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

Tuesday, September 25, 2012

PRESENT: Supervisors Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

ABSENT: None

RESOLUTION NO. 2012-250

RESOLUTION AFFIRMING THE DECISION OF PLANNING COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF SHERIDAN PROPERTIES FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT DRC2005-00073

The following resolution is hereby offered and read:

WHEREAS, on September 8, 2011, September 29, 2011, and November 3, 2011, 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 Sheridan Properties for Development Plan/Coastal Development Permit DRC2005-00073; and

WHEREAS, Alex Paul of Sheridan Properties and Andrew Christie of the Sierra Club have appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on September 25, 2012, and determination and decision was made on September 25, 2012; 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 appeals; and

WHEREAS, the Board of Supervisors has duly considered the appeals and determined that the appeals should be denied and the decision of the Planning Commission should be affirmed 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 herein above are true, correct and valid.

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

3. That the Mitigated 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 has reviewed and considered the information contained in the Mitigated Negative Declaration together with all comments received during the public review process prior to approving the project.

5. That the appeals filed by Alex Paul of Sheridan Properties and Andrew Christie of the Sierra Club are hereby denied and the decision of the Planning Commission is affirmed and that the application of Sheridan Properties for Development Plan/Coastal Development Permit DRC 2005-00073 is hereby approved

subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Teixeira, Mecham, Gibson, Hill and Chairperson Patterson

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

James R. Patterson
Chairperson of the Board of Supervisors

ATTEST:

By: JULIE L. RODEWALD
Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: /s/ James B. Orton
Deputy County Counsel

Dated: September 12, 2012

STATE OF CALIFORNIA,)

) ss.

County of San Luis Obispo,)

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

WITNESS my hand and the seal of said Board of Supervisors, affixed this 16th day of October, 2012.

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

(SEAL)

By: _____
Deputy Clerk.

FINDINGS - EXHIBIT A

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 28, 2011 for this project.

Development Plan

B. The proposed project is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the development meets applicable zoning regulations and future uses that may occupy the proposed structures will be limited to allowable uses in the Industrial land use category and the Sheridan Road Heavy Industrial Area respectively.

C. As conditioned, the proposed project 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 construction and future uses on the proposed project do not generate activity that presents a potential threat to the surrounding property and buildings as conditioned. The project also includes caretaker units for security purposes and to provide for 24-hour care and supervision of the site. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns and operational standards of the CZLUO.

E. The proposed project will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the development of an industrial park within an Industrial land use category is similar to, and will not conflict with, the surrounding lands and uses. The inclusion of caretaker units as a part of the project is secondary and accessory to the primary use of the site. The caretaker will provide security and 24-hour supervision to ensure there are not conflicts with surrounding 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 Sheridan Road, a local road which will be improved to handle any additional traffic associated with the project and the applicant will provide additional funding for improvements at the Highway 1 (Willow Road) and Sheridan Road intersection.

Adjustments

G. Modification of parking standards required by Coastal Zone Land Use Ordinance Section 23.04.166, is justified because the characteristics of the future uses do not necessitate the number of parking spaces for the worst case traffic generating use because it is not likely that the development will include a large percentage of high demand parking uses (i.e. Eating and Drinking Places). As proposed, 253 parking spaces (1 space per 415 sf.) is adequate for the types of uses that are anticipated (i.e. Warehousing, Manufacturing, etc.) and no traffic safety problems would result from the reduction in on-site parking.

H. Granting of the exception to the sign standards will not result in adverse visual impacts or other adverse effects because the number of buildings associated with the development will limit the allowable sign area on each building to less than 10 square feet.

