

## CONDITIONS OF APPROVAL

### Planned Development PD19-0003/Diamond Village Apartments Planning Commission/September 26, 2019

#### Planning Services

- This Planned Development 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 Plans and Elevations  
 Exhibit G.....Preliminary Grading and Drainage Plan  
 Exhibit I .....Landscaping Plan  
 Exhibit J .....Photometric Studies  
 Exhibit O.....Arborist Report

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 allows the construction of 10 multifamily residential buildings consisting of 80 units and one community building consisting of one managerial residential unit, laundry facilities, an art room, and a community gathering room. The project site is located upon a 7.3 acre section of 10.7 split zoned parcel identified as APN 051-461-59. The 7.3 acre site that the project occupies is zoned Multi-unit Residential with a General Plan Land Use designation of Multifamily Residential. The remaining property is zoned Residential Estate Five-Acres (RE-5) with a General Plan Land Use Designation of Medium Density Residential (MDR). The approval includes the following:

Building Number	Building Area	Improvements
1	5,032 sf	4 3-Bed Room (BR), 4 1-BR
2	4,733 sf	8 2-BR
3	4,733 sf	8 2-BR
4	6,056 sf	8 3-BR
5	4,733 sf	8 2-BR
6	6,056 sf	8 3-BR
7	3,697 sf	8 1-BR
8	3,697 sf	8 1-BR
9	4,733 sf	8 2-BR
10	4,733 sf	8 2-BR
Community	3,841 sf	1 2-BR, Laundry, Art Room, Office, Food Prep Area, Community Room

All buildings will be 33 feet tall. The project would provide 179 parking spaces, of which 62 would be covered, 12 would be compact and seven would be accessible parking. There are to be two playgrounds, one in the north and one in the south, to be constructed as part of the project. Interior Live Oak (*Quercus wislizeni*), Red Maple (*Acer rebrum*), and various fruit trees (*Cercis canadensis*) will be planted throughout the project, in addition to drought tolerant shrubs and grasses. There will be two lawn areas for the project and two non-illuminated signs. Three trash receptacle areas will serve the project.

2. **Lighting:** All outdoor lighting shall conform to Exhibit I, and Section 130.34.020 of the Zoning Ordinance, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Any light fixture shown on Exhibit I 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.
3. **Landscaping:** The final landscape plan shall be consistent with Exhibit H and comply with Zoning Ordinance Chapter 130.33.
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 County harmless from any legal fees or costs 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 prepared by Acorn Arboricultural Services, Inc. dated May 2, 2018 and an updated letter dated April 8, 2019. The plan identifies appropriated oak woodland and 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 \$11,169.00 shall be submitted to Planning Services prior to issuance of Building and Grading Permits.

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

7. 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.
8. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

#### **Diamond Springs El Dorado Fire Department**

9. **Hydrants:** This development shall install Dry Barrel Fire Hydrants which conform to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The spacing between hydrants in this development shall not exceed 300 feet. The exact location of each hydrant on private roads and on main county maintained roadways shall be determined by the Fire Department.
10. **Hydrant Visibility:** In order to enhance nighttime visibility, each hydrant shall be painted with safety Red enamel and marked in the roadway with a blue reflective marker as specified by the Fire Department and State Fire Safe Regulations.
11. **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 Diamond

Springs El Dorado Protection District as well as State Fire Safe Regulations as stated below (but not limited to):

- a. All roadways shall be a minimum of 20 feet wide, providing two ten (10) foot traffic lanes, not including shoulder and striping.
  - b. Each dead-end road shall have a turnaround constructed at its terminus.
  - c. Where maximum dead-end road lengths are exceeded, there shall be a minimum of two access roadways allowing for the safe access of emergency apparatus and civilian evacuation concurrently.
  - d. 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.
  - e. 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.
  - f. Depending on final heights of each building, the final layout of fire apparatus access roads shall be determined and approved by the fire code official with consideration of whether a ladder truck or ground ladders would be used for firefighting operations.
12. **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 request by the local AHJ.
  13. **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.
  14. **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.
  15. **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.

16. **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.
17. **Knox Box and Keys:** All Commercial or Public occupied buildings shall install a Knox Box and building keys including, but not limited to, main entry doors, utility closets, roof accesses, alarm panels, fire sprinkler locks and all other keys required by the fire code official for emergency access. It is recommended, but not required, that residential buildings also add a Knox box and main front door key for improved emergency access.
18. **Parking and Fire Lanes:** All parking restrictions as stated in the current California Fire Code and the current Diamond Springs El Dorado Fire Protection 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 titled “No Parking-Fire Lane”. All curbs in the parking lot(s) that are not designated as parking spaces will be painted red and marked every 25 feet “No Parking - Fire Lane.” This shall be white letters on a red background. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 “No Parking-Fire Lane” and the fire code official.
  - a. Section 503.4.3 of the Fire Code of the Diamond Springs-El Dorado Fire Protection District is added to read as follows:
    - i. 503.4.3 Roads from 20 to 29 feet in width. Fire apparatus access roads, 20 to 29 feet wide, shall be posted on both sides as a fire lane, with no parking allowed on either side of the roadway.
  - b. Section 503.4.4 of the Fire Code of the Diamond Springs-El Dorado Fire Protection District is added to read as follows:
    - i. 503.4.4 Roads from 30 to 35 feet in width. Fire apparatus access roads, 30 to 35 feet wide, shall be posted on one side as No Parking, Fire Lane, with parking allowed only on the opposite side of the roadway.
  - c. Section 503.4.5 of the Fire Code of the Diamond Springs-El Dorado Fire Protection District is added to read as follows:
    - i. 503.4.5 Roads 36 feet and greater in width. Fire apparatus access roads, 36 feet and greater in width, may allow parking on both sides of the roadway.
19. **Setbacks:** Any parcels greater than one acre shall conform to State Fire Safe Regulations (Title 14 SRA Fire Safe Regulations.) requirements for setbacks (minimum 30’ setback for buildings and accessory buildings from all property lines).
  - a. 1276.01 Setback for Structure Defensible Space:  
All parcels 1 acre and larger shall provide a minimum 30 foot setback for buildings and accessory buildings from all property lines and/or the center of the road.

