

PLANNING COMMISSION  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, August 28, 2014

PRESENT: Commissioners Ken Topping, Eric Meyer, Don Campbell, and Chairman Tim Murphy

ABSENT: Commissioner Jim Irving

PLANNING COMMISSION RESOLUTION NO. 2014 - 017  
RESOLUTION RELATIVE TO THE GRANTING  
OF A  
VESTING TENTATIVE TRACT MAP  
AND  
CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 28<sup>th</sup> day of August, 2014, does grant a Vesting Tentative Tract Map and Conditional Use Permit, County File Number: SUB2006-00205 to GRANDE NIPOMO, LLC, and approves the Mitigated Negative Declaration issued on June 26<sup>th</sup>, 2014. The site is in the Residential Multi Family land use category and is located at the southeast corner of Avenida De Amigos and Grande Avenue in the community of Nipomo, in the South County inland planning area. Assessor Parcel Number(s) APN: 092-142-034.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit based on the Findings listed in Exhibits A and C.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibit B and D.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 28<sup>th</sup> day of August, 2014, does hereby grant the aforesaid Permit No. SUB2006-00205.

This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance/Coastal Zone Ordinance Section 22.64.070/23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance/Coastal Zone Ordinance Section 22.64.080/23.02.042.

If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

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

AYES: Chairman Murphy, Commissioners Campbell, Topping and Meyer.  
NOES: None  
ABSENT: Commissioner Irving

the foregoing resolution is hereby adopted.

/s/ Tim Murphy  
Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges  
Secretary, Planning Commission

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**FINDINGS - EXHIBIT A**  
**Conditional Use Permit (SUB2006-00205)**

*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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on **June 26, 2013** for this proposed development when it was being processed as a Minor Use Permit. It was determined that processing the proposed development as a Conditional Use Permit and the inclusion of the road reimbursement agreement to the project description were insignificant for the purposes of CEQA and would not result in physical changes that could impact the environmental analysis or determination. Therefore, the mitigation measures identified in the Mitigated Negative Declaration proposed to address: Aesthetics, Air Quality, Cultural Resources, Noise, Recreation, Public Services/Utilities, Transportation/Circulation and Water/ Hydrology, are adequate to reduce identified significant impacts, 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 proposed planned development and residential multi-family residential use are allowed and as conditioned are consistent with all 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 proposed planned development and multi-family residential use will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed planned development and multi-family residential use are similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the proposed planned development and multi-family residential use is located on Grande Avenue, a collector road, and Avenida de Amigos, a local road, both of which have been constructed to a level able to handle any additional traffic associated with the project.

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Planned Development

Compliance

G. The project complies with all applicable provisions of this Title except where modifications are granted consistent with this Section, the design plans and design guidelines.

Proposed Modifications - Adjustment to the Maximum Fence Height for Private Open Space Areas Located within the Front Yard:

- H. The modifications to the development standards of this Title and any applicable design plan and design guidelines are necessary and appropriate to accommodate the creative and thoughtful design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts.
- I. That there are special circumstances or conditions affecting the planned development because the property has an existing drainage basin that supports an adjacent development, thus significantly reducing the amount of land available for the development.
- J. That the granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood of the planned development because the proposed increased front yard private open space fence height will enhance the functionality of the space by providing privacy and noise reduction as a result of vehicle and pedestrian traffic associated with Grande Avenue and Avenida de Amigos.
- K. That the granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the planned development because the proposed increased front yard private open space fence height complies with the intent of the standard by providing functional and aesthetically pleasing private outdoor space.
- L. The proposed increased front yard private open space fence height is consistent with the objectives and intent of Section 22.22.145 - Planned Development; and the requested modification for the proposed fence height of the private open space areas located along Grande Avenue and Avenida de Amigos is appropriate and meets the findings set forth in Subsection 22.22.145D – Required Findings for Approval.

Site Suitability and Neighborhood Compatibility

- M. The site is suitable for the project in terms of size, configuration, topography, and other applicable features, has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use and all public facilities, services, and utilities are adequate to serve the proposed project.
- N. The location, size, site planning, building design features, and operating characteristics of the project are complementary to the surrounding neighborhood, and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan.

