

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

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEAL OF EILEEN ROACH AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF CAMPBELL-SHEPPARD/DAN LLOYD FOR TENTATIVE TRACT MAP 3074 AND DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT SUB2015-00001.

The following resolution is now offered and read:

WHEREAS, on March 24, 2016, and May 26, 2016, and with a determination and decision being made on May 26, 2016, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the Planning Commission) duly considered and conditionally approved the application of Campbell-Sheppard/Dan Lloyd for Tentative Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-00001; and

WHEREAS, Eileen Roach has appealed the Planning Commission's decision to conditionally approve the application of Campbell-Sheppard/Dan Lloyd for Tentative Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-00001 pursuant to the provisions of Title 23 of the San Luis Obispo County Code; and

ATTACHMENT 1

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on October 4, 2016, and a determination and decision was made on October 4, 2016; 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 denied and the decision of the Planning Commission should be affirmed, and that the application (Tentative Tract Map 3074 and SUB2015-00001) 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.
2. 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.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.

ATTACHMENT 1

5. That the appeal filed by Eileen Roach is hereby denied and the decision of the Planning Commission is affirmed and that the application of Campbell-Sheppard/Dan Lloyd for Tentative Tract Map 3074 and Development Plan/Coastal Development Permit SUB2015-0001 is hereby approved subject to the conditions of approval set forth in Exhibits B and D, attached hereto and incorporated by reference herein as though set forth in full.

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

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

**EXHIBIT A
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
FINDINGS
SUB2015-00001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, 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 January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal 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 23 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 new residences do not generate activities that present potential threats 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 single family residences are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on E Street and Cypress Glen Court, (local) roads constructed to a level able to handle any additional traffic associated with the project.

Minimum Parcel Size

- G. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:
 - 1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and
 - 2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

ATTACHMENT 1

Coastal Access

- H. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

- I. The development will not create significant adverse effects on the natural features (Coastal Stream) of the site or vicinity that are the basis for the Sensitive Resource Area designation, and will preserve and protect such features through site design because the project includes adequate setbacks from the riparian vegetation, and conditions to restore the riparian habitat and implement grading, erosion, sedimentation standard measures that will protect the sensitive habitat.
- J. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the seven residences and driveway are located in the least environmentally damaging portion of the project site and outside the creek setback.
- K. The proposed clearing of topsoil is the minimum necessary to achieve safe and convenient access and siting for the project, and will not create significant adverse effects on the identified sensitive resource because the development will be located outside the creek setback and sensitive riparian habitat. No tree removal will be allowed within the riparian corridor and the residences are located the furthest extent possible from the riparian vegetation.
- L. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. To ensure compliance, the project is conditioned to submit an erosion, sedimentation control and drainage plan utilizing Best Management Practices to Public Works for approval at the time of building permit applications and implementation during construction.

Streams and Riparian Vegetation

- M. The proposed project is a development of seven single family residences that is an allowable use and will be located approximately 20 to 40 feet to the creek. No alternative locations and routes are feasible or less environmentally damaging because the residences are placed the furthest extent of the riparian vegetation and on the least environmentally damaging portion of the project site.
- N. Adverse environmental effects have been mitigated to the maximum extent feasible.
- O. Implementation of the conditions and mitigation measures will ensure no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.

Archaeology

- P. No significant archaeological resources were found on the project site through surface (Phase I) and sub-surface (Phase II) investigations. Therefore, archaeological resources will not be adversely impacted by the project.

**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00001**

Approved Development

1. This Tract Map/Development Plan/Coastal Development Permit approves the following development and project-related activities:
 - a. The creation of seven residential lots, plus one open space parcel as shown on Tentative Tract 3074;
 - b. Grading and street improvements to E Street and Cypress Glen Court;
 - c. Grading and minor site work for a sewer laterals;
 - d. Grading and minor site work for gas lines;
 - e. Grading and construction of a shared driveway from Cypress Glen Court;
 - f. Grading and construction of seven new residences with a maximum height of 28 feet as follows:

Tract 3074 Product Summary (Square Feet)								
Project Components	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508	2,432	2,432	2,432	2,432	3,311 4,961	2,795 5,405	21,090 44,089
Dwellings Floor Area								
Living Space	2,449	2,449	2,197	2,197	2,197	2,170	2,013	--
Garage	571	571	593	593	593	440	440	--
Carpport	519	519	516	516	516	0	0	--
Decks and Porches	335	335	443	443	443	41	44	--
Total:	3,874	3,874	3,749	3,749	3,749	2,651	2,497	--

