

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: June 14, 2007
Item No.: 11
Staff: Tim Chamberlain

TENTATIVE MAP

FILE NUMBER: TM04-1390R

APPLICANT: Lesarra Attached Homes

AGENT: William Pennington, Manager

REQUEST: Revision to an existing tentative subdivision map to modify the conditions of approval. The revision request includes a modification to the text of Conditions 23, 28, and the removal of Condition 24. These conditions are related to the Department of Transportation off-site improvement requirements, and the proposed revision would only change the condition timing and the necessary stage of completion of those improvements to demonstrate compliance with the tentative map.

LOCATION: On the west side of Valley View Parkway, 2,000 feet south of the intersection with White Rock Road, in the El Dorado Hills area, Supervisorial District II (Exhibit A).

APN: 118-130-19

ACREAGE: 14.42 acres

GENERAL PLAN: Adopted Plan – Valley View (AP-VV) (Exhibit B)

ZONING: Valley View Core Residential (VVCR) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Statutory Exemption pursuant to Section 15182 of the CEQA Guidelines

SUMMARY RECOMMENDATION: Conditional approval

BACKGROUND: Tentative Subdivision Map TM04-1390 was approved by the Planning Commission on April 27, 2006, to allow a 160 unit condominium project in the Valley View Specific Plan Area. On January 19, 2007, the applicant applied for a final subdivision map, but that project was put on hold and was deemed incomplete pending the completion of required Bonding and the preparation of the Subdivision Improvement Agreement. During discussions between El Dorado County staff and the applicants, it was determined that the language of Conditions 23, 24, and 28 relating to off-site improvements may be changed at the request of the applicant. Subsequently, revisions to the Conditions of Approval were requested on March 16, 2007.

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following analysis.

Project Description: Lesarra Attached Homes is requesting a revision to the existing tentative subdivision map to modify the original Conditions of Approval. The revision would change the language of Conditions 23 and 28, and would delete Condition 24. The proposed change of language for Conditions 23 and 28 are shown below (strikeout for removed language, underline for added language).

23. The following public roadway improvements shall be constructed or construction funding programmed and identified prior to the recordation of the final map.~~must be constructed and must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any portion of the project. In addition, prior to commencement of construction for onsite project improvements, a public contract for the following public roadway improvements must be awarded and executed. (The following roadway improvements would be satisfied by construction of the public improvements required of West Valley Subdivision, TM 99-1359.)~~
- a) Construction of six through lanes on Latrobe Road from White Rock Road to U.S. Highway 50 which includes widening and restriping of Latrobe Road between U.S. Highway 50 south to White Rock Road, to provide for three (3) through lanes in the northbound and southbound directions between U.S. Highway 50 and White Rock Road.
 - b) Construction of the following elements at the Latrobe Road/White Rock Road intersection: right turn lane and through lane on northbound approach; left turn lane on westbound approach; right turn lane on eastbound and southbound approaches; and add northbound through lane from south of White Rock Road and connecting to a northbound right turn lane at Town Center Boulevard.
 - c) Installation of a traffic signal at the intersection of White Rock Road and Valley View Parkway.

The developer shall install the following improvement prior to the first occupancy clearance:

- d) Restripe the eastbound shared through and right lane on Town Center Boulevard to a separate right turn lane, at the Latrobe Road and Town Center Boulevard intersection.

If the applicant undertakes the construction obligation for the above improvements a) and b), the developer shall follow the “Requirements for Providing Funding and Bid-Ready Package” for the above improvements as described in the immediately following condition.

- 28. A notice of restriction shall be placed on the property that provides notice that no occupancy of the residential units can occur prior to the ~~required road improvements~~ road improvements identified in Condition 23 d being substantially complete, as determined by the Department of Transportation. ~~This notice pertains to all of the road improvement related conditions of approval that contain the timing requirement statement: “prior to occupancy of any of the project units”.~~

Condition 24 shall be deleted.