Coastal Access

I. 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 nor located between the first public road and the shore and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL
DEVELOPMENT PLAN DRC 2005-00073

Approved Development

1. This approval authorizes the construction of a five (5) phase Industrial Park consisting of twenty one (21) units on seven (7) underlying legal parcels, as follows:

   a. Phase I (as shown on the phasing plan) shall be vested within 2 years of the effective date of this permit and shall include:
      i. the construction of two (2) units (Units 1 and 2) with a combined square footage of 9,168 (including grading and retention basins),
      ii. street improvements and parking, and
      iii. landscaping.
   b. Phase II (as shown on the phasing plan) shall be vested within 5 years of the effective date of this permit and shall include:
      i. The construction of six (6) units (Units 3 thru 8) with a combined square footage of 24,803 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.
   c. Phase III (as shown on the phasing plan) shall be vested within 7 years of the effective date of this permit and shall include:
      i. the construction of four (4) units (Units 9 thru 12) with a combined square footage of 19,384 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.
   d. Phase IV (as shown on the phasing plan) shall be vested within 10 years of the effective date of this permit and shall include:
      i. the construction of five (5) units (Units 17 thru 21) with a combined square footage of 32,498 (including grading).
      ii. street improvements and parking, and
      iii. landscaping.
   e. Phase V (as shown on the phasing plan) shall be vested within 12 years of the effective date of this permit and shall include:
      i. the construction of four (4) units (Units 13 thru 16) with a combined square footage of 19,865 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.

   The total first floor square footage for the proposed development is 105,718 square feet.

   Approximately 43,000 square feet of second story floor is possible within the overall development (dependent on tenant needs), for a total maximum of 149,000 square feet of floor area. Additionally, each phase will include the construction of all associated infrastructure (e.g. streets, parking, landscaping, and drainage facilities) necessary to serve that phase of development. The applicant is requesting up to one (1) caretakers unit to be constructed on each

legal lot of record for a total of seven (7) caretaker units (1,185 square feet each) with a maximum square footage of 8,295 square feet for the entire development. The total number of parking spaces for the development shall not be less 253. A total of 25 bike parking spaces shall be provided for the development and spaced throughout.

f. A maximum height of 45 feet measured from average natural grade.
g. An exception to the sign ordinance standards to allow a total of 200 sf. of sign area for the entire 21 unit industrial park. Signage may also include a 32.5 sf. monument sign.
h. All potential future uses categorized as allowable (A), permitted (P), and special (S) industrial uses are authorized by this Development Plan / Coastal Development Permit and do not require subsequent use permits for individual tenants of the proposed project. Any use that has special standards identified in Chapter 8 (Special Uses) must also be able to meet the requirements of that section to be authorized under this approval. These uses would be authorized by "Plot Plan" approval at the time future tenants request a business license approval and / or tenant improvements. Any waiver or modification of Chapter 8 - Special Use standards would not be authorized by a "Plot Plan" approval and would instead require approval of either a Minor Use Permit or Development Plan as described in the CZLUO.

All allowable, permitted, and special uses within the Industrial land use category would be allowed without the need for future use permit approvals (as described in Table O and the South County Coastal Area Plan), except as follows:

- Chemical Products – per CZLUO
- Petroleum Refining and Related Industries – per CZLUO
- Petroleum Extraction – per CZLUO
- Water Wells and Impoundments – per CZLUO

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

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

3. **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. 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 surrounding properties or public views (Sheridan Road). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy of the first structure in each phase (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 twelve (12) feet so that they are not visible from surrounding properties or public views. Security lighting shall be shielded so as not to create glare when viewed from surrounding properties or public views.

4. **Prior to application for construction / grading permits for any phase of the project**, the applicant shall contact and schedule a meeting with the building division, project planner, and the public works department to discuss the phasing plan. The discussion shall address concerns related to drainage during the phasing of the project and other improvements required by this approval.

Fire Safety

5. **At the time of application for construction permits for all structures**, 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 CDF/County Fire Department for this proposed project and dated December 12, 2005 or as modified due to changes in fire code requirements since the time of letter issuance.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Woodland Park Mutual Water Company stating they are willing and able to service the property.

7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Biological Resources

8. **At the time of application for construction / grading permits**, the project grading plan shall ensure that new contours and slopes do not influence localized hydrology within the preserve areas and do not direct and stormwater into the preserve.

