

**IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Tues day December 16 20 08

PRESENT: Supervisors Harry L. Ovitt, Bruce S. Gibson, Jerry Lenthall,
K.R. 'Katcho' Achadjian and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2008-451

**RESOLUTION REVERSING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION
OF COKER ELLSWORTH FOR CONDITIONAL USE PERMIT SUB2004-00160 AND A
VESTING TENTATIVE TRACT MAP FOR TRACT 2424.**

The following resolution is now offered and read:

WHEREAS, on December 13, 2007, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and disapproved the application of Coker Ellsworth for Conditional Use Permit SUB2004-00160 and a vesting tentative tract map for Tract 2424; and

WHEREAS, Coker Ellsworth has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 and Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 18, 2008, the matter was continued to July 22, 2008 and November 4, 2008, and December 16, 2008, and determination and decision was made on December 16, 2008; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld and the decision of the Planning Commission should be reversed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.

ATTACHMENT 2

2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A and Exhibit C attached hereto and incorporated by reference herein as though set forth in full.

3. That the negative declaration prepared for this project is hereby approved as complete and adequate as having been prepared in accordance with the provisions of the California Environmental Quality Act.

4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.

5. That the appeal filed by Coker Ellsworth is hereby upheld and the decision of the Planning Commission is reversed and that the application of Coker Ellsworth for Conditional Use Permit SUB2004-00160 is hereby approved subject to conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

6. That the appeal filed by Coker Ellsworth is hereby upheld and the decision of the Planning Commission is reversed and that the application of Coker Ellsworth for a vesting tentative tract map for Tract 2424 is hereby approved subject to the conditions of approval set forth in Exhibit D attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor Achadjian, seconded by Supervisor Lenthall, and on the following roll call vote, to wit:

AYES: Supervisors Achadjian, Lenthall, Gvitt, Gibson, Chairperson Patterson.

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

James R. Patterson
Chairperson of the Board of Supervisors

ATTEST:

JULIE L. RODEWALD
Clerk of the Board of Supervisors

[SEAL] By CM Christensen
Deputy Clerk

The undersigned Deputy Clerk of the Board of Supervisors certifies that, pursuant to Section 20103 of the Government Code, delivery of this document has been made on 11/22/2009
JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
By CM Christensen
Deputy Clerk

ATTACHMENT 2

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: [Signature]
Deputy County Counsel

Dated: December 25, 2008

STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 22nd day of January, 2008.

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

EXHIBIT A

FINDINGS FOR CONDITIONAL USE PERMIT SUB2004-00160

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 November 13, 2008 for this project. Mitigation measures are proposed to address aesthetics / visual resources, agricultural resources, air quality, biological resources, cultural resources, geology / soils, hazards and hazardous materials, noise, traffic / circulation, and land use, 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 seven-unit residential development and mini-storage facility 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 seven-unit residential development is similar to, and will not conflict with, the surrounding lands and uses. The mini-storage facility, as designed to look agrarian in nature, and conditioned to provide residential storage only, will not conflict with 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 Halcyon Road, a collector road constructed to a level able to handle any additional traffic associated with the project.

Warehousing in the Residential Multi Family Category

- G. The proposed mini-storage facility is designed primarily to serve the needs of the residents in the Residential Multi-Family land use category, because, as conditioned, the facility will be limited to residential storage and will be comprised of a mix of storage unit sizes.

EXHIBIT B

**CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT SUB2004-00160**

Approved Development

1. This approval authorizes the following:
 - a. Subdivision of an existing 1.69 acre parcel into a planned development with seven residential lots varying in size from 1,492 square feet to 2,224 square feet, a mini-storage lot of 34,500 square feet, and a non-buildable lot of 26,685 square feet to be held in common undivided interest by the owners of the other eight lots.
 - b. Construction of seven two-story townhouses varying in size from 1,240 square feet to 1,522 square feet each, and each including an attached garage of 494 to 519 square feet.
 - c. Construction of two mini-storage buildings, one of which is single-story, and the other of which is two stories, with a total structural area of 23,432 square feet. The southerly (one-story) building will be split into three separate buildings as required by Condition 7a.
 - d. Construction of a mini-storage office of approximately 264 square feet.
 - e. Grading with a site disturbance of approximately 1.69 acres, including approximately 70 cubic yards of cut and 8,400 cubic yards of fill. Grading will include the provision of five retaining walls, the tallest of which will have a height of 6.5 feet. Site improvements will also include a retention basin, three on-site roadways, and extension of utilities.
 - f. Signage, including a wall sign above the mini-storage office and a monument sign with a signage area of approximately 18 square feet.
 - g. Establishment of a reduced of front setback for the five townhouses fronting Halcyon Road (Lots 1-5). Depending on the width of the offer of dedication, the setback will vary between 10 feet (for a 5-foot offer) to 14 feet (for a 1-foot offer).
 - h. A maximum height of 35 feet above average natural grade.
2. A 120-foot buffer, measured from the southerly/southeasterly property line, shall be maintained. No habitable area, including residences and offices, shall be located within the buffer zone. Open space within the buffer zone shall be maintained as passive open space.

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

Site Development

3. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, grading plan, colors and materials board, preliminary landscaping plans, signage plan, and architectural elevations, as modified by these conditions of approval.

4. **At the time of submittal of subdivision improvement plans and/or at the time of application for construction permits**, the applicant shall provide revised landscaping plans, including a planting plan, irrigation plan, and maintenance plan, prepared by a licensed landscape architect. The landscaping plans shall comply with Chapter 22.16 of the Land Use Ordinance and the following requirements:
 - a. **Parkway Area** – Landscaping in the parkway between the curb and sidewalks along the project site's Halcyon Road frontage shall comply with the following:
 - i. **Number** – A minimum of 17 street trees shall be provided.
 - ii. **Location** – Trees shall be located within the parkway between the curb and sidewalk along the project site's Halcyon Road frontage.
 - iii. **Species** – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - iv. **Groundcover** – Additional groundcover shall be provided within the parkway.
 - v. **Size** – All required street trees shall be from 15 gallon or 24-inch box containers.
 - vi. **Screening** – Trees and shrubs planted in the parkway area shall be selected to provide sufficient screening of the mini-storage structures when viewed from Halcyon Road and/or Temple Street.

 - b. **Landscaped Buffer Strip** – Landscaping within the 20-foot buffer strip between the mini-storage building and southerly/southeasterly property line shall comply with the following:
 - i. **Species** – A combination of evergreen trees, lower shrubs, and groundcover shall be used. Plant materials shall include the following: toyon (*heteromeles arbutifolia*), sugarbush (*rhus ovata*), laurel sumac (*malosma laurina*) and thuja green giant (*thuja plicata*), or plants with similar characteristics as determined by a certified landscape architect.
 - ii. **Porosity** – Plants shall have 50 to 75 percent porosity (i.e. approximately 50 to 75 percent of the plant is air space).
 - iii. **Screening** – Trees and shrubs shall be selected so as to provide sufficient screening of the mini-storage structures when viewed from Halcyon Road and/or Temple Street.
 - iv. **Size** – Trees shall be vigorous, drought tolerant, and at least 6 feet tall at time of installation. Trees shall have a mature height of 15 feet; species shall be selected to attain this height within 3 years of planting. Plant height shall vary in order to capture drift within 4 feet of ground applications.
 - v. **Retaining Wall** – "Trailing" and/or "creeping" plants shall be provided in order to screen the retaining wall.

