

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, January 26, 2006

PRESENT: Commissioners Sarah Christie, Bruce Gibson, Bob Roos, Chairperson Rappa

ABSENT: Commissioner Mehlschau

RESOLUTION NO. 2006-003
RESOLUTION RELATIVE TO THE GRANTING
OF A TENTATIVE TRACT MAP/CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 26th day of January 2006, grant a Vesting Tentative Tract Map to RON YETTMAN for a Conditional Use Permit/Vesting Tentative Tract Map to allow subdivision of an existing 1.14 acre parcel into 8 approximately 1,500 square foot parcels and one approximately 35,000 square feet open space parcel, and to construct eight multi-family residences. The project includes off-site road improvements. The project includes a request for an adjustment from the requirement of an 8 foot parkway between curb and sidewalk to allow an attached sidewalk. The project will result in the disturbance of approximately 1.14 acres of a 1.14 acre parcel. The proposed project is within the Residential Multi-Family land use category and is located at 365 Butterfly Lane, 200 feet south east of Grand Ave., in the community of Nipomo. The site is in the South County Inland planning area. **County File Number:** SUB2004-00335 Assessor Parcel Number: 092-142-016 Supervisorial District: 4.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

ATTACHMENT 2

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 26th day of January 2006, does hereby grant the aforesaid Permit, SUB2004-00335/Tract 2715.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance.

On motion of Commissioner Roos, seconded by Commissioner Gibson, and on the following roll call vote, to-wit:

AYES: Commissioners Roos, Gibson and Chairperson Rappa

NOES: Commissioner Christie

ABSENT: Commissioner Mehlschau

the foregoing resolution is hereby adopted.

s/s Penny Rappa
Chairman of the Planning Commission

ATTEST:

/s/ Eleanor Porter
Secretary, Planning Commission

YETTMAN TRACT 2715
FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 23, 2005 for this project. Mitigation measures are proposed to address air quality, geology and soils, public services/utilities, recreation, transportation/circulation, wastewater, and water and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi-Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of multi-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support multi-family residences.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, public services / utilities, recreation, transportation/circulation, wastewater, and water are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Adjustments

- J. That there special circumstances or conditions affecting the subdivision because the property fronts the street at the edge of a cul-de-sac whereby separate maintenance of a detached landscaped parkway is necessary, and whereby an attached sidewalk exists on the remaining portions of the cul-de-sac.
- K. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the subdivision because the attached sidewalk will be consistent with the existing neighborhood.
- L. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because an attached sidewalk will be provided to facilitate pedestrian traffic.

EXHIBIT B

CONDITIONS OF APPROVAL FOR TR 2715

Approved Project

1. A Tract Map and Conditional Use Permit to subdivide an existing 1.14 acre parcel into 8 approximately 1,500 square foot parcels and one approximately 35,000 square feet open space parcel, and to construct eight multi-family residences. The project includes off-site road improvements. The project will result in the disturbance of approximately 1.14 acres of a 1.14 acre parcel.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Butterfly Lane widened to complete an A-2 (urban) section fronting the property and complete the cul-de-sac bulb.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes 20 feet along Butterfly Lane, to be described as the flag pole portion of Parcel D.
4. A private easement be reserved on the map for access to lots 1 through 8.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, 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.
7. The Registered Civil Engineer, upon completion of the improvements, must 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.

Drainage

8. Submit complete drainage calculations to the Department of Public Works for review and approval.
9. If calculations so indicate, drainage must be retained/detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
10. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
11. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. Provide the WDID# to County Public Works.

Utilities

12. Electric and telephone lines shall be installed underground.
13. Cable T.V. conduits shall be installed in the street.
14. Gas lines shall be installed.

Vector Control and Solid Waste

15. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

16. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

17. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map,

the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

18. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

19. A common open space easement be recorded for the open space parcel. It is to be held in common by the Homeowner's Association and active recreation, drainage, landscaping, fencing, and parking shall be allowed. The open space parcel is to be maintained as such in perpetuity.