- 24. ~~Prior to issuance of Building Permits or recordation of a Final Map, whichever occurs first, Valley View Parkway from the project entrance to White Rock Road shall be offered to the County by an Irrevocable Offer of Dedication (IOD) for public road and utility purposes, together with slope easements, by submitting a complete application to the Right of Way Unit of the Department of Transportation. As part of this requirement, the applicant must form a Zone of Benefit, or other mechanism approved by the County, to fund the long-term maintenance of this public roadway.~~

Site Description: This site is a 14.42 acre 160 unit condominium development just southeast of the Town Center East Commercial Center. The development consists of 11 residential 3-story buildings, 13 detached covered parking structures, and a community center building including a community pool and accessory uses. The tentative subdivision map approved in 2006 was for airspace condominium units for individual sale.

The site is located at an elevation of approximately 650 feet with mild slopes. Vegetation on-site is comprised of natural wild grasses and small brush. There is no tree canopy on site.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	VVCR	AP-VV	Lesarra Attached Homes
North	R1	AP-VV	Undeveloped Land (Valley View Specific Plan)
South	VVMOS	AP-VV	Undeveloped Land (Valley View Specific Plan)
West	VVCR	AP-VV	Multifamily Residential Apartments

The Lesarra Attached Homes site is bordered by residential multifamily development to the west and undeveloped Valley View Specific Plan land to the north, east, and south. The land to the south is zoned Multi-Use Open Space. The revision to the two Department of Transportation conditions of approval would not have a negative effect on the surrounding properties. A change to the proposed project description for the condominium development has not been requested.

General Plan/Zoning: The proposed changes to the tentative map (TM04-1390) would not change the project description, nor would they change the Department of Transportation requirements for off-site improvements. The revision would change the timing on those improvements and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map. Due to the nature of these changes, no new analysis for compliance with General Plan Policies or zoning is required for this revision application.

Agency and Public Comments: The applicant is requesting a change to Department of Transportation conditions of approval. Other agencies were given an opportunity to comment on this project, but only the Department of Transportation responded with comments. The applicants had a dialogue with the Department of Transportation to work out mutually acceptable conditions relating to the changes made to Conditions 23, 24, and 28 of the original Conditions of Approval. The applicant requested these changes to the language of the required off-site improvements, because a majority of the work will be done by a different developer in the Valley View Specific Plan. As these off-site improvements are currently being processed under a different application with Department of Transportation, the level of compliance was changed to allow the Lesarra Condominium Development to move forward and not be restricted by improvements that they were never meant to be responsible for. Copies of the Department of Transportation comments are available at the Planning Services office. From these comments, Conditions of Approval have been incorporated into the project, listed in Attachment 1 of the staff report.

ENVIRONMENTAL REVIEW

This project has been found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15182 of the CEQA Guidelines. The section establishes that when a public agency has prepared an EIR on a specific plan, no EIR or Negative Declaration need be prepared when a residential project is in conformity to that specific plan. It further states that the project must not trigger any finding in Section 15162 which would require revisions to the previous environmental documents. In this case, no additional review is necessary.

Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Certify the project is Statutorily Exempt from CEQA pursuant to Section 15182 of the CEQA Guidelines; and
2. Approve this revision to Tentative Map TM04-1390-R subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

SUPPORT INFORMATION

Attachments To Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Attachment 3	Tentative Map Conditions of Approval
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER TM04-1390R
June 14, 2007

El Dorado County Planning Services

1. This tentative map revision is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit D (TM04-1390 Conditions of Approval) dated June 14, 2007, and the Conditions of Approval set forth below. 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 project description is as follows: Tentative map revision TM04-1390-R is a request to modify Conditions 23, 28, and delete Condition 24 from the original tentative map approval. The three conditions pertain to Department of Transportation off-site improvements and the proposed changes to these three conditions are in regards to timing and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map.

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 (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. All site improvements shall conform to the original project Conditions of Approval attached in Exhibit D.
3. Development of this property is subject to review and issuance of a building permit from El Dorado County Building Services. Demonstration of conformance to all Conditions of Approval is a requirement of a complete building permit submittal.
4. Prior to issuance of any building permit, all Planning Services fees shall be paid.
5. 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, 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 subdivision, 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.

