



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

MEMORANDUM

Date: October 21, 2019
To: Planning Commission
From: Young Choi, Project Manager
Subject: **Conditions of Approval Revision SUB2019-00017**

Staff is updating Exhibit B - Conditions of Approval for SUB2019-00017 to include Airport Land Use Commission and Oceano Community Service District's recommendations. Please see revised Conditions of Approval attached on this memorandum. Changes are made in **red**.

If you have any questions regarding this revision, please contact me at ychoi@co.slo.ca.us or at (805) 788-2086.

Sincerely,

A handwritten signature in black ink, appearing to be "Y. Choi", written in a cursive style.

Young Choi, Project Manager

EXHIBIT B - CONDITIONS OF APPROVAL REVISED OCTOBER 21, 2019
CONDITIONAL USE PERMIT / SUB2019-00017 / TRACT 3130
CABRILLO COURT CONSTRUCTION COMPANY

Approved Development

1. This conditional use permit approval authorizes:
 - a. A Vesting Tentative Tract Map to subdivide an existing 1.23-acre parcel into a 14-lot residential Planned Development of approximately 3,470 to 4,900-square-foot (gross) in size.
 - b. Land Use Permit approval for a Planned Development to include 14 residential units of approximately 1,200-square-feet with an attached two-car garage.
 - c. Waiver of the Planned Development (LUO 22.22.145) requirement of Common Community Gathering Area (CCGA), and CCGA Landscaping pursuant to California Government Code 65915.
 - d. Modification of the setback to 5-foot from internal street easement.

Conditions 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 Vesting Tentative Tract Map, preliminary grading plan, site plan, and architectural floor plans and elevations. Plans shall designate the internal street isle as a no-parking fire lane with signage.

Fire Safety

3. **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 and Five Cities Fire Authority.

Geology

4. **(GEO-1) Prior to issuance of construction permits**, the applicant shall demonstrate compliance on the grading plans with all recommendations of the Soils Engineering Report (GeoSolutions, April 12, 2019) for the project. During project construction and prior to final inspection, the applicant shall implement and comply with all recommendations of the Soils Engineering Report (GeoSolutions, April 12, 2019) for the project.

Access

5. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:

- a. Wilmar Ave shall be widened to complete the project frontage of an A-2 urban street section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. A private access road serving Parcels 1-14 shall be constructed to Cal Fire Standards within a 20-foot minimum shared private access, public utility easement, and private drainage easement with additional width as necessary to include all elements of the roadway prism and the cul-de-sac or other Cal Fire approved road terminus.
 - c. All roadway grading shall be done in accordance with Title 19 and the California Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
6. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative.
 7. **At the time of application for construction permits**, the applicant shall 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. The civil engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.

Drainage

8. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.
9. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
10. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

Archaeological

11. **At the time of application of construction permits**, the applicant shall retain a qualified archaeologist to prepare a worker training/educational guide on archaeological resources. **Prior to ground-disturbing activities**, all construction personnel conducting rough grading shall receive training on how to recognize possible subsurface archaeological resources and methods to protect such resources during construction/improvement grading. The training shall include a regulatory overview, and how violators could be subject to prosecution under

certain provisions of State and federal laws. Unauthorized collection or disturbance of protected fossils on or off-site by the Applicant, their representatives, or their employees will not be allowed. Unauthorized resource collection or disturbance may constitute grounds for the issuance of a stop work order by the County.

The following issues shall be addressed in the training guide, or in preparation for construction:

- a. All construction contracts shall include clauses that require grading personnel to attend training so that they are aware of the potential for inadvertently exposing subsurface archaeological resources, their responsibility to avoid and protect all such resources, and the penalties for collection, vandalism, or inadvertent destruction of paleontological resources.
- b. A County-approved archaeologist shall provide a background briefing for supervisory personnel describing the potential for exposing archaeological resources, the location of any potential archaeological resources, and procedures and notifications required in the event of discoveries by project personnel or archaeological monitors. Supervisory personnel shall enforce restrictions on collection or disturbance of fossils.
- c. Upon discovery of archaeological resources by archaeologist or construction personnel, work in the immediate area of the find shall be diverted until cleared by the project archaeologist. Once the find has been inspected and a preliminary assessment made by the archaeologist, the County shall be notified.