- g. Parcel sizes and setbacks as follows:

Tract 3074 Parcel Size and Setback Summary								
	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Area	2,508 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	2,432 sq.ft.	3,311 4,961 sq.ft.	2,795 5,405 sq.ft.	21,090 44,089 sq.ft.
Front Yard	12'	12'	12	12	12	14	14	N/A
Side Yards	3'	3'	3'	3'	3'	5'	4'-5'	N/A
Rear Yards	18'	18'	18'	18'	18'	5 45'	5 45'	N/A

- h. Restoration and enhancement of the riparian habitat area;

ATTACHMENT 1

- i. On-going monitoring and restoration of the riparian habitat area (as necessary); and
- j. Total site disturbance of approximately 26,910 square feet (not including riparian restoration).

Conditions required to be completed at the time of application and/or prior to issuance of construction permits

Site Development

2. At the time of application for grading and/or construction permit(s), the applicant shall submit final site plans to the Department of Planning and Building for review and approval. The final site plans shall show the following:

- a. **Little Cayucos Creek Setback.** Other than habitat restoration related development, all development including but not limited to retaining walls, drainage features, fencing, decking, and parking areas, shall be set back a minimum distance of 20 feet from the upland edge of Little Cayucos Creek riparian vegetation.

All grading, as defined by the CZLUO, shall be setback from the edge of riparian vegetation a minimum of 50 feet.

- b. **Approved Development Envelope.** All areas of the site outside of the Little Cayucos Creek Riparian Habitat Area and its required setback shall be demarked as the Approved Development Envelope.
- c. **Little Cayucos Creek Riparian Habitat Area.** The area of the site outside the Approved Development Envelope shall be demarked as the Little Cayucos Creek Riparian Habitat Area, where development and uses shall be limited to restoration, enhancement, protection, and interpretation of the Little Cayucos Creek riparian habitat.
- d. **Site Access.** All access to the residential units from E Street shall be clearly identified on the final site plans, and shall include:
 - i. Verification that access has been reviewed and approved by the Department of Public Works with respect to improvements in the E Street right-of-way;
 - ii. Verification that access has been reviewed and approved by the Cayucos Fire Department in respects to fire safety regulations;
- e. **Project Limit Area.** The final plans shall clearly identify specific locations of construction, areas for staging and storage, and construction access corridors. Such areas shall be minimized to the maximum extent feasible to minimize impacts on the creek habitat area. Silt fences, or equivalent shall be installed at the perimeter of allowable construction area to prevent runoff and/or sediment from entering the riparian habitat area.
- f. **Construction Plan Notes.** The final plans shall include a final construction schedule and erosion control/water quality BMPs (and locations). The following required criteria must be shown on the Plan Notes:
 - i. All work shall take place during daylight hours. Lighting of the creek and riparian area is prohibited.

ATTACHMENT 1

- ii. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside the defined construction, staging, and storage areas.
 - iii. Construction shall only occur during the dry between April 15 to October 1.
3. Prior to issuance of construction permits for the residences, the applicant shall submit a color and materials board to the Department of Planning and Building for review and approval.

Fire Safety

4. Prior to issuance of construction and/or grading permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Additional Fire Safety Review will be required and the applicant shall provide evidence that all plans submitted are compliant with current fire and life safety requirements of the Cayucos Fire Department and the California Fire Code.

Services

5. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final water availability letter from Morro Rock Mutual Water Company to service the new residences. The project shall meet all applicable conditions of the final will serve requirements by the water purveyor.
6. Prior to issuance of construction and/or grading permits, the applicant shall provide confirmation of final sewer availability letter from Cayucos Sanitary District to service the new residences. The project shall meet all applicable requirements of the final-will serve requirements by the District

Exterior Lighting

7. Prior to issuance of construction permits for the residences, the applicant shall submit exterior lighting plans to the Department of Planning and Building for review and approval. All proposed exterior lighting shall be shielded to the maximum extent possible and be of the lowest intensity feasible in order to avoid artificial light pollution of the riparian habitat area. Exterior lights on the north and northwest sides of the project (bordering the creek) shall be avoided where possible and be the minimum necessary to meet safety requirements. Exterior light shall be shielded and lighting shall be directed downward and away from the creek and riparian areas.

