

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING



VICTOR HOLANDA, AICP  
DIRECTOR

June 8, 2005

Glen Rider  
1998 Santa Barbara St.  
San Luis Obispo, Ca. 93401

**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: June 6, 2005

**SUBJECT: FEDERER – SUB2004-00164 / CO 04-0186**  
**Document No. 2005-030**

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved by the Subdivision Review Board, and subject to Findings in Exhibit A and Conditions in Exhibit B, which are attached for your records.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map 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 parcel map, the Subdivision Review Board 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. (Sec 21.06.010)

Pursuant to County Real Property Division Ordinance Section 21.04.020 and Land Use Ordinance Section 22.70.050, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing, to the Department of Planning and Building. The appeal fee is \$578.00 and must accompany your appeal form. If you have any questions regarding this matter, please contact me at (805) 781-5718.

Sincerely,

Ramona Hedges, Secretary  
Subdivision Review Board

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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**FINDINGS - EXHIBIT A**  
SUB2004-00164 (CO 04-00186) FEDERER

*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 April 28, 2005 for this project. Mitigation measures are proposed to address Air Quality, Noise, Public Services and Utilities, Recreation 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 Single 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 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 single family residences and accessory structures.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support single family residences and accessory structures.
- 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 the project is located in an urbanized area that does not contain significant wildlife habitats.
- 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.

*Road Improvements*

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

**CONDITIONS - EXHIBIT B**  
SUB 2004-00164 (CO 04-00186) FEDERER

**Approved Project**

1. A Vesting Tentative Parcel Map to subdivide an existing 1.1 acre parcel into four parcels ranging in size from 8,700 square feet to 13,000 square feet each for the purpose of sale and/or development.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards:
  - a. Chata Street widened to complete an A-2 section fronting the property.
  - b. Frank Court widened to complete an A-2 cul-de-sac section fronting the property.
  - c. Orchard Avenue widened to complete an A-2(d) section fronting the property, including an A-1(x) trail along the Orchard Avenue frontage.
3. Eight-foot parkways are required for all streets with detached sidewalks.
4. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. For road widening purposes, the width as needed along Orchard Road to contain the required improvements.
5. Access be denied to Lot 1 from Orchard Avenue and that this be by certificate and designation on the map.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

**Improvement Plans**

7. 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.
  - g. Trail plan, to be approved jointly with the Park Division.
  - h. Landscaped parkway plan in accordance with Planning Area standards.

8. 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.
9. 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**

10. Submit complete drainage calculations to the Department of Public Works for review and approval.
11. If calculations so indicate, drainage must be retained 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.
12. 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.

### **Utilities**

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

### **Design**

16. The office and sheds on Lot 4 and the animal enclosures on Lot 1 shall be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required.

### **Fire Protection**

17. 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 per the CDF letter dated January 10, 2005.

**Parks and Recreation (Quimby) Fees**

18. 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**

19. 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.

**Landscape Plans**

20. *If a drainage basin* is required, then submit detailed landscaping plans in compliance with Chapter 22.16/Section 23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
- a. Drainage basin fencing, if the drainage basin has a depth of 2 feet or greater as measured from the top of the rim to the lowest portion of the basin
  - b. Drainage basin perimeter landscape screening, if the basin is fenced
  - c. Landscaping for erosion control.
21. All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 90 days of completion of the improvements.

**Additional Map Sheet**

22. 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. That the owner(s) of lot(s) 1-4 are responsible for on-going maintenance of drainage basin fencing in perpetuity, if the basin is fenced.
  - b. That the owner(s) of lot(s) 1-4 are responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity.
  - c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

- d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated January 10, 2005 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- e. **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 disturbed area where possible,
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
  - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
  - d. 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 load and top of trailer) in accordance with CVC Section 23114.
  - e. 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.
- f. **Prior to issuance of construction permits for Parcels 1, 2 and 3**, the applicant shall show on the construction plans the following for noise mitigation:
  - a. air conditioning or a mechanical ventilation system,
  - b. windows and sliding glass doors mounted in low air infiltration rate frames, and
  - c. solid core exterior doors with perimeter weather stripping and threshold shields.
- g. **Prior to issuance of construction permits for Parcel 1**, the applicant shall show outdoor activity areas for new residential construction that is located between the noise source (Orchard Road) and the residence so the residence acts as a sound barrier. If the outdoor activity area cannot be located in this manner, a sound wall or landscaping berm shall be constructed that is of sufficient height that it interrupts the line-of-sight between the noise source and outdoor activity area. The design and materials used for the sound wall or berm shall be reviewed and approved by the Planning and Building Department prior to issuance of construction permits and shall include natural materials and colors.
- h. **Prior to final inspection or occupancy (whichever occurs first)**, the following measures shall be applied to the proposed turf areas:
  - a. To maximize drought-tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
  - b. To minimize establishment of shallow roots, the following shall be avoided on turf

- areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
- c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
  - i. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of an ultra low flow design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance.**

### Covenants, Conditions and Restrictions

23. 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 provide at a minimum the following provisions:
- a. On-going maintenance of drainage basin fencing in perpetuity, if the basin is fenced.
  - b. On-going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity.
  - c. Maintenance of drainage basin landscaping.
  - d. **Prior to issuance of construction permits for Parcels 1, 2 and 3, the applicant shall show on the construction plans the following for noise mitigation:**
    - a. air conditioning or a mechanical ventilation system,
    - b. windows and sliding glass doors mounted in low air infiltration rate frames, and
    - c. solid core exterior doors with perimeter weather stripping and threshold shields.
  - e. **Prior to issuance of construction permits for Parcel 1, the applicant shall show outdoor activity areas for new residential construction that is located between the noise source (Orchard Road) and the residence so the residence acts as a sound barrier. If the outdoor activity area cannot be located in this manner, a sound wall or landscaping berm shall be constructed that is of sufficient height that it interrupts the line-of-sight between the noise source and outdoor activity area. The design and materials used for the sound wall or berm shall be reviewed and approved by the Planning and Building Department prior to issuance of construction permits and shall include natural materials and colors.**
  - f. **Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:**
    - a. To maximize drought-tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
    - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas: close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
    - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.

- g. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of an ultra low flow design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance.**

**Miscellaneous**

24. 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.
25. 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.

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.