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**EXHIBIT B - CONDITIONS OF APPROVAL**  
**Conditional Use Permit (SUB2006-00205)**

**Approved Development**

1. This approval authorizes:

- a. A Planned Development consisting of 17 residential units on individual lots, ranging in size from 1,325 SF to 1,638 SF; and 1 common area parcel (25,841 SF). The common area parcel will accommodate common and shared areas associated with the planned development, such as the access driveways, drainage facilities, open space, and visitor parking.
- b. A phased multi-family development consisting of 5 two-story buildings, with 3 to 4 residential units per building that complies with the planning area and ordinance standards as follows:
  - i. Private outdoor space with at least 11-foot depth and 22-foot width for located on the ground floor of each residential unit. Private outdoor space for units can be met through a combination of patios and front porches.
  - ii. A common open space area of at least 1,063 square feet that is centrally located and provides a mix of seating (benches and picnic tables), shade trellises, children's play areas (i.e. playground, sand box, etc.), and active and passive recreational features (i.e., bocce court, basketball court, hand/wall-ball area, etc.) appropriate for all age groups. This area cannot double as a storm water retention basin.
  - iii. Fencing around drainage basin, as required by Title 22.
  - iv. Fencing on all interior property lines (including a 6-foot wooden fence along the eastern boundary to ensure that exterior noise levels remain under 60 dB.
  - v. Maximum building height is 35 feet from average natural grade.
  - vi. 48% maximum floor area (28,880 SF allowed/ 24,103 SF proposed) and 45% minimum open area (22,368 SF required/ 29,267 SF proposed)
  - vii. Setbacks: 15 foot – Front, 10 foot – Rear, Side, and Street Side
  - viii. Maximum turf area/irrigated landscape area is 300 SF per residential unit (5,100 SF allowed/ 500 SF proposed).
  - ix. 40 parking spaces required (34 for residential units and 6 for guest parking)

**Conditional Use Permit Phasing**

2. For the purposes of the Conditional Use Permit, phasing includes the following:

- Phase I: Residential Buildings 1 & 3 (Lots 1-3 and 7-10), including the related infrastructure (drive aisles and sidewalks), landscaping and common open space area (Lot 18)
- Phase II: Residential Buildings 2 & 4 (Lots 4-6 and 11-14), including the remaining infrastructure (drive aisles and sidewalks) and landscaping
- Phase III: Residential Building 5 (Lots 15-17)

Since this Conditional Use Permit is for a phased project and is being processed concurrently with a vesting tentative tract map, it shall be valid for same timeframes and time extensions as are prescribed for the vesting tentative tract map.

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### **Site Design and Development**

3. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations. In addition to the following:

- a. All plans and engineering shall be prepared by a California Licensed Architect of Record unless exempted by the Business and Professions Code.
- b. The project is subject to a construction permit (for each separate building) as well as the currently adopted California Codes (at the time of building permit submittal).
- c. The project will require a full soils report for the design of all building foundations at the time of construction permit application submittal.
- d. The project is subject to the California State Title 24 accessibility/ energy laws.
- e. Whether or not a separate grading permit is required, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
- f. A fire sprinkler system will be required for each separate structure. The sprinkler plans shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s). The application for the sprinkler system shall be approved prior to issuance of the structure(s).

4. **At the time of application for construction permits**, the applicant shall submit a revised landscape plan to the Department of Planning and Building for review and approval. The revised plan shall include common open space and outdoor amenities consist with the Recreational Amenities Plan dated April 1, 2014 and shall be consistent with the approved plan.

5. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

6. **Prior to submittal of construction permits application**, the conceptual site plans, elevations and floor plans shall be submitted to the Planning and Building Department for review and approval. The submittal shall include a color board and exterior materials.

### **Grading**

7. Grading plans shall be prepared by a Registered Civil Engineer and submitted to the Department of Planning and Building for approval. The plan is to include, as applicable:

- a. Road plan and profile for the required onsite shared access road improvements.
- b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- c. Erosion and Sedimentation control plan for road related improvements.
- d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

### **Stormwater Pollution Prevention**

8. In accordance with the Land Use Ordinance, Section 22.10.155 for Stormwater Management, the "*Private Stormwater Conveyance Management and Maintenance System*" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private*"

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*Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

### **Fire Safety**

9. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the referral response letter dated December 31, 2013, prepared by the Cal Fire/ County Fire for this proposed project.

### **Services**

10. **At the time of application for construction permits**, the applicant shall provide a Will Serve letter from Nipomo Community Services District stating they are willing and able to provide the property with water, sewer and solid waste service.
11. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
12. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire/ County Fire for all required fire/life safety measures.
13. **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.

