

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

September 17, 2010

Kirk Consulting
Attn: Mandi Pickens
8830 Morro Road
Atascadero, CA 93422**NOTICE OF FINAL COUNTY ACTION**

HEARING DATE: September 13, 2010

SUBJECT: LEKAI PROPERTIES
County File Number: SUB2008-00046 / CO 08-0115
Document Number: 2010-014_SRB

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved on the above-referenced date by the San Luis Obispo County Subdivision Review Board. A copy of the findings and conditions are enclosed. The conditions of approval must be completed as set forth in this document.

An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative parcel map or tentative tract map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within such tentative parcel map shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative parcel map, the Subdivision Review Board may extend or conditionally extend the time at which such map expires for a period or periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance. (Sec 21.06.010)

If the use authorized by this Conditional Use Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.64.060 of the Land Use Ordinance.

If the use authorized by this Conditional Use Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six months (6) or conditions have not been complied with, such Conditional Use Permit approval shall become void.

Pursuant to County Real Property Division Ordinance Section 21.04.020, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days from the date of this action, in writing, to the Department of Planning and Building. The appeal fee is \$850.00.00 and must accompany your appeal form.

If you have questions regarding your project, please contact your **Project Manager, Holly Phipps**, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5718.

Sincerely,

NICOLE RETANA, SECRETARY
COUNTY SUBDIVISION REVIEW BOARDcc: Public Works Department
COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

FINDINGS - EXHIBIT A
Conditional Use Permit / SUB2008-00046

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 3, 2010 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology/soils, noise, public services/utilities, water, and transportation/circulation and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed commercial development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed commercial development 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 Vineyard Drive, a road which is located in the Templeton Road Fee area and is subject to road fees which will mitigate for the increase in traffic resulting from the project.

Adjustment

- G. Shared on-site parking is appropriate because the project includes two or more nonresidential uses and the total number of adjusted spaces for the entire center (92), is no less than the number of spaces for the single use (Building E) which is required to provide the most parking which is 43 spaces.
- H. An off-site parking adjustment is appropriate because the most distant parking space is located within 400 feet of one of the proposed uses, the project has been conditioned to require a lease agreement for the off-site parking, and it can be demonstrated that the principal use of the site is allowable within the Residential Suburban category.

**CONDITIONS OF APPROVAL- EXHIBIT B
Conditional Use Permit / SUB2008-00046**

Approved Development

1. This approval authorizes
 - a. The subdivision of an existing 2.85 acre parcel into six parcels ranging in size from 9,021 square feet to 19,475 square feet for development of a retail center.
 - b. Development of five commercial buildings of 3,128, 4,576, 4,964 and 5,145 square feet each totaling approximately 21,000 square feet.
2. Proposed specific uses of the structures shall be subject to review and approval of the change in building occupancy by the Building Division of the Department of Planning and Building prior to issuance of a business license. Proposed uses shall also be subject to the review and approval of the Department of Planning and Building to determine conformity with applicable Land Use Ordinance requirements and conditions of this approval including but not limited to allowed uses, number of parking spaces required, and signage proposed.
3. In addition to the following conditions of approval, the applicant shall comply with the conditions of approval for CO 08-0115 regarding access and improvements, improvement plans, drainage, and utilities.

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

Site Development

4. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, architectural elevations, color boards, and shall be in compliance with the Templeton Design Plan.
5. **(VS-1) At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed buildings consistent with the approved conceptual plans color boards structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator with Building B to be reduced by two chromo values. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.
6. **(VS-2) At the time of application for construction permits**, the applicant shall provide an exterior lighting plan consistent with the approved conceptual plans. The plan 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 Highway 101, Vineyard Drive, and Ag Hill Road. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first. The height of free standing or security outdoor lighting fixtures shall be kept as low as is practically possible and no higher than 3 feet (on the northern most parking lot, closest to Ag Hill Road) so that they are not visible from Highway 101, Vineyard Drive, and Ag Hill Road. Security lighting shall be shielded so as not to create glare when viewed from Highway 101, Vineyard Drive, and Ag Hill Road.

