

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

Thursday, July 14, 2005

PRESENT: Commissioners Bob Roos, Sarah Christie, Penny Rappa, Chairperson Doreen Liberto-Blanck

ABSENT: Commissioner Eugene Mehlschau

RESOLUTION NO. 2005-024  
RESOLUTION RELATIVE TO THE GRANTING  
OF A VESTING TENTATIVE TRACT MAP

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 14th day of July, 2005, grant a Vesting Tentative Tract Map/Conditional Use Permit to DENIS SULLIVAN/CYPRESS RIDGE LIMITED PARTNERS to (1) subdivide eight existing lots (totaling approximately 10.1 acres) into 10 parcels ranging from 0.35 acres to 4.7 acres each for the purpose of sale and or development; (2) allow for the following uses within this 10.1 acre area: construction of 81 individually-owned lodging units (one- and two-story, one- and two-bedroom units [totaling 149 bedrooms]); lodging occupancy shall be limited to no more than 29 days for non-owners and 84 days for unit owners; a 200-seat restaurant; a pro shop and clubhouse (replaces existing facility); conference rooms (totaling 3,408 sq. ft); and (3) reduce parking requirements by approximately 17% to provide for 260 parking spaces; and (4) to reduce setback requirements allowed for planned developments in the Recreation land use category. The property is located in the county at 950 Cypress Ridge Parkway, approximately 2,000 feet south of Halcyon Road, in the village of Palo Mesa on the Nipomo Mesa, in the South County (Inland) planning area. APN's: 075-400-001, 075-401-002, -003, -004, County File Number: SUB2003-00208 (TRACT 2641)/D000391D. 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.

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 14th day of July, 2005, does hereby grant the aforesaid Permit, SUB2003-00208 (TRACT 2641)/Tract 2641 D000391D.

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 or 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 Rappa, seconded by Commissioner Roos and on the following roll call vote, to-wit:

AYES: Commissioners Rappa, Roos, Chairperson Liberto-Blanck

NOES: Commissioner Christie

ABSENT: Commissioner Mehschau

the foregoing resolution is hereby adopted.

/s/ Doreen Liberto-Blanck  
Chairperson of the Planning Commission

ATTEST:

/s/ Lona Franklin  
Secretary, Planning Commission

**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 May 20, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, noise, population/housing, public services, transportation, 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 Recreation 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 a pro shop, 81-unit resort and restaurant.
- F. The site is physically suitable for the proposed density of the development proposed because the site and existing infrastructure can adequately support a 200-seat restaurant, an 81-unit resort with conference rooms, and replacement of the existing pro shop.
- 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 of its proximity away from sensitive resources and the use of non-invasive landscape vegetation.
- 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.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because existing vegetation is not native to this part of the county, and the proposed landscaping includes greater numbers of more comparable native vegetation.

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 Tract 2641 & Conditional Use Permit D000391D/Cypress Ridge

- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because the drainage will be directed to existing detention basins that have been sized to handle the additional surface runoff.

Conditional Use Permit

- L. 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.
- M. As conditioned, the proposed project satisfies all applicable provisions of Title 22 of the County Code.
- N. 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 resort and restaurant do 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.
- O. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the resort and restaurant will not conflict with the surrounding lands and uses.
- P. 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 will be subject to both cumulative and project area traffic fees to provide for major road operations to remain at acceptable levels of service.
- Q. The proposed project will not reduce the availability of accommodations for overnight or transient occupancy by the general public, tourists and visitors compared to a conventional hotel or motel.
- R. Shared peak-hour parking is appropriate because the proposed uses have distinct and differing peak traffic usage periods and the most remote space in the parking lots is located no more than 300 feet from the pedestrian entrance to each use that the parking spaces serve. The total number of spaces, which is 260, is no less than the number of spaces for the single use which is required to provide the most parking which is 130 (golf course & driving range).
- S. Adjustment of parking standards (Sec. 22.18.020(D), required by Land Use Ordinance Section 22.18.050, is justified because the characteristics of the use or its immediate vicinity do not necessitate the full number of parking spaces due to the overlap of proposed uses; and reduced parking will be adequate to accommodate on the site all parking needs generated by the uses; and no traffic problems will result from the proposed modification of parking standards.
- T. Adjustment of the landscape standards in Land Use Ordinance Chapter 22.16 to use up to 20% of plant material not from the county's plant list is justified because water

conservation techniques will be required to create a water efficient landscape, and none of the allowed plants will be considered invasive or problematic, as specified on the County's prohibited list, USDA's state noxious weed list or from the California Invasive Plant Council's Lists A and B.