### **Mitigation Measures**

#### 14. AESTHETICS

- AS-1** **At the time of application for construction permits**, the applicant shall submit an Exterior Lighting Plan for both permanent and temporary facilities, for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. The Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. These measures shall be shown on applicable construction drawings **prior to issuance of construction permits** and permanent lighting shall be installed **prior to final inspection**.

#### 15. AIR QUALITY

- AQ-1** Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled wood heaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.

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**AQ-2 Prior to issuance of construction/grading permits**, the following Fugitive PM10 mitigation measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project re-vegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to re-vegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increase watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons all be provided to the APCD prior to land use clearance of map recordation and land use clearance for finish grading of the structure.

**AQ-3 Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

**AQ-4 Prior to commencement of construction activities**, the following measures shall be incorporated into the project design. As applicable, these measures shall be shown on

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all construction drawings prior to issuance of construction permits. Implementation shall be verified prior to final inspection or occupancy, whichever comes first:

- a. All buildings shall be designed to be energy efficient. 'Energy efficient' shall be defined as a building being able to achieve at least 40 points or more under the LEED rating program.
- b. Install efficient lighting and lighting control systems. This shall include building site and design features that take advantage of daylight.
- c. Install energy efficient heating and cooling systems, appliances and equipment, and control systems as defined under the LEED program.
- d. Install water-efficient landscape, as defined in the County's LUO.
- e. Design buildings to be more water-efficient than what is currently required under the UBC and UPC.
- f. Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff, including a method to provide ongoing monitoring of watering methods.
- g. Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include many of the specific items listed above, plus other innovative measures that are appropriate to the specific project.
- h. Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- i. Limit idling time for construction vehicles.
- j. Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., provide space in the electrical panel and a junction box for the future installation of electric vehicle charging facilities within garages).

**AQ-5** At the time of construction permit issuance, the applicant shall demonstrate compliance with the following measures:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures

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(e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

## 16. CULTURAL RESOURCES

**CR-1** During ground disturbing construction and or grading activities, the applicant shall implement the following measures to minimize the impact to archaeological resources as a result of unanticipated finds:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

## 17. NOISE

**N-1** At the time of application of construction permits, the applicant shall indicate on construction plans, that a 6-foot wooden fence will be constructed along the project's eastern boundary to ensure that exterior noise levels remain under 60dBA (1dn).

**N-2** At the time of application of construction permit, the applicant shall show the following Standard Noise-Element Measures for Interior Noise on the project plans/drawings:

- All structures provide air conditioning or a mechanical ventilation system
- All windows and sliding glass doors shall be mounted in low air filtration rate frames
- All exterior doors are solid core with perimeter weather stripping and threshold seats
- All fresh air inlets or exhaust vents shall incorporate sound attenuation and noise baffling.
- All Exterior walls consisting of stucco, brick/stone veneer or wood siding shall

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have a 1/2" minimum thickness fiberboard (i.e. soundboard) under layer.

**Prior to final inspection/occupancy of individual lot construction permits**, the applicant shall provide verification to the satisfaction of the County that the above measures have been adhered to.

**N-3 Prior to any ground disturbing activities**, the applicant shall employ and clearly specify in its contractors' specifications and improvement manuals the following noise-suppression techniques to minimize the impact of temporary noise associated with construction and improvement activities:

1. Trucks and other engine-powered equipment shall include noise reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.
2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
3. Truck engine exhaust ("jake") brake use shall be limited to emergencies.
4. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that OSHA and Cal OSHA's safety requirements are not violated. These settings shall be retained for the life of the project. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.
5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractors' specifications.
6. Radios and other "personal equipment" shall be kept at the lowest most reasonably effective volume.
7. Automobiles or light trucks used onsite for routine activities, shall generate noise levels not exceeding County stationary source standards of less than 70 dBA Lmax daytime and 65 dBA Lmax nighttime at the project's property line such as by utilizing electric vehicles and limiting vehicle speeds to 15 miles per hour or less (except in cases of emergency).

#### 18. PUBLIC SERVICES/UTILITIES

**PS-2 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 2010 California Fire Code (CFC), the 2010 California Building Code (CBC), the Public Resources Code (PRC) and any other applicable fire laws. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan dated December 31, 2013, prepared by Cal Fire/San Luis Obispo County Fire Department for this proposed project.

