

CONDITIONS OF APPROVAL

Rezone Z15-0002/Tentative Parcel Map P15-0006/Planned Development PD15-0004/ Conditional Use Permit S17-0015/Montano De El Dorado Phase I and II Master Plan Planning Commission/March 25, 2021

Project Description

1. This Rezone, Parcel Map, Planned Development and Conditional Use Permit is based upon and limited to substantial conformance with the project description, the Staff Report Exhibits and Conditions of Approval as set forth below.
 - A. A Rezone (Z15-0002) to rezone the project parcels from Regional Commercial - Community Design Review Combining Zone (CR-DC) to Regional Commercial - Planned Development Combining Zone (CR-PD);
 - B. A Commercial Tentative Parcel Map (P15-0006) on Assessor's Parcel No. 118-010-012 to create a total of 12 commercial parcels from an existing 16.85-acre parcel, ranging from 0.72 acres to 3.48 acres in size, as part of proposed Phase II of the Montano De El Dorado Master Plan;
 - C. A Planned Development (PD15-0004) to establish an official Development Plan for the existing Montano De El Dorado Phase 1 development and the proposed Phase II expansion. Phase I consists of an existing commercial center, consisting of five buildings, on the 20.1-acre project site with a combined total of 39,645 square feet of floor area. Existing uses include retail stores, restaurants, and a bank. The proposed Phase II expansion consists of nine additional commercial buildings with a combined total of approximately 80,000 square feet of retail, restaurant, commercial and office uses, a 55,136 square foot, 100-room hotel, a small community pavilion and on-site parking, lighting, signage and landscaping as shown on the Preliminary Site Plan (Exhibit H);
 - D. A Conditional Use Permit (S17-0015) to allow office uses and outdoor special events within existing Phase I and proposed Phase II of the Montano De El Dorado Master Plan. Outdoor special events must be limited to the type, date range(s) and locations as shown and described in the Outdoor Special Events Plan (Exhibit I). All events at the proposed community pavilion would not conduct amplified music or speech more than once per week. With the exception of once-weekly outdoor movie nights (April–September), concluding at 10:00 p.m., all events with amplified sound will be concluded no later than 9:00 p.m.

Exhibit H.....	Preliminary Site Plan
Exhibit I	Outdoor Special Events Plan
Exhibit Q.....	Architectural Elevations
Exhibit R	Preliminary Landscape Planting Plan
Exhibit S.....	Outdoor Lighting Plan

Exhibit TTentative Parcel Map
Exhibit UPreliminary Water and Sanitary Sewer Plan
Exhibit VPreliminary Grading, Drainage and Paving Plan

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.

Planning Division

2. **Mitigation Monitoring Reporting Program (MMRP):** The applicant shall implement the mitigation measures in the adopted EIR Mitigation Monitoring Reporting Program for the Montano Phase I and Phase II Master Plan, included as Exhibit L.
3. **Uniform Sign Program:** Within one year of project approval, the applicant shall submit a final Phase II Uniform Sign Program for review by the Planning Commission consistent with applicable provisions of Chapter 130.36 (Signs).
4. **Conditional Use Permit (Office Uses):** Office uses are currently allowed in the CR zone by CUP. If, at a future time, applicable section(s) of the Zoning Ordinance are amended to allow office uses by right in the CR zone, the provisions of CUP S17-0015 applying to office uses in Phase I and Phase II shall no longer apply to this project. Such provisions shall be of no further force and effect as of the effective date of such future ordinance amendment(s).
5. **Expiration:** Tentative Parcel Map P15-0006 shall expire 36 months from the date of approval unless a timely extension has been filed consistent with Section 120.74.020 (Expiration Period of Approved or Conditionally Approved Maps of the Subdivisions Ordinance. The Development Plan and Conditional Use Permit shall expire concurrently with the Tentative Parcel Map.
6. **Project Improvements in Conformance with Project Plans:** Project improvements including, but not limited to, building design, colors, building placement, freestanding and wall tenant signs, and parking lot improvements (e.g. lighting, landscaping, bicycle racks, trash enclosures) shall be completed in conformance with the plans submitted and

conditions of approval herein and shall substantially comply with all Montano De El Dorado Phase I and Phase II Master Plan Exhibits listed in Condition 1 above. Minor modifications may be approved through the Substantial Conformance Review by the Planning Director; however, any major changes that substantially deviate from the Development Plan shall require review and approval by the Planning Commission prior to issuance of a building permit.

7. **Reciprocal Access and Parking Agreement:** To ensure vehicular/emergency vehicle access and access to public utilities is shared and maintained in perpetuity for all project parcels, including resulting parcels associated with Tentative Parcel Map P15-0006, a reciprocal access, public utilities and parking agreement shall be recorded on the four existing project parcels prior to recordation of the Final Parcel Map.
8. **Shopping Center Maintenance Agreement:** Prior to issuance of a building permit, CC&Rs addressing responsibility and access rights for ongoing maintenance of parking lots, common areas, interior and perimeter fencing/walls, signs, lighting, landscaping, and exterior building colors/finishes must be recorded on all project parcels, including new lots associated with Tentative Parcel Map P15-0006.
9. **Solid Waste Collection Facilities:** All Phase II waste and recycling collection facilities (dumpsters) must be fully screened from view and located in close proximity to each proposed commercial building and as far from adjacent residential uses as practically feasible. Planning Division staff will review future building permit plans for compliance.
10. **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, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings 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 rezone, planned development, and parcel map which action is brought within the time period provided for in Section 66499.37.

