

DEPARTMENT OF PLANNING AND BUILDING
OFFICE MEMORANDUM

DATE: January 12, 2014
TO: Mike Wulkan, Hearing Officer
FROM: Stephanie Fuhs, Current Planning
SUBJECT: Peachy Minor Use Permit DRC2014-00014 (Agenda Item #5)

Attached please find a revised staff report and conditions for the above mentioned project along with additional drainage calculations provided by the applicant's engineer.

The staff report is being revised to remove a paragraph on page 4 of the original staff report discussing an existing storage shed on the property. Because there will be no increase in square footage of this building or any improvements to the existing structures on the property, staff has determined that no further comments or conditions are necessary to address existing development on the site.

The conditions are being revised to add a condition 2d to have either a block wall or bollards installed along the parking area on the interior property line (farthest from Mallagh Street) to avoid any potential hazards arising from vehicular movements on the subject property. A couple of sentences were added to condition 8 that clarifies that drainage will be directed to the interior of the site and away from adjacent properties in response to a neighbor concern (letter to be posted separately).

The revised drainage calculations have been reviewed and tentatively approved by Public Works pending review and approval of final drainage calculations provided at the time of construction permit review.

**EXHIBIT B - CONDITIONS OF APPROVAL
Peachy Minor Use Permit DRC2014-00014**

Approved Development

1. This approval authorizes:
 - a. Construction of six 721 square foot, 2 bedroom, 1/12 bath townhouses as rental units. The project will result in the disturbance of approximately 20,000 square feet of the 24,000 square foot parcel. The proposal also includes an adjustment to the front setback standards to allow front setbacks of between 10 and 15 feet.
 - b. Maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, submit a revised site plan and landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Site plan to show a 15x15 private outdoor area for each unit.
 - b. Landscape plan to show irrigation systems with smart controllers and drip irrigation, turf area limitations of 300 square feet per unit, and compliance with Section 19.07.042 of the Building and Construction Code.
 - c. Screening and/or fencing along the interior property line (western property line furthest from Mallagh Street.
 - d. The edge of the parking area on the interior side of the property shall contain either bollards or block fencing of sufficient height to ensure vehicles will not inadvertently maneuver onto the neighboring property to the west.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to, those outlined in the Fire Safety Plan, prepared by CalFire for this proposed project.

Services

5. **At the time of application for construction permits**, the applicant shall provide a letter from the Nipomo Community Services District stating they are willing and able to service the property.

Access

- 6. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Sections 22.54.030 (Curbs, Gutters and Sidewalks) and 22.108.040 (Nipomo Community-wide Standards – landscaped parkway) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plans are to include, as applicable:
 - a. Street plan and profile for widening Mallagh and Price Streets to complete the project side of an A-2 urban street section fronting the property. All proposed driveways along Mallagh and Price Streets shall be constructed to County standards.
 - b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offer are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- 7. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with CalFire standards and specifications back to the nearest publicly maintained roadway.

Drainage

- 8. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works. Drainage shall be directed toward the interior of the project site toward on-site basins and/or vegetated swales able to accommodate all drainage flows created by the project. Any earth on the project side of the fencing, along the property line separating the adjacent Price Street parcel from the project parcel, against the current fencing and above the current grade of the base of the existing fence shall either: (1) be removed and the area appropriately graded or (2) be retained by a retention wall or structure such that in either the case of removal and grading or the case of installation of a retention structure all soil shall be retained on the project site.
- 9. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.
- 10. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

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Stormwater Pollution Prevention

- 11. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable project shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for

review and approval. The SWCP shall incorporate appropriate BMPs, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan.

12. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Conditions to be completed prior to issuance of a construction permit

Fees

13. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
14. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3. Formatted: Justified
15. **Prior to issuance of a construction permit for each unit**, in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 1 Road Improvement fee for each future building permit in the amount prevailing at the time of payment.
16. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk, the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.
17. **Prior to issuance of construction permits**, the applicant shall submit a Phase II archaeological investigation conducted by a qualified archaeologist approved by the Environmental Coordinator, that assesses the potential impacts of all ground disturbing activities associated with development of the three parcels (e.g. access roads, driveways, residences, utility trenches). The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator, including Phase III data recovery sampling as appropriate. This plan shall evaluate and document existing cultural resources and provide mitigation measures for all site disturbance and grading associated with the development.
18. **Prior to issuance of construction permits**, if recommended as a result of the Phase II evaluation, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Heritage Discoveries, 1995). The Phase III program shall include at least the following: Formatted: Justified
- a. standard archaeological data recovery practices;
 - b. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
 - c. identification of location of sample sites/test units;
 - d. detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - e. disposition of collected materials;
 - f. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
 - g. list of personnel involved in sampling and analysis.

19. **Prior to issuance of construction permits**, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work as identified in the Phase III program has been completed.
20. **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.

Conditions to be completed during construction

21. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

22. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
23. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CalFire of all required fire/life safety measures.
24. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
25. **Prior to occupancy or final inspection**, the Registered Civil Engineer shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
26. **Prior to occupancy or final inspection**, all public improvements have been constructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
27. **Prior to final inspection of construction permits and upon completion of all monitoring/mitigation activities**, the consulting archaeologist shall submit a final report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

On-going conditions of approval (valid for the life of the project)

28. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
29. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
30. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc. without a valid encroachment permit issued by the Department of Public Works.
31. The property owner is responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.
32. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8 Section 8.68 et sec.