#### 19. TRANSPORTATION/CIRCULATION

**TC-1 Prior to issuance of construction permits for buildings on the project site**, the applicant shall be responsible for paying to the Department of Public Works the South

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County Road Improvement Fee Area 1 Road Improvements Fees for each building permit in the amount prevailing at the time of payment.

## 20. WATER/ HYDROLOGY

**WH-1** Prior to issuance of grading and construction permits, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for the review and approval of the State Water Resources Control Board and County of San Luis Obispo. This Plan shall outline proposed Best Management Practices (BMPs) to control erosion and prevent sedimentation from entering the storm water and drainage systems, methods to prevent accidental spills, and a proposed clean-up plan.

**WH-2** At the time of application of construction permit, the applicant shall indicate the following Water Conservation measures on applicable plans/drawings:

- Installation of toilets limited to 1.6 gallons/flush
- Installation of showerheads and faucets limited to 2.75 gallons/minute
- If applicable, installation of spas and hot tubs that utilize recirculating systems
- Installation of water supply piping
- Use of drought-tolerant landscaping in the common areas
- Installation of water conserving irrigation methods (i.e. fully-automatic controller, drip irrigation, flow sensor, and soil moisture sensor that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.

### Condition Compliance

21. At the time of application for construction permit, the applicant shall submit a condition compliance package to the Planning Department that details each condition of approval. This package shall verify how each condition of approval has been met or will be met, with supporting documentation.

### Miscellaneous

22. 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, Title 8, Section 8.68 et sec.

23. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.

24. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map.

25. This is a phased project where three phased final tract maps may be filed. The timing of the required improvements shall be completed as follows unless exceptions are approved by Public Works:

- a. Improvement plans for all phases shall be completed and approved by Public Works prior to the recordation of the first phase.

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- b. The drainage basin and drainage facilities shall be completed prior to map recordation of the first phase.
  - c. Frontage improvements on Grande Avenue shall be completed prior to map recordation of the first phase.
  - d. Frontage improvements on Avenida De Amigos fronting lots 7, 8, 9, and 10 shall be completed prior to map recordation of the first phase.
  - e. Frontage improvements on Avenida De Amigos shall be completed prior to map recordation of the second phase.
  - f. Left turn lane improvements on Grande Avenue shall be completed prior to map recordation of the second phase.
  - g. The timing of the interior streets shall be completed as approved by Cal Fire or the local fire authority.
26. This land use permit is a phased project as described in condition 2. The land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed within the time period outlined in condition 2. In this case the land use permit is considered to be vested for once substantial work has been performed on Residential buildings 1 & 3 (Lots 1-3 and 7-10), including the related infrastructure (drive aisles and sidewalks) and landscaping per Section 22.64.080A of the Land Use Ordinance.
27. 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 22.10.160 of the Land Use Ordinance.
28. The applicant shall, as a condition of the approval and use of this conditional use permit and vesting tentative tract map 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 66744.9, which are incorporated by reference herein as though set forth in full.

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**FINDINGS - EXHIBIT C**  
**Vesting Tentative Tract Map 2923**

*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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on **June 26, 2013** for this proposed development when it was being processed as a Minor Use Permit. It was determined that processing the proposed development as a Conditional Use Permit and the inclusion of the road reimbursement agreement to the project description were insignificant for the purposes of CEQA and would not result in physical changes that could impact the environmental analysis or determination. Therefore, the mitigation measures identified in the Mitigated Negative Declaration proposed to address: Aesthetics, Air Quality, Cultural Resources, Noise, Recreation, Public Services/Utilities, Transportation/Circulation and Water/ Hydrology, are adequate to reduce identified significant impacts, 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 seventeen (17) multi-family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seventeen (17) multi-family residences.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because mitigation measures for aesthetics, air quality, cultural resources, noise, recreation, public services/utilities, transportation/circulation and water/hydrology identified in the Negative Declaration have been included as conditions of approval, and would minimize potential impacts resulting from this project to a level of insignificance.
- 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.