9. **At the time of application for construction / grading permits**, native landscaping shall be required on any newly disturbed grounds or slopes around the preserve. Otherwise only non-invasive landscape species shall be allowed adjacent to the preserves and throughout the development. All landscape areas shall consist of drought tolerant and consistent with the requirements of Section 23.04.178 through 23.04.186.

Geology/Soils and Water

10. **At the time of application for construction permits**, loading dock areas shall be covered or drainage shall be designed to minimize run-on or runoff of stormwater. Connections to storm drains or other drainage facilities from depressed loading docks (truck wells) and maintenance bays are prohibited. An approved structural source control measure and / or treatment control measure shall be used to prevent stormwater pollution if drainage is not diverted around these areas.

11. **At the time of application for construction permits**, the applicant shall reduce impervious land coverage of parking areas to the maximum extent practicable (e.g. use of impervious pavers where appropriate). Stormwater runoff from parking areas shall infiltrate and / or be treated prior to be discharged to storm drains or other drainage facilities. Parking lots shall be designed with curb cuts and drain to vegetated depressions or rain gardens to allow for stormwater filtration along the flowline to the drainage basin. If underground piping is used to transmit flows to the drainage basin, thepipes shall be perforated to allow groundwater recharge.

12. **At the time of application for construction permits**, roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants such as parking areas.

13. **At the time of application for construction/grading permits**, vegetated drainage swales shall be constructed along internal streets (if feasible) to transmit stormwater flows to the drainage basin. Where direct connection to the drainage basin is not feasible, underground piping may be used to transmit flows to the drainage basin. These pipes shall be perforated to allow groundwater recharge (see low impact development design manuals for guidance on such measures).

14. **At the time of application for construction permits**, trash container areas shall be covered or have drainage from roofs and pavement diverted around the enclosure areas. Trash container areas must be screened or walled to prevent loose debris or trash from being transported outside the enclosure.

Hazards and Hazardous Materials

15. **At the time of application for tenant improvements/business licenses for future uses of all buildings and during the life of the project**, the project shall not use any hazardous materials not listed in Appendix A (see attached), or in greater quantities then specified, unless approved in advance by the County Environmental Health Division and the Planning Department.

16. **At the time of application for tenant improvements / business licenses for future uses of all buildings and during the life of the project**, the tenant/applicant shall concurrently provide a Hazardous Materials Business Plan to CAL FIRE/San Luis Obispo County Fire Department, the County Planning and Building Department, and County Environmental Health Division for review and approval. Copies of the final HMBP shall then be provided to the above parties for use, as well as a copy kept on-site at all times.

17. **At the time of application for tenant improvements / business licenses for future uses of all buildings and during the life of the project**, if any hazardous materials not listed in Appendix A are used or stored on the project site, the tenant/applicant shall provide evidence that a fully compliant Hazardous Waste Management Plan has been prepared and subsequently approved by the County's Environmental Health Division. At a minimum, the Hazardous Waste Management Plan shall address:
    a. waste determination (22 CCR §66262.11);

b. on-site container/tank management (22 CCR §66265.171 - .191);
c. proper disposal (22 CCR §66266.3, HSC §25250.4);
d. accumulation times (22 CCR §66262.34);
e. contingency plans (22 CCR §66265.50).

18. **At the time of application for construction permits for the first structure**, if a potentially operational or existing auxiliary water supply (in the form of an existing well) is located on any of the parcels associated with the development plan 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 crossconnection control device installed at the meter or property line service connection **prior to occupancy** (Chapter 8.30, San Luis Obispo County Code).

    If the Woodland Park Mutual Water Company does not have two (2) operational wells at the time of permit issuance for the first structure / phase, the applicant shall provide a new well site for use in the mutual water system (in order to meet State Department of Environmental Health requirements). The applicant shall also provide proof that the mutual water system meets applicable requirements for operations under state law **prior to construction/grading permit issuance.**

    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 shall be required to obtain a permit from the County Health Department.