- c. Halcyon Road Widening – Where removal and impact to trees cannot be avoided, new street trees shall be planted to the following standards:
- i. Ratio – Trees shall be replaced at a 2:1 ratio for those trees removed. New trees shall be planted at a 1:1 ratio for those trees impacted.
 - ii. Location – Trees shall be located roughly in the same location as those impacted/removed.
 - iii. Species – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - iv. Size – All required street trees shall be from 15 gallon or 24-inch box containers.
- d. Temple Street – Where impacts from water line extension cannot be avoided, the applicant shall plant new street trees at a 1:1 ratio to those trees/shrubs impacted.
- i. Species – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - ii. Size – All required street trees shall be from 15 gallon or 24-inch box containers.
- e. Drainage Basin – Low maintenance, long term landscaping shall be provided, which is appropriate to drainage basin use. Maintenance plans shall specify a regimen for maintaining the basin in a weed-free condition.
- f. Additional Requirements
- i. A minimum of 80 percent of the planting material shall be selected from the County plants list.
 - ii. “Trailing” and/or “creeping” plants shall be provided in order to screen the retaining wall along the northerly property line.
 - iii. Landscaping, including a combination of trees, shrubs, and groundcover, shall be provided along the northerly property line.
 - iv. Landscaping shall be provided in the front yard areas for Lots 1 through 5.
 - v. Landscaping shall be provided in all of the open areas on Lot 9.
- g. Review and Approval – Landscaping plans are subject to the review and approval of the Department of Planning and Building.
5. **At the time of application for construction permits**, the applicant shall provide a fencing and retaining wall plan, subject to the review and approval of the Department of Planning and Building. A colors and materials board shall be provided with the plans. The fencing and retaining wall plan shall incorporate the following requirements:
- a. Fencing Material – Fencing material in areas visible from Halcyon Road is limited to masonry, stone, or wood, except as otherwise provided in these conditions.
 - b. Southerly Property Line – A “no-climb” fence of at least 6 feet above finish grade is required along the southerly/southeasterly property line in order to deter trespass and/or vandalism on the agricultural parcel. This fencing shall be open, decorative, and visually pleasing in nature. Examples of acceptable fencing material include ornamental wrought iron, ornamental metal, etc. Examples of unacceptable fencing materials include sheet metal, solid wood, masonry block,

and chain link (slatted or otherwise).

- c. Northerly Property Line – Solid fencing is required along the northerly property line of the project site.
 - d. Noise Attenuation Wall – A masonry wall shall be provided at the Halcyon Road right-of-way line fronting Lots 1 through 5 and extending along the northerly and southerly sides of Lots 1 and 5 respectively. The wall shall not exceed a height of 3 feet when measured from the Halcyon Road side of the wall. This wall shall be composed of decorative masonry features.
 - e. Security – Barbed wire or razor wire is prohibited.
 - f. Retaining Walls – Retaining wall shall be composed of dark-colored textured materials, such as terrace block.
 - g. Drainage Basin Fencing – If fencing is required for the drainage basin, it shall be ornamental wire fencing with a large gauge.
6. **At the time of submittal for construction permits**, the applicant shall provide an exterior lighting plan, subject to the review and the approval of the Department of Planning and Building. The plan shall include details on the location, lighting intensity, and height of all fixtures, and shall comply with the following:
- a. Shielding – Light sources shall be shielded such that the bulb and reflective surfaces will not be visible from off-site. A schematic diagram of each fixture shall be provided to demonstrate satisfaction of this requirement.
 - b. Dark Sky Fixtures – Fixtures shall meet dark sky or equivalent certification criteria.
 - c. Mini-Storage Lighting – Mini-storage lighting shall be turned off no later than one hour after dusk. Beyond that, lighting may only be operated on a motion-sensor system.
7. **At the time of submittal for construction permits for the mini-storage facility**, the applicant shall submit a revised site plan and revised floor plans, elevations, and colors/materials boards, which comply with the following requirements, while maintaining an overall appearance of “barn like” structures:
- a. Separate Buildings – The southerly building shall be split into three structurally separate buildings, each not to exceed a length of 100 feet. The buildings shall maintain a 10 foot setback from one another. The buildings shall also maintain a 20-foot setback from the southerly/southeasterly property line.
 - b. False Windows – False windows shall be incorporated into the upper-tier vertical plane of the southerly mini-storage buildings along their southerly elevations. The false windows shall be placed at regular intervals not to exceed 30 feet. Additional design embellishments (i.e. framed edges, shutters, etc.) shall be provided with the false windows.

- c. Materials – Materials shall be alternated to include the use of stucco, plaster, glass, stone, brick, and/or decorative masonry accents. Accents shall be provided at a regular interval, not to exceed 30 feet. These accents, at a minimum, shall be provided on the southerly elevation of all mini-storage buildings, and on the westerly elevation of the westernmost mini-storage buildings.
 - d. Non-Reflective Metal – Any metal proposed in the building finish shall be non-reflective with a matte finish and “baked-on” color.
 - e. Design Features – Accent columns and deep reveals at construction joints shall be provided.
8. **At the time of submittal for construction permits for the mini-storage facility**, the applicant shall show the location of and provide applicable notes on the site plan for measures that will be used to protect the metal mini-storage buildings from vehicular contact. These measures may include raised curbs, landscaping, or traffic barriers.
9. **At the time of submittal for construction permits**, construction plans for the residential component of the project shall demonstrate inclusion of the following noise attenuation measures:
- a. Air conditioning or mechanical ventilation.
 - b. Windows and sliding glass doors mounted in low air infiltration frames (Lots 1 through 5 only).
 - c. Solid core exterior doors with perimeter weather stripping and threshold seals (Lots 1 through 5 only).
10. **At the time of submittal for construction permits**, the site plan shall clearly show the location of all mechanical equipment. Mechanical equipment shall be located in an area where it will not be visible from any public roads. Screening shall be required. Appropriate screening includes buildings, existing vegetation, or topography.
11. **At the time of submittal for construction permits**, for interior improvements of the mini-storage buildings, the applicant shall provide a list of all storage units and their respective size. Storage units shall be designed such that the following requirements are satisfied:
- a. A minimum of 10 percent of floor area shall be for storage units sized at less than 40 square feet.
 - b. A minimum of 25 percent of floor area shall be for storage units sized at less than 100 square feet, inclusive of the above.
 - c. A minimum of 50 percent of floor area shall be for storage units sized at less than 250 square feet, inclusive of the above.
 - d. No more than 10 percent of floor area shall be for storage units sized at more than 500 square feet.

- e. The maximum storage unit size is 750 square feet.

For the purposes of evaluating whether the above requirements are satisfied, percentage is taken from the total floor area of all buildings in the mini-storage facility and not from the number of units.

12. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
13. **At the time of application for construction permits**, these Conditions of Approval shall be included as notes on the construction plans.

Fire Safety

14. **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.

Signage

15. **At the time of application for construction permits**, the applicant shall revise the signage plan to locate the proposed monument sign outside of the Halcyon Road right-of-way and to reduce the sign height to no more than 3 feet.

Road Improvements

16. **At the time of application for construction permits**, the applicant shall submit improvement plans to the Department of Public Works for the following unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
- a. Widening of Halcyon Road to an A-3b(II) section fronting the property with a detached sidewalk. An on-street parking lane is not required.
 - b. Widening and striping Halcyon Road as required to provide an interim left turn lane into the project site and a left turn lane onto Temple Street in accordance with the State Highway Design Manual.
 - c. Installation of street lighting at the intersection of Halcyon Road and the project driveway which complies with the County Public Improvement Standards for intersection lighting. The applicant will also be required to establish a financing mechanism, satisfactory to the Department of Public Works, to pay for the ongoing operation and maintenance required for the street lighting.
17. **At the time of submittal of improvement plans for the widening of Halcyon Road**, the applicant shall provide a plan showing the location, size, and species of all trees within 50 feet of site disturbance. The plan shall clearly delineate which trees are proposed to be impacted or removed. Every effort shall be made to avoid impact or removal. If deemed appropriate by the Department of Public Works, the applicant shall file a request for modification of the road improvements in order to modify the design to avoid unnecessary tree removal.