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- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

*Adjustments*

- J. The adjustment to the Real Property Division Ordinance, Section 21.03.010(h) - Design Criteria providing undergrounding of the existing poles and utility lines along the eastern property boundary to allow these utilities to remain above ground is appropriate due to special circumstances including the extent of the lines offsite, the fact that the lines are existing interior to the site, the cost of undergrounding utility lines that do not serve the site, and the installation of the lines underground would require installation of large at grade utility vaults impacting the common open space.
- K. The granting of the adjustment will not have a material adverse effect upon the health or safety of persons residing or working in the neighborhood, due to the fact that the lines are existing and are consistent with the extension of those lines through other existing residential developments.
- L. The granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood, due to the fact that the lines are existing and are consistent with the extension of those lines through other existing residential developments and the relocation of the pole would result in the pole being closer to the other existing residential development.

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**EXHIBIT D - CONDITIONS OF APPROVAL  
Vesting Tentative Tract Map 2923**

**Approved Development**

1. This approval authorizes:

- a. The division of an existing parcel into 17 residential lots, ranging in size from 1,325 SF to 1,638 SF; and 1 common area parcel (25,841 SF). The common area parcel will accommodate common and shared areas associated with the development of the residential lots, such as the access driveways, drainage facilities, open space, and visitor parking.
- b. **Prior to recordation of a final tract map for Phase I or II**, the applicant shall enter into a road reimbursement agreement with the County for potential reimbursement from future projects for the cost of the left turn channelization near the intersection at Grande Avenue and Avenida De Amigos in accordance with Chapter 13.20 Road Extension Agreements of the County Code. The area of benefit for the reimbursement agreement includes those properties fronting Avenida De Amigos (County Road No. 1240) and those properties fronting Grande Avenue (County Road No. 1030) within 300 feet of the intersection. The properties within the benefit area includes the following Assessor Parcels:

APN 092-142-014,  
APN 092-142-033,  
APN 092-142-034,  
APN 092-142-036,  
APN 092-150-001 through -023 inclusive  
APN 092-382-001 through -021 inclusive  
APN 092-579-002,  
APN 092-579-003,  
APN 092-579-006,  
APN 092-579-007, and  
APN 092-579-009

**Vesting Tentative Tract Map Phasing**

2. For the purpose of Tract Map 2923 final map recordation of phased final tract maps in accordance with the phasing plan is as follows:

Phase I: Lots 1-3, 7-10 and 18  
Phase II: Lots 4-6 and 11-14  
Phase III: Lots 15-17

A total of three (3) phased final tract maps shall be allowed. All phases shall be completed prior to expiration of the vesting tentative tract map.

**Access and Improvements**

3. **Prior to final map recordation for Phase I or II**, road and/or streets to be constructed shall be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:

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- a. Prior to final map recordation for Phase I, Grande Avenue shall be widened to complete the project frontage of an A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
- b. Prior to final map recordation for Phase I, Avenida de Amigos shall be widened to complete the project frontage of an A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
- c. Prior to final map recordation for Phase I, a private access road serving Parcels 1-17 shall be constructed to Cal Fire Standards within a minimum 20-foot private access and utility easement with additional easement width as necessary to contain all elements of the roadway prism. The access road shall terminate in a Cal Fire standard cul-de-sac or other approved terminus.
- d. Prior to final map recordation for Phase II, the intersection of Grande Avenue and Avenida de Amigos shall be designed and constructed to provide standard left-turn channelization in accordance with Caltrans California Highway Design Manual, Chapter 400, and within necessary dedicated right-of-way easements.

**Offers, Easements and Restrictions**

4. The applicant shall offer for dedication the following right-of-way easements by certificate on the map or by separate document:
  - a. For future road improvement 60-foot wide road right-of-way along Grande Avenue to be described as 30-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism including a left-turn lane at the intersection with Avenida de Amigos.
  - b. For future road improvement 50-foot wide right-of-way along Avenida de Amigos to be described as 25-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism including a County standard cul-de-sac.
  - c. A public utility easement along Grande Avenue and Avenida de Amigos to be described as 6-feet minimum beyond the right-of-way, if needed, plus those additional easements as required by the utility company, shall be shown on the final map.
  - d. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.

**Grading**

5. Grading plans shall be prepared by a Registered Civil Engineer and submitted to the Department of Planning and Building for approval. The plan is to include, as applicable:
  - a. Road plan and profile for the required onsite shared access road improvements.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Erosion and Sedimentation control plan for road related improvements.
  - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

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### Improvement Plans

6. **Prior to construction improvements for the tract infrastructure**, 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 to be approved jointly with County Environmental Health.
  - d. Sewer plan to be approved jointly with County Environmental Health.
  - e. Sedimentation 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.
7. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.010(h)] and the poles removed, except the two existing utility poles and the associated lines located onsite along the eastern property boundary.
8. All new electric power, telephone and cable television services shall be installed underground and shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
9. **Prior to final map recordation**, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
10. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.
11. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained or detained 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.
12. The applicant shall enter into an agreement and post a deposit 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.