**CONDITIONS - EXHIBIT B (Tract Conditions)**

**Approved Development**

1. This approval authorizes
  - a. subdivision of 8 existing lots (totaling about 10.1 acres) into 10 parcels ranging from 0.35 acres to 4.7 acres each for the purpose of sale and/or development.

**Prior to Recordation Conditions**

**Access and Improvements**

2. A private easement be reserved on the map for access to all lots.
3. 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.
4. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

**Wastewater Disposal**

5. Provide evidence from a Registered Civil Engineer that the existing community sewage system has adequate capacity to serve the proposed development and will be operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. An amendment to the waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final tract map.

**Utilities**

6. Electric and telephone lines shall be installed underground.
7. Cable T.V. conduits shall be installed in the street.
8. Gas lines shall be installed.

**Fire Protection**

9. A commercial water system shall be required with fire flows meeting the standards of CFC 903 and Appendix III A. The minimum main size shall not be less than six inches. Pressures may not be less than 20 psi or more than 150 psi. Plans shall be submitted to CDF for their approval **prior to county approval of tract improvement plan.**
10. 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 tract map.**
11. **Prior to map recordation**, a 24-foot wide emergency access road shall be constructed through the development to residential development to the south (Brant and Tattler Street intersection) that meets CDF requirements.

**Landscape Plans**

12. All approved landscaping for tract improvements shall be installed or bonded for prior to filing of the final tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 60 days of completion of the improvements.

**Air Quality**

13. **At the time of application for subdivision improvement plans**, site enhancements to promote pedestrian, bicycle, and transit accessibility to the subdivision shall be incorporated into the proposed subdivision's design/improvements.
14. **At the time of application for subdivision improvement plans**, as applicable, the plans shall show connection of cul-de-sacs with multi-use paths to improve pedestrian, bicycle and golf cart access to adjacent neighborhoods, the village center, the golf center and parks.
15. Based on Table 6-3 of the APCD's 2003 CEQA Handbook, the estimated construction emissions for the project will exceed the thresholds requiring mitigation. Based on the letter received from APCD, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans **prior to approval of tract improvement plan**:

***Construction Equipment***

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;

***CBACT***

- d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other District approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the project must be performed in consultation with APCD staff).

***Additional Construction Equipment Measures***

- e. Electrify equipment where feasible;
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible;
- g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;
- h. Use equipment that has Caterpillar pre-chamber diesel engines;
- i. Implement activity management techniques as follows:
  - i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period;
  - ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions;
  - iii. Limit the length of the construction work-day period, if necessary;
  - iv. Phase construction activities, if appropriate.

*Fugitive PM10 Mitigation Measures* (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to approval of tract improvement plan**)

- j. Reduce the amount of the disturbed area where possible;

- k. Use of 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 (nonpotable) water should be used whenever possible;
- l. All dirt stock-pile areas should be sprayed daily as needed;
- m. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- n. Exposed ground areas that are planned to be reworked at dates greater than 21 days after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- o. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- p. 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;
- q. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- r. 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.

**Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

- 16. "Naturally-occurring asbestos" has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to approval of tract improvement plan**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. Should such plans be required, they shall address subsequent grading impacts needed to complete project. For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slccleanair.org/business/asbestos.asp>.
- 17. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to approval of tract improvement plan** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
- 18. **Prior to approval of tract improvement plan**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc.

**Biological Resources**

19. **At the time of application for subdivision improvement plans**, construction plans shall show all disturbed areas shall be seeded with a non invasive grass (or permanent landscaping) to stabilize the soil immediately after grading is completed to avoid potential erosion problems or adverse biological impacts associated with Drainage Area A. The seed mixture shall be approved by the Environmental Coordinator or their designee.
20. All drainage from all parking areas and roadways shall be directed to infiltration basins designed as retention areas. **Prior to approval of tract improvement plan**, this shall be shown on all applicable plans. Drainage design shall be verified **prior to map recordation**.

