

RE: Re-Transmittal of Project Summary / Referral*: LRP2019-00001 DeCicco, General Plan Amendment, Cayucos

Jackie Mansoor
Wed 6/3/2020 11:25 AM
To: Jennifer Guetschow
Cc: Brian Pedrotti
Hello Jennifer,

The APCD has reviewed the information in the Project Referral. The APCD would like to inform the applicant, lead agency, and/or public of the below **(1) Information Comment**.

1. Information Comment

- i. The General Plan Amendment proposes to change 2958 Orville Ave in Cayucos from the Land Use Category Commercial Retail to Residential Single Family. The property is currently surrounded by residential land uses. The APCD encourages the balance of residential and commercial infill within the existing urban reserve lines (URLs) and village reserve lines (VRLs), as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. This balance of residential and commercial infill can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. When people can walk and/or cycle to nearby businesses, traffic is reduced, and we create healthier communities. The APCD supports this balance, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy. The proposed amendment would limit the opportunity for this balance, therefore, the APCD cannot support the proposed General Plan Amendment request.

Jackie

Jacqueline Mansoor | Air Quality Specialist

Currently Teleworking

SLO County Air Pollution Control District

3433 Roberto Court, SLO 93401

805-781-5983 • SLOCleanAir.org • SLOCarFree.org



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

THIS IS A *RE-TRANSMITTAL* OF A PROJECT REFERRAL

DATE: 3/9/2020
TO: 2nd District Assistant, Air Pollution Control Board, Public Works, Stormwater, County Service Area 10 (Cayucos Water), Coastal Commission, Cayucos Advisory Council, State Department of Toxic Substances
FROM: Jennifer Guetschow (jguetschow@co.slo.ca.us or 805-788-2352)

PROJECT NUMBER & NAME: LRP2019-00001 DeCicco

PROJECT DESCRIPTION: Proposed General Plan Amendment to change the Land Use Category from CR (Commercial Retail) to Residential Single Family (RSF), address is 2958 Orville Ave in Cayucos.

APN(s): 064-263-036

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached. Thank you.

6/2/2020 Date L. Terry Name x5553 Phone



Attachment 8
COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT

Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

June 2, 2020

To: Jennifer Guetschow, jguetschow@co.slo.ca.us
SLO County Planning and Building

From: Environmental Health
Leslie Terry, 805-781-5553, lterry@co.slo.ca.us

RE: LRP2019-00001 DeCicco
APN 064-263-036

Please be advised that while this office does not have comments relative to the General Plan Amendment; there are significant comments applicable to the future re-development of this site. This site has not obtained a closure letter relative to its prior use. Please reference the July 8, 2016 document drafted by this office and the BOS Resolution from 2008 reference therewithin attached to this response.

Any questions regarding this site should be directed to Mr. Aaron LaBarre at (805) 781-5595 or at alabarre@co.slo.ca.us



Public Health Department

Jeff Hamin
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer



Public Health
Prevent. Promote. Protect.

July 8, 2016

Frank DeCicco
115 Kodiak Street
Morro Bay, CA 93442

RE: Redevelopment of APNs 064-263-025, 036, 052, 053; 2991 South Ocean Blvd. Cayucos, Development Plan SUB2005-00241 and Variance DRC2006-00064

This letter is presented due to a request from your Project Planner, Chuck Stevenson. Chuck stated he is responding to a request from the Coastal Commission asking if any of the agencies have new conditions since providing them in 2008. Our agency provided general comments in 2008 and they were made project conditions. Our agency does not have any new general conditions but applicable changes of EPA guidance for site investigations will apply. At this point, changes will affect finer details of sample acquisition, analysis and sample analytical laboratory methods.

The conditions of approval confirmed in the Board Of Supervisors Resolution concerning this agency remain to be satisfied. Once those conditions are satisfied, this agency will provide a closure letter. In general, our conditions are concerned with evaluating past underground fuel storage tank systems and other sources of hazardous materials for potential impacts, potential removal of any remaining systems or sources and mitigation of impacts. The general phases are assessment, mitigation, waste management, mitigation confirmation and application for closure.

Please contact me for further detail on guidance for compliance with our agency's conditions or any questions regarding this letter at 805-781-5595.

