

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

Thursday, February 23, 2006

PRESENT: Commissioners Bob Roos, Bruce Gibson, Penny Rappa, Sarah Christie,  
and Chairman Eugene Mehlschau.

ABSENT: None

RESOLUTION NO. 2006-010  
RESOLUTION RELATIVE TO THE GRANTING  
OF A CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 23<sup>rd</sup> day of February, 2006, grant a Vesting Tentative Tract Map / Conditional Use Permit to **WOODY WOODRUFF** to subdivide an existing 24,975 square foot parcel into 7 residential parcels ranging from 1,505 square feet to 2,396 square feet each and 1 open space parcel at 14,996 square feet for the purpose of sale and/or development. The project will result in the disturbance of the entire 24,975 square foot parcel. The division will require extending 9<sup>th</sup> Street and James Street through the property. The proposed project is within the Commercial Retail land use category and is located on James Way, 200 feet south of 8<sup>th</sup> Street, in the community of Templeton, in the Salinas River planning area.

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.

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 23<sup>rd</sup> day of February, 2006, does hereby grant the aforesaid Permit, SUB2005-00010 TRACT 2743.

An approved or conditionally approved tentative tract map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative tract map shall terminate all proceedings, and no tract map of all or any portion of the real property included within such tentative tract shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative map, the Planning Commission may extend or conditionally extend the time at which such map expires for a period of periods not exceeding a total of five years 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 (Section 21.06.010).

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

AYES: Commissioners Roos, Christie, Gibson, Rappa, and Chairman Mehlschau.

NOES: None

ABSENT: None

the foregoing resolution is hereby adopted.

/s/ Eugene Mehlschau  
Chairman of the Planning Commission

ATTEST:

/s/ Ramona Hedges  
Secretary, Pro Tem, Planning Commission

**FINDINGS - EXHIBIT A**  
**Conditional Use Permit; SUB2005-00010**

*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 previously adopted Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) adopted on June 26, 2003 was relied upon for this project. Mitigation measures are proposed to address drainage and public services/utilities 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 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 proposed multi-family development 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 proposed multi-family development 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 James Way, with unobstructed access to 8th Street, which is a local road constructed to a level able to handle any additional traffic associated with the project.

*Modification*

- G. Modification of the fencing standards required by Land Use Ordinance Section 22.10.080 is justified because characteristics of the site would make the required fencing inconsistent with the guidelines set forth in the Templeton Community Design Plan. Land Use Ordinance Section 22.10.080(2) requires multi-family projects to be screened on all interior property lines, however the Templeton Community Design Plan discourages the use of long walls and fences around new residential developments (Guideline Section V.C.1). The Templeton Community Design Plan instead encourages the use of individual walls around private patios/backyards instead of a continuous perimeter wall.

**CONDITIONS OF APPROVAL- EXHIBIT B**  
**Conditional Use Permit; SUB2005-00010**

**Approved Development**

1. This approval authorizes
  - a. Construction of seven attached, three bedroom units totaling 12,430 square feet. The individual units are two story units and are between 1,430 and 1,632 square feet, including the garage area. Each unit has a single car garage with the second required parking space provided in the driveway. Three guest-parking spaces are provided in parallel spaces along the south property line. Each unit will have a private fenced yard located at the rear of each unit.
  - b. Maximum height is 27 feet from average natural grade.
2. **Prior to issuance of the construction permit**, 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. Fencing shall be installed to screen backyard areas from public views and landscape materials shall be installed in all other open areas on the perimeter of the site.
  - b. Fencing details shall be included on the site plan. Fences shall be constructed of stuccoed masonry, river cobble, stone, or wood, and shall be designed, painted, or stained similar to the building architecture and color.
3. Exterior elevations of the structure shall be consistent with the attached exhibits.
4. **At the time of application for construction permits**, the applicant shall submit a proposed color board, showing exterior finish materials and colors, to the Department of Planning and Building for approval.
5. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately blend the new development, including driveways, access roads, etc., into the surrounding environment.

The following requirement applies to plant materials that will be planted along the perimeter of the site to substitute the solid fencing requirements.

- a. Proposed plant materials are certified in writing by a registered landscape architect, certified nurseryman or licensed landscape contractor as having the capability of achieving 60 percent of total view blockage within 18 months of installation, and 100 percent of total view blockage within 36 months of installation.

All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.16.040 of the San Luis Obispo County Land Use Ordinance

6. 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 and thereafter maintained in a viable condition in perpetuity.
7. **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.

### **Biological**

8. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
9. All oak trees identified to remain shall not be removed. Unless previously approved by the county, the following activities are not allowed within the root zone of existing or newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plant(s) for up to 3 years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).
10. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property

values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to either use a skilled arborist or apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.

11. **Prior to final inspection or occupancy, whichever occurs first**, the applicant shall replace, in kind at a 2:1 ratio, all oak trees impacted as a result of the development of the project. No more than 9 oak trees shall be impacted and no oak trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).
12. **Prior to final inspection of the construction permits**, and after the trees have been planted, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

#### **Air Quality**

13. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
  - 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.
  - c. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
  - d. All dirt stock-pile areas should be sprayed daily as needed.
  - e. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
  - f. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
  - g. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

- h. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
14. **Prior to issuance of construction permits**, show on all applicable plans locations of the following **Energy Efficiency Measures**:
- a. Increase wall and attic insulation beyond Title 24 requirements.
  - b. Use built-in energy efficient appliances, where applicable.
  - c. Use double-paned windows.
  - d. Use energy efficient interior lighting.

### **Cultural Resources**

15. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
  - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

### **Water / Sewer Services**

16. Prior to issuance of permits for the project, the applicant shall provide a final will-serve letter for water and sewer services from the Templeton Community Services District.

### **Fire Safety**

17. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Templeton Community Services District. The fire safety plan shall include, but not be limited to all requirements as specified in the letter from TCSD dated 9-18-02.
18. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from TCSD of all required fire/life safety measures.

### **Utilities**

19. All utilities shall be installed underground.

**Fees**

20. The project is in an area that is subject to Templeton Road Improvement Fees. The fees will be collected prior to issuance of the building permits.
21. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

**Miscellaneous**

22. **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.
23. 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.

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.