ATTACHMENT 2

7. **(VS-3) At the time of application for construction permits**, the applicant shall comply with the approved signage plan. No signs shall be constructed, displayed or altered without first obtaining a sign permit (Zoning Clearance). Parcel Signage is defined as wall signage (including freeway oriented wall signs), marquee, suspended, marquee projecting signs and others as allowed in a Commercial land use category, set forth by the Land Use Ordinance, Section 22.20.060.1.(a-e) in addition to the following provisions:
- a. Parcel 1 (Building E), Parcel 4 (Building C), and Parcel 5 (D) shall have a maximum of 100 square feet of signage area each.
 - b. Parcel 2 (Building A) and Parcel 3 (Building B) shall have a maximum of 150 square feet of signage area each.
 - c. Freeway Oriented Wall signs (wall mounted) shall be allowed on Buildings A, B, C, and D. These signs shall be uniform, by maintaining a visible lettering size proportion in height (15 inches) and length (15 inches) for each letter, not to exceed 15 percent of the building face which may include the logo, not to exceed 4 square feet. Freeway Oriented Wall signs may be located on the parapet since a majority of the buildings are covered by topography and landscaping.
 - d. The proposed Shopping Center is allowed a Monument sign (totaling 60 square feet and the height shall not exceed 36 inches) located at the entrance that may display the name of the center. This Monument sign may be located within the County Right-of-Way if authorized with an encroachment permit. An additional Monument sign (**5 feet in height and 4 feet wide**) is allowed 100 feet inside the driveway entrance that may display the tenants names. The tenant names on this Monument sign shall be allotted the same size and proportion and shall have a uniform color. These Monument signs shall not be internally illuminated.
 - e. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 15 percent of the building face, up to a maximum of 80 square feet. Such wall signs may be located on building faces other than those with public entrances.
 - f. One suspended sign with a maximum area of 10 square feet for each business or tenant.
 - g. One projecting sign with a maximum area of 20 square feet for each business or tenant.
 - h. Marquee signing for each business or tenant, with a maximum area of 40 square feet.
 - i. Internally illuminated signage is prohibited.
 - j. Signs shall only use shielded light fixtures mounted on the top of the sign structure and shall not exceed 1 foot candle reflected at 10 feet.
8. **(VS-4) At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications consistent with the approved conceptual plans to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.16 Landscaping Standards of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately screen between the western property line and Buildings B, C, D and the parking lot. The landscape plan shall utilize only plant material consistent with the LUO's Landscape Standards/ Plan Section. All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.16 of the San Luis Obispo County Land use Ordinance.

9. **(VS-5) At the time of application for construction permits**, all plans shall indicate retaining walls, sound walls, and understories to be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Highway 101, Vineyard Drive, and Ag Hill Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.

Fire Safety

10. **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 Fire Safety Plan, prepared by the Templeton Fire Department for this proposed project and dated 1/14/2009.

Services

11. **At the time of application for construction permits**, the applicant shall provide a letter from Templeton Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Fees

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, public facilities fees and Templeton Road Fees.

Mitigations / Air Quality

13. **(AQ-1) Prior to construction/grading permit issuance**, the construction plans shall show that the following measures shall be implemented during the grading and hauling phases to reduce toxic diesel impacts to sensitive receptor:
- No idling shall be allowed for diesel on-road trucks or off-road equipment;
 - Signs shall be posted in the designated queuing areas and job site to remind drivers/operators of the no idling requirement;
 - Hauling shall be accomplished during off school hours;
 - Use double haul trailers whenever possible to significantly reduce the number of round trips necessary to export the material.

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

14. **(AQ-2) During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading, tract improvement plans, 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.
- Reduce the amount of disturbed area where possible.
 - Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - All dirt stock-pile areas shall be sprayed daily as needed.

