

DRAFT PERMIT

PROJECT DESCRIPTION: New Multi- Family Dwelling

APN: 028-011-19

PERMITTEE(S): Dirt Road Re, LLC

FILE #: ERSP2016-1005

COUNTY/LOCATION: El Dorado/1201 Wildwood Ave.

Having made the findings required by Agency ordinances and rules, **TRPA Governing Board approved the project on October 25, 2017** subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on **October 25, 2020** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A CITY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A CITY BUILDING PERMIT. THE CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

PERMIT CONTINUED ON NEXT PAGE

APN 028-011-19
FILE NO. ERSP2016-1005

Security Posted (1): Amount \$ _____ Type _____ Paid _____ Receipt No. _____

Security Administrative Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Water Quality Mitigation Fee (3) Amount \$ 107,065.32 Paid _____ Receipt No. _____

Air Quality Mitigation Fee (4) Amount \$ 62,887.12 Paid _____ Receipt No. _____

Notes

- (1) See Special Condition 3.B., below
- (2) \$152 if a cash security is posted or \$135 if a non-cash security is posted.
- (3) See Special Condition 3.C., below
- (4) See Special Condition 3.D., below

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes construction of a 23 unit multi-family development. Each detached two-story unit will have four bedrooms and a two car garage. The units are clustered in the middle of the 4.98 acre site, and will be served by a single internal access road. The remainder of the parcel will be left as open space. Each unit includes two parking spaces, with an additional 23 spaces provided off the access road. The entire parcel is verified as Class 6 land, and has three verified existing Residential Units of Use and 6,992 square feet of existing verified land coverage. The project proposes to use 64,554 square feet out of the maximum allowed 65,103 square feet of land coverage. As a result of this project, 549 square feet of Class 6 land coverage will be banked on-site. 20 additional Residential Units of Use will be transferred in for this project. Other proposed improvements include landscaping and installation of storm water treatment facilities.
2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

- A. The elevation drawings shall be revised to include TRPA height calculations.
- B. The permittee shall transfer 20 Residential Units of Use to the parcel. Please note that all transfers must be in compliance with the TRPA Code of Ordinances and the TRPA Rules of Procedure, and requires separate application to TRPA.
- C. The security required under Standard Condition A.3. of Attachment R shall be equal to 110% of the estimated BMP cost, and shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- D. A water quality mitigation fee of \$107,065.32 shall be paid to TRPA. This fee is based on the creation of 57,562 square feet of land coverage at a rate of \$1.86/ square foot.
- E. The permittee shall submit a \$62,887.12 air quality mitigation fee. This fee is based on the addition of 193 daily vehicle trip ends at \$325.84/trip.
- F. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. The permittee shall complete the following items as part of the TRPA-approved Forest Management Plan for the subject parcel:

A. Remove all trees on the property marked for removal under TRPA File Number TREE2017-0520 and as shown on the "Defensible Space Plan" submitted to TRPA on February 3, 2017 for the purpose of forest health.

B. Submit a "Less than three-acre conversion exemption" permit application in accordance to the California Forest Practice regulations (14 CCR 1104.1a) for approval from the State of California Department of Forestry and Fire Protection.

4.5. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

5.6. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.

6.7. All trash storage and enclosures shall be screened from public view in accordance with Subsection 36.5.2.D of the TRPA Code of Ordinances.

7.8. Maximum excavation depth shall not exceed five feet.

- ~~8-9.~~ Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.
- ~~9-10.~~ Prior to security release photos shall be provided to TRPA taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
- ~~10-11.~~ All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.
- ~~11-12.~~ Outside of the grading season, May 1- October 15, Parking and operation of vehicles and equipment shall be restricted to paved areas unless approved by TRPA or the appropriate jurisdiction and subsequently restored pursuant to permit conditions.
- ~~12-13.~~ To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.
- Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.
- ~~13-14.~~ Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
- ~~14-15.~~ Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
- ~~15-16.~~ This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

END OF PERMIT

DRAFT