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

Department of Transportation

Project-Specific Conditions

11. **Latrobe Road Frontage Improvements:** Construct curb and gutter, and a ten (10) foot wide sidewalk on the east side of Latrobe Road along the project frontage from Monte Verde Drive to the south project entrance.
12. Construct curb and gutter, and six (6) foot wide sidewalk on the east side of Latrobe Road along the project frontage from the south entrance, connecting to the existing Phase I sidewalk on Latrobe Road.

Separate the sidewalks from the curb and gutter with a 2 foot wide buffer area.

Design the line of the curb and gutter to provide an eight (8) foot wide shoulder on Latrobe Road, measured from the edge of travelled way (ETW) to the Flowline of the new curb and gutter. Replace Class II Bike Lane Striping and Markings.

Construct accessible curb ramps at the project entrances.

13. **Access and Offsite Improvements:**
 - a) Construct the fiber optic interconnect (aka El Dorado County Intelligent Transportation System [ITS] Pilot Project) and perform signal coordination and timing modifications as necessary, between signalized intersections on Latrobe Road from the Golden Foothill Parkway (north) / Monte Verde intersection, to the Latrobe Road / US50 EB ramps, concurrent with the Primary Driveway Signal construction. All improvements are subject to review and approval by DOT. The fiber-optic interconnect and associated signal coordination may be reimbursable, if the El Dorado County ITS Pilot Program is approved by the Board of Supervisors.
 - b) Construct recommended roadway Improvements #2 and #4 (as discussed in Section 3.12.4, "Non-CEQA Operations Analysis" in the Project EIR), Latrobe Road / Town Center Blvd Intersection Improvements prior to issuance of any building permit.
 - Reconfigure the westbound approach to include one shared-left/through lane, and two right-turn lanes
 - Change the intersection signal timing to allow for a permitted/overlap phase for the westbound right-turn lanes.

These improvements may require further restriping or improvements to the western portion of Town Center Boulevard as well as potential improvements to the privately owned roadway to the west.

Building permits may be issued if the applicant has obtained improvement plan approval for the signal modifications, and entered into a road improvement agreement with the County for this work (including surety and insurance requirements of the County). Building permits may also be issued when the County has entered into a road improvement agreement with others for the construction of these improvements.

If any of the above listed Improvements are added to the 20-year CIP prior to development levels in the project site that would require this mitigation, payment of traffic impact fees would satisfy the project's fair share obligation towards those improvements.

If item 2.b (Improvement #'s 2 and 4) above is constructed by others, and not added to the TIM Fee program, the project shall pay its fair share towards construction of these improvements.

14. **Offer of Dedication:** Offer to dedicate a pedestrian easement of sufficient width to contain the Latrobe Road sidewalks, plus six inches. This condition may be waived by the County Engineer if sufficient width of the existing R/W is already documented.
15. **Encroachment Permit(s):** Obtain encroachment permit(s) or Road improvement agreement from DOT and construct the access driveways onto Latrobe Road to the satisfaction of DOT. Design the site improvements and landscaping to ensure adequate sight distance is provided from the project driveways on Latrobe Road.
16. **Left-Turn Access Restriction:** Design the southerly project access driveway as a right-in, right-out only access.

Standard Conditions

17. **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).
18. **Stormwater Management:** Construct post construction storm water mitigation measures to capture and treat the 85th 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.

19. **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.
20. **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.

Incorporate the Project conditions of approval into the Project Improvement Plans when submitted for review.

Environmental Management Department

Solid Waste:

21. **Construction and Demolition (C&D) Debris Recycling:** 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. Please visit the following website to view El Dorado County's Construction and Demolition Debris Recycling Ordinance Program information and requirements: https://www.edcgov.us/Government/emd/solidwaste/pages/construction_and_demolition_debris_recycling.aspx
22. **Placement of garbage and recycling enclosure:** The franchise waste hauler for the location of the project is EDD. It is recommended that EDD is contacted before construction to discuss placement of the trash and recycling enclosures. This eliminates any confusion regarding placement of dumpsters and collection service once in business. EDD has guidance diagrams on their commercial services webpage: <http://www.eldoradodisposal.com/Commercial.aspx>. Their customer service department can be reached at (530) 626-4141.
23. **Waste Management and Recycling:** AB 341 (Mandatory Commercial Recycling) requires all commercial facilities (nonresidential) that generate at least 4 cubic yards of solid waste per week to recycle. The franchise waste hauler for the location of Montano de El Dorado Phase II is EDD. Before Montano de El Dorado Phase II opens property management should contact EDD to discuss commercial waste and recycling service.