Access & Access Easement

8. Prior to issuance of a grading permit, the applicant shall provide evidence of a recorded easement for access and utilities to Lots 1 through 7 to the Department of Planning and Building.
9. Prior to issuance of construction and/or grading permits, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
 - a. Construct or site access driveway approach in accordance with County Public Improvement Standard B-1a.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).

ATTACHMENT 1

10. Prior to issuance of construction and/or grading permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Water

11. **Prior to issuance of construction permits**, the applicant shall show how the initial landscaping will have low-water requirements. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping (turf areas) shall not exceed 500 square feet with remaining landscaping being drought tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
12. All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans **prior to permit issuance**.

Quit Claim Deed

13. Prior to issuance of a grading permit, the applicant shall provide evidence acceptable to the Executive Director of the California Coastal Commission that it is the record title owner of the project site, such as a Quit Claim Deed and updated preliminary title report.

Fees

14. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Grading, Drainage, Sedimentation and Erosion Control

15. Prior to issuance of construction and/or grading permits, the applicant shall submit a complete drainage, erosion, and sedimentation control plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. The plan shall use sediment control measures to protect Little Cayucos Creek. Installation of erosion and sedimentation control devices shall be installed around the perimeter of the construction zone. No flows shall be directed to Cayucos Creek without NPDES permit. The plan shall include the following:
 - a. **Implementation of Best Management Practices during Construction.** The Plan shall identify the types and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants in the Little Cayucos Creek during construction. These measures shall be designed in accordance to the California Storm Water Best Management Practices Handbook and the San Luis Obispo County Resources Conservation District, as such:
 - i. Limit the extent of land disturbance to the minimum amount necessary to construct the project;

ATTACHMENT 1

- ii. Designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which must be covered on a daily basis;
 - iii. Provide installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpiled areas;
 - iv. Provide hydro seeding (with native plants) of disturbed areas immediately upon conclusion of construction activities;
 - v. Good construction measures such as the use of dry cleanup measures whenever possible, collecting and filtering cleanup water when dry cleanup methods are not feasible, cleaning and refueling construction equipment at designated off site maintenance areas, and immediate cleanup of any leaks or spills.
- b. **Permanent Drainage and Erosion Control Plan.** The Plan shall include and clearly identify all permanent measures to control and direct all site runoff and a drainage system designed to collect all on-site drainage (in gutters, pipes, drainage ditches, swales, etc.) for use in on-site irrigation, infiltrations, and/or habitat enhancement, and/or directed to off-site storm drain systems. The Plan shall be prepared by a licensed engineer and incorporate structure and non-structural Best Management Practices (BMPs) designed to control the volume, velocity, and pollutant load of stormwater and other run-off associated with the development. The Plan shall include required calculations and documentations for all BMPs proposed and shall, at the minimum provide for:
- i. Drainage system designed to filter and treat the volume of runoff produced from irrigation and storm event up to and including the as" percentile 24-hour runoff event for volume-based BMPs and/or the 85th percentile, 1 hour runoff event (with an appropriate safety factor) for flow-based BMPs , prior to its use for on-site infiltration, landscape irrigation, habitat enhancement, and/or discharge offsite. All filtering and treating mechanism shall be clearly identified, and supporting technical information shall be provided.
 - ii. Runoff from the roofs, driveways, parking lots, and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site;
 - iii. Post-development peak runoff rates and volumes shall be maintained at levels similar to, or less than, pre-development conditions;
 - iv. All runoff shall be directed away from the creek/riparian habitat area unless proven appropriate for habitat enhancement process;
 - v. All drainage system elements shall be permanently operated and maintained.
16. All disturbed areas shall be restored as soon as possible. If the area is within close proximity of a sensitive habitat, a compatible native seed mix shall be used to revegetate the restored area (see following list). The same revegetation treatment shall apply for any areas to be left undisturbed for more than 30 days.

ATTACHMENT 1

17. At the time of application for grading and/or construction permit(s), the applicant shall show the limits of the 100 year floodway on the site plan and all development located outside of the floodway and submit to Public Works for approval.