ATTACHMENT 2

- d. Permanent dust control measures identified in the approved project revegetation 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 revegetation 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 shall be completed as soon as possible and building pads shall 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. A stabilized construction entrance shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - k. Streets shall be swept 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.
15. **(AQ-3) Prior to issuance of grading permit**, the applicant shall contact the APCD and submit a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA), is present with the area that will be disturbed. If NOA is not present, an exemption request must be filed with the **District**. If no NOA is found at the site the applicant must comply with all the requirements outlined in the Asbestos ATCM.
16. **(AQ-4) Prior to issuance of construction permit for parcel improvements** and individual lot development, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
17. **(AQ-5) Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.
18. **(AQ-6)** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

19. **(AQ-7) Prior to construction permit issuance**, in order to reduce greenhouse gas (GHG) emissions, the project shall include measures that surpass Title 24, 2008 Standards by 10% or more. The following measures shall be incorporated into the project and shown on all applicable plans. Provide parking lot areas with 50% tree cover within 10 years of construction or provide parking lot areas with 50% shade coverage by using trees and shade structures (e.g. trellises, etc) or by using the Templeton Design Plan requirements for landscaping in parking lots and a pavement material with lower albedo levels than asphalt (substitution must be approved by APCD and the Planning Department) Tree species shall be low emitting, low maintenance, native, and drought resistant. Once trees have been planted and prior to occupancy or final inspection, whichever occurs first, the applicant shall retain a qualified individual (e.g. landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted, and all measures installed to improve the long term success of these trees. This letter shall be submitted to the Department of Planning and Building.

In addition, a combination of additional measures from the following list shall be incorporated into the project and shown on all applicable plans. Prior to construction permit issuance, the applicant shall provide evidence that all of the combined measures result in a 10 percent improved energy efficiency than the Title 24, 2008 Standards. If not feasible, evidence/justification shall be provided to APCD and the Planning Department.

Here is a list of some of the measures that might be used to meet this goal.

- a. Wall R-21 insulation level with advanced framing techniques applied
- b. R-38 ceiling
- c. Mechanical- 93% AFUE and 13SEER/11EER
- d. Fixed Temperature Economizers
- e. Ducts in conditioned space as possible
- f. Domestic Hot Water
- g. Small Tank point of use units
- h. Day lighting measures
- i. Balance installation of high performance sun tubes through out
- j. Electric Lighting Measures
- k. Title 24 compliance assumed

Alternative mitigation measures from Appendix B of the CAPCOA document (CAPCOA; 2008) may be incorporated/substituted for the ones above based on the applicability to the site and project and approved by County staff. LEED guideline items may be used as well upon approval from APCD and the Planning and Building Department. Even though the LEED guidelines are not part of Title 24 standards, they will help achieve construction of a building with high green standards.

Mitigations / Trees

20. **(TR-1)** The applicant shall limit tree removal to no more than 13 oak trees having a five inch diameter or larger at four feet from the ground and no more than 32 trees impacted (An oak tree is defined as having a five inch diameter or larger at four feet from the ground). **Prior to construction permit issuance**, construction plans shall clearly delineate all trees the limits of grading of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities**, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted.
21. **(TR-2)** **At the time of application for construction permits**, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of

oak trees to mitigate for trees impacted but not removed. No more than 13 oak trees having a five inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project, and no more than 32 trees shall be impacted, but not removed, as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). **A total of 116 oak trees (98 coast live oaks and 18 valley oaks) will be required to be replanted.** The replanting of 24 oak trees shall be completed on-site and the remainder oak trees to be planted on a nearby off-site location to be approved by the Planning Department in consultation with the Environmental Division. The Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, plantings shall be during the warmest, driest months.

22. **(TR-3)** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
23. **(TR-4)** All trees to remain on-site that are within the limits of grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to any grading or site grubbing**. The outer edge of the tree root zone to be fenced will be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 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 (per approved construction plans), 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.