### Stormwater Pollution Prevention

15. In accordance with the Land Use Ordinance, Section 22.10.155 for Stormwater Management, the "*Private Stormwater Conveyance Management and Maintenance System*" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

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**Additional Map Sheet**

16. 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 tract map. The additional map sheet shall include the following:

- a. Notification to prospective buyers that the interior streets and parking areas, the drainage basin and other drainage facilities, are to be privately maintained by the home owners association unless and until accepted for maintenance by a public agency.
- b. If improvements are bonded for, all public improvements (roads, drainage, and utilities, etc.) shall be completed to the satisfaction of the County Director of Public Works pursuant to the subdivision improvement agreement for the project and prior to occupancy of any new structure.
- c. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Road Improvement Fee Area 1 Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
- d. The home owners association shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- e. The additional map sheet shall contain the outstanding final conditions of approval for the tract map as they are shown in the Notice of Final Action

**Improvement Maintenance**

- f. Roads and/or streets shall be maintained as follows:
  1. Grande Avenue and Avenida de Amigos is intended to be accepted for County maintenance following completion and certification of the improvements. No maintenance financing service charge shall be required, as these streets/roads are already in the County maintenance system.
- g. **Prior to map recordation**, the developer shall submit a proposed Constructive Notice for the subdivision to the Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
  1. The maintenance, within the public road right-of-way and /or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the County Public Improvement Standards shall be the sole responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
  2. After approval, the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

**Mitigation Measures****17. AESTHETICS**

**AS-1** At the time of application for construction permits, the applicant shall submit an Exterior Lighting Plan for both permanent and temporary facilities, for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. The Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. These measures shall be shown on applicable construction drawings **prior to issuance of construction permits** and permanent lighting shall be installed **prior to final inspection**.

**18. AIR QUALITY**

**AQ-1** Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled wood heaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.

**AQ-2** **Prior to tract improvement plan approval or issuance of construction/grading permits**, the following Fugitive PM10 mitigation measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project re-vegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to re-vegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

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- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increase watering, as necessary, to prevent transport of dust off site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons all be provided to the APCD prior to land use clearance of map recordation and land use clearance for finish grading of the structure.

**AQ-3 Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

**AQ-5 At the time of tract improvement plan construction, or construction permit issuance**, the applicant shall demonstrate compliance with the following measures:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

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- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

## 19. CULTURAL RESOURCES

**CR-1** During ground disturbing construction and or grading activities, the applicant shall implement the following measures to minimize the impact to archaeological resources as a result of unanticipated finds:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- a. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

## 20. NOISE

**N-1** At the time of application of construction permits, the applicant shall indicate on construction plans, that a 6-foot wooden fence will be constructed along the project's eastern boundary to ensure that exterior noise levels remain under 60dBA (1dn).

**N-2** At the time of application of construction permit or subdivision improvement plans, the applicant shall show the following Standard Noise-Element Measures for Interior Noise on the project plans/drawings:

- All structures provide air conditioning or a mechanical ventilation system
- All windows and sliding glass doors shall be mounted in low air filtration rate frames
- All exterior doors are solid core with perimeter weather stripping and threshold seats
- All fresh air inlets or exhaust vents shall incorporate sound attenuation and noise baffling.
- All Exterior walls consisting of stucco, brick/stone veneer or wood siding shall have a 1/2" minimum thickness fiberboard (i.e. soundboard) under layer.