6. All applicable conditions of approval from TM04-1390 shall remain in effect.

ATTACHMENT 2
FINDINGS OF APPROVAL
June 14, 2007

FILE NUMBER TM04-1390R

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15182 of the CEQA Guidelines which establishes that when a public agency has prepared an EIR on a specific plan, no EIR or Negative Declaration need be prepared when a residential project is in conformity to that specific plan. It further states that the project must not trigger any finding in Section 15162 which would require revisions to the previous environmental documents. In this case, no additional review is necessary.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department- Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 ADMINISTRATIVE FINDINGS

2.1 The proposed revision is consistent with El Dorado County General Plan.

The proposed changes to the tentative map (TM04-1390) would not change the project description, nor would they change the Department of Transportation requirements for off-site improvements. The revision would change the timing on those improvements and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map. Due to the nature of these changes, no new analysis for compliance with General Plan Policies is required for this revision.

2.2 The proposed revision is consistent with El Dorado County Zoning Ordinance.

The proposed changes to the tentative map (TM04-1390) would not change the project description, nor would they change the Department of Transportation requirements for off-site improvements. The revision would change the timing on those improvements and the necessary stage of completion of those improvements to demonstrate compliance and receive approval for the final map. Due to the nature of these changes, no new analysis for compliance with Zoning Ordinance is required for this revision.

ATTACHMENT 3
TENTATIVE MAP CONDITIONS OF APPROVAL

FILE NUMBER TM04-1390
Revised June 14, 2007

Tentative Map

1. The proposed tentative map, including design and improvements, conforms to the applicable standards and requirements of the Valley View Specific Plan and the Major Land Division Ordinance. The proposed condominium project meets the requirements established within the Development Agreement for multifamily residential development.
2. Section 2.1.2(b) of the Development Agreement allows ministerial review of multi-family housing as a means of encouraging such development. The Design Clearance process established under this section involves site plan and elevation review of each project. Under the Specific Plan, "Site Plan Design Clearance shall first be obtained from the El Dorado County Planning Director or his designated representative. Said Design Clearance shall . . . consist of a finding that the proposed development is in conformance with the Valley View Specific Plan and applicable design standards established by the Specific Plan. Where no specific design standard exists, the proposal shall be subject to the provisions of Chapter 17 of the El Dorado County Code (Zoning Ordinance)." The proposed project is consistent with the applicable provisions of the land use plan for Core Residential development under Chapter 4, as well as with the design guidelines under Chapter 9 of the Specific Plan. Further compliance with specific design standards under the Zoning Ordinance has also been met.
3. The site is physically suitable for the proposed type and density of development.
4. The proposed subdivision is not likely to cause substantial environmental damage as analyzed and mitigated under the EIR prepared for the Valley View Specific Plan. Mitigation measures from the EIR have been applied to the proposed project regarding the on site wetland area.
5. The project has been found to be Statutorily Exempt from CEQA pursuant to Section 15182 stating that: "Where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section. (b) Scope. Residential projects covered by this section include but are not limited to land subdivisions, zoning changes, and residential planned unit developments."

Conditions

This tentative map approval is based upon and limited to compliance with the project description, dated April 27, 2006, and Conditions of Approval set forth below. 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. Deviations without the above-described approval will constitute a violation of tentative map approval.

The project, as approved, shall consist of the following:

1. A 160-unit condominium development to be constructed on one 14.24 acre parcel to be created under the subject tentative map, TM04-1390. The development shall consist of eleven residential buildings that will be 3-stories each to a maximum height of 39.5 feet. The residential buildings will consist of two different styles, referred to as Building Type I and Building Type IV in the elevations (Exhibit H). Building Type I (Type I) will consist of 12 units comprising an equal mix of 1 and 2 bedroom units. Building Type IV (Type IV) will consist of 19 units comprising one 1-bedroom, sixteen 2-bedroom, and two 3-bedroom units. Seven of the buildings will be Type I, while the remaining four buildings will be Type IV.

The first floor of each building will consist of enclosed garage space. Type 1 will have 10 single-car and 2 two-car garage spaces, and Type IV will have 18 single-car and one 2-car garage spaces. An additional 80 enclosed, single-car garage spaces will be constructed in the parking areas surrounding the buildings for a total of 258 enclosed spaces. Each unit in the development will have at least one, enclosed garage space and 98 units will have a second enclosed space.

Open or unenclosed parking totals 111 spaces to be dispersed throughout the project site. A minimum of 40 spaces shall be designated for guest parking. The project shall meet minimum ADA requirements of eight handicapped parking spaces with one designated van-accessible.