Mitigations / Nesting Birds - Construction and Grading Activities

24. **(B-1)** If possible, to avoid potential impacts to nesting birds (including but limited to the White-tailed Kite and Loggerhead Shrike), construction and grading activities shall take place outside the bird nesting season, which is March 15th to August 15th. If construction or grading activities occur during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall

be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Mitigations / Nesting Birds - Tree Removal

25. **(B-2)** If possible, to avoid potential impacts to nesting birds (including but limited to the White-tailed Kite and Loggerhead Shrike), tree removal associated with project activities shall be limited outside the bird nesting season, which is March 15th to August 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Mitigations / Special Status Animals

26. **(B-3)** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, a county approved biologist shall conduct a pre-activity (i.e. pre-construction) survey potential for the potential presence of Pallid Bats, Western Spadefoot Toad, CA, Red-legged frog and the American Badger. The applicant shall submit a letter from the biologist to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any of the above stated species activity within the project limits.

Condition Compliance

27. **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.
28. **Prior to issuance of construction permits for tenant improvements or Business License**, the applicant shall provide parking calculations for the proposed tenant and a running total for the entire center. All parking calculation must be in compliance with the Land Use Ordinance.
29. **Prior to issuance of construction permits for tenant improvements**, the applicant shall provide a signed agreement from each new tenant which documents their understanding of the conditions of approval and ordinance standards relating to hours of operation, lighting, truck maneuvering and temporary and permanent signage. The agreement must also list the name and contact information for the tenant.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

30. **Prior to occupancy or final inspection, whichever comes first**, the public improvements for CO 08-0115 shall be completed prior to occupancy of any new structure.

ATTACHMENT 2

31. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
32. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from the Templeton Fire Department of all required fire/life safety measures.
33. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

34. **Prior to occupancy or final building inspection**, the applicant shall complete the road vacation procedure for the off-site (northern) portion of Ag Hill Road.
35. **Prior to occupancy or final building inspection**, the applicant shall record a parking lease for off-site parking in a form acceptable to County Counsel.
36. This land use permit is valid for a period of 24 months from the map recordation date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 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 Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
37. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

FINDINGS - EXHIBIT C
Parcel Map

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 3, 2010 for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, geology/soils, noise, public services/utilities, water, and transportation/circulation 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 Commercial Retail land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of 20,878 square feet of commercial buildings.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support five commercial buildings.
- 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 have been determined in order to mitigate the 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.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Road Abandonment

- J. The proposed abandonment of a portion of the AG Hill Road right-of-way totaling 6,280 square feet is consistent with the General Plan. The small portion of roadway is not specifically designated in the Circulation Element as being crucial to the county's circulation system. The current alignment of AG Hill Road provides sufficient access to parcels in the area.
- K. The abandonment of a portion of the AG Hill Road right-of-way totaling 6,280 square feet complies with the provisions of Section 66434(g) of the Subdivision Map Act, which provides that public streets and public easements may be abandoned by recording a Final Map specifically calling out the abandonment of such.

**CONDITIONS - EXHIBIT D
PARCEL MAP / CO 08-0115**

Approved Project

1. This approval authorizes
 - a. The subdivision of an existing 2.85 acre parcel into 6 parcels ranging in size from 9,021 square feet up to 19,475 square feet,
 - b. Development of five commercial buildings totaling approximately 21,000 square feet on the resulting parcels and the remainder of the property would remain as private open space.
 - c. The project also includes the abandonment of a portion of Ag Hill Road.

Access and Improvements

2. Road and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Vineyard Drive:
 - i. Shall be widened to complete the project side of an A-3 section fronting the property.
 - ii. Shall be striped for a two-way left-turn lane, based on a striping plan approved by the Public Works Department.
 - b. The private Un-named road which provides access to Lots 1, 3, 4-6 shall:
 - i. Be constructed to a modified A-3 commercial – industrial road section as shown on the Tentative Map to Templeton Fire Department Standards within a private access easement of sufficient width to contain all elements of the roadway prism and terminate in a Templeton Fire Department standard cul-de-sac or other Templeton Fire Department approved terminus.
 - ii. Be constructed to accommodate California legal 60 foot long trucks with semi-trailers as shown on the approved Phase I Truck Turning Plan (Sheet A-1t).
3. Roads and/or streets to be maintained as follows:
 - a. The following streets/roads: Vineyard Drive 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.
 - b. The following streets/roads: The private Un-named road which provides access to Lots 1, 3-6 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 Public Works.
4. Access shall be denied to Lots 2 and 3 from Vineyard Drive, except for one (1) sixty foot (60') wide access opening on Lot 2 located as far east as possible consistent with preservation of the on-site oak trees. These access denials and access opening shall be by certificate and designation on the map.
5. A private easement shall be reserved on the map for access to Lots 1 and 3-6.