**Prior to acceptance of subdivision improvements or final inspection/occupancy of individual lot construction permits, the applicant shall provide verification to the satisfaction of the County that the above measures have been adhered to.**

**N-3** Prior to any ground disturbing activities, the applicant shall employ and clearly specify in its contractors' specifications and improvement manuals the following noise-suppression techniques to minimize the impact of temporary noise associated with construction and improvement activities:

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1. Trucks and other engine-powered equipment shall include noise reduction features such as mufflers and engine shrouds that are no less effective than those originally installed by the manufacturer.
2. Trucks and other engine-powered equipment shall be operated in accordance with posted speed limits and limited engine idling requirements.
3. Truck engine exhaust ("jake") brake use shall be limited to emergencies.
4. Back-up beepers for all construction equipment and vehicles shall be broadband sound alarms or adjusted to the lowest noise levels possible, provided that OSHA and Cal OSHA's safety requirements are not violated. These settings shall be retained for the life of the project. On vehicles where back-up beepers are not available, alternative safety measures such as escorts and spotters shall be employed.
5. Vehicle horns shall be used only when absolutely necessary, as specified in the contractors' specifications.
6. Radios and other "personal equipment" shall be kept at the lowest most reasonably effective volume.
7. Automobiles or light trucks used onsite for routine activities, shall generate noise levels not exceeding County stationary source standards of less than 70 dBA Lmax daytime and 65 dBA Lmax nighttime at the project's property line such as by utilizing electric vehicles and limiting vehicle speeds to 15 miles per hour or less (except in cases of emergency).

## 21. PUBLIC SERVICES/UTILITIES

**PS-1 Prior to recordation of final map**, the applicant shall pay all applicable public facility (County) and school (State Government Code 65995 et seq.) fees.

## 22. RECREATION

**R-1 Prior to recordation of final map**, the applicant shall pay all applicable Quimby and Building Division Fees

## 23. WATER/ HYDROLOGY

**WH-1 Prior to issuance of grading and construction permits**, the applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) for the review and approval of the State Water Resources Control Board and County of San Luis Obispo. This Plan shall outline proposed Best Management Practices (BMPs) to control erosion and prevent sedimentation from entering the storm water and drainage systems, methods to prevent accidental spills, and a proposed clean-up plan.

**WH-2 At the time of application of construction permit or approval of subdivision improvement plans**, the applicant shall indicate the following Water Conservation measures on applicable plans/drawings:

- Installation of toilets limited to 1.6 gallons/flush
- Installation of showerheads and faucets limited to 2.75 gallons/minute

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- If applicable, installation of spas and hot tubs that utilize recirculating systems
- Installation of water supply piping
- Use of drought-tolerant landscaping in the common areas
- Installation of water conserving irrigation methods (i.e. fully-automatic controller, drip irrigation, flow sensor, and soil moisture sensor that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.

#### **Condition Compliance**

24. **At the time of application for construction permit**, the applicant shall submit a condition compliance package to the Planning Department that details each condition of approval. This package shall verify how each condition of approval has been met or will be met, with supporting documentation.

#### **Covenants, Conditions and Restrictions:**

25. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:

- a. Maintenance of all interior streets until accepted by a public agency.
- b. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- c. 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.
- d. Maintenance of all common areas within the subdivision in perpetuity.
- e. Operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
- f. Operation and maintenance of all street lights in perpetuity, or until specifically accepted by a public agency.
- g. 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.

#### **Parks and Recreation (Quimby) Fees**

26. 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**

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27. **Prior to filing the final tract map**, the applicant shall enter into an inclusionary housing agreement in a form approved by County Counsel to ensure the construction of inclusionary housing units(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in Lieu fee payment pursuant to Section 22.12.080. J.4.c.

**Miscellaneous**

28. 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, Title 8, Section 8.68 et sec.
29. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.
30. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
31. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
32. This is a phased project where three phased final tract maps may be filed. The timing of the required improvements shall be completed as follows:
- a. Improvement plans for all phases shall be completed and approved by Public Works prior to the recordation of the first phase.
  - b. The drainage basin and drainage facilities shall be completed prior to map recordation of the first phase.
  - c. Frontage improvements on Grande Avenue shall be completed prior to map recordation of the first phase.
  - d. Frontage improvements on Avenida De Amigos fronting lots 7, 8, 9, and 10 shall be completed prior to map recordation of the first phase.
  - e. Frontage improvements on Avenida De Amigos shall be completed prior to map recordation of the second phase.
  - f. Left turn lane improvements on Grande Avenue shall be completed prior to map recordation of the second phase.
  - g. The timing of the interior streets shall be completed as approved by Cal Fire or the local fire authority.
33. 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 22.10.160 of the Land Use Ordinance.

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34. The applicant shall, as a condition of the approval and use of this conditional use permit and vesting tentative tract map 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 66744.9, which are incorporated by reference herein as though set forth in full.

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

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

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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 complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.