EDD's Sustainability Coordinator can be reached at taylor@wcnx.org or by calling (530) 313-8322. Here is a link to EDD's flyer on Mandatory Commercial Recycling: http://www.eldoradodisposal.com/files/BIZ%20English_EI%20Dorado.pdf. Also, here is a link to the California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on Mandatory Commercial Recycling: <http://www.calrecycle.ca.gov/recycle/commercial/>.

24. **Mandatory Commercial Organics Recycling (MORE):** AB 1826 (Mandatory Commercial Organics Recycling - "MORE") requires all commercial facilities (nonresidential) that generate specified amounts of organics waste 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. The law requires that businesses arrange for organics recycling service for the following types of organic wastes: food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper.

The franchise waste hauler for the location of Montano de El Dorado Phase II is EDD. Their Sustainability Coordinator can be reached at taylor@wcnx.org or by calling (530) 313-8322. She can help businesses determine how much waste they generate and when/if they exceed the waste amounts and must therefore comply with this law. Attached is an informational flyer on MORE recycling requirements. Below are two additional links with additional information.

- El Dorado County MORE details:

https://www.edcgov.us/Government/emd/solidwaste/pages/mandatory_commercial_organics_recycling.aspx

- California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on MORE: <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>.

El Dorado Irrigation District:

25. **Meter Award Letter:** Prior to issuance of a building permit, the applicant shall complete required water, wastewater and recycled water improvements and easement dedications (if needed), including supporting documentation, to the satisfaction of the District as outlined in the District's Facility Improvement Letter No. DS0219-026, dated February 13, 2019 (Exhibit W).

Air Quality Management District

The following standard conditions would apply to the project based on requirements of law:

26. **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 Dept. (Rules 223 and 223.1)
27. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
 28. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
 29. **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).
 30. **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.
 31. **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 diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
 32. **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, daily hours of operations of each piece of equipment.
 33. **Electric Vehicle Charging – Non-Residential:** The commercial portion of the project shall comply with the Non-Residential Mandatory Measures identified in the 2016 Cal Green Building Code §5.106.5.3 concerning installation of electric vehicle supply equipment (EVSE). Plans shall include; the location(s) and type of EVSE, a listed raceway capable of accommodating a 208/240-volt dedicated branch circuit originating at

a service panel with sufficient capacity to accommodate a minimum 40A dedicated circuit, and terminating in a suitable enclosure in close proximity to the proposed location of the charging equipment. Plans shall include 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 shall be installed from the electrical service panel to the designated parking areas at the time of initial construction. Please refer to Cal Green Building Stds Code §5.106.5.3 for specific requirements¹:

http://www.edcgov.us/Government/Building/California_Building_Standards_in_Effect.aspx

El Dorado Hills Fire Department:

34. **Fire Flow:** The project shall be required to request a Fire Flow Letter from the El Dorado Hills Fire Department (EDH Fire) to determine the minimum required Gallons Per Minute (GPM) for the project site. The fire flow shall be determined in compliance with the CA Fire Code, Appendix B, based on the type of construction and square footage of each building. This Fire Flow Letter shall then be given to EID in order to produce a FIL which will state if the required amount of water can be supplied to the project. The Applicant has already requested and received a Fire Flow Letter from EDH Fire.
35. **Sprinklers:** All fire-flow numbers listed on the fire flow letter require all structures to install fire sprinklers in accordance with National Fire Protection Agency (NFPA) 13 and Fire Department requirements if they are 3,600 square feet or greater in size.
36. **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.
37. **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 300 feet. The exact location of each hydrant on private roads and on main county maintained roadways shall be determined by the Fire Department.
38. **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.

¹ Cal Green Building Code: <http://codes.iccsafe.org/app/book/content/2016%20California%20Codes/Green-2017%20Errata/Chapter%205%20Nonresidential%20Mandatory%20Measures.pdf>

39. **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. Phasing may be allowed if all Fire Access requirements are met and approved by the Fire Code Official for each phase.
 - b. 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.
 - c. 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.
 - d. 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.
40. **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).
41. **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.
42. **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.
43. **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.

44. **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.
45. **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.
46. **Fencing:** Lots that back up to wildland open space shall be required to use non-combustible type fencing.
47. **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.
48. **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.

Surveyor's Office

49. All survey monuments must be set prior to the filing the Parcel Map or the developer shall have surety of work to be done by bond or cash deposit. Verification of set survey monuments, or amount of bond or deposit to be coordinated with the County Surveyors Office prior to the filing of the Parcel Map.
50. Existing monuments disturbed by development activities shall be reset.
51. Situs addressing, including Suite Number Assignments, must be coordinated through the El Dorado County Surveyor's Office. Suite Numbers shall not be posted until they are approved through the Surveyor's Office.
52. Prior to filing the Parcel Map, a letter will be required from all agencies that have placed conditions on the map. The letter will state that "all conditions placed on P 15-0006 by (that agency) have been satisfied." The letter is to be sent to the County Surveyor and copied to the Consultant and the Applicant.