Noise

19. **At the time of application for construction permits for structures with caretaker units**, the applicant shall show the following on the project plans:
    - All exterior doors within the caretakers units (including doors that open to the industrial work space) shall be solid core with perimeter weather stripping and threshold seals and shall have an STC (Sound Transmission Class) rating of 35 or greater;
    - All fresh air inlets or exhaust vents on caretakers units shall incorporate sound attenuation and noise baffling;
    - All internal walls that are located between the industrial use area and the caretakers units shall have an STC (Sound Transmission Class) rating of 40 or greater.

20. **Prior to final inspection or occupancy of structures with caretaker units**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the above measures have been adhered to.

Transportation and Circulation

21. **At the time of application for construction permits**, the applicant's engineer shall submit to the Department of Public Works improvement plans prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer. The submittal package is to include:

1. Street plan and profile.
   a. Sheridan Road shall be widened to complete the project side of an A-1 rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
2. Drainage calculations for the road improvements.
3. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the development plan to be approved jointly with the Department of Planning and Building.
4. A completed Engineering Checking and Inspection 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.
5. A completed 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.

22. **At the time of application for construction permits**, the applicant shall apply to the Department of Planning and Building for approval of new street names. Street signs shall be in place **prior to the occupancy of the first structure**.

Water

23. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.
    1. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards and the measures listed under geology/soils and water. The basin/s is/are to be maintained in perpetuity.
    2. 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.

24. **At the time of application for a construction permit**, applicable construction plans will show the use of all feasible indoor water conservation measures, including but not necessarily limited to:
    a. low water-use toilets (max. 1.28 gpf), showerheads (max. 1.5 gpm), and faucets;
    b. automatic shut-off devices for bathroom and kitchen faucets;
    c. point-of--use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen (when 20 feet or more from water heater).

    Landscape plans will be prepared that include, but are not necessarily limited to, the following outdoor conservation measures:
    a. plants grouped into "hydrozones" with similar water needs;
    b. low water-use plant materials;
    c. non-native, invasive, drought tolerant, and turf grass landscaping shall be prohibited on the entire site;
    d. soil moisture sensors, and drip irrigation systems.

All measures list above shall be completed prior to final inspection or occupancy, whichever occurs first.

25. **At the time of application for a construction permit**, the applicant shall pay a supplemental water development fee for dwelling unit equivalent similar to that required by County Ordinance for properties located within the Nipomo Mesa Water Conservation Area.

26. **At the time of application for a construction permit**, if the County's supplemental water fee is not adopted, the applicant shall either:
1. Pay the Nipomo Community Services District supplemental water fee to the District based on the current fee schedule at the time of payment; or
2. Enter into an agreement with the County that the applicant will provide retrofitting within the Nipomo Water Conservation Area boundary to off-set the additional water usage generated by new development on the parcels. Evidence of retrofitting and the estimated amount of water saved through retrofits will be required prior to construction permit issuance; and
3. Water meters shall be shown on the plans and installed for each individual industrial unit including separate meters for the individual caretaker units.

Conditions to be completed prior to issuance of a construction permit

Fees

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

28. **With each phase of development and prior to issuance of construction permit(s) for each structure**, the applicant shall pay the housing impact fee as required by Section 23.04.096.f(1) or may defer fee payment pursuant to Section 23.04.096.j(4). As an alternative the applicant may provide housing unit(s) for one or more development phases by recording an inclusionary housing agreement on the caretaker unit for that phase **prior to issuance of any construction permit(s) for that phase** pursuant to Section 23.04.096.j(4).

29. On-going condition of approval (valid for the life of the project), **prior to issuance of building permits**, the applicant shall pay the current South County Area 2 Road Impact Fees.