Sincerely,

Abron LaBarre, REHS
Supervising Environmental Health Specialist
Hazardous Materials Section

C: Chuck Stevenson

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

_____ day _____, 20

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION MODIFYING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF FRANCO DECICCO FOR A
TENTATIVE TRACT MAP/COASTAL DEVELOPMENT PERMIT FOR
TRACT 2863, DEVELOPMENT PLAN SUB2005-00241,
AND VARIANCE DRC2006-00064

The following resolution is now offered and read:

WHEREAS, on March 27, 2008, May 22, 2008 and June 26, 2008, 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 Franco DeCicco for a tentative tract map/coastal development permit for Tract 2863, Development Plan SUB2005-00241, and Variance DRC2006-00064; and

WHEREAS, Franco DeCicco has 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 21 and Title 23 of the San Luis Obispo County Code; and

WHEREAS, public hearings were duly noticed and conducted by the Board of Supervisors on October 7, 2008 and October 28, 2008, and determination and decision was made on October 28, 2008; and

WHEREAS, at said hearings, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld in part and the decision of the Planning

Attachment 8

Commission should be modified and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.
5. That the appeal concerning the tentative tract map filed by Franco DeCicco is hereby upheld in part and the decision of the Planning Commission is modified and that the application of Franc DeCicco for a tentative tract map/coastal development permit for Tract 2863 is hereby approved subject to the conditions of approval set forth in Exhibit D attached hereto and incorporated by reference herein as though set forth in full.
6. That the appeal concerning the development plan filed by Franco DeCicco is hereby upheld in part and the decision of the Planning commission is modified and that the application of Frank DeCicco for Development Plan SUB2005-00241 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.
7. That the appeal concerning the variance filed by Frank DeCicco is hereby denied and the decision of the Planning Commission is affirmed and that the application of Franco DeCicco for Variance DRC2006-00064 is hereby approved based upon the findings and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

Attachment 8

Upon motion of Supervisor _____, seconded by Supervisor _____

_____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: _____
Deputy County Counsel

Dated: 10.15.08 _____

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, 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 _____ day of _____, 20____

County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By _____
Deputy Clerk.

EXHIBITS A, B, C, D

- FINDINGS, DEVELOPMENT PLAN SUB 2005-00241,
VARIANCE DRC 2006-00064
 - CONDITIONS OF APPROVAL, DEVELOPMENT PLAN
SUB 2005-00241
 - FINDINGS, TENTATIVE TRACT 2863
 - CONDITIONS OF APPROVAL, TENTATIVE TRACT
2863
-

EXHIBIT A: FINDINGS, DEVELOPMENT PLAN SUB2005-00241,
VARIANCE DRC2006-00064

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 February 21, 2008, and a Revised Mitigated Negative Declaration has been issued on May 29, 2008 for this project. Mitigation measures are proposed to address aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/circulation, water, and land use, and are included as conditions of approval.

The Revised Mitigated Negative Declaration, including mitigation measures, effectively addresses the issues raised by the Concerned Citizens of Cayucos in its "Request for Review" (environmental appeal) of the proposed Mitigated Negative Declaration, as follows:

Consistency with Estero Area Plan

The Mitigated Negative Declaration and Visual Analysis for this project adequately address the project's consistency with policies in the *existing* Estero Area Plan. The Estero Area Plan *update* has not been approved by the Coastal Commission, is not in effect, and therefore cannot be used as a basis to evaluate a proposed project's consistency with the Local Coastal Program. No specific policy inconsistencies with the existing Estero Area Plan were identified; the project is consistent with Cayucos Urban Area standards in the Estero Area Plan associated with setbacks, density, and height limitations. In addition, granting a Variance to Commercial Retail Standard #1 for Cayucos, which requires new development to reflect a Western or Victorian style, would not result in a significant impact. Mitigation measures recommended in the Visual Analysis and incorporated into the project design include changing the style from the originally proposed Mediterranean style to a "California beach house" style. Although that style still requires a Variance to Commercial Retail Standard #1, it would result in a project that better reflects the architectural style of the surrounding neighborhood (see also following Findings I through M).

Aesthetic impacts

The Mitigated Negative Declaration adequately addresses the potential of the project to introduce a use within a scenic view open to the public, because the Visual Analysis determined that 1) the existing views from Orville Street looking west have been previously compromised and are therefore not considered scenic views in the analysis, and no significant impacts would occur, and 2) as viewed from the west, the proposed project would not significantly impact distant ridgelines, significant geologic features or scenic views from Highway 1.

