

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2015-00013 / LOT 11 EAP, LLC**

Approved Development

1. This approval authorizes
 - a. Construction of a 14,389 square-foot commercial warehouse building and associated landscaping, parking, and site improvements.
 - b. All conditions of approval from Conditional Use Permit S000007U (attached) shall remain in effect with this approval. If there is any conflict between the conditions of approval from the current proposal and the original proposal, the current conditions shall apply.
 - c. Maximum height is 25 feet from average natural grade. This maximum height shall comply with the FAA determination concerning requirements of FAR 77, "Objects Affecting Navigable Airspace".
2. Conditions of Approval from Original Conditional Use Permit S00007U (Condition 48):
 - A. **At the time specific development is proposed**, a Minor Use Permit (or higher level of discretionary review if required otherwise) shall be obtained to establish the use and compatibility with the neighboring residential uses (i.e., viewer group expectations and sensitivity).
 - B. Lighting: Lighting shall be prohibited on those portions of structures directly facing the northeastern edge of the lots.
 - C. Building heights on Lots 9, 11, and 12 shall be limited to a single-story with a maximum height of twenty-five feet (25') above existing grade(s). The warehouse that will be located on the portion of Lot 11 (Parcel 1 of CO15-0041) may be two-stories. The remainder of Lot 11 (Parcel 2 of CO15-0041) will need to comply with the original condition and shall be 25 feet maximum and a single story unless a new land use permit is applied for and approved by the Planning Commission.
 - D. Windows: The two windows shown on the proposed elevations for the portion of Lot 11 where the warehouse will be located shall be allowed. Windows shall be prohibited on those portions of proposed buildings on the remainder of Lot 11 and on Lot 12, located along the northeastern edge of the lots neighboring residential use(s). Windows on those portions of the proposed building on Lot 9 along the northeastern edge of the lot shall be limited to a height of ten feet (10'). Windows shall be tinted, angled and/or recessed to prevent indoor lighting from being visible from the neighboring residential uses after sunset.
 - E. Building Setbacks;
 - i. Lot 9 - Thirty feet (30') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
 - ii. Lots 11 & 12 - Seventy-five feet (75') from the northeastern edge of the lot. All other Land Use Ordinance setbacks shall apply.
 - F. The following plans and/or reports shall be included with application submittal:
 - i. Visual Impact Analysis. The visual impact analysis shall identify the critical project components as proposed by the applicant (building

location, building height, location of and type of glazing, building color, site lighting and landscaping) and allowed under applicable ordinances. The analysis shall include determining impacts to the neighboring residential uses and possible mitigation measures to lessen any potentially significant visual impacts. The analysis shall utilize line of sight diagrams, photographic simulations or other available technology to evaluate the project's impact to the neighboring residential use(s) and to depict applied mitigation measures illustrating potential effectiveness.

- ii. Landscape Plan: Submit a landscape plan, prepared by a qualified individual, that will either provide for a solid landscaped buffer along portions of the northeastern edge of the lots 9, 11 and 12 or demonstrate (through the visual impact analysis) that the proposed landscape will provide for adequate privacy screening. Plant material shall consist of a mix of trees and shrubs that are evergreen, fast-growing in clay soils, and drought tolerant.
- iii. Lighting Plan: Submit a building and site lighting plan. Plan shall depict that all lighting fixtures that are visible to surrounding residences be designed to direct light downward, fully contain direct glare on site, and shall be hooded and shielded, accordingly. Low-profile (bollard type with a maximum height of four feet), minimum intensity lighting shall be utilized. Non-glare lighting shall be used throughout the proposed project. Any security lighting shall be screened such that lights are not visible at a distance of 30 feet.

- G. These measures shall no longer be in effect if the neighboring residential uses cease to exist.

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

Site Development

- 3. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
- 4. **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 nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
- 5. **At the time of application for a sign permit**, any proposed free-standing or monument signs shall be a maximum height of four feet. The maximum square footage for signs for the site is 100 square feet. If the sign is illuminated, it shall be internally illuminated.

Access

- 6. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.03006 (Curbs, Gutters and Sidewalks) 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 plan/s is/are to include, as applicable:
 - a. Reconstruct, if necessary, all deteriorated or non-compliant curb, gutter, sidewalk and driveway property frontage improvements in accordance with County Public Improvement Standards. All new driveways shall be constructed to County B-3a standards.

- b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.
 - c. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
7. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Planning and Building of a shared access and maintenance agreement. The agreement shall be by restrictive covenant signed by the owners of Lot 11 of Tract 2368 (28 TM 56), be binding upon their heirs and assigns, and be recorded with the County Clerk. The agreement shall be required to establish an organized and perpetual mechanism to ensure adequate maintenance of all shared access roads, parking spaces landscaping, lighting, drainage and other amenities, acceptable to the Department of Planning and Building.
 8. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
 9. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite access road horizontal and vertical alignment and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Drainage

10. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
11. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
12. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Storm Water Control Plan

13. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.

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

Fire Safety

15. **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 the Cal Fire.

Services

16. **At the time of application for construction permits**, the applicant shall provide a letter from the Fiero Lane Water Company stating they are willing and able to service the property.
17. **At the time of application for construction permits**, construction plans shall show all utilities to be installed underground.

Conditions to be completed prior to issuance of a construction permit

Fees

18. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
19. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Conditions to be completed during project construction

Building Height

20. The maximum height of the project is 25 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

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

21. 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 inspection. If installed or bonded for, the landscaping shall thereafter be maintained in a viable condition in

perpetuity. If landscaping is for screening, such landscape must be maintained to provide the required or better screening in perpetuity.

22. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the road 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.
23. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
24. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
25. **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.

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

26. 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.
27. All conditions of this approval run with the land and 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.
28. **On-going condition of approval (valid for the life of the project)**, and 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.
29. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for 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.
30. **On-going condition of approval (valid for the life of the project)**, 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.