Air Quality

30. Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance.**
a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be

required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
c. All dirt stock-pile areas should be sprayed daily as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should 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 should be sown with a fast-germinating native grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding, soil binders, or other approved methods 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 should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
l. All these fugitive dust mitigation measures shall be shown on grading and building plans; and
m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

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

32. **Prior to construction/grading permit issuance**, the following measures shall be shown on the plans; during all construction activities and for the life of the industrial park, these Idling Restrictions near Sensitive Receptors for On and Off-Road Construction Equipment shall be implemented:
a. Staging and queuing areas shall be located the maximum feasible distance away from sensitive receptors;
b. Diesel idling within 1,000 feet of sensitive receptors shall be minimized and in no case be allowed for more than five minutes;
c. Use of alternative fueled equipment is recommended whenever possible; and
d. Signs that specify the idling requirements shall be posted and enforced at the construction site.
33. **Prior to construction/grading 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. Please refer to the APCD webpage at http://www.slocleanair.org/business/asbestos.asp) or for more information or contact the APCD Enforcement Division at 781-5912.

34. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of anyconstruction permit to remove or demolish any buildings or utility pipes on the subject property**, the applicant shall provide evidence they have contacted APCD to determine:
a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP);
b) District notification requirements;
c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and
d) applicable removal and disposal requirements of the asbestos-containing material.

35. **Prior to construction/grading permit issuance**, the applicant will be required to document the source of fill for the proposed project. The location shall be from a permitted source and be the closest location feasible to reduce air emissions.

36. **Prior to construction/grading permit issuance**, any portable equipment, 50 horsepower or greater, used during construction activities shall require California statewide portable equipment registration (issued by the California Air Resources Control Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be considered exclusive. For a more detailed listing, refer to APCD's 2009 CEQA Air Quality Handbook.
   - Power screens, conveyors, diesel engines, and or crushers;
   - Portable generators and equipment with engines that are 50 horsepower or greater;
   - Internal combustion engines;
   - Concrete batch plants;
   - Tub grinders; and
   - Trommel screens.

37. **Prior to construction permit issuance for individual tenant improvement**, proven energy efficiency measures shall be implemented to mitigate GHG emissions. Refer to the APCD's 2009 CEQA Handbook for mitigation measures. The applicant shall consult with APCD to determine appropriate mitigation for the individual impacts associated with the proposed use. Mitigation shall be provided

to account for said uses fair share of the 4 metric ton per day impact identified for the project and receive approval of the proposed energy efficiency measures.

38. **Prior to construction permit issuance for individual tenant improvement**, proven energy efficiency measures shall be implemented to mitigate operational phase emissions associate with equipment and operations listed in the 2009 CEQA Air Quality Handbook. The applicant shall consult with APCD to determine appropriate mitigation for the individual impacts associated with the proposed use. Mitigation shall be provided to account for said uses fair share of the 4 metric ton per day impact identified for the project and receive approval of the proposed energy efficiency measures. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the APCD's 2009 CEQA Air Quality Handbook.
    - Electrical generation plants or the use of standby generators;
    - Poratble generators and equipment with engines that are 50 horsepower or greater;
    - Public utility facilities;
    - Boilers;
    - Internal combustion engines; and
    - Cogeneration facilities.

Biological Resources

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

40. **Prior to construction/grading permit issuance for any phase of the project**, the "project limits" shall be clearly delineated in the field. Highly visible construction fencing shall be used to exclude activities from the Nipomo Mesa lupine areas. No development (including storage of materials) shall occur outside of the "project limits." This fencing shall remain in place during the entire construction period. Verification shall be provided by means of a site visit from applicable County staff at a pre-construction meeting.

41. **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine or contain grading that may impact Nipomo Mesa lupine areas**, silt fencing and highly visible construction fences shall be installed.

These measures shall be installed around the buffer zones during all construction activities to ensure no disturbance, siltation, or runoff enters the preserved areas. No

straw wattles shall be used as they may introduce undesirable non-native grasses near the preserves. If wattles are to be used, then cocoanut fiber rolls shall be specified.

42. **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine**, the final project design shall include buffer zones around the two occurrences of Nipomo Mesa lupine with non-disturbance buffer zones (see project plans dated December 12, 2008). The grading plans shall be designed so as to not change the existing drainage patterns that provide water to the identified Nipomo Mesa lupine locations.