The Mitigated Negative Declaration adequately addresses the potential of the project to change the visual character of the area, because the following mitigation measures reduce this potential impact to a less than significant level:

- additional stepping back of the motel portion of the project along Ocean Blvd. and the Residential Multi-Family- portion along Orville Avenue (these measures have already been incorporated into a revised project design)
- changing the architecture of the proposed project from “California Mediterranean” to “California Beach House style architecture”. (this architectural style has already been incorporated into a revised project design)

Air Quality, Hazards, Hazardous Materials

Potential contamination of the site is adequately addressed by the previous underground storage tank investigation, a new Phase I Environmental Site Assessment completed during the preparation of this Mitigated Negative Declaration, and the recommendations of the Environmental Health Division, which are included as mitigation measures. The following mitigation measures to be completed prior to recordation of the final map and issuance of construction permits reduce potential impacts to a less than significant level:

- implementation of a work plan submitted to the Division of Environmental Health which describes procedures to deal with a possibleth underground storage tank, the elimination point of the former gas stations floor drain, potential lead or asbestos-containing materials in the existing building, and potential Volatile Organic Compounds
- verification that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health
- verification that the Regional Water Quality Control Board and the Division of Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP), and implementation of the CMMP during site excavation

The Mitigated Negative Declaration adequately addresses potential air quality impacts associated with excavation of the underground garage, because it is expected that less than 2,000 cubic yards of material would be moved per day (below the APCD’s mitigation threshold). As a result, no mitigation measures, beyond standard dust control measures already required by the county code would be required.

The Mitigated Negative Declaration adequately addresses the need for dewatering, its potential affects on biological resources, and the associated impacts of storm water runoff on biological resources in Willow Creek, because the following mitigation measures reduce potential impacts to a less than significant level. In addition, adequate capacity exists in the storm water system to handle the increased runoff from the project, according to the Public Works Department, and. project is not expected to significantly increase the amount or degrade the quality of runoff from the neighborhood:

- compliance 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
- no construction of the underground garage between Oct. 15 and April 15
- implementation of a construction dewatering plan that describes the dewatering technologies to be used, the Best Management Practices to be employed, the

proposed outfall location (currently the existing storm drain), and water quality standards to be met for discharged water, at a minimum

- verification that appropriate dewatering and/or discharge permits have been issued by the Regional Water Quality Control Board
- no subsurface water to be discharged into the public storm water system without filtration and all necessary discharge permits

Transportation and Circulation

The Mitigated Negative Declaration adequately addresses transportation impacts, including pedestrian safety and impacts to Old Creek Road. The traffic study prepared for this project concludes that no project-specific mitigation measures are necessary. The Public Works Department agrees with that conclusion, and also comments that most of the traffic concerns expressed in the comment letter attached to the Request for Review deal with existing conditions, and are not considered impacts of the project. The required standard road improvements for this project would reduce significant operational traffic impacts to a less than significant level.

The following mitigation measures reduce potential impacts on regional transit needs and potential impacts due to short-term construction traffic to a less than significant level:

- payment of applicable regional transit in-lieu fees to the Regional Transit Authority
- implementation of a Construction Traffic Management Plan that includes measures such as identifying the maximum number of daily trips proposed for construction workers and construction vehicles, and designated worker parking

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, because the motel is a "Principally Permitted" allowable use in the existing Commercial Retail land use category, the residential multi-family portion of the project is a "Principally Permitted" allowable use in the existing Residential Multi-Family land use category, and the project, as conditioned, is consistent with all of the General Plan policies, including applicable Coastal Plan policies regarding public works, coastal watersheds, visual and scenic resources, and archaeology.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code, including Section 23.04.028d. regarding parcel sizes for condominiums in the Residential Single-Family and Multi-Family categories, Section 23.04.029 regarding minimum parcel sizes in the Commercial and Office categories, Section 23.04.084b. regarding density and intensity standards for multi-family dwellings, Section 23.04.160 et seq. regarding parking and loading, Section 23.04.300 et seq. regarding signs, Sections 23.05.040 et seq. and 23.05.050 regarding drainage, Section 23.07.104 regarding archaeology, and Section 23.08.262 regarding hotels and motels.
- 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 neither the residential units nor the motel 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 drainage, traffic, noise, air quality, and other health, safety and welfare concerns.