Stormwater Pollution Prevention

18. At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
19. Prior to initiation of tract improvements, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). As applicable, all construction-related protection measures specified in the SWPPP shall be installed prior to beginning of work.
20. At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
21. Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Biological Resources

22. Prior to issuance of grading and/or construction permits, the applicant shall retain a biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and, at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. Construction activities shall be limited to the dry season (April 15 through October 15).
23. Prior to issuance of a grading permit, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the Executive Director of California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:
 - a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
 - b. Public interpretive access improvements approved by a coastal development permit.

ATTACHMENT 1

24. **As a part of a second sheet of the tract map and included as a part of any individual construction permit application**, and included in any CC&Rs developed for the project, the following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment.
25. Prior to issuance of grading and/or construction permit(s), the applicant shall submit a landscaping plan including native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat and compliant with the Landscape Restoration and Enhancement Plan (LREP). Landscaped areas within the Approved Development Envelope shall consist only of native plants of local origin that are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the property except for existing eucalyptus trees associated with the Monarch butterfly habitat.
26. Prior to issuance of grading and/or construction permit(s), the applicant shall submit the Landscape Restoration and Enhancement Plan (LREP) to the Department of Planning and Building for review and approval. The LREP shall provide for riparian corridor landscape restoration and enhancement in the Little Cayucos Creek Riparian Habitat Area, with the goal of enhancing and restoring this area to self-sustaining and high resource value natural habitat state. The LREP shall be prepared by a qualified restoration ecologist, and shall incorporate specific conditions of the site (including soil, exposure, temperature, moisture, wind, etc), as well as restoration and enhancement goals. At a minimum, the plan shall provide for the following:
- a. A baseline assessment, including photographs, of the current physical and ecological condition of the restoration and enhancement area;
 - b. A description of the goals and measurable success criteria of the plan, including, at a minimum, the requirement that success be determined after a period of at least three years wherein the site has been subject to no remediation or maintenance activities other than weeding, and this condition be maintained in perpetuity.
 - c. Removal of invasive and non-native plant species;
 - d. Planting of native species of local stock appropriate to the Little Cayucos Creek riparian corridor, including provision of fall and winter-flowering nectar sources for Monarch butterflies at appropriate locations. Non-native and/or invasive plant species shall be prohibited;
 - e. Monitoring and maintenance provisions including a schedule of the proposed monitoring and maintenance activities to ensure that success criteria are achieved;
 - f. Provision of submission of annual reports of monitoring results to the Department of Planning and Building, beginning the first year after completion of the restoration effort and concluding once success criteria have been achieved. Each report shall document the condition of the site area with photographs taken from the same fixed points in the same directions, shall describe the progress towards reaching the success criteria of the

ATTACHMENT 1

plan, and shall make recommendations (if any) on changes necessary to achieve success.

27. At the time of application for subdivision improvement plans, grading permits, and construction permits, the applicant shall clearly show on the project plans the type, size, and location of all trees to be removed as part of the project and all remaining trees within 50 feet of construction activities. The project plans shall also show the type and location of tree protection measures to be employed. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone protected with orange construction fencing prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.
28. Upon submittal of tract improvement plans, all measures provided in the Mitigation Monitoring and Reporting Plan shall be shown on applicable plans relating to restoration of sensitive plants impacted. Should any measures conflict with conditions of approval, conditions of approval shall be considered superior. These measures shall be completed prior to recordation of final map.

Conditions to be completed prior to ground disturbance or construction activities

Air Quality

29. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slocieanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Biological Resources

30. **(BR-1) Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 15 and August 15, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall

ATTACHMENT 1

take place within one week of habitat disturbance. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Buffers may be reduced if a qualified ornithologist determines that project activities will not affect the nesting birds. A preconstruction survey report shall be submitted to the lead agency immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions.

31. **(BR-2) Prior to ground disturbance**, a focused preconstruction survey for legless lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with legless lizard ecology and survey methods, and with approval from California Department of Fish and Wildlife to relocate legless lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County, and no further action shall be required. If legless lizards are found to be present in the proposed work areas the following steps shall be taken:
 - a. Legless lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.
 - b. Construction monitoring shall be required for all new ground-breaking activities located within legless lizard habitat. Construction monitors shall capture and relocate legless lizards as specified above.
32. **(BR-3) Prior to construction**, occupied nests of special status bird species shall be mapped using GPS or survey equipment. Work shall not be allowed within a 100 foot buffer for songbirds and 300 for nesting raptors while the nest is in use. The buffer zone shall be delineated on the ground with orange construction fencing where it overlaps work areas.
33. **(BR-4) Prior to construction**, occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once burrows or nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas.
34. **(BR-5) Prior to removal of any trees over 20 inches DBH**, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal or trimming, or if any structures proposed for removal harbor sensitive bat species or maternal bat colonies. If a non-maternal roost is found, the qualified biologist, with prior approval from California Department of Fish and Game, will install one-way valves or other appropriate passive relocation method. For each occupied roost removed, one bat box shall be installed in similar habitat and should have similar cavity or crevices properties to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. Maternal bat colonies may not be disturbed.