**Noise**

21. Construction hours of operation shall be 7 am to 7 pm for weekdays, 8 am to 5 pm on Saturdays, and no non-emergency work on Sundays or Holidays. **At the time of application for subdivision improvement plan**, this information shall be shown on all applicable plans.
22. **At the time of application for subdivision improvement plans or construction permits**, staging areas and contractor yards shall be shown on applicable construction plans as far from residential areas as possible.
23. **Prior to tract improvement commencing**, "critical" grade noise mufflers shall be installed and maintained for all construction equipment/vehicles generating noise of 60 dB or more at 25 feet.

**Water**

24. **Prior to approval of tract improvements or construction plans**, drainage improvement design, including the following measures, shall be considered to maximize potential groundwater basin recharge:
  - a. Drainage from impervious surfaces (e.g. roads, driveways, buildings) shall be directed to a common drainage basin;
  - b. The project shall design as few basins as possible for the entire development;
  - c. Where feasible, mass grading and contouring shall be done in a way to direct surface runoff towards the above-referenced basins (and/or closed depressions).

**Additional Map Sheet**

25. 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. In addition to conditions #27 through #30, the additional map sheet shall include the following:
  - a. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
    1. 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.
    2. 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.

### **Aesthetics**

26. **At the time of application for subdivision improvement plans**, if any landscaping is proposed as a part of tract improvements, the applicant shall submit final landscape plans to the Department of Planning and Building for review and approval. The "perimeter" planting shall include a range of plant types that are primarily fast-growing, evergreen, drought-tolerant, considered low-water users and non-invasive, and comply with the following:
- a. The final landscape plan shall use at least 80% of plants listed in the County-Approved Landscape Plant list. The remaining 20% of plants used shall have low water requirements and be drought tolerant. Plants shall be grouped with similar water requirements. All applicable components of the County's Landscape Ordinance (Chapter 22.16) shall be applied.
  - b. To reduce potential invasive plant problems to Black Lake Slough and adjacent agriculture, no landscape plants shall be used that are found on: the County's prohibited plant list, USDA's State List of Noxious Weeds or California Invasive Plant Council's "Invasive Plant Lists A & B".
  - c. **Prior to completion of subdivision improvements**, the applicant shall install landscape consistent with the approved final landscape plans.
27. **At the time of application for subdivision improvement plans**, any proposed exterior lighting installed shall be maintained and operated consistent with Section 22.10.060 to avoid or reduce glare to nearby property and residences.
28. If any permanent fencing as a part of tract improvements, the project shall adhere to the County Ordinance requirements for Fencing and Screening of the resort from the existing residential development on lots 223 and 232. This shall include, at a minimum, the installation of an attractive wooden fence at least five feet in height. Final design shall be approved **prior to approval of tract improvement plans**.

### **Environmental Monitor**

29. **Prior to issuance of tract improvement plans**, the applicant shall provide funding for an environmental monitor for all measures requiring environmental mitigation to ensure compliance with proposed County Conditions of Approval and mitigated Negative Declaration measures relating to establishing the proposed uses. The applicant shall obtain from a county-approved monitor a cost estimate, based on a county-approved work scope. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor, and any county administrative fees, shall be paid for by the applicant.

### **Miscellaneous**

30. 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.
31. 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.
32. The applicant shall provide notification through Conditions, Covenants & Restrictions for the resort development with the following information:

Note to potential buyers and future owners of each use/unit that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued

a nuisance abatement order, which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers will be advised that these conditions exist.

CC&R's shall be reviewed by the county **prior to final map recordation.**

33. **Prior to tract map recordation**, the applicant shall provide evidence to the county where the Regional Water Quality Control Board is satisfied that the existing wastewater system is operating in compliance with its Waste Discharge/ Water Reclamation Requirements, Order No. 97-66, and that the existing system can adequately accommodate the additional effluent generated by the proposed development.