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6. All grading shall be done in accordance with Appendix Chapter 33 of the 1997 Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - h. Trail plan, to be approved jointly with the Park Division.
8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
10. A final soils report by a Registered Civil Engineer shall be submitted for review prior to the final inspection of the improvements.
11. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 - a. Submit a copy of all such permits to the Department of Public Works OR
 - b. Document that the regulatory agencies have determined that said permit is not longer required.

Improvements / Caltrans

12. The applicant shall delineate on the grading/drainage plans Caltrans (CT) access control and Right-of-Way (R/W) lines.
13. Caltrans shall not allow grading that compromises the structural integrity of U.S. 101 ramps or mainline segments. The applicant shall attain an encroachment permit including an exception will be needed from Caltrans for grading activities.
14. The proposed retaining walls along U.S. 101 north-bound on-ramp shall maintain a certain distance away from the CT R/W fence line. The general rule of thumb for that distance is the height of the wall (from finish grade to top of wall) "H" distance from the R/W line. So if height of the retaining wall from the finish grade to the top of the wall is 10 feet, then the retaining wall must be 10 feet from the CT R/W fence.

Drainage

15. All existing drainage features are to be contained in drainage easement(s) dedicated on the map, to the satisfaction of the Department of Public Works.
16. 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 basin/s is/are to be maintained in perpetuity to incorporate LID features to the extent feasible.
17. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
18. 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.

Utilities

19. All existing and new electric, telephone and/or cable television lines shall be installed underground and service laterals shall be stubbed to each lot.
20. Gas lines shall be installed and service laterals stubbed to each lot.
21. Utility easements, as required by the utility company, shall be shown on the final Parcel Map.

Fire Protection

22. The applicant shall obtain a fire safety clearance letter from the Templeton Department establishing fire safety requirements listed in the Fire Letter dated January 14, 2009, prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

23. For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

Inclusionary House Fees

24. Prior to filing the final parcel map or tract map, the applicant shall enter into an inclusionary housing agreement to insure the construction of inclusionary housing unit(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.

Road Fees

25. The project is located in the Templeton Area "A" Road Fee Area. Current Road Fees shall be paid to County Public Works prior to issuance of Building Permits.

Additional Map Sheet

26. 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. Development shall comply with all conditions of approval of Conditional Use Permit SUB 2008-00046.

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- 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 streets/roads within the subdivision, including the requirement that the streets/roads continuously accommodate California legal 60 foot long trucks with semi-trailers as shown on the approved Phase I Truck Turning Plan (Sheet A-1t), in perpetuity.
- e. Maintenance of all common areas within the subdivision in perpetuity.
- f. Require that current and future owners of any lot are responsible to notify suppliers of goods and services that all delivery trucks shall park and turn around within the boundary of Parcel Map CO 08-0115 when making deliveries. And that said owners shall notify any lessee of this requirement. The Pinnacle Traffic Engineering letter dated December 11, 2009, which includes design truck specifications and 2 exhibits showing on-site maneuvering shall be included as an exhibit in the CC&R's.
- g. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter from the Templeton Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- h. **Prior to issuance of construction permits**, the applicant shall pay all applicable Templeton Road Impact Fees as determined by the Department of Public Works.

Templeton's Community Design Plan and Title 22

- i. Construction plans for all future construction shall show compliance with Templeton's Community Design Plans standards for commercial buildings and applicable requirements of Title 22.