Site Development

35. Prior to any grading work / ground disturbing work, a qualified surveyor shall delineate the 20 foot setback areas from the upland edge of the riparian habitat. Temporary fencing shall be erected one foot outside of the setback area (and in the development envelope) to delineate it clearly for the construction phase. No disturbance, vehicular traffic, or equipment material staging shall occur within the setback area during construction or following completion of the project, except work authorized for the Landscape Restoration and Enhancement Plan (LREP).

Conditions To Be Completed During Project Construction

Air Quality

36. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

- a. Reduce the amount of disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
- c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
- e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- f. All dirt stock-pile areas should be sprayed daily as needed.

37. No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

38. To reduce the likelihood of sedimentation to Little Cayucos Creek, all private and construction vehicle traffic should be limited to those areas away from the northern and eastern edges of the property, outside of the fenced areas.

39. Construction activities shall be limited to the dry weather season (April 15 - October 15).

ATTACHMENT 1

40. The applicant shall implement the erosion and sedimentation control plan.
41. The applicant shall implement the drainage plan.
42. The biological mitigation monitoring plan shall be implemented with on-site construction monitoring.

Cultural Resources

43. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American 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.

Conditions to Be Completed Prior To Occupancy Or Final Inspection

Landscape Restoration and Enhancement Plan

44. Prior to occupancy of any residence associated with this approval, the applicant shall implement the LREP during construction as directed by a qualified restoration ecologist. The initial planting and plant removal shall be completed prior to the occupancy of the first approved residence. Submit field report prepared by qualified biologist verifying the completion of replanting to the Planning Department.

Access Drive and Fire Lane Signage

45. Prior to final inspection, the applicant shall provide to the Department of Planning and Building, evidence of a recorded maintenance agreement for the project access driveway and "no parking (fire lane) signage". In lieu of a recorded maintenance agreement, the applicant may elect to provide maintenance in accordance with the provisions of Civil Code Section 845. The applicant shall also demonstrate to the Department of Planning and Building that the portion of the access driveway is either included within the above maintenance agreement or adequately addressed by another maintenance arrangement (such as Civil Code Section 845).

Cultural Resources

46. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), 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].

Biological Resources

47. Prior to final inspection of any permits associated with this approval, the applicant shall submit a biology monitoring report to the Environmental Coordinator for approval verifying completion of all necessary field work and monitoring.

ATTACHMENT 1

48. Prior to final inspection of any permits associated with this approval, the drainage plan shall be implemented and verified by the Department of Planning and Building.
49. Prior to final inspection of any residence associated with this approval, the Department of Planning and Building shall verify no fireplaces are allowed because smoke from fireplaces interferes with Monarch Butterfly habitat.

Landscape

50. Prior to final inspection or occupancy (whichever occurs first), the following measures shall be applied to the proposed turf areas:
 - a. To maximize drought tolerance and minimize water usage, warm season grasses, such as bermuda or buffalograss, shall be used;
 - b. To minimize establishment of shallow roots, the following shall be avoided on turf areas, and provided in all applicable documents (e.g., educational brochure, CC&Rs, landscape plans): close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch;
 - c. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.
 - d. Slopes for turf areas shall be no more than 4%.
 - e. All landscape material shall be compatible with the riparian restoration plan.
 - f. Landscaping on lots 6 and 7 shall be compatible with the Riparian Restoration Plan. All proposed landscaping shall be approved by the Department prior to installation.
51. Prior to final inspection or occupancy, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

52. Prior to final inspection or occupancy, the applicant shall obtain final inspection and approval from Cayucos Department of Fire of all required fire/life safety measures.

Development Review Inspection

53. Prior to final inspection the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
54. Prior to occupancy of any residence 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.