Services

18. **At the time of application for construction permits**, the applicant shall provide a final letter from Oceano Community Services District stating they are willing and able to service the property.
19. **At the time of submittal of plans for the extension of water service to the project site**, the applicant shall provide a tree retention plan for the review and approval of the Department of Planning and Building. The tree retention plan shall be prepared by a licensed landscape architect, certified arborist, or other qualified professional, and shall show the location, size, and species of all trees and shrubs within 50 feet of trenching activities. The plan shall incorporate all best practices to avoid impacts to trees on both sides of Temple Street. Special consideration shall be given to the preservation of Monterey pines on the south side of Temple Street. The plan shall also clearly delineate which trees will be impacted by trenching for the water main.
20. **At the time of application for construction permits**, plans shall provide for all site utilities to be installed underground.

Grading and Drainage

21. **At the time of application for grading permits**, on-site grading plans shall be revised to lower the elevation of the units and front yard areas on Lots 1 through 5. The units and front yard areas shall be lowered below grade such that the line-of-sight noise transmission to a receiver in the front yard area will be disrupted. For the purposes of this analysis, the source will be considered to be at a height of 2 feet above crown elevation at the center line of Halcyon Road. The receiver elevation will be considered to be 5 feet above finish grade at any point inside the front yard area. Satisfaction of this measure shall be documented with source-to-receiver cross-sections for each of the lots.
22. **At the time of submittal for grading permits**, the applicant shall supply a geotechnical report prepared by a licensed engineer. All site work proposed shall comply with the recommendations of the geotechnical engineer.
23. Drainage shall be retained on the project site. **At the time of submittal for grading permits**, the applicant shall provide drainage calculations and a drainage plan in compliance with the requirements of Chapter 22.52 of the Land Use Ordinance. Drainage plans shall demonstrate how drainage can be adequately retained on the site. This plan is subject to the review and approval of the Department of Planning and Building in consultation with the Department of Public Works.
24. **At the time of submittal for grading permits**, the applicant shall submit an erosion control plan in compliance with the requirements in Chapter 22.52 of the Land Use Ordinance. This plan is subject to the review and approval of the Department of Planning and Building in consultation with the Department of Public Works.
25. **Prior to submittal of grading permit applications**, the applicant shall have applied to the Regional Water Quality Control Board for a General Construction Permit. The WDID Number assigned and a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Department of Planning and Building **at the time of submittal of grading permit applications**.

26. **At the time of submittal of grading plans**, the applicant shall submit documentation to the Department of Planning and Building that a hauling and phasing plan for the importation of fill material has been reviewed and approved by the following agencies:
- a. County of San Luis Obispo, Department of Public Works;
 - b. City of Arroyo Grande, Department of Public Works; and
 - c. State of California, Department of Transportation (District 5).

Air Quality

27. **At the time of application for construction permits**, the following air quality and dust control measures shall be clearly shown on the construction plans:
- a. The amount of disturbed area shall be reduced where possible.
 - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used where feasible.
 - c. Dirt stockpile areas shall be sprayed daily as needed.
 - d. Roadways, sidewalks, and driveways shall be completed as soon as possible and building pads laid as soon as possible after grading unless seeding or soil binders are used.
28. **Prior to submittal of grading permit applications**, the applicant shall provide a phasing and hauling plan for the importation of fill material to the Air Pollution Control District for review and approval. The Air Pollution Control District shall only approve the phasing and hauling plan if it satisfactorily demonstrates that pollutants from the importation of fill material to the project site will not exceed 10 pounds per day of ROG, NO_x, SO₂, or PM₁₀, and will not exceed 330 pounds per day of CO. The applicant shall provide documentation that the phasing and hauling plan for the importation of fill has been approved by the Air Pollution Control District **at the time of submittal of grading permit applications**.

Cultural Resources

29. **At the time of submittal for subdivision improvement plans, or application for grading permits or construction permits**, if site disturbance is expected to go deeper than 16 inches into the site's natural grade, the applicant shall prepare an exhibit showing the location of where this disturbance will occur and an estimated quantity (area and cubic yardage) of this disturbance.
30. **Prior to issuance of construction permit/ subdivision public improvement plan**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Parker 2005). The Phase III program

shall include at least the following:

- a. Standard archaeological data recovery practices;
- b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be between 1-2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size;
- c. Identification of location of sample sites/test units;
- d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- e. Disposition of collected materials;
- f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. List of personnel involved in sampling and analysis.

Once approved, these measures **shall be shown on all applicable plans** and implemented during construction.

Conditions to be completed prior to issuance of a construction permit

Development Sequence

31. **Prior to or concurrent with issuance of construction permits** for residences on Lots 1 through 7, permits shall have been issued for the construction of the shell of each of the mini-storage buildings.

Road Improvements

32. **Prior to issuance of construction permits**, the applicant shall install street lighting at the intersection of Halcyon Road and the project driveway which complies with the County Public Improvement Standards for intersection lighting. The applicant shall establish a financing mechanism, satisfactory to the Department of Public Works, to pay for the ongoing operation and maintenance required for the street lighting.

Fees

33. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
34. The applicant shall contribute to the City of Arroyo Grande Traffic Signal and Transportation Impact Fee Program. The applicant's fair share contribution shall be 90 percent of the fees then currently imposed. **Prior to issuance of construction permits**, the applicant shall provide documentation from the City of Arroyo Grande that these fees have been paid.

Air Quality

35. **Prior to issuance of a construction permit, or approval of subdivision improvements, whichever occurs first**, the applicant shall contact the Air Pollution Control District (APCD) to ensure compliance with construction permit requirements. Additionally, the applicant shall supply APCD with a Naturally Occurring Asbestos (NOA) Construction and Grading Project Form completed to their satisfaction. Any required elements (i.e. geological evaluation, dust control plan, etc.) shall be provided to the APCD, as needed.

Airport Review Area

36. **Prior to issuance of a construction permit**, the property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed, and approved by County Counsel. A recent (within 6 months) title report or lot book guarantee will be required to initiate this process.

Conditions to be completed during construction*Building Height*

37. **The maximum height of the project is 35 feet from average natural grade.**
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Biological Resources

38. **Prior to commencement of tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

39. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any

other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Air Quality

40. To minimize potential delays, prior to the start of grading, please contact the Air Pollution Control District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.
41. All dust control measures, as shown on the approved construction plans shall be implemented during the construction phase of the project. (site disturbance, construction of improvements, etc.)
42. If utility pipes are scheduled for removal or relocation; or building(s) are removed or renovated, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

Grading and Drainage

43. All construction-phase erosion and sedimentation control measures shown on the approved erosion and sedimentation control plans and the Storm Water Pollution Prevention Plan (SWPPP) shall be in place throughout construction. Monitoring shall be conducted as specified in the SWPPP.

Conditions to be completed prior to occupancy or final building inspection

Landscaping and Improvements

44. **Prior to final inspections, or occupancy, whichever comes first**, the project landscape architect shall inspect all planted landscaping to ensure that all applicable mitigation measure requirements have been satisfied. The landscape architect shall supply the Department of Planning and Building with a letter certifying that planting has been completed in accordance with the plans and in satisfaction of applicable mitigation measures prior to final inspections.
45. **Prior to final inspections, or occupancy, whichever occurs first**, the specified noise attenuation measures, including the noise attenuation wall, mechanical ventilation / air conditioning, etc., shall be installed and in functioning condition.
46. **Prior to final inspections, or occupancy, whichever occurs first**, all of the following shall have been implemented/installed:
 - a. The approved fencing and retaining wall plan.
 - b. The approved colors and materials board.
 - c. The approved exterior lighting plan.
 - d. Measures to protect metal buildings from vehicular contact.
 - e. Screening of mechanical equipment.

47. **Prior to final inspections**, the applicant shall complete or bond for the completion of the required road improvements.

Development Sequence

48. **Prior to final inspections, or occupancy, whichever comes first**, for the residences on Lots 1 through 7, final inspections shall have been completed for, at a minimum, the shell of the mini-storage buildings.