Mitigations / Air Quality

- j. **(AQ-1) Prior to construction/grading permit issuance**, the construction plans shall show that the following measures shall be implemented during the grading and hauling phases to reduce toxic diesel impacts to sensitive receptor:
 1. No idling shall be allowed for diesel on-road trucks or off-road equipment;
 2. Signs shall be posted in the designated queuing areas and job site to remind drivers/operators of the no idling requirement;
 3. Hauling shall be accomplished during off school hours;
 4. Use double haul trailers whenever possible to significantly reduce the number of round trips necessary to export the material.

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

- k. **(AQ-2) During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading, tract improvement plans, 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.
 1. Reduce the amount of disturbed area where possible.

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2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 3. All dirt stock-pile areas shall be sprayed daily as needed.
 4. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 5. 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.
 6. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 9. 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.
 10. A stabilized construction entrance shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 11. Streets shall be swept 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.
- l. **(AQ-3) Prior to issuance of grading permit**, the applicant shall contact the APCD and submit a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA), is present with the area that will be disturbed. If NOA is not present, an exemption request must be filed with the **District**. If no NOA is found at the site the applicant must comply with all the requirements outlined in the Asbestos ATCM.
- m. **(AQ-4) Prior to issuance of construction permit for parcel improvements and individual lot development**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
- n. **(AQ-5) Prior to commencement of construction activities**, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.
- o. **(AQ-6) As of February 25, 2000**, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must

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complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

- p. **(AQ-7) Prior to construction permit issuance**, in order to reduce greenhouse gas (GHG) emissions, the project shall include measures that surpass Title 24, 2005 Standards by 10% or more. The following measures shall be incorporated into the project and shown on all applicable plans. Provide parking lot areas with 50% tree cover within 10 years of construction or provide parking lot areas with 50% shade coverage by using trees and shade structures (e.g. trellises, etc) or by using the Templeton Design Plan requirements for landscaping in parking lots and a pavement material with lower albedo levels than asphalt (substitution must be approved by APCD and the Planning Department) Tree species shall be low emitting, low maintenance, native, and drought resistant. Once trees have been planted and prior to occupancy or final inspection, whichever occurs first, the applicant shall retain a qualified individual (e.g. landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted, and all measures installed to improve the long term success of these trees. This letter shall be submitted to the Department of Planning and Building.

In addition, a combination of additional measures from the following list shall be incorporated into the project and shown on all applicable plans. Prior to construction permit issuance, the applicant shall provide evidence that all of the combined measures result in a 10 percent improved energy efficiency than the Title 24, 2005 Standards

Here is a list of some of the measures that might be used to meet this goal.

1. Wall R-21 insulation level with advanced framing techniques applied
2. R-38 ceiling
3. Mechanical- 93% AFUE and 13SEER/11EER
4. Fixed Temperature Economizers
5. Dusts in conditioned space as possible
6. Domestic Hot Water
7. Small Tank point of use units
8. Day lighting measures
9. Balance installation of high performance sun tubes through out
10. Electric Lighting Measures
11. Title 24 compliance assumed

Alternative mitigation measures from Appendix B of the CAPCOA document (CAPCOA; 2008) may be incorporated/substituted for the ones above based on the applicability to the site and project and approved by County staff. LEED guideline items may be used as well upon approval from APCD and the Planning and Building Department. Even though the LEED guidelines are not part of Title 24 standards, they will help achieve construction of a building with high green standards.

Mitigations / Visual

- q. **(VS-1) At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed consistent with the approved conceptual plans structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator with building B to be reduced by two

chromo values. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures.

- r. **(VS-2) At the time of application for construction permits**, the applicant shall provide an exterior lighting plan consistent with the approved conceptual plans. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 101, Vineyard Drive, and Ag Hill Road. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.

The height of free standing or security outdoor lighting fixtures shall be kept as low as is practically possible and no higher than 3 feet (on the northern most parking lot, closest to Ag Hill Road) so that they are not visible from Highway 101, Vineyard Drive, and Ag Hill Road.