43. **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine**, all grading plans shall show lupine protection areas on the plans and permanent and highly durable fencing shall be installed to exclude access and disturbance from building occupants and construction crews that could create volunteer trails and / or other disturbance. The fencing shall be approved by the Environmental Division. The fencing shall be designed to prevent access to the Nipomo Mesa lupine areas. Educational signs shall be placed to identify the area as protected endangered species habitat preserve. The signs shall include a brief description of the sensitive species, historic context / range of the species, and restrictedaccess requirements listed below in Condition of Approval # 45.

44. **Prior to construction/grading permit issuance for any phase of the project**, the applicant shall enter into an open space easement with the county in perpetuity, in a form approved by County Counsel, for the areas specified on attached Exhibit A and A-1. The intent of the open space agreement is primarily to protect the populations of Nipomo Mesa lupine and curly-leaved monardella. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement. Sturdy fencing shall be installed to protect sensitive areas. To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable structures shall be setback from the edge of the conservation easement area the distance recommended by CAL FIRE. This setback shall be shown on all applicable future construction plans. The easement shall be set aside as open space in perpetuity for its value as habitat for Nipomo Mesa Lupine. No structures, grading, site disturbance, native vegetation removal, vehicle use or storage, introduction of non-native plants, mowing, discing or any other action likely to negatively affect the Nipomo Mesa Lupine, its potential pollinators, or surrounding habitat shall occur within the open space easement.

45. Only individuals with jurisdiction, or their designee (e.g., County Planning, county approved monitor or non-profit group, Department of Fish & Game, US Fish & Wildlife) shall be periodically allowed access, on an as-needed basis, to the specified open space areas as shown on Exhibit A and A-1 for the following reasons: permit compliance, verify habitat restoration/protection, evaluate long-term effectiveness of required measures. All efforts shall be made between the above-referenced groups to coordinate their efforts to view the site jointly, and minimize the number of separate visits conducted any given year. Unless in response to a potential violation, such individuals will provide to the property owner at least a 72-hour prior notice of their intent to visit the premises. This measure shall be placed

on the required signage, and on subsequent applicable construction plans **upon submittal of individual construction permits.**

46. **Prior to construction/grading permit issuance for any phase of the project**, to ensure the long term protection of the Nipomo Mesa lupine, the following measures will be required:

- Non-native Weed Control – Invasive and non-native weeds shall be removed by hand in the preservation area as determined by a qualified biologist. Invasive and noxious weed removal shall be limited to the extent feasible to ensure that foot traffic and disturbance from plant removal would be detrimental to the Nipomo Mesa lupine. In particular, preservation of the cryptogrammic crust shall be weighed against the risk of non-native weeds and the need to remove undesirable weeds. Table 1 below indicates typical noxious weeds that shall be the focus of monitoring and removal. Of key concern and most likely to occur and require removal is veldt grass (Ehrharta calycina).

Table 1 – Noxious Weed Species	
Brassica/Hirschefeldia	Mustard
Carduus pycnocepalus	Italian thistle
Centaurea calcitrapa	Purple-star thistle
Centaurea solstitialis	Yellow-star thistle
Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Ehrharta calycina	Veldt grass
Foeniculum vulgare	Fennel
Picris echioides	Prickly ox-tongue
Poaceae	Non-native grasses
Silybum marianum	Milk thistle

- Monitoring and Reporting Plan – Monitoring shall be conducted by a qualified biologist during May through July of each year of construction and for at least three years following completion of the development plan. Annual reports shall be submitted to the County by August 31 of each year until the terms above are satisfied. Photo documentation shall be provided to document success of the protection measures. Each annual report shall include a description of the maintenance and monitoring activities conducted for that year. The report shall make recommendations as needed regarding the original conservation measures and upon completion of construction shall provide a habitat condition within the conservation areas that is equal to or better than the current habitat condition. At the end of the monitoring period, the biologist shall make a recommendation as to whether additional monitoring is required beyond that time and if any additional measures are needed to maintain the current habitat conditions.

