

Conditions of Approval

Planning Services

1. Project Description
 - a. The Conditional Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below.
 - b. The project proposes to construct and operate an Assisted Living Facility consisting of 40 assisted care beds and 9 independent living units, a multipurpose area, staff offices, kitchen facilities, dining facilities, and care facilities. Project facilities will include a single 2 story structure with 15,254 square feet of floor space, an approximately 1,860 square foot landscaped court yard, 2 parking lots, and a monument sign (Exhibit F). New pavement will include a driveway with fire access hammerhead turn around, two parking areas with a total of 23 off-street parking spaces, an 8' by 20' passenger drop off area, and a 5' by 20' ADA accessible passenger loading area. A monument sign is proposed to be constructed at the North East corner of the project site. All 0.85 acres of the project site are anticipated to be included in grading and/or construction (Exhibit F).
 - c. 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 will constitute a violation of permit approval.
 - d. 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. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full.
3. Any proposed changes to the approved site plan shall be submitted to the Planning and Building Department Director for review and approval. Minor changes may be approved by the Director. Major changes will require approval by the Planning Commission.

4. In Compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Conditional Use 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.
5. The applicant shall meet all parking lot construction standards as outlined in Resolution 202-2015. Parking areas shall conform to the site plan (Exhibit F) and requirements under Section 4.7 of the Parking and Loading Standards. The improvement/grading plan provided to Planning and Building Department shall contain information showing compliance with the above standards.
 - All proposed signs and structures must be kept out of the County right-of-way.
 - Parking lot dimensions shall conform to requirements under the El Dorado County Standard Plans Manual, Standard Plan RS-90.
 - Every parking and loading stall shall be accessible from the drive aisle without displacement of other vehicles.
 - Every parking stall and drive aisle shall have a minimum of eight feet vertical clearance.
 - All parking areas shall be graded to provide adequate drainage of all surface areas into an on-site drainage improvement or stormwater drainage system, in compliance with the gradient standards in the Land Development Manual (LDM).
 - Landscaping shall be required for all parking.
6. Lighting fixtures and their locations shall conform to the lighting plan, lighting inventory, and design certification (Exhibits J1-J3). Any proposed building or parking lot lighting fixtures shall be designed and located so that no light and glare shall spill over property lines and adversely impact adjoining properties and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. 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 the Planning and Building Department.
7. The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued until said fees are paid.
8. 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.

- a. 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 special use permit.
 - b. The following shall be incorporated as a note on the grading/improvement 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.
 - c. 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 “non-unique archeological resource”.
9. 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.

10. Mitigation Measure BIO-1: If construction activities will occur during the nesting season (February to September), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service (USFWS) shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.
 - i. **Monitoring Requirement**: The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on the Final Map, in a notice of restriction that shall be recorded on the property and future grading and residential construction plans. If a pre-construction survey is required, the Planning and Building Department shall verify the completion of survey prior to issuance of grading permit.
 - ii. **Monitoring Responsibility**: El Dorado County Planning Services.

11. Mitigation Measure BIO-2: Applicant shall coordinate with the Pine Hill Ecological Preserve Manager and staff to facilitate collection of seeds and flower heads from existing colonies of *Wyethia reticulata*-El Dorado County Mule Ears and *Crocantthemum suffrutescens*-Bisbee Peak Rush-Rose on site. Collected material is to be transplanted under the discretion of the Pine Hill Ecological Preserve Manger or a qualified professional to the Pine Hill Ecological Preserve land.
 - i. **Monitoring Requirement**: Planning Services shall verify the completion of the requirement prior to the issuance of grading and building permits through contact with applicant and Pine Hill Ecological Preserve Manager.
 - ii. **Monitoring Responsibility**: El Dorado County Planning Services.

Department of Transportation

12. The applicant shall conduct brush clearing and tree trimming near the project access driveway so as to maximize available distance. An encroachment permit shall be obtained from El Dorado County Transportation Department prior to any work within the County right of way.

13. The applicant 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 Exceptions) from the Transportation Department and pay all applicable fees prior to filling of the final map.
 - a. 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)*.
14. 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.
15. All regulatory permits or agreements between the Project and any State or Federal Agency shall be provided to the County with the Project Improvement Plans. These project conditions of approval and all regulatory permits shall be incorporated into the Project Improvement Plans.

Environmental Management Department

16. State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site.
17. Placement of garbage and recycling enclosure: The franchise waste hauler for the facility is El Dorado Disposal. It is recommended that El Dorado Disposal is contacted before construction to discuss placement of the trash and recycling enclosures.
18. Waste Management and Recycling: AB 341 (Mandatory Commercial Recycling) requires all commercial facilities that generate at least 4 cubic yards of solid waste per week to recycle. The franchise waste hauler for the location of this facility is El Dorado Disposal (EDD). Before the facility opens please contact EDD to set up commercial waste and recycling service.
19. Mandatory Commercial Recycling (MORE): AB 1826 (Mandatory Commercial Organics Recycling- "MORE") requires businesses to recycle their organic waste. MORE is being phased in based on amounts of organic and solid waste generated by facilities starting April 2016-2019 and on through 2021 (if applicable). Covered organic wastes include: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.

County Surveyor

20. Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required with 30 days of approval.

Air Quality Management District

21. 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 (PM₁₀) 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 if a Grading Permit is required from the Building Services. (Rules 223 and 223.1)
22. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
23. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
24. 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).
25. 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 Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
26. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., 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)

27. **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, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

28. **Electric Vehicle Charging – Multifamily Residential (more than 17 units):** Consistent with the Residential Mandatory Measures identified in the 2016 Cal Green Building Code §4.106.4.2, all multi-family residential dwellings shall have, at a minimum, at least 3 percent of the total parking spaces, but not less than one, which are capable of supporting future electric vehicle supply equipment (EVSE). Plans shall include the location(s) and type of EVSE, raceway method(s), 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 to accommodate a dedicated 208/240V branch circuit shall be installed from the electrical service panel to the designated parking areas at the time of initial construction. The service panel shall provide capacity to install a minimum 40A dedicated branch circuit. Please refer to Cal Green Building Stds Code §4.106.4 for specific requirements¹: http://www.edcgov.us/Government/Building/California_Building_Standards_in_Effect.aspx

29. **Exterior Electrical Outlets:** Electrical outlets shall be provided along the front and rear exterior walls of residential homes to allow for the use of electric landscape maintenance tools.

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¹ Cal Green Building Code: <http://codes.iccsafe.org/app/book/content/2016%20California%20Codes/Green-2017%20Errata/Chapter%204%20Residential%20Mandatory%20Measures.pdf>