Security lighting shall be shielded so as not to create glare when viewed from Highway 101, Vineyard Drive, and Ag Hill Road.

- s. **(VS-3) At the time of application for construction permits, the applicant shall comply with the approved a signage plan.** No signs shall be constructed, displayed or altered without first obtaining a sign permit (Zoning Clearance). Parcel Signage is defined as wall signage (including freeway oriented wall signs), marquee, suspended, marquees projecting signs and others as allowed in a Commercial land use category, set forth by the Land Use Ordinance, Section 22.20.060.1.(a-e) in addition to the following provision:

1. Parcel 1 (Building E), Parcel 4 (Building C), and Parcel 5 (D) shall a maximum of 100 square feet of signage area each.
2. Parcel 2 (Building A) and Parcel 3 (Building B) shall have a maximum of 150 square feet of signage area each.
3. Freeway Oriented Wall signs (wall mounted) shall be allowed on Buildings A, B, C, and D. These signs shall be uniform, by maintaining a visible lettering size proportion in height (15 inches) and length (15 inches) for each letter, which may include the logo, not to exceed 4 square feet. Freeway Oriented Wall signs may to locate on the parapet since a majority of the buildings are covered by topography and landscaping.
4. The proposed Shopping Center is allowed a Monument sign (totaling 60 square feet and the height shall not exceed 36 inches) located at the entrance that may display the name of the center. This Monument sign may be located within the County Right-of-Way if authorized with an encroachment permit. An additional Monument sign (**5 feet in height and 4 feet wide**) is allowed 100 feet inside the driveway entrance that may display the tenants names. The tenant names on this Monument sign shall be allotted the same size and proportion and shall have a uniform color. These Monument signs shall not be internally illuminated.
5. Wall signs for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 15 percent of the building

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face, up to a maximum of 80 square feet. Such wall signs may be located on building faces other than those with public entrances.

6. One suspended sign with a maximum area of 10 square feet for each business or tenant.
 7. One projecting sign with a maximum area of 20 square feet for each business or tenant.
 8. Marquee signing for each business or tenant, with a maximum area of 40 square feet.
 9. Internally illuminated signage is prohibited.
 10. Signs shall only use shielded light fixtures mounted on the top of the sign structure and shall not exceed 1 foot candle reflected at 10 feet.
- a. **(VS-4) At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications consistent with the approved conceptual plans to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.16 Landscaping Standards of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately screen between the western property line and Buildings B, C, D and the parking lot.

The landscape plan shall utilize only plant material consistent with the LUO's Landscape Standards/ Plan Section.

All landscaping plans shall contain a note, signed by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), certifying that the plant materials specified in the plan are consistent with Section 22.16 of the San Luis Obispo County Land use Ordinance.

- b. **(VS-5) Retaining walls, sound walls, and understories shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Highway 101, Vineyard Drive, and Ag Hill Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.**

Mitigations / Trees

- c. **(TR-1)** The applicant shall limit tree removal to no more than 13 oak trees having a five inch diameter or larger at four feet from the ground and no more than 32 trees impacted (An oak tree is defined as having a five inch diameter or larger at four feet from the ground). **Prior to construction permit issuance**, construction plans shall clearly delineate all trees the limits of grading of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities**, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted.
- d. **(TR-2) At the time of application for construction permits**, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project, and in addition, shall provide for the planting, in kind at a 2:1 ratio, of oak trees to mitigate for trees impacted but not

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removed. No more than 13 oak trees having a five inch diameter or larger at four feet from the ground shall be removed as a result of the development of the project, and no more than 32 trees shall be impacted, but not removed, as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). **A total of 116 oak trees (98 coast live oaks and 18 valley oaks) will be required to be replanted.** The replanting of 24 oak trees shall be completed on-site and the remainder oak trees to be planted on a nearby off-site location to be approved by the Planning Department in consultation with the Environmental Division. The Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months.