Four different color schemes will utilize compatible tones for each construction element, such as wall, trim and roofing, per building. All four schemes are compatible with each other as they consist of various shades of beige, brown and khaki. The application of each color scheme will comply with Exhibit J.

A community center to be built exclusively for the homeowners, which will contain a swimming pool, spa and adjacent pool house. The pool house facility will contain separate changing rooms and an exercise room. The facility will be single-story and will measure a total of 1400 square feet, counting both air conditioned and non-air conditioned space. A "tot lot" will be located adjacent to the community center and shall conform to Exhibit F.

A monument, identification sign measuring 4 feet high by 8 feet wide including rock base. The sign will be illuminated by ground lighting and will be located at the project entrance on the corner of Valley View Parkway and the unnamed access road. A directional sign shall be located at the entrance to each driveway off the access road, for a total of 3 directional signs.

Each sign shall measure 5 feet high by 2 feet 2 inches wide including rock base, and shall be illuminated by ground lighting. All signage shall conform to Exhibit K.

Pole lights shall not exceed 30 feet in height and shall be fully shielded. All building and pole lighting shall conform to Exhibit L.

MITIGATION MEASURES FROM VALLEY VIEW SPECIFIC PLAN EIR.

2. Mitigation Measure BR-9: “The applicant shall be responsible for mitigating impacts on wetlands during construction by implementing protective buffer zone construction fencing of sensitive habitat. Provide a 50-foot buffer zone as recommended in the El Dorado County General Plan EIR, measured from the edge of the jurisdictional wetland. Keep all construction vehicles and supplies out of these fenced areas.”

MONITORING: The text of MM BR-9 shall be required as a notation on subdivision improvement plans, and shall be put into effect prior to first grading permit issuance, and maintained until either all on-site construction is complete, or final occupancy of last single-family unit, whichever comes last.

3. Mitigation Measure BR-8: “(1) Mitigate indirect post construction impacts to wetlands to a less than significant level by implementing protective buffer zone fencing of wetland habitat and establishment of written protective measures for other wetland areas. Development and domestic activities and structures restricted in the wetland buffer zone include dumping of garden debris, oil, or chemicals, the placement of structures, maintaining domestic animals or gardens, ad-hoc trails, removal of the fence that defines the buffer zone, removal of vegetation, placement of outdoor furniture, and storage of vehicles or recreational equipment. These protective measures should be written into CC&Rs for residential development and maintenance requirements for commercial development. Homeowners’ associations and maintenance personnel would be responsible for implementing and enforcing these restrictions and informing El Dorado County of violations.”

MONITORING: Permanent buffer zone fencing shall be constructed prior to final occupancy of the first single-family unit. Written protective measures to include open space/wetland maintenance agreement shall be incorporated into CC&Rs. CC&Rs shall be reviewed and approved by the El Dorado Hills Community Services District prior to recordation.

PROJECT SPECIFIC CONDITIONS

4. CC&Rs, to include but not be limited to those requirements of §17.28.161 of the County Code, shall be recorded prior to building permit issuance for the first single-family unit.
5. Parking requirements shall be amended to allow for 258 enclosed garage spaces instead of 320, as required under Chapter 4 of the Specific Plan. A required minimum of 40 spaces shall be provided for guest parking out of the 111 unenclosed parking spaces. The project contains a total of 369 enclosed and unenclosed spaces. Handicapped parking shall consist

of no less than 8 ADA compliant spaces, with one designated van accessible. No compact car spaces shall be allowed.