Cultural Resources

49. **Prior to final inspections on the grading permits, and/or construction permits**, as applicable, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.
50. **Upon completion of all monitoring/mitigation activities, and prior to final inspections on the subdivision improvement plans, grading permits, and/or construction permits**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Inspections

51. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
52. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

53. The storage of hazardous, flammable, explosive, and/or combustible materials, in any quantity, in mini-storage units shall be prohibited. Prohibited materials include, but are not limited, to those materials specifically defined in Article 80 of the 2001 California Fire Code:
- a. Toxic and highly toxic compressed gases;
 - b. Liquid and solid oxidizers;
 - c. Organic peroxides;
 - d. Unstable (reactive) materials;
 - e. Flammable and oxidizing gases;
 - f. Pyrophoric gases;
 - g. Asphyxiant gases;
 - h. Pyrophoric solids and liquids;
 - i. Oxidizer solids and liquids;
 - j. Water-reactive solids and liquids;
 - k. Cryogenic fluids;
 - l. Highly toxic and toxic materials;
 - m. Radioactive materials;

- n. Corrosives; and
- o. Carcinogens, irritants, sensitizers and other health hazards.

54. Until recordation of covenants, conditions and restrictions in association with the final map occurs, the applicant and all successors in interest shall be responsible for ensuring the following:

- a. Maintenance of all fencing, exterior lighting, and landscaping in accordance with the approved fencing, exterior lighting, and landscaping plans.
- b. Irrigation and maintenance of all landscaping and improvements on Lot 9 and all landscaping within the Halcyon Road parkway fronting the project site.
- c. Maintenance of the drainage basin in a functional and weed-free condition.
- d. Enforcement of lighting time limitations for the mini-storage component of the project.
- e. Ensuring that no habitable area, including residences and offices are located within the 120-foot agricultural buffer zone. Open space within buffer zone shall be maintained as passive open space.
- f. Providing a right-to-farm disclosure to all prospective tenants. The disclosure shall include the following language: "Agricultural activities are both an allowed and common use of area properties, and may occur 24-hours a day. Such activities include, but are not limited to, the following: planting, cultivation, irrigation, harvesting, packing, and loading; the use of legal agricultural applications on crops and cropland, including fertilizers, compost, or pesticides; operation of agricultural irrigation pumps; operation of wind machines for frost protection; use of bird frightening devices; operation of motorized vehicles and heavy equipment including tractors, trucks, harvesters, and all-terrain vehicles; accessory uses including processing (i.e. wineries), barns, or composting facilities; and animal keeping or animal facilities including poultry or hog ranches and beef or dairy feedlots."
- g. Maintenance of the fence along the southerly/southeasterly property line.
- h. Maintenance of the vegetation strip along the southerly/southeasterly property line.
- i. Enforcing a prohibition on the storage of hazardous materials within the mini-storage units and including the same prohibition in all rental / lease agreements for the mini-storage facility.
- j. Restricting the use of the mini-storage units to store only common residential or domestic items. Storage of commercial items or use of the mini-storage units as part of the operation of a business is strictly prohibited. This restriction shall further be included in rental / lease agreements for the mini-storage units.

55. **Annually, until all landscaping has been successfully established**, the homeowners association (or applicant, if control has not yet passed to the homeowners association) shall retain a licensed landscape architect to inspect all landscaping. The landscape architect shall prepare a report for the review and approval of the Department of Planning and Building. The report shall document the viability and success of landscaping, identify failures, and provide recommendations (with a timeline for completion) to bring landscaping into conformity with the approved landscaping plans and all applicable mitigation measures. Particular focus shall be given to screening the mini-storage buildings from view and to providing adequate agricultural buffer screening to minimize dust and decrease the risk of pesticide intrusion on the project site. The homeowners association shall be responsible to ensure that the recommendations of the landscape architect are carried out in the time frames specified. Failure to maintain landscaping in conformance with the approved landscaping plans may result in code enforcement action.
56. Developmental burning of vegetative material is prohibited. If no technically feasible alternatives are available, the applicant shall contact to the Air Pollution Control District (Karen Brooks, 805-781-5912) to determine if limited developmental burning under restrictions may be allowed.
57. Only those wood burning devices that have been approved by the APCD may be installed in new dwelling units.
58. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code Section 66474.9, which are incorporated by reference herein as though set forth in full.
59. 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.

EXHIBIT C

FINDINGS FOR VESTING TENTATIVE TRACT MAP 2424

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 November 13, 2008 for this project. Mitigation measures are proposed to address aesthetics / visual resources, agricultural resources, air quality, biological resources, cultural resources, geology / soils, hazards and hazardous materials, noise, traffic / circulation, and land use, 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 a nine lot planned development.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a nine lot planned development.
- 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 infill development in an existing urban area, and no significant impacts to biological resources were identified in the Mitigated Negative Declaration.
- 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.

EXHIBIT D

**CONDITIONS OF APPROVAL FOR
VESTING TENTATIVE TRACT MAP 2424**

Approved Project

1. This approval authorizes Vesting Tentative Tract Map 2424 to allow the subdivision of an existing 1.69-acre parcel into nine lots as part of a planned development, to include the following features:
 - a. Seven residential lots varying in size between 1,492 square feet and 2,224 square feet each.
 - b. One mini-storage lot of 34,500 square feet.
 - c. A non-buildable lot of 26,685 square feet to be held in common undivided interest by the owners of the other eight lots.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Halcyon Road widened to complete the project side of an A-3b (II) section fronting the property with a detached sidewalk. An on-street parking lane is not required.
 - b. Halcyon Road widened and striped as required to provide an interim left turn lane into the project site and a left turn lane on to Temple Street in accordance with the State Highway Design Manual.
 - c. Prior to recordation of final map or issuance of construction permits the applicant shall install street lighting at the intersection of Halcyon Road and the project driveway which complies with the County Public Improvement Standards for intersection lighting. The applicant shall establish a financing mechanism, satisfactory to the Department of Public Works, to pay for the ongoing operation and maintenance required for the street lighting.
 - d. The private onsite access road shall be constructed to Cal Fire Standards within a private access easement. The access road shall terminate in a Cal Fire Standard cul-de-sac or other Cal Fire approved terminus.
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:

ATTACHMENT 2

- a. For road widening purposes along Halcyon Road the necessary right-of-way to contain the entire roadway prism to be described as an approximately 31-foot to 35-foot from the center of existing right-of-way.
4. Roads and/or streets to be maintained as follows:
 - a. The private onsite access roads and parking shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a property owner's association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Public Works.
 5. A private easement shall be reserved on the map for access to all lots.
 6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code or current requirements adopted by the county that pertain to grading. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
 7. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

Improvement Plans

8. Improvement plans shall be prepared in accordance with County Public Improvement Standards 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, as applicable:
 - 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. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
9. 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.

10. The Registered Civil Engineer, upon completion of the improvements, shall 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.
11. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Drainage

12. Submit complete drainage calculations to the Department of Public Works for review and approval.
13. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) is (are) to be maintained in perpetuity.
14. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
15. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

Utilities

16. All existing and new electric and telephone lines shall be installed underground and service laterals shall be stubbed to each lot.
17. Cable T.V. conduits shall be installed in the street and service laterals stubbed to each lot.
18. Gas lines shall be installed and service laterals stubbed to each lot.

Design

19. The lots shall be numbered in sequence.
20. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final tract map. Approved street names shall be shown on the final tract map.

Vector Control and Solid Waste

21. 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

22. 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.
23. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

Parks and Recreation (Quimby) Fees

24. 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

25. 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

26. The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.

Landscaping and Tree Protection

27. **At the time of submittal of subdivision improvement plans or plans for the extension of water service to the project site,** the applicant shall provide a tree

retention plan for the review and approval of the Department of Planning and Building. The tree retention plan shall be prepared by a licensed landscape architect, certified arborist, or other qualified professional, and shall show the location, size, and species of all trees and shrubs within 50 feet of trenching activities. The plan shall incorporate all best practices to avoid impacts to trees on both sides of Temple Street. Special consideration shall be given to the preservation of Monterey pines on the south side of Temple Street. The plan shall also clearly delineate which trees will be impacted by trenching for the water main.