Grading, Drainage, Sedimentation and Erosion Control

55. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation.
56. Prior to final inspection of construction permits, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe

ATTACHMENT 1

feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to 2" diameter). Prior to permit issuance, the measure(s) to be used shall be shown on all applicable plumbing plans.

On-Going Conditions of Approval (Valid For the Life of the Project)

Landscape Restoration and Enhancement Plan

57. Annual reports of monitoring results, beginning the first year after completion of the restoration efforts and concluding once success criteria have been achieved (criteria: 3 years of non-remediation! maintenance activities except for weeding) must be submitted to the Department of Planning and Building. Upon success criteria achievement, the self-sustaining riparian habitat must be maintained in perpetuity.

Landscaping

58. All landscape (including all trees and riparian vegetation) shall be maintained in viable condition in perpetuity.

General

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 23.10.160 of the Land Use Ordinance.

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

61. The monitor will prepare a working monitoring plan that reflects the County-approved environmental mitigation measures/ conditions of approval. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmental sensitivities; (5) authority to stop work; and (6) action to be taken in the event of non-compliance.

Public Works Conditions

Road Improvements

62. Road and/or streets to 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:

- a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum of (2)-10 foot travel lanes and (1)-8 foot

ATTACHMENT 1

- parking lane, within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
- b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include "fire lane - no parking" signage and pavement markings.
63. The applicant shall reserve the following private easements by certificate on the map or by separate document:
- a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).

Drainage

64. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be 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. The basins is/are to be maintained in perpetuity.
65. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
66. On-going condition of approval (valid for the life of the project), 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.
67. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

68. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance

ATTACHMENT 1

with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.

- a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
69. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
70. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Effective Time Limits

71. The approval period for this Development Plan will run with the approval period for tentative tract map 3075. Map time extension approvals granted with the map shall similarly extend the Development Plan approval period. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request.

Indemnification Clause

72. The applicant shall as a condition of approval of this Minor Use Permit application defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Minor Use Permit or the manner in which the County is interpreting or enforcing the conditions of this Minor Use Permit, or any other action by a third party relating to approval or implementation of this Minor Use Permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

**EXHIBIT C
TENTATIVE TRACT MAP 3074
FINDINGS
SUB2015-0001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, 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 January 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Biological Resources, Cultural Resources and Geology and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Recreation and Residential Multifamily land use categories.
- 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 residential units outside flood hazard areas and riparian setbacks.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support seven residential units and a required riparian setback.
- 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 no rare, endangered or sensitive species are present; and mitigation measures for air quality, geology and soils, noise, public services/utilities, recreation, transportation/circulation, and water are required.
- 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.

ATTACHMENT 1

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

Title 21 Adjustment to Real Property Division Ordinance Section 21.03.010.d.7

- J. That there special circumstances or conditions affecting the subdivision:
 1. That the proposed project includes a vacation of Cypress Glenn Court which will terminate the possibility of it being a County maintained road. The County supports the vacation because there is no community circulation benefit. The site slopes downward from E Street toward Little Cayucos Creek and drops off at the E Street right of way very steeply resulting in less developable area for new residences once a driveway would reach natural grade after applying customary design criteria; and
 2. Taking access from E Street for residences would result in garages facing onto E Street which would eliminate the use of the street frontage for parking where currently none exists; and
 3. the centerline of the internal drive court that serves all seven proposed residences is 75 feet from the front right of way line of E Street and none of the other four residences use this part of Cypress Glen Ct for direct access (their parking or garages are beyond the proposed access point from the new project; and
 4. the ordinance setback requirements from the riparian vegetation significantly reduces the developable area of the property; and
 5. the addition of street parking in front of the project will improve the safety for all of the residents on E Street since the travel lanes of the street will be more clearly defined for vehicles coming in and out of E Street. Having garages facing E Street will create more opportunity for conflicts for all vehicles on E Street.
- K. 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 subdivision:
 1. utilization of the existing private road for access to the residences will provide a clear expectation of where vehicles will be concentrated which provides certainty for residents, their guests and emergency vehicles; and
 2. trash collection within the drive court will keep Cypress Glen Ct more accessible to the existing four residences, thus eliminating inconvenience; and
 3. the provision of street parking and a sidewalk in front of the project will make pedestrian travel safer. Having driveways along this frontage will introduce a more hazardous condition for pedestrians and virtually eliminate the street parking; and
 4. the amount of vehicle trips generated by the project in conjunction with the existing vehicle trips does not even approach the minimum level of trips the road can accommodate.
- L. 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 subdivision:
 1. the construction of the residences will enhance the character of the neighborhood since they are all single family homes and not attached apartments or condos; and
 2. public safety will be enhanced by providing street parking and a pedestrian sidewalk where presently neither exists; and

