers with tight-fitting lids and hauled from the site at least once every seven days for proper disposal.
23. **Construction Waste Management:** The applicant shall comply with CAL Green Section 5.408. 1 (Construction waste management). The applicant shall recycle and/or salvage for reuse a minimum of 50 percent of the non-hazardous construction waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3, or meet a local construction and demolition waste management ordinance, whichever is more stringent.

### **El Dorado Hills Fire Department**

24. **Fire Flow (Apartment Building):** The potable water system with the purpose of fire protection for this residential development shall provide a minimum fire flow of 4,000 GPM with a minimum residual pressure of 20 psi for a four-hour duration. This requirement is based on a structure 191,401 square feet or greater in size, Type V-A construction. All structures shall install fire sprinklers in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval. Conformance with this condition shall be verified during building permit review.
25. **Fire Flow (Parking Garage):** The potable water system with the purpose of fire protection for this residential development shall provide a minimum fire flow of 3,500 GPM with a minimum residual pressure of 20 psi for a three-hour duration. This requirement is based on a structure up to 113,200 square feet in size, Type II-B construction. All structures shall install fire sprinklers in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval. Conformance with this condition shall be verified during building permit review.
26. **Sprinklers:** All fire-flow numbers listed above require all structures to install fire sprinklers in accordance with NFPA 13 and Fire Department requirements. Conformance with this condition shall be verified during building permit review.

27. **Underground Private Fire Mains:** After installation, all rods, nuts, bolts, washers, clamps, and other underground connections and restraints used for underground fire main piping and water supplies, except thrust blocks, shall be cleaned and thoroughly coated with a bituminous or other acceptable corrosion retarding material. All private fire service mains shall be installed per NFPA 24, and shall be inspected, tested and maintained per NFPA 25. Conformance with this condition shall be verified during building permit review.
28. **Hydrants:** This development shall install Dry Barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for providing water for fire protection. The spacing between hydrants in this development shall not exceed 500 feet. The exact location of each hydrant on private roads and on main county maintained roadways shall be determined by the Fire Department. Conformance with this condition shall be verified during building permit review.
29. **Hydrant Visibility:** To enhance nighttime visibility, each hydrant shall be painted with safety white enamel and mark the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations. Conformance with this condition shall be verified during building permit review.
30. **Fire Department Access:** Approved fire apparatus access roads and driveways shall be provided for every facility, building, or portion of a building. The fire apparatus access roads and driveways shall comply with the requirements of Section 503 of El Dorado Hills County Water District Ordinance 36 as well as State Fire Safe Regulations as stated below (but not limited to):
  - a. All roadways shall be a minimum of 26 feet wide curb face to curb face and shall follow the Parking and Fire Lane Standards as approved by the Fire Department. Project engineer has provided an approved concept for the EVA road on the west side of the building which meets the intent of this requirement.
  - b. Phasing may be allowed if all Fire Access requirements are met and approved by the Fire Code Official for each phase.
  - c. The fire apparatus access roads and driveways shall extend to within 150 feet of all portions of each facility and all portions of the exterior of the first story of the building as measured by an approved route around the exterior of the building or facility.
  - d. Driveways and roadways shall have unobstructed vertical clearance of 15' and a horizontal clearance providing a minimum 2' on each side of the required driveway or roadway width.

Conformance with this condition shall be verified during building permit review.



31. **Roadway Surface:** Roadways shall be designed to support the imposed load of fire apparatus weighing at least 75,000 pounds and provide all-weather driving conditions. All-weather surfaces shall be asphalt, concrete or other approved driving surface. Project proponent shall provide engineering specifications to support design, if requested by the local AHJ (Authority Having Jurisdiction). Conformance with this condition shall be verified during building permit review.
32. **Roadway Grades:** The grade for all private roads, streets, lanes and driveways shall not exceed 20%. Pavement/Concrete shall be required on all private roadway grades 12% or greater. For grades of 16% - 20%, a Type II Slurry Seal shall be applied to asphalt surfacing, and concrete roadways and driveways shall be textured to provide a coarse broom finish to improve vehicular traction. Conformance with this condition shall be verified during building permit review.
33. **Traffic Calming:** This development shall be prohibited from installing any type of traffic calming device that utilizes a raised bump/dip section of roadway. All other proposed traffic calming devices shall require approval by the fire code official. Conformance with this condition shall be verified during building permit review.
34. **Turning Radius:** The required turning radius of a fire apparatus access road/driveway shall be determined by the fire code official. Current requirements are 40' inside and 56' outside on through streets, and a minimum 50-foot radius from center point to face of curb for Cul-De-Sacs and Hammerhead turnarounds. Conformance with this condition shall be verified during building permit review.
35. **Gates:** All gates shall meet the El Dorado Hills Fire Department Gate Standard #B-002. Gate plans shall be submitted and reviewed for compliance by the Fire Code Official. Conformance with this condition shall be verified during building permit review.
36. **Fire Access During Construction:** In order to provide this development with adequate fire and emergency medical response during construction, all access roadways and fire hydrant systems shall be installed and in service prior to combustibles being brought onto the site as specified by the Fire Department, Standard #B-003. A secondary means of egress shall be provided prior to any construction or the project can be phased. Conformance with this condition shall be verified during building permit review.
37. **Fire Service Components:** Any Fire Department Connection (FDC) to the sprinkler system and all Fire Hydrant(s) outlets shall be positioned so as not to be obstructed by a parked vehicle. Conformance with this condition shall be verified during building permit review.
38. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code and the current El Dorado Hills County Water District Ordinance shall be in effect. All streets with parking restrictions will be signed and marked with red curbs as described in the El Dorado County Regional Fire Protection Standard #B-004 titled "No

Parking-Fire Lane”. All curbs in parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet “No Parking - Fire Lane.” There shall be a designated plan page that shows all Fire Lanes as required. Conformance with this condition shall be verified during building permit review.

39. **Vegetative Fire Clearances:** Prior to June 1st each year, there shall be vegetation clearance around all EVA’s (Emergency Vehicle Access), buildings, up to the property line as stated in Public Resources Code Section 4291, Title 19 as referenced in the CA Fire Code.

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

40. **Asbestos Dust:** Current county records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for asbestos hazard fugitive dust emissions during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.2.
41. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
42. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
43. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (Section 2449 et seq., Title 13, Article 4.8, Chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at CARB'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). Questions on applicability should be directed to CARB at 1-866-634-3735. CARB is responsible for enforcement of this regulation.
44. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., boiler/hot water heater(s) for pool exceeding 1MMBTU/hour, an emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications, and emission factors (Rules 501 and 523).
45. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board

(CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, including the make, model, and year, and daily hours of operation of each piece of equipment.

**County Surveyor's Office**

46. Prior to final occupancy, the applicant shall coordinate all addressing, including apartment number or suite number assignments, with the El Dorado County Surveyor's Office.