28. **At the time of submittal of subdivision improvement plans for the widening of Halcyon Road**, the applicant shall provide a plan showing the location, size, and species of all trees within 50 feet of site disturbance. The plan shall clearly delineate which trees are proposed to be impacted or removed. Every effort shall be made to avoid impact or removal. If deemed appropriate by the Department of Public Works, the applicant shall file a request for modification of the road improvements in order to modify the design to avoid unnecessary tree removal.
29. **At the time of submittal of subdivision improvement plans**, the applicant shall provide landscaping plans, including a planting plan, irrigation plan, and maintenance plan, prepared by a licensed landscape architect. The landscaping plans shall comply with Chapter 22.16 of the Land Use Ordinance and the following requirements:
- a. **Parkway Area** – Landscaping in the parkway between the curb and sidewalks along the project site's Halcyon Road frontage shall comply with the following:
 - i) **Number** – A minimum of 17 street trees shall be provided.
 - ii) **Location** – Trees shall be located within the parkway between the curb and sidewalk along the project site's Halcyon Road frontage.
 - iii) **Species** – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - iv) **Groundcover** – Additional groundcover shall be provided within the parkway.
 - v) **Size** – All required street trees shall be from 15 gallon or 24-inch box containers.
 - vi) **Screening** – Trees and shrubs planted in the parkway area shall be selected to provide sufficient screening of the mini-storage structures when viewed from Halcyon Road and/or Temple Street.
 - b. **Halcyon Road Widening** – Where removal and impact to trees cannot be avoided, new street trees shall be planted to the following standards:
 - i) **Ratio** – Trees shall be replaced at a 2:1 ratio for those trees removed. New trees shall be planted at a 1:1 ratio for those trees impacted.
 - ii) **Location** – Trees shall be located roughly in the same location as those impacted/removed.
 - iii) **Species** – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - iv) **Size** – All required street trees shall be from 15 gallon or 24-inch box containers.
 - c. **Temple Street** – Where impacts from water line extension cannot be avoided, the applicant shall plant new street trees at a 1:1 ratio to those trees/shrubs impacted.
 - i) **Species** – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.

- ii) Size – All required street trees shall be from 15 gallon or 24-inch box containers.
 - d. Drainage Basin – Low maintenance, long term landscaping shall be provided, which is appropriate to drainage basin use. Maintenance plans shall specify a regimen for maintaining the basin in a weed-free condition.
 - e. Additional Requirements
 - i) A minimum of 80 percent of the planting material shall be selected from the County plants list.
 - f. Review and Approval – Landscaping plans are subject to the review and approval of the Department of Planning and Building.
30. All approved landscaping shall be installed or bonded for **prior to completion of the improvements or filing of the final parcel or tract map** which ever occurs first, 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. In no case shall final occupancy be granted on a structure prior to landscaping installation being completed.
31. **Prior to final inspections on the subdivision improvement plans**, the project landscape architect shall inspect all planted landscaping to ensure that all applicable mitigation measure requirements have been satisfied. The landscape architect shall supply the Department of Planning and Building with a letter certifying that planting has been completed in accordance with the plans and in satisfaction of applicable mitigation measures prior to final inspections.

On-Site Grading

32. **At the time of submittal of subdivision improvement plans**, if on-site grading is proposed as part of the subdivision improvements, the applicant shall provide landscaping plans, including a planting plan, irrigation plan, and maintenance plan, prepared by a licensed landscape architect. The landscaping plans shall comply with Chapter 22.16 of the Land Use Ordinance and the following requirements:
- a. Landscaped Buffer Strip – Landscaping within the 20-foot buffer strip between the mini-storage building and southerly/southeasterly property line shall comply with the following:
 - i) Species – A combination of evergreen trees, lower shrubs, and groundcover shall be used. Plant materials shall include the following: toyon (*heteromeles arbutifolia*), sugarbush (*rhus ovata*), laurel sumac (*malosma laurina*) and thuja green giant (*thuja plicata*), or plants with similar characteristics as determined by a certified landscape architect.
 - ii) Porosity – Plants shall have 50 to 75 percent porosity (i.e. approximately 50 to 75 percent of the plant is air space).
 - iii) Screening – Trees and shrubs shall be selected so as to provide sufficient screening of the mini-storage structures when viewed from Halcyon Road and/or Temple Street.
 - iv) Size – Trees shall be vigorous, drought tolerant, and at least 6 feet tall at time of installation. Trees shall have a mature height of 15 feet; species shall be selected to attain this height within 3 years of planting. Plant height shall vary in order to capture drift within 4 feet of ground applications.

- v) Retaining Wall – “Trailing” and/or “creeping” plants shall be provided in order screen the retaining wall.
- b. Additional Requirements
 - i) A minimum of 80 percent of the planting material shall be selected from the County plants list.
 - ii) “Trailing” and/or “creeping” plants shall be provided in order screen the retaining wall along the northerly property line.
 - iii) Landscaping, including a combination of trees, shrubs, and groundcover, shall be provided along the northerly property line.
 - iv) Landscaping shall be provided in the front yard areas for Lots 1 through 5.
 - v) Landscaping shall be provided in all of the open areas shown under Lot 9.
- c. Review and Approval – Landscaping plans are subject to the review and approval of the Department of Planning and Building.

33. **At the time of submittal of subdivision improvement plans**, if on-site grading is proposed as part of the subdivision improvements, the applicant shall provide a fencing and retaining wall plan, subject to the review and approval of the Department of Planning and Building. A colors and materials board shall be provided with the plans. The fencing and retaining wall plan shall incorporate the following requirements:

- a. Fencing Material – Fencing material in areas visible from Halcyon Road is limited to masonry, stone, or wood, except as otherwise provided in these conditions.
- b. Southerly Property Line – A “no-climb” fence of at least 6 feet above finish grade is required along the southerly/southeasterly property line in order to deter trespass and/or vandalism on the agricultural parcel. This fencing shall be open, decorative, and visually pleasing in nature. Examples of acceptable fencing material include ornamental wrought iron, ornamental metal, etc. Examples of unacceptable fencing materials include sheet metal, solid wood, masonry block, and chain link (slatted or otherwise).
- c. Security – Barbed wire or razor wire is prohibited.
- d. Retaining Walls – Retaining wall shall be composed of dark-colored textured materials, such as terrace block.
- e. Drainage Basin Fencing – If fencing is required for the drainage basin, it shall be ornamental wire fencing with a large gauge.

Mitigations

34. **At the time of submittal for subdivision improvement plans, or application for grading permits or construction permits**, if site disturbance is expected to go deeper than 16 inches into the site’s natural grade, the applicant shall prepare an exhibit showing the location of where this disturbance will occur and an estimated quantity (area and cubic yardage) of this disturbance.