6. In exchange for approval of the parking amendment defined in condition 5, twelve of the total single-family units shall be designated as affordable or “inclusionary” housing for families of moderate income. Moderate income level is defined as those households earning between 80-120 percent of the median family income as established for El Dorado County. Of the twelve units, four shall be 1-bedroom and eight shall be 2-bedroom units. Deed restrictions for these specific units shall be recorded prior to approval of the final map.
7. An affordable housing plan, to include but not be limited to financing arrangements, monitoring program, and 20-year deed restrictions, shall be established by the applicant through the Department of Human Services. A copy of the affordable housing plan shall be submitted to Planning Services prior to final occupancy of the first single-family unit.
8. In accordance with General Plan Policy HO-3j, the property owner(s) shall provide notice to the California Department of Housing and Community Development, the County Department of Human Services, and the existing tenants at least two years prior to the conversion of the affordable housing units to market rate.
9. The subdivision is subject to parkland dedication in-lieu fees, calculated in accordance with Section 16.12.090 of the County Code, which shall be paid to the El Dorado Hills CSD. The fees shall be paid at the time of filing the final map.
10. The subdivider shall be subject to a \$150.⁰⁰ appraisal fee payable to the El Dorado County Assessor for the determination of parkland dedication in-lieu fees.
11. The subdivider shall be subject to payment in full of El Dorado Hills Community Services District Park Development Impact Fees at the time of building permit issuance.
12. Street lights shall be provided at the intersection of Valley View Parkway and the unnamed access road and shall be shown on the Final Improvement Plans. All street lights installed shall be top-shielded to prevent excess glare and light. Light fixtures shall utilize low-sodium bulbs.
13. Lighting within the project site shall conform to 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America’s (IESNA) full cut-off designation. In addition, sign lighting shall conform to 17.16.070 so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.
14. The “tot lot” shall conform to ADA and federal playground safety standards. Adequate seating area shall be provided within the lot to accommodate parents and care providers. Shaded areas shall be provided, as well. Provisions shall be included in the CC&Rs to provide for maintenance and upkeep of the playground equipment by the home owners association.

15. As part of the building permit process, the applicant shall submit for approval a final landscape plan in substantial compliance with the preliminary plan demonstrating compliance with the County water conserving landscape standards (Exhibit G).
16. The applicant shall work with the El Dorado Hills Community Services District to form a shell landscape and lighting assessment district (LLAD) to pay for operation and maintenance of street lighting, landscaping, pedestrian and bicycle pathways, and private recreation facilities, in the event the proposed Homeowner's Association fails to maintain the installed improvements to District standards. If the Homeowner's Association does not plan to manage the project improvements, the LLAD will be immediately activated and assessments levied for the future improvements.
17. A minimum of 20-foot easements will be required by the El Dorado Irrigation District for any water or sewer lines unless otherwise noted. A meter award letter or similar document shall be provided by the District prior to filing the final map.
18. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
19. Applicant shall pay the traffic impact fees in effect at the time a building permit is issued. Until such time as updated traffic impact fees are adopted pursuant to the General Plan, any subdivisions will be required to either (1) execute an agreement agreeing to pay the higher fees, even after building permits have been issued or (2) have a notice of restriction placed on the final map prohibiting the issuance of building permits until the updated traffic impact fees are adopted.
20. A secondary access road, providing permanent circulation for each phase of development, shall be constructed prior to the first building permit being issued for any residential structure. Such looped circulation shall be subject to the approval of, or may be modified by, the El Dorado Hills Fire District.
21. Prior to issuance of building permits or recordation of a final map, whichever occurs first, the applicant shall record a shared access agreement demonstrating rights of access over any portions of the adjacent, northerly apartment project where primary or secondary access to this project is reliant.
22. Construction of the following Phase 1.2B ("enhancements") of the El Dorado Hills Blvd./Hwy 50 Interchange, which will occur through contract to be awarded and administered by the County. The construction of the Phase 1.2B ("enhancements"), which are itemized below, must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any portion of the project.

- a. Construction of the El Dorado Hills Boulevard/U.S. Highway 50 Interchange Enhancement Improvements is identified below and is subject to final approval by Caltrans:
 - I. Widening/restriping the westbound off ramp to provide for a right turn lane onto El Dorado Hills Blvd. in the northbound direction, a left turn lane onto Latrobe Road in the southbound direction and shared through/left/right turn lane;
 - II. Widening/restriping the westbound on ramp for two lanes with a merge into one lane, which shall be extended 500 feet prior to entering the highway;
 - III. Providing dual left turn lanes northbound on Latrobe Road onto the westbound on ramp;
 - IV. Additional northbound through lane on Latrobe Road between the eastbound onramp and the existing Saratoga Way intersection together with any necessary facilities to accommodate pedestrian and bicycle traffic along the east side of Latrobe Road at this location.