- e. **(TR-3)** To guarantee the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new trees' survivability and vigor until the trees are successfully established, and prepare monitoring reports, on an annual basis, for no less than seven years. Based on the submittal of the initial planting letter, the first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially-required vegetation is successfully established (for oak woodlands, no less than seven years). Additional monitoring will be necessary if initially-required vegetation is not considered successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report(s) to maintain the population of initially planted vegetation and approved by the Environmental Coordinator.
- f. **(TR-4)** All trees to remain on-site that are within the limits of grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to any grading or site grubbing**. The outer edge of the tree root zone to be fenced will be outside of the canopy 1/2 again the distance as measured between the tree trunk and outer edge of the canopy (i.e., 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 (per approved construction plans), 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.

Mitigations / Nesting Birds - Construction and Grading Activities

- g. **(B-1)** If possible, to avoid potential impacts to nesting birds (including but limited to the White-tailed Kite and Loggerhead Shrike), construction and grading activities shall take place outside the bird nesting season, which is March 15th to August 15th. If construction or grading activities occur during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Mitigations / Nesting Birds - Tree Removal

- h. **(B-2)** If possible, to avoid potential impacts to nesting birds (including but limited to the White-tailed Kite and Loggerhead Shrike), tree removal associated with project activities shall be limited outside the bird nesting season, which is March 15th to August 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Mitigations / Special Status Animals

- i. **(B-3)** Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, a county approved biologist shall conduct a pre-activity (i.e. pre-construction) survey potential for the potential presence of Pallid Bats, Western Spadefoot Toad, CA, Red-legged frog and the American Badger. The applicant shall submit a letter from the biologist to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any of the above stated species activity within the project limits.

Condition Compliance

- j. **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.
- k. **Prior to issuance of construction permits for tenant improvements**, the applicant shall provide parking calculations for the proposed tenant and a running total for the entire center. All parking calculation must be in compliance with the Land Use Ordinance.

- I. **Prior to issuance of construction permits for tenant improvements**, the applicant shall provide a signed agreement from each new tenant which documents their understanding of the conditions of approval and ordinance standards relating to hours of operation, lighting and temporary and permanent signage. The agreement must also list the name and contact information for the tenant.

Covenants, Conditions and Restrictions

27. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
 - b. If a drainage basin is required, on-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - c. Maintenance of all streets/roads within the subdivision, including the requirement that the streets/roads continuously accommodate California legal 60 foot long trucks with semi-trailers as shown on the approved Phase I Truck Turning Plan (Sheet A-1t), in perpetuity.
 - d. Maintenance of all common areas within the subdivision in perpetuity.
 - e. Require that current and future owners of any lot are responsible to notify suppliers of goods and services that all delivery trucks shall park and turn around within the boundary of Parcel Map CO 08-0115 when making deliveries. And that said owners shall notify any lessee of this requirement. The Pinnacle Traffic Engineering letter dated December 11, 2009, which includes design truck specifications and 2 exhibits showing on-site maneuvering shall be included as an exhibit in the CC&R's.
 - f. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

28. 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.
29. Prior to sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the County.
30. 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.
31. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

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STOCK APPROVAL CONDITIONS FOR SUBDIVISIONS WITH COMMUNITY WATER AND SEWER

1. Community water and fire protection is to 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 "will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions and related facilities (except well(s)) may be bonded subject to the approval of the County Engineer 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 San Luis Obispo County Health Department.
5. When a potentially operational or operational 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 "will serve" letter be obtained and submitted to the county Health and Planning Departments for review and approval stating that community sewer system service is available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Engineer and sewer district.
8. No building permits are to be issued until community sewers are operational and available for connection.
9. An encroachment permit be obtained from the County Engineer for any work to be done within the county right-of-way.
10. An encroachment permit be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map checkprints to the county Engineering Department, the project must be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements be shown on the map.
14. Approved street names must be shown on the map.
15. The applicant must 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.

ATTACHMENT 2

16. The developer submit a preliminary subdivision guarantee to the County Engineer for review prior to the filing of the map.
17. Any private easements on the property must be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, are to 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.