Storm Water Control Plan (SWCP):

12. The applicant must submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. Applicants must utilize the County's latest SWCP template.

- a. If applicable, the applicant shall submit a draft stormwater operations and maintenance plan for review by the County. The operations and maintenance plan may be incorporated into existing or proposed CC&Rs or drafted as an Agreement.
- b. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder a Stormwater Operations and Maintenance plan to document on-going and permanent storm drainage control, management, treatment, inspection and reporting.
- c. If applicable, the applicant shall submit a draft General Notice to document the location and type of control measures that were installed to mitigate Performance Requirement No. 2. Following approval by the County, the applicant shall record the General Notice with the County Clerk-Recorder. The recorded control measures shall remain in good working order in perpetuity.
- d. Prior to approval of the improvement plans or construction permits, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

Airport Land Use Commission

13. **(ALUC) At the time of application for construction permits,** The applicant shall demonstrate to the County Building Official (who shall consult with the County Airports Planner) that the design features and / or construction techniques identified in the County's Noise Element, or such other design features and / or construction techniques determined necessary by the County Building Official, to attain the degree of sound attenuation required by the ALUP have been fully incorporated into the construction of the Project.
14. **(ALUC) At the time of application for construction permits,** No structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature shall constitute an obstruction to air navigation or a hazard to air navigation, as defined by the ALUP.
15. **(ALUC) At least 30 days before proposed construction or application for a building permit,** The construction plans for the proposed dwelling shall be submitted to the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. In addition, applicable construction activities must be reported via FAA Form 7460-1.
16. **(ALUC)** Any use of the Project site is prohibited that may entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport, including:
 - creation of electrical interference with navigation signals or radio communication between the aircraft and Airport;
 - lighting which is difficult to distinguish from Airport lighting;
 - glare in the eyes of pilots using the Airport;
 - uses which attract birds and create bird strike hazards;
 - uses which produce visually significant quantities of smoke; and
 - uses which entail a risk of physical injury to operators or passengers of aircraft (e.g., exterior laser light demonstrations or shows).
17. **(ALUC) At the time of application for construction permits,** Avigation easements shall be recorded for the Project site.
18. **(ALUC) At the time of application for construction permits,** The applicant shall submit a real estate disclosure document to the County prior to the issuance of any building permit or conditional use permit that provides full and accurate disclosure concerning the noise, safety, or overflight impacts associated with Airport operations and said disclosure document shall be provided to all owners, potential purchasers, occupants (whether as owners or renters) and potential occupants (whether as owners or renters) prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

Conditions to be completed prior to issuance of construction permits for residences

Fees

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

Oceano Community Services District (OCSD)

20. **Prior to issuance of a construction permit**, the applicant/landowner shall obtain final will serve letters from the Oceano Community Services District as required by the OCSD Intent to Serve Commitment letter dated June 10, 2019

Conditions to be completed during construction activities

Air Quality

21. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Engineering & Compliance Division at (805) 781-5912 or go to slocleanair.org/rules-regulations/asbestos.php for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of slocleanair.org/library/download-forms.php.

22. **(AQ-1) During construction/ground disturbing activities**, Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

- d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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

- 23. 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 90 days after final building inspection. If installed or bonded for, the landscaping shall thereafter be maintained in a viable condition in perpetuity. If landscaping is for screening, such landscape must be maintained to provide the required or better screening in perpetuity.
- 24. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Five Cities Fire Authorities of all required fire/life safety measures.
- 25. **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)

Time Limits

- 26. For land use permits that are **required in conjunction with a land division application**, the effective approval period of the land use permit shall run with the tentative map, subject to the

time extension provisions of the Subdivision Map Act (as it may be amended by the Legislature). The land use permit time frame may exceed the 5, 12-month time extensions allowed by ordinance section 22.64.070 C, if the concurrent tentative map time extension request is consistent with the Subdivision Map Act time extension provisions. Time extensions for tentative maps with concurrent use permits must be submitted in writing with processing fees prior to the expiration date of the tentative map and use permit. Time extensions for tentative maps with concurrent use permits, other than those approved by operation of law, are subject to discretionary review. Time extensions may be approved or denied based on the circumstances prevailing at the time of the request.

27. This conditional use permit and vesting tentative tract map are subject to a two-year initial approval period. Prior to expiration a time extension with applicable fees must be submitted in writing to the Department of Planning and Building. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.