- b. For parcels less than 1 acre, the local jurisdiction shall provide for the same practical effect. (Section 4290, Public Resources Code. Reference: Sections 4290 and 4291. Public Resources Code.)
  - c. Setback variances will be considered based upon actual distance from property lines, fire rated construction, size, type and percentage of openings in rated walls, and will be based upon the 2016 Title 24 California Building Code, Part 2 Vol 1, for R-2 construction as well as same practical effect consideration and an approved wildland urban interface plan.
20. **Addressing:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property, as per El Dorado County Standard B-001.
21. **Landscaping:** The landscaping plan shall be reviewed by the Fire Department to ensure that trees, plants, and other landscaping features proposed to be adjacent to the Fire Apparatus Access roads, Fire and Life Safety equipment, and near address locations on buildings and monuments will not impede fire apparatus access or visual recognition.
22. **Building and Fire Plans:** Building, fire sprinkler and fire alarm plans shall be reviewed and approved by the fire department prior to respective permit issuance. The plans shall provide the use and occupancy classification for each building for future comments in regards to fire sprinklers, fire alarms, exiting, occupant loads, and other fire and life safety features. There shall be a designated plan page that shows all Fire Lanes as required by the El Dorado County Regional Fire Protection Standard B-004 “No Parking-Fire Lane” and the fire code official

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

23. **Off-Site Improvements – Collectors and Major Transportation Facilities:**
- a. The Project shall be responsible for design, Plans, Specifications and Estimate (PS&E), utility relocation, right of way acquisition, and construction of improvements identified as mitigation measures in the project Transportation Impact Study:
    - i. Provide a public road connection to Diamond Road, by way of Black Rice Road, and maintain side street stop control at the Diamond Road/Black rice Road/Lime Kiln Road intersection.
      - 1. Black Rice Road shall be constructed from SR49 to Racquet Way consistent with County Standard Plan 101B, 24 feet in width with 2-foot gravel shoulders on each side (no curb, gutter or sidewalk).
      - 2. Racquet Way shall be constructed from its existing north end to Black Rice road consistent with County Standard Plan 101B, 40 feet in width with Curb and Gutter.
    - ii. Timing of Improvements

1. The developer shall obtain an encroachment permit for any improvements required to County-Maintained Roadways. If the value of the work within the County right of way exceeds \$100,000, a Road Improvement Agreement (RIA) is required.
  2. Work within State Route 49 (Diamond Road) right of way will require approval and an encroachment agreement from CALTRANS.
  3. Plans, Specifications and Cost Estimates (PS&E's) implementing the mitigation measures shall be approved, and the RIA executed prior to issuance of building permits.
  4. Mitigation measures shall be constructed and operational prior to occupancy of any of the apartment units.
24. **Off-site Improvements (Acquisition):** As specified elsewhere in these Conditions of Approval, the applicant is required to perform off-site improvements. If the applicant does not secure, or cannot secure sufficient title or interest for lands where said off-site improvements are required, and prior to issuance of building permits, the applicant shall enter into an agreement with the County pursuant to Government Code Section 66462.5. The agreement will allow the County to acquire the title or interests necessary to complete the required off-site improvements. The Form, Terms and Conditions of the agreement are subject to review and approval by County Counsel.

The agreement requires the applicant: pay all costs incurred by County associated with the acquisition of the title or interest; provide a cash deposit, letter of credit, or other securities acceptable to the County in an amount sufficient to pay such costs, including legal costs; If the costs of construction of the off-site improvements are not already contained in a Subdivision Improvement Agreement or Road Improvement Agreement, the applicant shall provide securities sufficient to complete the required improvements, including but not limited to, direct construction costs, construction management and surveying costs, inspection costs incurred by County, and a 20% contingency; provides a legal description and exhibit map for each title or interest necessary, prepared by a licensed Civil Engineer or Land Surveyor; provides an appraisal for each title or interest to be acquired, prepared by a certified appraiser; Approved improvement plans, specifications and contract documents of the off-site improvements, prepared by a Civil Engineer.

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

25. **Curb Returns:** Where sidewalks are provided, all curb returns shall include pedestrian ramps with truncated domes conforming to Caltrans Standard Plan A88A, including a 4 foot sidewalk/landing at the back of the ramp. Alternate plans satisfying the current accessibility standards may be used, subject to review and approval by County.
26. **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).*

27. **Stormwater Management:** The project shall construct post construction storm water 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.
28. **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 Transportation Division. 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.
29. **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.
30. **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.

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 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**

32. **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.
33. **Commercial Recycling (MCR) for apartments:** 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.
34. **Commercial Organics Recycling (MORe) for apartments:** Multi-family complexes shall arrange for organics recycling service for the following types of organic wastes: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.

### **Air Quality Management**

35. **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. 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 Department.
36. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials.
37. **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.
38. **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.
39. **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 diagrams(s), equipment specification and emission factors.

40. **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 operation of each piece of equipment.
41. **Wood-burning devices:** The installation of open hearth wood-burning fireplaces, woodstoves and woodstove inserts shall be prohibited. If fireplaces are desired, devices that are propane or electric designed to only accommodate propane burning or electric use are allowed.
42. **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 dwelling 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 methods(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.