- E. The proposed project will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development, because the four multi-family dwellings are compatible with, and will not conflict with, surrounding residential uses and land use categories. The motel is also compatible with, and will not conflict with, surrounding residential uses and land use categories for the following reasons:
- 1) The motel portion of the building will be set back from adjacent neighborhoods by at least 55 feet from the closest residential properties on Orville Ave., and by a minimum of 75 feet from the closest residential properties on Old Creek Road.
 - 2) The proposed project, as conditioned, will not cause significant visual effects to the surrounding neighborhood in terms of mass, scale, height, appearance, and architectural style, according to a visual study prepared by an independent professional consultant
 - 3) The common outdoor activity areas for the motel and residences will be oriented away from most residential areas.
 - 4) The main motel entrance and parking entrance will be on Ocean Blvd., away from residences.
 - 5) The parking area will be subterranean, and more spaces will be provided than are required by the Coastal Zone Land Use Ordinance.
 - 6) The Negative Declaration determined that there will be no significant traffic impacts on the surrounding neighborhood.
 - 7) The Negative Declaration determined that there will be no significant noise impacts on the surrounding neighborhood, and a condition of approval requires that a local property manager be available 24 hours a day to respond to any potential neighborhood complaints.
- F. The proposed project 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 1) the project fronts on Ocean Blvd. and Orville Avenue, both local roads constructed to a level able to handle any additional traffic associated with the project, and on Old Creek Road, a collector road that is able to handle any additional traffic associated with the project, and 2) the Negative Declaration determined that the project will not result in significant traffic impacts. In addition, street improvements are required on all three fronting streets.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is not located between the first public road and the ocean, developed vertical coastal access exists within 1/4 mile of the project site, and the project will not inhibit access to the coastal waters and recreation areas.

Archeologically Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected, because monitoring of earth disturbing activities is required.

Variance to allow development having other than Western or Victorian-style architecture

1. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated, because Cayucos has only one other area in the Commercial Retail land use category that is not within or in close proximity to the Central Business District, and that small area has limited commercial development potential and is already partially developed in and surrounded by development with other than Western or Victorian-style architecture.
- J. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category. These circumstances consist of the following:
1. The proposed project is well outside of the Cayucos Central Business District, where Western or Victorian-style architecture is most appropriate, and where a common design theme and façade treatments are desired, according to the discussion of the Central Business District in Chapter 6 of the Estero Area Plan.
 2. The site is surrounded by residential development where buildings with a beach house-style of architecture predominate, and the Negative Declaration includes a mitigation measure that calls for the proposed project to reflect that beach house-style architecture in order to be compatible with the visual character of the area. Thus, the Variance is needed in order to assure compatibility with the visual character of the area.
 3. The proposed project, while not reflecting a strictly Western or Victorian architectural style, does include architectural elements specified in the planning area standard requiring such architecture, including wood or wood-appearing materials, railings and balconies.
- K. The variance does not authorize a use that is not otherwise authorized in the land use category because the proposed multi-family dwellings and motel are allowable in the Residential Multi-Family and Commercial Retail land use categories on this site.
- L. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements, because the architectural style does not affect health or safety, and because the proposed beach house-style architecture will make the project compatible with the visual character of the area.
- M. The variance is consistent with the San Luis Obispo County General Plan, because the proposed beach house-style architecture will make the project compatible with the visual character of the area, thereby promoting consistency with the General Goal of the Land Use Element to preserve and enhance the quality of residential areas by preserving desirable neighborhood characteristics. Aside from the issue of architectural style, the variance will not conflict with any General Plan or Local Coastal Plan policies or standards.

EXHIBIT B: CONDITIONS OF APPROVAL, DEVELOPMENT PLAN SUB2005-00241

Approved Oev'e/opment

1. This approval authorizes:

- a) A residential/motel mixed-use development, all in a three-story building, including the following:
 - i) four residential multi-family units having a total floor area of about 10,300 square feet, plus decks and courtyards
 - ii) an 18-unit motel, to be operated as a conventional motel for overnight and short-term lodging by the general public, and a 17,600 square-foot subterranean garage
- b) A Variance to allow development that reflects a "California beach house-style" of architecture instead of the Western or Victorian-style architecture that is required by the Estero Area Plan of the Land Use Element and Local Coastal Plan (planning area standard #1 for the Commercial Retail category in Cayucos)

General

2. In addition to the following conditions of approval, the applicant shall comply with the conditions of approval for Tract 2863 regarding access and improvements, improvement plans, drainage, and utilities.