35. **Prior to approval of subdivision public improvement plan**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Parker 2005). The Phase III program shall include at least the following:
- Standard archaeological data recovery practices;
 - Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be between 1-2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size;
 - Identification of location of sample sites/test units;
 - Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - Disposition of collected materials;
 - Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
 - List of personnel involved in sampling and analysis.
- Once approved, these measures **shall be shown on all applicable plans** and implemented during construction.
36. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
37. **Prior to final inspections on the subdivision improvement plans**, as applicable, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.
38. **Upon completion of all monitoring/mitigation activities, and prior to final inspections on the subdivision improvement plans**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

39. **Prior to submittal of subdivision improvement plans**, the applicant shall have applied to the Regional Water Quality Control Board for a General Construction Permit. The WDID Number assigned and a copy of the Storm Water Pollution Prevention Plan shall be submitted to the Department of Planning and Building **at the time of submittal of subdivision improvement plans**.
40. **At the time of submittal for subdivision improvements**, the applicant shall submit a drainage plan and an erosion control plan in compliance with the requirements in Chapter 22.52 of the Land Use Ordinance. These plans are subject to the review and approval of the Department of Planning and Building in consultation with the Department of Public Works.
41. **At the time of submittal for subdivision improvements**, the applicant shall supply a geotechnical report prepared by a licensed engineer. All site work proposed shall comply with the recommendations of the geotechnical engineer.
42. **At the time of submittal of subdivision improvement plans**, the applicant shall submit documentation to the Department of Planning and Building that a hauling and phasing plan for the importation of fill material has been reviewed and approved by the following agencies:
 - a. County of San Luis Obispo, Department of Public Works;
 - b. City of Arroyo Grande, Department of Public Works; and
 - c. State of California, Department of Transportation (District 5).
43. The applicant shall contribute to the City of Arroyo Grande Traffic Signal and Transportation Impact Fee Program. The applicant's fair share contribution shall be 90 percent of the fees then currently imposed. **Prior to recordation of the final map**, the applicant shall provide documentation from the City of Arroyo Grande that these fees have been paid.
44. **Prior to recordation of the final map**, the applicant shall complete or bond for the completion of the required road improvements. If bonded for, improvements shall be completed **prior to occupancy or final inspections** of any structures on the site.

Additional Map Sheet

45. 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 notes and graphics:

Graphic Exhibits –

- a. Graphic exhibits shall be provided on the additional map sheet depicting the following features:
 - i) The agricultural buffer with a width of 120 feet measured from the southerly / southeasterly project site boundary. The label shall indicate that residential development is prohibited within the agricultural buffer area.
 - ii) The reduced front yard setback of 10 feet to 14 feet for Lots 1 through 5 as measured from the Halcyon Road right-of-way line.

Site Improvements

- b. If a fenced drainage basin is required, that the owners of all lots are responsible for on-going maintenance of drainage basin fencing in perpetuity.
- c. If a drainage basin is required, that the owners of all lots are responsible for on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- d. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance require an encroachment permit.
- e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

Landscaping

- f. **At the time of submittal of subdivision improvement plans and/or at the time of application for construction permits**, the applicant shall provide revised landscaping plans, including a planting plan, irrigation plan, and maintenance plan, prepared by a licensed landscape architect. The landscaping plans shall comply with Chapter 22.16 of the Land Use Ordinance and the following requirements:
 - i) Parkway Area – Landscaping in the parkway between the curb and sidewalks along the project site's Halcyon Road frontage shall comply with the following:
 - (a) Number – A minimum of 17 street trees shall be provided.
 - (b) Location – Trees shall be located within the parkway between the curb and sidewalk along the project site's Halcyon Road frontage.
 - (c) Species – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - (d) Groundcover – Additional groundcover shall be provided within the parkway.
 - (e) Size – All required street trees shall be from 15 gallon or 24-inch box containers.
 - (f) Screening – Trees and shrubs planted in the parkway area shall be selected to provide sufficient screening of the mini-storage structures when viewed from Halcyon Road and/or Temple Street.
 - ii) Landscaped Buffer Strip – Landscaping within the 20-foot buffer strip between the mini-storage building and southerly/southeasterly property line shall comply with the following:
 - (a) Species – A combination of evergreen trees, lower shrubs, and groundcover shall be used. Plant materials shall include the following: toyon (*heteromeles arbutifolia*), sugarbush (*rhus ovata*), laurel sumac (*malosma laurina*) and thuja green giant (*thuja plicata*), or plants with similar characteristics as determined by a certified landscape architect.
 - (b) Porosity – Plants shall have 50 to 75 percent porosity (i.e. approximately 50 to 75 percent of the plant is air space).

ATTACHMENT 2

- (c) Screening – Trees and shrubs shall be selected so as to provide sufficient screening of the mini-storage structures when viewed from Halcyon Road and/or Temple Street.
- (d) Size – Trees shall be vigorous, drought tolerant, and at least 6 feet tall at time of installation. Trees shall have a mature height of 15 feet; species shall be selected to attain this height within 3 years of planting. Plant height shall vary in order to capture drift within 4 feet of ground applications.
- (e) Retaining Wall – “Trailing” and/or “creeping” plants shall be provided in order screen the retaining wall.
- iii) Halcyon Road Widening – Where removal and impact to trees cannot be avoided, new street trees shall be planted to the following standards:
 - (a) Ratio – Trees shall be replaced at a 2:1 ratio for those trees removed. New trees shall be planted at a 1:1 ratio for those trees impacted.
 - (b) Location – Trees shall be located roughly in the same location as those impacted/removed.
 - (c) Species – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - (d) Size – All required street trees shall be from 15 gallon or 24-inch box containers.
- iv) Temple Street – Where impacts from water line extension cannot be avoided, the applicant shall plant new street trees at a 1:1 ratio to those trees/shrubs impacted.
 - (a) Species – Street tree species shall be selected from those trees on the County plants list that are designated as appropriate street trees.
 - (b) Size – All required street trees shall be from 15 gallon or 24-inch box containers.
- v) Drainage Basin – Low maintenance, long term landscaping shall be provided, which is appropriate to drainage basin use. Maintenance plans shall specify a regimen for maintaining the basin in a weed-free condition.
- vi) Additional Requirements
 - (a) A minimum of 80 percent of the planting material shall be selected from the County plants list.
 - (b) “Trailing” and/or “creeping” plants shall be provided in order screen the retaining wall along the northerly property line.
 - (c) Landscaping, including a combination of trees, shrubs, and groundcover, shall be provided along the northerly property line.
 - (d) Landscaping shall be provided in the front yard areas for Lots 1 through 5.
 - (e) Landscaping shall be provided in all of the open areas shown under Lot 9.
- vii) Review and Approval – Landscaping plans are subject to the review and approval of the Department of Planning and Building.

- g. **Prior to final inspections, or occupancy, whichever comes first, or prior to final inspections on the subdivision improvement plans**, the project landscape architect shall inspect all planted landscaping to ensure that all applicable mitigation measure requirements have been satisfied. The landscape architect shall supply the Department of Planning and Building with a letter certifying that planting has been completed in accordance with the plans and in satisfaction of applicable mitigation measures prior to final inspections.
- h. **Annually, until all landscaping has been successfully established**, the homeowners association (or applicant, if control has not yet passed to the homeowners association) shall retain a licensed landscape architect to inspect all landscaping. The landscape architect shall prepare a report for the review and approval of the Department of Planning and Building. The report shall document the viability and success of landscaping, identify failures, and provide recommendations (with a timeline for completion) to bring landscaping into conformity with the approved landscaping plans and all applicable mitigation measures. Particular focus shall be given to screening the mini-storage buildings from view and to providing adequate agricultural buffer screening to minimize dust and decrease the risk of pesticide intrusion on the project site. The homeowners association shall be responsible to ensure that the recommendations of the landscape architect are carried out in the time frames specified. Failure to maintain landscaping in conformance with the approved landscaping plans may result in code enforcement action.