Hazards and Hazardous Materials

47. **Prior to construction/grading permit issuance for any phase of the project**, the applicant will be required to provide a technical report from a Registered Fire Protection Engineer showing that existing water storage, water mains, fire hydrants,

pumps etc. either meet or exceed the requirements of the California Fire Code. If improvements are required to the existing system, the applicant shall be required to make these improvements prior to construction of the proposed structures.

Transportation and Circulation

48. **Prior to issuance of construction or grading permits**, all driveway/street approaches to be constructed on County roads by the applicant or project related roads constructed by the applicant to be accepted for County maintenance shall require an encroachment permit. All driveway/street approaches shall be constructed in accordance with County Public Improvement Standards prior to final inspection of the structures associated with said phase.

Conditions to be completed during project construction

Building Height

49. The maximum height of each building is 45 feet from average natural grade.

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

50. **Prior to occupancy or final inspection of the first structure in each phase** (whichever occurs first), the applicant shall implement the proposed landscaping plan, as shown on the approved project plans. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed in accordance with the approved plans.

51. To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. 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 newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator. The applicant is not responsible for monitoring previously completed/approved phases once the monitoring period has been completed for said phase.

52. **Prior to occupancy or final inspection**, 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. All street improvements shall be completed **prior to occupancy of the first structure associated with each phase**.

53. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall

obtain final inspection and approval from CDF of all required fire/life safety measures.

54. **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.

55. **Prior to final inspection / occupancy of each phase**, the applicant shall provide at least on bike rack that will accommodate 5 bikes. The bike racks shall be located in an area that will provide convenient access to the structures in each phase and shall be spaced to provide adequate access to the overall development plan. A total of 25 bike spaces shall be provided prior to final inspection / occupancy of the final phase.

56. **Prior to occupancy or final inspection of each phase that includes tree removal**, whichever occurs first, the applicant shall replace, in kind at a 4:1 ratio, all coast live oak trees 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). 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). A total of 20 coastal live oak trees shall be planted based on the removal of five (5) coast live oak trees.

    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 (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. This shall be reflected on the required landscape plans.

57. **Prior to final inspection or occupancy of the first structure**, all driveway/street approaches shall be constructed in accordance with County Public Improvement Standards. All driveway/street approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

<u>On-going conditions of approval (valid for the life of the project)</u>

58. **During the life of the project**, noise-making industrial activities (manufacturing, use of heavy machinery, etc.) are prohibited outside of the structures/units.

59. **On-going condition of approval (valid for the life of the project),** any gate constructed on the private access road shall be set back in accordance with current Cal Fire standards. Additional setback may be required by the County based on the length of the design delivery truck accessing the site.

60. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for 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.

61. This land use permit is valid for the period described above in 1 e. from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

62. 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 Coastal Zone Land Use Ordinance.

63. **At the time of application for tenant improvements/business licenses for future uses of all buildings and during the life of the project**, the applicant shall obtain permits for operational source emissions as required by the APCD. If no permit is required, clearance shall be provided by the APCD.

64. **Prior to issuance of any permit associated with Phase 3**, the applicant shall revise the grading plan to provide secondary emergency access (to the satisfaction of Cal Fire) at the northwestern corner of Private Street A & D and the private access road (Calle Bendita), to allow access for emergency vehicles as well as evacuation in case the primary access point at Sheridan Road is blocked.

65. **On-going condition of approval (valid for the life of the project),** the caretaker units shall only be occupied by a caretaker employed on the site where a caretaker is needed for security purposes or to provided 24 hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

66. **At the time of application for construction permits**, plans shall note that sewage disposal from any building containing organic solvents, hydrocarbons and/or other harmful compounds shall be pre-treated and removed prior to entering the septic system.

    Verification of the implementation of this condition will be completed with all subsequent individual building permits.

67. The applicant shall as a condition of approval of this Development Plan/Coastal Development Permit 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 Development Plan/Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Development Plan/Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Development Plan/Coastal Development Permit. The applicant shall reimburse the County for any costs and attorney's fees (including those incurred at the administrative hearing) which 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.