

CONDITIONS OF APPROVAL

**Conditional Use Permit CUP19-0011/Design Review Revision DR-R19-0005/Fast Freddy’s
Lube Express Expansion
Planning Commission/April 9, 2020**

Planning Services

1. This Conditional Use Permit and Design Review Permit Revision is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Conditional Use Permit CUP19-0011: Request for a Conditional Use Permit to expand a legal nonconforming use pursuant to Zoning Ordinance Section 130.61.050 (Changes or Expansion of Legal Nonconforming Uses) to allow the expansion of a legal nonconforming automotive repair shop, including two new vehicle service bays, into an adjacent vacant 1,550 square foot retail space within the same building.

Design Review Permit Revision DR-R19-0005: Request for a revision to historic Design Review Permit DR89-0046, for purposes of updating County records, for an existing permitted approximately 3,100 square foot commercial building. Exterior building changes associated with DR-R19-0005 would be limited to the addition of two new 10’ x 12’ roll-up metal doors to replace the existing retail storefront on the southwest side of the building. Exterior colors and materials would be painted to match the existing building colors. There are no additional signs or exterior lighting proposed as part of this project; existing building signage and exterior lighting will remain.

- Exhibit ISite Plan
- Exhibit J Architectural Elevations

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.

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. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this 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.
3. **Legal Indemnity/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 land owner agrees 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 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 conditional use permit.

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

El Dorado County Air Quality Management District

Standard Conditions of Approval Which May Apply During Project Construction:

4. **Asbestos Dust:** Current county records indicate the subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with applicable fees shall be submitted to and approved by the AQMD prior to project construction if the project moves more than 20 cubic yards of soil, pursuant to AQMD Rule 223.2, Fugitive Dust - Asbestos Hazard Mitigation. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust - General Requirements, and Rule 223.2 Fugitive Dust -Asbestos Hazard Mitigation.
5. **Paving:** The project construction may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
6. **Painting/Coating:** The project construction may involve the application of architectural coatings which shall adhere to AQMD Rule 215, Architectural Coatings.
7. **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 (§ 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/fag/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.

8. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 HP, Spray Paint Booths etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications, chemical use projections and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
9. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

Environmental Management Division

10. **Solid Waste Unit:** State Law mandates 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. Accordingly, all project construction activities must comply with the County's Construction and Demolition Debris Recycling Ordinance.
11. **Hazardous Materials Unit:** The facility is currently listed as a Certified Unified Program Agencies (CUPA) regulated facility in the California Environmental Reporting System (CERS) under account number 10202779. Within 30 days of the completion of this project, the facility must, at a minimum, update the site map, chemical inventory and facility owner /operator information in CERS.

El Dorado County Surveyor's Office

12. Within 30 days of project approval, the applicant shall coordinate building addressing with the County Surveyor's office to ensure all buildings on the project parcel are addressed in compliance with Chapter 110.04 of County Code.

El Dorado County Fire Protection District

13. Project plans shall be reviewed and approved by the District for conformance with the current Fire Code and applicable ordinances.