Aesthetics / Design

- i. **At the time of application for construction permits**, the applicant shall provide a fencing and retaining wall plan, subject to the review and approval of the Department of Planning and Building. A colors and materials board shall be provided with the plans. The fencing and retaining wall plan shall incorporate the following requirements:
- i) **Fencing Material** – Fencing material in areas visible from Halcyon Road is limited to masonry, stone, or wood, except as otherwise provided in these conditions.
 - ii) **Southerly Property Line** – A “no-climb” fence of at least 6 feet above finish grade is required along the southerly/southeasterly property line in order to deter trespass and/or vandalism on the agricultural parcel. This fencing shall be open, decorative, and visually pleasing in nature. Examples of acceptable fencing material include ornamental wrought iron, ornamental metal, etc. Examples of unacceptable fencing materials include sheet metal, solid wood, masonry block, and chain link (slatted or otherwise).
 - iii) **Northerly Property Line** – Solid fencing is required along the northerly property line of the project site.
 - iv) **Noise Attenuation Wall** – A masonry wall shall be provided at the Halcyon Road right-of-way line fronting Lots 1 through 5 and extending along the northerly and southerly sides of Lots 1 and 5 respectively. The wall shall not exceed a height of 3 feet when measured from the Halcyon Road side of the wall. This wall shall be composed of decorative masonry features.
 - v) **Security** – Barbed wire or razor wire is prohibited.
 - vi) **Retaining Walls** – Retaining wall shall be composed of dark-colored textured materials, such as terrace block.

- vii) Drainage Basin Fencing – If fencing is required for the drainage basin, it shall be ornamental wire fencing with a large gauge.
- j. **At the time of submittal for construction permits**, the applicant shall provide an exterior lighting plan, subject to the review and the approval of the Department of Planning and Building. The plan shall include details on the location, lighting intensity, and height of all fixtures, and shall comply with the following:
- i) Shielding – Light sources shall be shielded such that the bulb and reflective surfaces will not be visible from off-site. A schematic diagram of each fixture shall be provided to demonstrate satisfaction of this requirement.
 - ii) Dark Sky Fixtures – Fixtures shall meet dark sky or equivalent certification criteria.
 - iii) Mini-Storage Lighting – Mini-storage lighting shall be turned off no later than one hour after dusk. Beyond that, lighting may only be operated on a motion-sensor system.
- k. **At the time of submittal for construction permits for the mini-storage facility**, the applicant shall submit a revised site plan and revised floor plans, elevations, and colors/materials boards, which comply with the following requirements, while maintaining an overall appearance of “barn-like” structures:
- i) Separate Buildings – The southerly building shall be split into three structurally separate buildings, each not to exceed a length of 100 feet. The buildings shall maintain a 10 foot setback from one another. The buildings shall also maintain a 20-foot setback from the southerly/southeasterly property line.
 - ii) False Windows – False windows shall be incorporated into the upper-tier vertical plane of the southerly mini-storage buildings along their southerly elevations. The false windows shall be placed at regular intervals not to exceed 30 feet. Additional design embellishments (i.e. framed edges, shutters, etc.) shall be provided with the false windows.
 - iii) Materials – Materials shall be alternated to include the use of stucco, plaster, glass, stone, brick, and/or decorative masonry accents. Accents shall be provided at a regular interval, not to exceed 30 feet. These accents, at a minimum, shall be provided on the southerly elevation of all mini-storage buildings, and on the westerly elevation of the westernmost mini-storage buildings.
 - iv) Non-Reflective Metal – Any metal proposed in the building finish shall be non-reflective with a matte finish and “baked-on” color.
 - v) Design Features – Accent columns and deep reveals at construction joints shall be provided.
- l. **At the time of submittal for construction permits for the mini-storage facility**, the applicant shall show the location of and provide applicable notes on the site plan for measures that will be used to protect the metal mini-storage buildings from vehicular contact. These measures may include raised curbs, landscaping, or traffic barriers.
- m. **At the time of submittal for construction permits**, the site plan shall clearly show the location of all mechanical equipment. Mechanical equipment shall be located in an area where it will not be visible from any public roads. Screening shall be required. Appropriate screening includes buildings, existing vegetation, or topography.

Agricultural Resources

- n. A 120-foot buffer, measured from the southerly/southeasterly property line, shall be maintained. No habitable area, including residences and offices, shall be located within the buffer zone. Open space within the buffer zone shall be maintained as passive open space.
- o. **Prior to or concurrent with issuance of construction permits** for residences on Lots 1 through 7, permits shall have been issued for the construction of the shell of each of the mini-storage buildings.
- p. **Prior to final inspections, or occupancy, whichever comes first**, for the residences on Lots 1 through 7, final inspections shall have been completed for, at a minimum, the shell of the mini-storage buildings.
- q. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- r. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- s. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.

Fire Safety

- t. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter 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.

Biological Resources

- u. **Prior to commencement of tree removal associated with subdivision public improvements or new residential development**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

- v. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i) 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.

- ii) 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.
- w. **At the time of submittal for subdivision improvement plans, or application for grading permits or construction permits**, if site disturbance is expected to go deeper than 16 inches into the site's natural grade, the applicant shall prepare an exhibit showing the location of where this disturbance will occur and an estimated quantity (area and cubic yardage) of this disturbance.
- x. **Prior to issuance of construction permit/ subdivision public improvement plan**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Parker 2005). The Phase III program shall include at least the following:
 - i) Standard archaeological data recovery practices;
 - ii) Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be between 1-2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size;
 - iii) Identification of location of sample sites/test units;
 - iv) Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - v) Disposition of collected materials;
 - vi) Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
 - vii) List of personnel involved in sampling and analysis.
 Once approved, these measures **shall be shown on all applicable plans** and implemented during construction.
- y. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- z. **Prior to final inspections on the subdivision improvement plans, grading permits, and/or construction permits**, as applicable, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.

- aa. **Upon completion of all monitoring/mitigation activities, and prior to final inspections on the subdivision improvement plans, grading permits, and/or construction permits**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

Air Quality

- bb. **Prior to any grading activities at the site**, if the project is subject to Naturally Occurring Asbestos requirements (as determined by APCD), the project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM).
- cc. Only those wood burning devices that have been approved by the APCD can be installed in new dwelling units.
- dd. If utility pipes are scheduled for removal or relocation; or building(s) are removed or renovated, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
- ee. Developmental burning of vegetative material is prohibited within San Luis Obispo County.
- ff. Air Pollution Control District (APCD) staff recommend the following measures be incorporated into to control dust associated with grading activities:
- i) Reduce the amount of the disturbed area where possible;
 - ii) 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;
 - iii) All dirt stockpile areas should be sprayed daily as needed; and
 - iv) All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- gg. **At the time of submittal of subdivision improvement plans or grading permit applications**, the grading plans shall incorporate the above dust control measures.
- hh. To minimize potential delays, prior to the start of grading, please contact the APCD's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

- ii. **Prior to submittal of subdivision improvement plans or grading permit applications**, the applicant shall provide a phasing and hauling plan for the importation of fill material to the Air Pollution Control District for review and approval. The Air Pollution Control District shall only approve the phasing and hauling plan if it satisfactorily demonstrates that pollutants from the importation of fill material to the project site will not exceed 10 pounds per day of ROG, NO_x, SO₂, or PM₁₀, and will not exceed 330 pounds per day of CO. The applicant shall provide documentation that the phasing and hauling plan for the importation of fill has been approved by the Air Pollution Control District **at the time of submittal of subdivision improvement plans or grading permit applications.**

Hazards

- jj. The storage of hazardous, flammable, explosive, and/or combustible materials, in any quantity, in mini-storage units shall be prohibited. Prohibited materials include, but are not limited, to those materials specifically defined in Article 80 of the 2001 California Fire Code:
- Toxic and highly toxic compressed gases;
 - Liquid and solid oxidizers;
 - Organic peroxides;
 - Unstable (reactive) materials;
 - Flammable and oxidizing gases;
 - Pyrophoric gases;
 - Asphyxiant gases;
 - Pyrophoric solids and liquids;
 - Oxidizer solids and liquids;
 - Water-reactive solids and liquids;
 - Cryogenic fluids;
 - Highly toxic and toxic materials;
 - Radioactive materials;
 - Corrosives; and
 - Carcinogens, irritants, sensitizers and other health hazards.