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

Sife Oev'e/opment

3. At the time of application for construction permits, submit revised plans to the Department of Planning and Building for review and approval. The plans are to include the following:
- a. Provide additional screening of the blank walls on the north (residential) elevation of the building that abuts the Residential Multi-Family category by use of trees in selective locations to provide more substantial screening of the blank walls than would be provided by the previously proposed palm trees.
 - b. Replace the Queen palm--used as a street tree along Ocean Blvd. and a portion of Old Creek Road--with another species that is either native or drought tolerant from the County-approved list of plant materials in order to comply with the street tree requirements of the Real Property Division Ordinance, Section 21.03.010c(7).
 - c. Provide additional street trees, which may be grouped, as needed along at least two of the street frontages in order to provide street trees at a ratio of one tree for every 25 feet of frontage, as required by the Real Property Division Ordinance, Section 21.03.010c(7).

4. At the time of application for construction permits, the applicant shall submit construction plans and elevations to the Department of Planning and Building for review and approval consistent with the following conditions:

Visual impacts

- a. No highly reflective glazing or coatings shall be used on west and south facing windows.
- b. No highly reflective exterior materials such as chrome, bright stainless steel or glossy tile shall be used on the south and west facing sides of the development where visible from off-site locations.
- c. Submit revised plans showing a minimum 15-foot building setback from the property line for the three motel units on the third level of the Commercial Retail-portion of the building along Orville Avenue.

Noise impacts

- d. Plexiglass or similar barriers shall be installed on top of the walls that enclose the upper floor decks/terraces of the residential units to a total height of six feet above the decks/terraces in order to reduce noise exposure in those outdoor areas.

Air quality

- e. Only Air Pollution Control District (APCD)-approved wood burning devices can be installed in new dwelling units per APCD rule 504. These devices include:
 - i. all EPA-certified Phase II wood burning devices
 - ii. catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iii. non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iv. pellet-fueled woodheaters
 - v. dedicated gas-fired fireplaces

Geology and Soils

- f. Construction and grading plans shall reflect the recommendations of the geotechnical report (GSI, 2006).

Construction plans submitted, and all development shall be consistent with the approved site plan, and the revised and approved floor plans, elevations, and landscape plans.

Signs

5. At the time of application for construction permits, submit a sign plan for the entire site showing all locations, dimensions, materials, text, and lighting of all proposed exterior signs in accordance with the requirements of Coastal Zone Land Use Ordinance Sections 23.04.300 et seq. The proposed project identification monument sign near the intersection of Old Creek Road and Ocean Blvd. shall be no greater than three feet in height; otherwise, it shall be relocated outside of the required setback area. The maximum sign area for the monument sign is 60 square feet. Any signage visible from off-site shall not be internally illuminated.

Lighting

6. At the time of application for construction permits, the applicant shall submit interior and exterior lighting plans to the Department of Planning and Building for review and approval. The plans shall include the height, location, and intensity of all exterior lighting, and shall be consistent with the following.
 - a. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties; the point source of all exterior lighting shall be shielded from off-site views.
 - b. Light hoods shall be dark colored.
 - c. All required security lights shall utilize motion detector activation.
 - d. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
 - e. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
 - f. Lumination spill-over from security lighting in the parking garages shall be minimized through selective luminaire placement, in conjunction with possible motion detectors, fixture design, lowest allowable foot-candle standards, and hours of operation.
 - g. Any signage visible from off-site shall not be internally illuminated.

Fire Sa/efy

7. 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 dated August 31, 2006 that was prepared by the Cayucos Fire Protection District for this proposed project.

Services

8. At the time of application for construction permits, the applicant shall provide a letter from the Cayucos Sanitary District and clearance from County Service Area 10A stating that they are willing and able to service the property.

Ufi/ifies

9. At the time of application for construction permits, the applicant shall submit a utility plan to the Department of Planning and Building for review and approval. The utility plan shall include the undergrounding of existing overhead utilities on-site and surrounding the project along the project frontages of Ocean Avenue, Old Creek Road and Orville Street, unless PG&E provides written documentation that such undergrounding is infeasible due to high voltage or other technical reasons.

Conditions to be completed prior to issuance of a construction permit

Grading, drainage, Sed/mentation and Erosion Control

10. Prior to issuance of construction permits, the applicant shall submit a Drainage and Erosion Control plan to be reviewed by the Department of Public Works. The plans shall comply with Coastal Zone Land Use Ordinance Sections 23.05.040 and 23.05.050 and the following:
 - a. No subsurface water shall be discharged into the public storm water system without filtration and all necessary discharge permits

- b. Submit complete drainage calculations for review and approval. A Soils Engineer is to determine the volume of subsurface flows which will enter the underground garage or be intercepted by underground drains, and if calculations so indicate, offsite storm drain improvements will be required.