Services

20. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Department of Environmental Health.

Additional Map Sheet

21. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - 1) Reduce the amount of the disturbed area where possible.
 - 2) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - 3) All dirt stock-pile areas should be sprayed daily as needed.
 - 4) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - 5) Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - b. Prior to issuance of building permits, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- 1) All EPA-Certified Phase II wood burning devices;
 - 2) Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - 3) Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - 4) Pellet-fueled woodheaters, and;
 - 5) Dedicated gas-fired fireplaces.
- c. Prior to issuance of construction permits, the applicant shall pay applicable South County Road Improvement fees.
- d. Prior to issuance of building permits, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- e. Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

Covenants, Conditions and Restrictions

22. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a Homeowner's Association which shall provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of common areas, including fencing.
 - c. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - 1) Reduce the amount of the disturbed area where possible.
 - 2) Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required

- whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- 3) All dirt stock-pile areas should be sprayed daily as needed.
 - 4) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - 5) Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- d. Prior to issuance of building permits, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
- 1) All EPA-Certified Phase II wood burning devices;
 - 2) Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - 3) Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - 4) Pellet-fueled woodheaters, and;
 - 5) Dedicated gas-fired fireplaces.
- e. Prior to issuance of construction permits, the applicant shall pay applicable South County Road Improvement fees.
- f. Prior to issuance of building permits, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
- g. Prior to final inspection, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

Miscellaneous

23. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
24. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

FINDINGS - EXHIBIT C

Conditional Use Permit SUB2004-00335 (Yettman)

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 23, 2005 for this project. Mitigation measures are proposed to address air quality, geology and soils, public services/utilities, recreation, transportation/circulation, wastewater, and water and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the multi-family residential project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the multi-family residential project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Butterfly Lane, a local road constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT D - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2004-00335

Approved Development

1. This approval authorizes
 - a. A multi-family residential development on a 1.14 acre parcel to construct eight multi-family residences.
 - b. Maximum height is 35 from average natural grade.

Subdivision Related Approvals

2. This approval authorizes a planned development/subdivision of a 1.14 acre parcel into 9 parcels for the construction of 8 residences and one common area parcel, consistent with the Tentative Tract Map 2715.
3. This approval is effective for a period of 24 months from the date of the approval of the tentative map by the Planning Commission. Conditional Use time extensions shall run concurrently with the Tentative Map time extensions thereafter, until expiration of the Tentative Map. Time extensions for the Tentative Map must be requested by the applicant or agent and are subject to further review.
4. Any significant revisions in the Tentative Map not authorized by this approval shall require reconsideration by the Planning Commission.

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

Site Development

5. **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.
6. **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.

Fire Safety

7. **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 CDF/County Fire Department for this proposed project and dated March 15, 2005.

Services

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

Grading, Drainage, Sedimentation and Erosion Control

9. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
- a. Complete drainage calculations for county Public Works review and approval.
 - b. Retention / Detention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
 - c. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control devise or drainage system approved by the County Engineer.
 - d. Permanent erosion control devises shall be installed prior to or concurrently with on-site grading activities.
 - e. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
 - f. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

Conditions to be completed prior to issuance of a construction permit

Fees

10. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Mitigations

11. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
- a. Reduce the amount of the disturbed area where possible.
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
12. **Prior to issuance of building permits**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
 - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - d. Pellet-fueled woodheaters, and;
 - e. Dedicated gas-fired fireplaces.
13. **Prior to issuance of construction permits**, the applicant shall pay applicable South County Road Improvement fees.
14. **Prior to issuance of building permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

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

15. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
16. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
17. **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.

Fencing

18. **Prior to final inspection**, provide a 6-foot high solid wood or masonry fence along the property line(s) of the site. Design of the fence to be reviewed and approved by the Department of Planning and Building. If the proposed fence is wood, the design shall include a top cap, 6 x 6 treated posts, and other architectural features.
19. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

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

20. 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.