ATTACHMENT 1

3. the project will be conditioned to underground the overhead power and telephone lines which will improve the beauty of the neighborhood and eliminate potential safety risk from downed power lines in the event of storms or acts of nature; and
 4. Cypress Glen Ct will be widened to 20 feet of width past the drive court and a pedestrian path will be provided along its edge; and
 5. Parking requirements for multifamily zoning are more intensive. The design of the units accommodates all of the parking needs within each lot and under the structure, eliminating the ubiquitous sea of parking that customarily accompanies projects in this zoning.
- M. Cypress Glen Court is approximately 200 feet long and connects to E Street. The road currently acts as a private drive to the existing residences and is not in the County maintained system. Located on the properties served by Cypress Glen Court are single family residences and accessory structures. The abandonment removes the encumbrance of the platted road to the adjoining property owners. Since the road serves private residential properties and provides no existing or future public circulation benefit, the request to vacate a portion of Cypress Glen Court as shown on the vesting tentative map is appropriate.

**EXHIBIT D
TENTATIVE TRACT MAP 3074
CONDITIONS OF APPROVAL
SUB2015-0001**

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 36,772 square foot site into seven buildable lots and one open space lot as follows:
 - a. Lot 1 – 2512 sq. ft.
 - b. Lot 2 – 2432 sq. ft.
 - c. Lot 3 – 2432 sq. ft.
 - d. Lot 4 – 2432 sq. ft.
 - e. Lot 5 – 2432 sq. ft.
 - f. Lot 6 – 3,311 4961 sq. ft.
 - g. Lot 7 – 2,795 5405 sq. ft.
 - h. Lot 8 – 21,090 14,089 sq. ft. (Open Space Lot)

Road Improvements

2. Road and/or streets to 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:
 - a. E Street shall be widened to complete the project frontage of an County A-2 urban street section fronting the property with a minimum 2-10 foot travel lane and 1-8 foot parking lane within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Cypress Glen Court shall be realigned and improved to a 20 foot wide minimum paved road section as shown on the tentative map. Improvement must be designed and constructed to the satisfaction of Cayucos Fire Department standards.
 - c. The intersection of E street and Cypress Glen Court shall be constructed to a modified B-1 urban driveway standard as shown on the tentative map.
 - d. The onsite access road shall be constructed to a minimum 20 foot paved road section per Cayucos Fire Department road and turnaround standards and shall include “fire lane - no parking” signage and pavement markings.

Offers, Easements and Restrictions

3. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road improvement purposes 1-foot along E Street to be described as 36-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. For pedestrian access purposes 6-feet along E Street to be described as 42-feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.

ATTACHMENT 1

- c. A public utility easement along E Street to be described as 6-feet beyond the right-of-way, 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.
4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A private access, drainage, and utility easement of sufficient width along the realigned Cypress Glen Court in favor of all new and neighboring parcels that require Cypress Glen Court for access to their property.
 - b. An onsite minimum 20-foot private access and utility easement in favor of Parcels 1 through 8, with additional width as necessary to include all elements of the driveway prism and Fire Agency approved road terminus.
 - c. An onsite reciprocal private drainage easement in favor of Parcels 1 through 8. Easement shall include all drainage appurtenances (basins, inlets, pipes, swales, etc).
5. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance:

6. Roads and/or streets shall be maintained as follows:
 - a. E Street shall 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-maintained system, or are identified as new Principal Arterials, Arterials or Collectors, or meet the required number of road maintenance related smart growth points to be exempt.
 - b. Cypress Glen Court and onsite private access roads shall not be accepted for County maintenance following completion and certification of the improvements. The developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building.
7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
 - a. The shared private access road serving parcels 1 through 8.
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, related landscaping and other appurtenances (if required) for public or common area improvements.
 - d. Completion and compliance with the Riparian Restoration Plan.

ATTACHMENT 1

Improvement Plans

8. 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.
9. 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.
10. 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 plans are 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. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. 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.
 - i. Storm Water Control Plan.
11. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
12. All new electric power, telephone and cable television services 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.
13. 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.
14. 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.