During construction and operation, 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.

11. Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan pursuant to Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the Department of Public Works.
12. Planters, benches, and other proposed improvements within the rights-of-way of along Orville Avenue, Old Creek Road or Ocean Blvd. require that the applicant first obtain an encroachment permit from the Public Works Department prior to issuance of construction permits.

Oeofogy and Soifs

13. To minimize the amount of dewatering necessary, construction of the underground garage shall be prohibited between Oct. 15 and April 15, and this shall be placed as a note on the grading and construction plans prior to issuance of grading and construction permits.
14. Prior to issuance of construction permits, the applicant shall submit a construction dewatering plan for review and approval by the Department of Public Works for Encroachment Permit purposes. The plan shall include description of dewatering technologies to be used, the Best Management Practices to be employed during dewatering, the proposed outfall location (currently the existing storm drain), and water quality standards to be met for discharged water, at a minimum. The applicant shall implement the provisions of the approved dewatering plan during excavation. The applicant shall also provide the Department of Planning and Building and the Department of Public Works with verification that appropriate dewatering and/or discharge permits have been issued by the Regional Water Quality Control Board prior to commencement of the dewatering.
15. Prior to issuance of a grading permit, the applicant shall be responsible for identifying an "export site" where excavated material can be accepted. A separate grading permit may be required for the export site.

Hazards and Hazardous Materials

16. Prior to recordation of the final map and issuance of construction permits, the applicant shall submit a work plan to the Division of Environmental Health which describes procedures to determine the following:
 - a. whether or not a 7th underground storage tank (UST) still exists onsite, if it was the used oil UST and whether or not it leaked
 - b. the elimination point of the former gas stations floor drain (whether or not it was into

- the sewer system or a septic/leach system)
- c. whether or not lead or asbestos-containing materials were used in the construction of the building.
 - d. whether or not Volatile Organic Compounds (VOCs) are present onsite in the soil gas. This portion of the work plan shall be prepared by a qualified Health Risk Assessor and shall be in compliance with the USEPA Guidance on vapor intrusion and the Cal-EPA/DTSC Guidance for the evaluation of subsurface vapor intrusion.
17. The approved work plan shall be implemented prior to recordation of the final map and issuance of construction permits. If VOCs are present, they shall be addressed in the CMMP (see below).
 18. Prior to recordation of the final map and issuance of construction permits, the applicant shall provide verification to the Department of Planning and Building that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health.
 19. Prior to recordation of the final map and issuance of construction permits, the applicant shall provide verification to the Department of Planning and Building that the RWQCB and Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP) for the project. The plan shall include, at minimum, a discussion of the findings from the additional site assessment work required in the work plan (see above), and the methodologies proposed for proper field screening of excavated soil for potential contamination by an environmental monitor, identification of a contractor licensed to perform the removal and transportation of hazardous waste, proper handling, onsite storage and disposal of contaminated soil, and confirmatory soil sampling, etc. if encountered. The approved CMMP shall be implemented during the site excavation.

Air Quality

20. Prior to issuance of construction permits, the applicant shall submit to the Air Pollution Control District (APCD) a geologic evaluation of naturally occurring asbestos on the project site. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
21. Prior to issuance of construction permits, the applicant shall develop and submit to the Air Pollution Control District for review and approval a comprehensive Construction Activity Management Plan (CAMP) designed to minimize the amount of large construction equipment operating during any given time period. The purpose of the CAMP is to specifically define the mitigation measures that will be employed as the project moves forward, in order to ensure all requirements are accounted for in the project budget, included in the contractor bid specifications, and are fully implemented throughout project construction. The plans should include but not be limited to the following elements:

- a. Dust control measures
 - b. Construction schedule to limit construction equipment operation (including idling limits) and truck trips during non-peak hours
 - c. Air Quality complaint response plan.
22. Prior to issuance of construction permits, the following eetes regulations shall be shown on grading, demolition and building plans for implementation during grading and construction activities. The project shall comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook.
- a. Reduce the amount of disturbed area where possible.
 - b. 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.
 - c. All dirt stock-pile areas shall be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading, unless seeding or soil binders are used.
 - e. 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.
 - f. 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.
 - g. 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.
 - 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. 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 offsite. Their duties shall include holidays 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 recordation and finished grading of the area.
23. Prior to issuance of demolition permits, the applicant shall contact the Air Pollution Control District (APCD) regarding requirements relating to demolition activities. If utility pipelines are removed or relocated, or if buildings are removed or renovated, this project

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) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ACM). The applicant shall contact Tim Fuhs of the Enforcement Division of APCD (781-5912) for further information.