23. ~~The following public roadway improvements shall be constructed or construction funding programmed and identified prior to the recordation of the final map. must be constructed and must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any portion of the project. In addition, prior to commencement of construction for onsite project improvements, a public contract for the following public roadway improvements must be awarded and executed. (The following roadway improvements would be satisfied by construction of the public improvements required of West Valley Subdivision, TM 99-1359.)~~
 - a. Construction of six through lanes on Latrobe Road from White Rock Road to Hwy 50 which includes widening and restriping of Latrobe Road between US Hwy 50 south to White Rock Road, to provide for three (3) through lanes in the northbound and southbound directions between Hwy 50 and White Rock Road.
 - b. Construction of the following elements at the Latrobe Road / White Rock Road intersection: right turn lane and through lane on northbound approach; left turn lane on westbound approach; right turn lane on eastbound and southbound approaches; and add northbound through lane from south of White Rock Road and connecting to a northbound right turn lane at Town Center Boulevard.
 - c. Installation of a traffic signal at the intersection of White Rock Road and Valley View Parkway.

The developer shall install the following improvement prior to the first occupancy clearance:

- d. Restripe the eastbound shared through and right lane on Town Center Boulevard to a separate right turn lane, at the Latrobe Road and Town Center Boulevard intersection.

If the applicant undertakes the construction obligation for the above improvements a) and b), then the developer shall follow the “Requirements For Providing Funding And Bid-Ready Package” for the above improvements as described in the immediately following condition.

Condition 24 shall be deleted.

- ~~24. Prior to issuance of Building Permits or recordation of a Final Map, whichever occurs first, Valley View Parkway from the project entrance to White Rock Road shall be offered to the County by an Irrevocable Offer of Dedication (IOD) for public road and utility purposes, together with slope easements, by submitting a complete application to the Right-of-Way Unit of the Department of Transportation. As part of this requirement, the applicant must form a Zone of Benefit, or other mechanism approved by the County, to fund the long-term maintenance of this public roadway.~~
25. The final map shall show and dedicate slope easement for the future Valley View Parkway adjacent to the project’s boundary.
26. Prior to issuance of building permits or recordation of a Final Map, whichever occurs first, the applicant shall secure appropriate permits from the Department of Transportation to widen southbound Valley View Parkway sufficient to provide a right turn lane into the project access road as identified in the supplemental traffic study by Crain & Associates dated April 25, 2005. This road improvement must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any of the project units.
27. Prior to issuance of building permits or recordation of a final map, whichever occurs first, the applicant shall secure appropriate permits from the Department of Transportation to widen the project access road sufficient to provide a southbound ingress lane (14-foot wide), a left turn lane out (10-foot wide), and a right turn lane out (12-foot wide), as identified in the supplemental traffic study by Crain & Associates dated April 25, 2005. This road improvement must be substantially complete, as determined by the Department of Transportation, prior to occupancy of any of the project units.
28. A notice of restriction shall be placed on the property that provides notice that no occupancy of the residential units can occur prior to the ~~required road improvements~~ road improvements identified in Condition 23 d being substantially complete, as determined by the Department of Transportation. ~~This notice pertains to all of the road improvement related conditions of approval that contain the timing requirement statement: “prior to occupancy of any of the project units”.~~
29. Prior to the filing of a final map, the applicant shall construct and/or bond to ensure the construction of all drainage facilities as identified in the final drainage plan. Drainage facilities shall be designed and constructed consistent with the County of El Dorado

Drainage Manual, the project Final Drainage Report, the Specific Plan mitigation measures and the approved project improvement plans.