ATTACHMENT 1

Drainage

15. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be 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. The basins is/are to be maintained in perpetuity.
16. All project related drainage improvements shall be designed and constructed in accordance with the recommendations of the Cayucos Drainage and Flood Control Study.
17. On-going condition of approval (valid for the life of the project), 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.
18. Prior to issuance of construction permits, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Wildlife environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Stormwater Control Plan

19. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for stormwater treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own storm water treatment on site but based on the performance requirements determined by the total new or replaced impervious square footage of the subdivision.
 - b. If storm water treatment facilities are to be constructed with subsequent individual lot development, each lot will be required to perform its own stormwater treatment on site (and as if it were not a detached single family residence) regardless of its own impervious footprint. It will be required to treat its storm water per the performance requirements determined by the total assumed impervious square footage of the tract.
 - c. Storm water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements
 - d. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
20. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and

ATTACHMENT 1

Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.

21. Prior to approval of the improvement plans or construction permits, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
 - b. If a fenced drainage basin is required, that the owner(s) of Lots 1 through 8 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - c. If a drainage basin is required, that the owner(s) of Lots 1 through 8 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. The limits of inundation from a 100 year food shall be shown on the additional map sheet. Building sites shall be located out of areas subject to Hooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
 - f. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
 - g. For Stormwater management purposes, an impervious area ceiling must be determined for each lot and noted as a building restriction.
 - h. Stormwater treatment facilities shall be shall be maintained and inspected in perpetuity as stipulated in the "Private Stormwater Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - i. The property owner 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.
 - j. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
 - k. Notification to prospective buyers that a development plan/coastal development

ATTACHMENT 1

permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.

- l. 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.
- m. No parking is allowed in the access drive and signs shall be installed pursuant to these conditions.
- n. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Covenants, Conditions and Restrictions

23. 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 or other organized and perpetual mechanism 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 Cypress Glen Court along the project frontage and onsite private access roads in perpetuity.
- 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. If storm water treatment facilities are required, on-going maintenance of said facilities in a viable condition on a continuing basis into perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. 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.
- g. The limits of inundation from a 100 year flood shall be shown on the additional map sheet. Building sites shall be located out of areas subject to flooding and all future building permit submittals shall show compliance with County Code for Flood Hazard.
- h. 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.
- i. The following shall apply to the areas within the open space area: no oak trees, or other visually significant vegetation, shall be impacted or removed (removing and impacting trees for leach lines shall be to the least extent feasible); no activities shall be allowed that could adversely impact the sensitive vegetation, as defined in the Botanical Assessment (Althouse and Meade, 2015). Any removal of non-sensitive vegetation shall be done by hand, and by a qualified individual that can identify and avoid those sensitive species identified in the Botanical Assessment. Any vegetation removal shall be consistent with the procedures in the Landscape Restoration and Enhancement Plan.
- j. Notification to prospective buyers that a development plan/coastal development

ATTACHMENT 1

permit has been approved for and applies to the property and may contain requirements not part of the subdivision map approval.

- k. 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.
- l. Fire Lane - No parking signage and striping shall be installed, maintained and enforced.
- m. The open carports on lots 1-5 shall be maintained in their approved open condition for the life of the project.

Open Space Easement

24. **Prior to recordation of the final map**, the applicant shall execute and record an open space easement for creek habitat protection, in a form approved by County Counsel and the California Coastal Commission in conformance with applicable Coastal Act regulations, for Lot 8 and the portions of Lots 6 and 7 outside the development envelope. The open space easement shall include a formal legal description and graphic depiction of subject properties including the Little Cayucos Creek Riparian Habitat Area. Development shall be prohibited in the open space area except for:

- a. Restoration, protection, and enhancement of native riparian habitat and Monarch butterfly habitat consistent with the terms of the Final Landscape Restoration and Enhancement Plan;
- b. Public interpretive access improvements approved by a coastal development permit.

Miscellaneous

- 25. 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.
- 26. 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.
- 27. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

Indemnification Clause

- 28. The applicant shall as a condition of approval of this Minor Use Permit application defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Minor Use Permit or the manner in which the County is interpreting or enforcing the conditions of this Minor Use Permit, or any other action by a third party relating to approval or implementation of this Minor Use Permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

ATTACHMENT 1

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

ATTACHMENT 1

Transportation for any work to be done on the state highway.

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map “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.