24. Prior to issuance of grading and construction permits, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- a. Portable generators and equipment with engines that are 50 horsepower and greater
 - b. IC engines
 - c. Power screens, conveyors, diesel engines, and/or crushers
 - d. Unconfined abrasive blasting operations
 - e. Concrete batch plants
 - f. Rock and pavement crushing
 - g. Tub grinders
 - h. Trommel screens

Cultural Resources

25. Prior to issuance of construction permits, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
- a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. what is considered “significant” archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.

Landscape Plans

26. Prior to issuance of construction permits, the applicant shall submit revised landscaping plans to the Department of Planning and Building for review and approval. The plans are to include the following:
- a. Provide additional screening of the blank walls on the north (residential) elevation of the building that abuts the Residential Multi-Family category by use of trees in selective locations to provide more substantial screening of the blank walls than would be provided by the previously proposed palm trees.
 - b. Replace the Queen palm--used as a street tree along Ocean Blvd. and a portion of Old Creek Road--with another species that is either native or drought tolerant

from the County-approved list of plant materials in order to comply with the street tree requirements of the Real Property Division Ordinance, Section 21.03.010c(7).

- c. Provide additional street trees, which may be grouped, as needed along at least two of the street frontages in order to provide street trees at a ratio of one tree for every 25 feet of frontage, as required by the Real Property Division Ordinance, Section 21.03.010c(7).

Transportation

27. Prior to issuance of construction permits, the applicant shall pay applicable regional transit in-lieu fees to the Regional Transit Authority.
28. Prior to issuance of a grading permit, the applicant shall submit a Construction Traffic Management Plan to the Department of Public Works for review, approval and issuance of an Encroachment Permit. That plan shall include measures that identify the maximum number of daily trips proposed for construction workers and construction vehicles, and designated worker parking.

School, Pzzb/ie Facility fees

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

Conditions to be completed prior to or during project construction

Geo/ogy and So/is

30. Prior to any site disturbance, the applicant shall post a performance bond with the County in an amount commensurate with the cost of restoring the site to its pre-existing condition. If at any time during any excavation of the site there is cessation of work for more than 90 days, excluding all periods of time that such work is discontinued due to circumstances beyond the control of the applicant, the applicant shall be responsible for the full restoration of the site to its pre-existing condition. The performance bond shall be released by the County at the time the construction permit is finalized or the site is restored.
31. Approximately one week prior to commencement of excavation, the applicant shall schedule an onsite pre-construction meeting with representatives from the Department of Planning and Building and the Department of Public Works, the soils engineer, the project architect and/or engineer, and the contractor.
32. Prior to and during construction, the applicant shall implement the recommendations of the geotechnical report (GSI, 2006). Measures to be taken include excavating native materials, importing non-expansive fill materials, and diverting drainage away from the foundation, among others. Implementation of these measures shall be verified by the Department of Planning and Building.

Building Height

33. The maximum height of the project is 28 feet for the portion of the building within the Residential Multi-Family land use category, as measured from average natural grade of that portion of the site, and 30 feet for the portion of the building in the Commercial Retail land use category, as measured from the average natural grade of that portion of the site.
 - a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. Prior to approval of the foundation inspection, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Cultural Resources

34. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation measures as required by the Environmental Coordinator.
35. If hydrocarbon-contaminated soil is encountered during construction activities, the Air Pollution Control District (APCD) must be notified immediately. Any storage pile of contaminated material must be covered at all times, except when soil is added or removed. The following measures shall be implemented:
 - a. covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal
 - b. contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp; no headspace shall be allowed where vapors could accumulate
 - c. covered piles shall be designed in such a way as to eliminate erosion due to wind or water; no openings in the covers are permitted
 - d. during soil excavation, odors shall not be evident to such a degree as to cause a public nuisance
 - e. clean soil must be segregated from contaminated soil
 - f. contact Karen Brooks of the APCD (781-5912) for further information

36. Prior to finished grading and prior to recordation of the final map, the name and telephone number of the person or persons designated by the contractor or builder to monitor the dust control program (see Condition 22I.) shall be provided to the Air Pollution Control District.

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

Public Improvements

37. Prior to occupancy or final inspection, whichever comes first, the public improvements for Tract 2863 shall be completed.

Landscaping

38. 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.