30. The applicant shall provide a Final Drainage Report at time of grading permit application addressing storm water runoff increases, impacts with mitigations to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation.
31. The applicant shall be required to fund the maintenance and replacement of all onsite drainage facilities and water quality facilities. The funding mechanism shall be by the property owner's association, and the maintenance and replacement responsibility shall be included in the CC&Rs for the condominium units, which must be prepared prior to approval of the final map and shall include a provision for future increases in funding obligations.
32. The final map shall show all utility, road and drainage easements pursuant to the recommendation of the utility purveyors and the County Engineer. Final determination of the location of said easements shall be made by the County Engineer. Said easements shall be irrevocably offered to the County.
33. The project proposal is based on completion of the future construction of Valley View Parkway adjacent to the project. Applicant shall provide grading, and drainage facilities, sufficient to accept and accommodate the storm runoff entering the project from lands up gradient from the project.
34. The project proposal is based on completion of the future grading of Valley View Parkway adjacent to the project. Applicant shall provide documentation that the applicant has the right to perform the grading within the adjacent Valley View Parkway alignment, if necessary, in order to construct onsite project grading as proposed. The Department of Transportation does not allow rockery walls to support a public roadway.
35. This project is proposing mass pad grading. Section 15.14.460 of the County of El Dorado Grading, Erosion and Sedimentation Ordinance (Amended Ordinance No. 4170, 8/20/91) states that a mass pad grading project application shall be transmitted for comment to the supervisor of the district where the project is located, prior to the issuance. The district supervisor will be allowed fifteen (15) calendar days to respond, before the grading permit is issued.
36. All grading plans shall be prepared and submitted to the Resource Conservation District (RCD) and the Department of Transportation. The RCD shall review and make appropriate recommendations to the County. Upon receipt of the review report by the Soil Conservation Service, the Department of Transportation shall consider imposition of appropriate conditions for reducing or mitigating erosion and sedimentation from the project. No building permit shall be issued by the County until final grading plans and erosion control plans are approved by the Department of Transportation.

37. Erosion control and drainage design from residential areas into the open space areas shall employ natural appearing methods. The use of native plant materials is required where revegetation is proposed. The timing of construction and method of revegetation shall be coordinated by the El Dorado County Resource Conservation District. If grading activities are not completed by September, the developer shall implement a temporary grading and erosion control plan. Such temporary plans shall be submitted to the Soil Conservation Service for review and recommendation to the Department of Transportation. The Department of Transportation shall approve or conditionally approve such plans and cause the developer to implement said plan on or before October 15.
38. Outfall devices designed to reduce shear stress from post-construction runoff into the wetland area shall be installed. The subdivider shall schedule a field meeting with the Resource Conservation District to determine correct method of installation prior to occupancy of first single-family unit.
39. Improvement plans shall incorporate protective measures toward existing oak trees per Volume IV, Design and Improvement Standards Manual, Oak Tree and Wetlands Preservation Requirements and Specifications (County Resolution No. 199-91).
40. Project construction involving grading and excavation operations will result in a temporary negative impact on air quality with regard to the release of nitrogen oxides (NO_x), reactive organic gases (ROG), and particulate matter in the form of dust (PM₁₀). These project emissions need to be quantified using the URBEMIS 7G for Windows 5.1.0 or a similar model that is acceptable to the Air Pollution Control District (APCD). District Rule #223, addressing the regulation and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process.
41. If the project includes the disturbance of 20 cubic yards or more of earth the applicant shall comply with Air Quality Management District (AQMD) Rule 223-2 Fugitive Dust-Asbestos Hazard Mitigation, which includes an asbestos dust mitigation plan submittal, fugitive dust prevention, speed limits, warning signs, track out prevention, excavated soil management and post-construction mitigation. This information must be submitted to the Air Quality Management District for review and approval prior to issuance of a grading permit.

Alternately, the applicant may have a California Professional Geologist inspect the project site and provide the AQMD with a report demonstrating there is no Naturally Occurring Asbestos on the project site. This evaluation must be submitted to the AQMD with the current review fee.

If there is no naturally occurring asbestos or less than 20 cubic yards of earth is disturbed, the applicant must still comply with AQMD Rule 223-1 Fugitive Dust-Construction Activities. If a County grading permit is required, the applicant will be required to submit a Fugitive Dust Plan to the AQMD prior to issuance of a grading permit.

42. The applicant shall follow Air Pollution Control District Rules and Regulations regarding the use of heavy equipment and mobile source emissions during construction. In no case shall

daily emissions of ROG, NO_x, and PM₁₀ exceed 82 lbs/day during any construction and grading activities on the site.