Noise

- kk. **At the time of submittal for subdivision improvement plans and/or application for grading permits**, on-site grading plans shall be revised to lower the elevation of the units and front yard areas on Lots 1 through 5. The units and front yard areas shall be lowered below grade such that the line-of-sight noise transmission to a receiver in the front yard area will be disrupted. For the purposes of this analysis, the source will be considered to be at a height of 2 feet above crown elevation at the center line of Halcyon Road. The receiver elevation will be considered to be 5 feet above finish grade at any point inside the front yard area. Satisfaction of this measure shall be documented with source-to-receiver cross-sections for each of the lots.
- ll. **At the time of submittal for construction permits**, the site plan shall include the provision of a masonry wall at the Halcyon Road right-of-way line fronting Lots 1 through 5 and extending along the northerly and southerly sides of Lots 1 and 5 respectively. The wall shall not exceed a height of 3 feet when measured from the Halcyon Road side of the wall. The walls shall be constructed and functional **prior to final inspections or occupancy** of the residences on Lots 1 through 5.
- mm. **At the time of submittal for construction permits**, construction plans shall demonstrate inclusion of the following noise attenuation measures:
- i) Air conditioning or mechanical ventilation.
 - ii) Windows and sliding glass doors mounted in low air infiltration frames

(Lots 1 through 5 only).

- iii) Solid core exterior doors with perimeter weather stripping and threshold seals (Lots 1 through 5 only).
- nn. **Prior to final inspections, or occupancy, whichever occurs first,** the specified noise attenuation measures shall be installed and in functioning condition.

Street Maintenance

- oo. Notification to prospective buyers that streets/roads within the subdivision are to be privately maintained, indicating the proposed maintenance mechanism.

Land Use

- pp. **At the time of submittal for construction permits,** for interior improvements of the mini-storage buildings, the applicant shall provide a list of all storage units and their respective size. Storage units shall be designed such that the following requirements are satisfied:
 - i. A minimum of 10 percent of floor area shall be for storage units sized at less than 40 square feet.
 - ii. A minimum of 25 percent of floor area shall be for storage units sized at less than 100 square feet, inclusive of the above.
 - iii. A minimum of 50 percent of floor area shall be for storage units sized at less than 250 square feet, inclusive of the above.
 - iv. No more than 10 percent of floor area shall be for storage units sized at more than 500 square feet.
 - v. The maximum storage unit size is 750 square feet.

For the purposes of evaluating whether the above requirements are satisfied, percentage is taken from the total floor area of all buildings in the mini-storage facility and not from the number of units.

Covenants, Conditions and Restrictions

- 46. 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 for the establishment of a Homeowners Association and shall also have at a minimum the following provisions:
 - a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
 - b. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - c. Maintenance of common areas.
 - d. Maintenance of all access and parking areas within the subdivision in perpetuity.
 - e. Maintenance of all fencing, exterior lighting, landscaping, screening, and measures to prevent vehicles from contacting the metal buildings in accordance with the approved site, fencing, exterior lighting, and landscaping plans.
 - f. A 120-foot buffer, measured from the southerly/southeasterly property line, shall be maintained. No habitable area, including residences and offices, shall be located within the buffer zone. Open space within the buffer zone shall be maintained as passive open space.
 - g. Irrigation and maintenance of all landscaping and improvements on Lot 9 and all landscaping within the Halcyon Road parkway fronting the project site.

- h. **Annually, until all landscaping has been successfully established**, the homeowners association shall retain a licensed landscape architect to inspect all landscaping. The landscape architect shall prepare a report for the review and approval of the Department of Planning and Building. The report shall document the viability and success of landscaping, identify failures, and provide recommendations (with a timeline for completion) to bring landscaping into conformity with the approved landscaping plans and all applicable mitigation measures. Particular focus shall be given to screening the mini-storage buildings from view and to providing adequate agricultural buffer screening to minimize dust and decrease the risk of pesticide intrusion on the project site. The homeowners association shall be responsible to ensure that the recommendations of the landscape architect are carried out in the time frames specified. Failure to maintain landscaping in conformance with the approved landscaping plans may result in code enforcement action.
- i. **At the time of submittal for subdivision improvement plans, or application for grading permits or construction permits**, if site disturbance is expected to go deeper than 16 inches into the site's natural grade, the applicant shall prepare an exhibit showing the location of where this disturbance will occur and an estimated quantity (area and cubic yardage) of this disturbance.
- j. **Prior to issuance of construction permit/ subdivision public improvement plan**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Parker 2005). The Phase III program shall include at least the following:
- i) Standard archaeological data recovery practices;
 - ii) Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be between 1-2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size;
 - iii) Identification of location of sample sites/test units;
 - iv) Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - v) Disposition of collected materials;
 - vi) Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
 - vii) List of personnel involved in sampling and analysis.
- Once approved, these measures **shall be shown on all applicable plans** and implemented during construction.

- k. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- l. **Prior to final inspections on the subdivision improvement plans, grading permits, and/or construction permits**, as applicable, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.
- m. **Upon completion of all monitoring/mitigation activities, and prior to final inspections on the subdivision improvement plans, grading permits, and/or construction permits**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/ mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.
- n. Maintenance of the drainage basin in a functional and weed-free condition.
- o. Enforcement of lighting time limitations for the mini-storage component of the project.
- p. Notification that a 120-foot agricultural buffer exists, as measured from the southerly/southeasterly property line. No habitable area, including residences and offices shall be located within the buffer zone. Open space within buffer zone shall be maintained as passive open space.
- q. A requirement that a right-to-farm disclosure be provided for all prospective buyers, and requiring that such a disclosure be provided in all residential rental agreements. The disclosure shall include the following language: "Agricultural activities are both an allowed and common use of area properties, and may occur 24-hours a day. Such activities include, but are not limited to, the following: planting, cultivation, irrigation, harvesting, packing, and loading; the use of legal agricultural applications on crops and cropland, including fertilizers, compost, or pesticides; operation of agricultural irrigation pumps; operation of wind machines for frost protection; use of bird frightening devices; operation of motorized vehicles and heavy equipment including tractors, trucks, harvesters, and all-terrain vehicles; accessory uses including processing (i.e. wineries), barns, or composting facilities; and animal keeping or animal facilities including poultry or hog ranches and beef or dairy feedlots."
- r. Maintenance of the fence along the southerly/southeasterly property line.
- s. Maintenance of the vegetation strip along the southerly/southeasterly property line.
- t. The storage of hazardous, flammable, explosive, and/or combustible materials, in any quantity, in mini-storage units shall be prohibited. Prohibited materials include, but are not limited, to those materials specifically defined in Article 80 of the 2001 California Fire Code:
- Toxic and highly toxic compressed gases;
 - Liquid and solid oxidizers;
 - Organic peroxides;

ATTACHMENT 2

- Unstable (reactive) materials;
 - Flammable and oxidizing gases;
 - Pyrophoric gases;
 - Asphyxiant gases;
 - Pyrophoric solids and liquids;
 - Oxidizer solids and liquids;
 - Water-reactive solids and liquids;
 - Cryogenic fluids;
 - Highly toxic and toxic materials;
 - Radioactive materials;
 - Corrosives; and
 - Carcinogens, irritants, sensitizers and other health hazards.
- u. A requirement that the same prohibition on hazardous material storage be provided in all rental/lease agreements for the mini-storage facility.
- v. Restricting the use of the mini-storage units to store only common residential or domestic items. Storage of commercial items or use of the mini-storage units as part of the operation of a business is strictly prohibited.
- w. A requirement that the above restriction is incorporated into rental / lease agreements for the mini-storage units.
- x. Procedures and provisions for the enforcement of the restrictions on mini-storage use.
- y. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

47. 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.
48. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
49. 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.
50. The applicant shall as a condition of approval of this conditional use permit and tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this conditional use permit and subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code Section 66474.9, which are incorporated by reference herein as though set forth in full.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND COMMUNITY SEWER**

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public 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 Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
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 Environmental Health Services.
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 Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision 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 Code).
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 Environmental Health Services 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 the 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.

ATTACHMENT 2

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" 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 completed prior to recordation 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 the 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.