43. The potable water system for the purpose of fire protection for this condominium development shall provide a minimum fire flow of 3,500 gpm with a minimum residual pressure of 20 psi for three-hour duration. 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 the system shall be supplied to the El Dorado Hills Fire Department for review and approval prior to final map recordation.
44. This development shall install Mueller Dry Barrel fire hydrants conforming to El Dorado Irrigation District specifications for the purpose of providing water for fire protection. The exact location and specifications of each hydrant shall be determined by the El Dorado Hills Fire Department. All access roadways and fire hydrant systems shall be installed and in service prior to framing of any combustible members as specified by El Dorado Hills Fire Department Standard 103. A letter of compliance with the condition shall be submitted by the Fire Department to the Surveyor's Office at the time of recording the final map.
45. In order to provide this development with adequate fire and emergency medical response during construction, on-site traffic calming devices that utilize a raised bump or a lower dip section of roadway shall be prohibited.
46. The subdivider shall provide a fire access roadway to within 150 feet of every portion of the exterior walls of each building. All fire access roadways that exceed 150 in length shall be provided with turnarounds approved by the El Dorado Hills Fire Department prior to final map recordation.
47. The applicant shall provide the El Dorado Hills Fire Department with a CD that contains all CAD files for the project prior to final occupancy of the first condominium unit.
48. The proposed recreational facility, to include swimming pool, shall be constructed in conformance with the California Health and Safety Code and California Code of Regulations – Title 22.
49. The number and size of solid waste enclosures as delineated on Exhibit E are adequate to meet the needs of the project development and have adequate space within each solid waste enclosure to accommodate both mixed solid waste and recyclable bins. A solid waste disposal plan shall be subject to review and approval of the Environmental Management Department prior to building permit issuance.
50. As specified in conditions of approval, the subdivider is required to perform off-site improvements. If it is determined that the subdivider does not have or cannot secure sufficient title or interest of such lands where said off-site improvements are required, the County may, at the subdivider's expense and within 120 days of filing the final map, acquire by negotiation or commence proceedings to acquire an interest in the land which will permit

the improvements to be made, including proceedings for immediate possession of the property.

Where the subdivider is required to make improvements on land which neither the subdivider nor the County has sufficient title or interest to make such improvements, prior to filing of any final map or parcel map, the subdivider shall submit to the Planning Director for approval:

- a. A legal description prepared by a civil engineer or land surveyor of the land necessary to be acquired to complete the off-site improvements.
- b. Improvement plans prepared by a civil engineer of the required off-site improvements.
- c. An appraisal prepared by a professional appraiser of the cost of land necessary to complete the off-site improvements.

Prior to the filing of the final map, the subdivider shall enter into an agreement pursuant to Government Code Section 66462.5 to complete the required off-site improvements including the full costs of acquiring any real property interests necessary to complete the required improvements.

In addition to the agreement, the subdivider shall provide a cash deposit, letter of credit, or other acceptable surety in an amount sufficient to pay such costs including legal costs subject to the approval of County Counsel.

51. All survey monuments must be set prior to the presentation of the final map to the Board of Supervisors for approval, 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 shall be coordinated with the County Surveyors Office.
52. Site addresses for the project shall be coordinated with the El Dorado Hills Fire Department and the County Surveyors Office prior to filing the final map.
53. The developer shall obtain approval of construction drawings and project improvement plans consistent with the Subdivision Design and Improvement Standards Manual and cost estimates from the County Department of Transportation and pay all applicable fees prior to commencement of any improvements on the Public Street and service facilities. All improvements shall be consistent with the approved tentative map.
54. The construction of all required improvements shall be completed with the presentation of the final map to the Deputy Director of Planning before presentation of the final map to the Board of Supervisors for its approval. For improvements not completed, the subdivider shall provide a 100 percent performance surety and a 50 percent labor and materialmen surety by separate bond, cash deposit, assignment, or letter of credit from a financial institution. For improvements which have been completed, as determined by the Department of

Transportation, the subdivider shall provide a ten percent maintenance surety in any of the above-mentioned forms. Verification of construction, or partial construction, and cost of completion shall be determined by the County Department of Transportation.

55. If blasting activities are to occur in conjunction with subdivision improvements, the subdivider shall ensure that such blasting activities are conducted in compliance with state and local regulations.
56. If burning activities are to occur during the construction of the subdivision improvements, the subdivider shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
57. Prior to filing a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall either: (a) Pay the assessment or bond in full, or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating provisions have been made for segregation of bond assessment responsibility pursuant to Government Code Section 66493 (d).
58. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by the Deputy Director of Planning.

59. Development of this property is subject to review and issuance of a building permit from El Dorado County Building Services. Demonstration of conformance to all Conditions of Approval is a requirement of a complete building permit submittal.
60. Prior to issuance of any building permit, all Planning Services fess shall be paid.
61. 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, 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 subdivision, 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.