Building colors and materials

39. Prior to occupancy or final inspection, whichever comes first, the building colors and materials shall be consistent with the approved color and materials board to the satisfaction of the Planning and Building Department.

Cultural Resources

- 40.. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Noise

41. Prior to occupancy of the hotel units, the applicant shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. If the property owner lives within the Cayucos Urban Area as defined in the County General Plan, the owner may designate himself or herself as the local contact person.

The name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, and the local fire agency, and shall be supplied to the property owners within a 300-foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted on the premises in prominent locations. Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this condition.

Fire Safety

42. Prior to occupancy or final inspection, whichever occurs first, the applicant shall provide verification from the Cayucos Fire Protection District that the measures identified in the August 31, 2006 letter have been complied with. These measures include installing additional fire hydrants, and having the project reviewed by a registered Fire Protection Engineer.

inspection

43. 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)

Transient Occupancy

44. The motel is to be operated as a conventional motel for overnight and short-term lodging by the general public. No person or persons shall occupy a motel unit for greater than 29 consecutive days.

Conversion to more intensive use

45. The motel component of the proposed project shall not be converted to any other or more intensive use, including timeshare estates or residential condominiums, without approval of a discretionary land use permit (Minor Use Permit, at minimum, dependent on request), accompanied by approval of a land division, as required.

Noise

46. The local property manager designated by the applicant shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. If the property owner lives within the Cayucos Urban Area as defined in the County General Plan, the owner may designate himself or herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be permanently posted on the premises in prominent locations. If there is a change in the local contact person's name, address or telephone number, that information shall be promptly furnished to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and all property owners within a 300-foot radius.

Access to common areas

47. In the event that condominium units are not created, the occupants of the residential units shall have guaranteed access to and use of the common areas of the project as shown on Tentative Tract Map 2863.

Compliance

48. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

Indemnification

49. The applicant shall as a condition of approval of this development plan and variance application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this development plan and variance, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

EXHIBIT C: FINDINGS, TENTATIVE TRACT 2863

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 February 21, 2008, and a Revised Mitigated Negative Declaration has been issued on May 29, 2008 for this project. Mitigation measures are proposed to address aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/circulation, water, and land use, and are included as conditions of approval.

The Revised Mitigated Negative Declaration, including mitigation measures, effectively addresses the issues raised by the Concerned Citizens of Cayucos in its "Request for Review" (environmental appeal) of the proposed Mitigated Negative Declaration, as follows:

Consistency with Estero Area Plan

The Mitigated Negative Declaration and Visual Analysis for this project adequately address the project's consistency with policies in the *existing* Estero Area Plan. The Estero Area Plan *update* has not been approved by the Coastal Commission, is not in effect, and therefore cannot be used as a basis to evaluate a proposed project's consistency with the Local Coastal Program. No specific policy inconsistencies with the existing Estero Area Plan were identified; the project is consistent with Cayucos Urban Area standards in the Estero Area Plan associated with setbacks, density, and height limitations. In addition, granting a Variance to Commercial Retail Standard #1 for Cayucos, which requires new development to reflect a Western or Victorian style, would not result in a significant impact. Mitigation measures recommended in the Visual Analysis and incorporated into the project design include changing the style from the originally proposed Mediterranean style to a "California beach house style. Although that style still requires a Variance to Commercial Retail Standard #1, it would result in a project that better reflects the architectural style of the surrounding neighborhood (see also following Findings I through M).

Aesthetic impacts

The Mitigated Negative Declaration adequately addresses the potential of the project to introduce a use within a scenic view open to the public, because the Visual Analysis determined that 1) the existing views from Orville Street looking west have been previously compromised and are therefore not considered scenic views in the analysis, and no significant impacts would occur, and 2) as viewed from the west, the proposed project would not significantly impact distant ridgelines, significant geologic features or scenic views from Highway 1.

The Mitigated Negative Declaration adequately addresses the potential of the project to change the visual character of the area, because the following mitigation measures reduce this potential impact to a less than significant level:

- additional stepping back of the motel portion of the project along Ocean Blvd. and the Residential Multi-Family- portion along Orville Avenue (these measures have already been incorporated into a revised project design)
- changing the architecture of the proposed project from "California Mediterranean" to "California Beach House style architecture". (this architectural style has already been incorporated into a revised project design)

Air Quality, Hazards, Hazardous Materials

Potential contamination of the site is adequately addressed by the previous underground storage tank investigation, a new Phase I Environmental Site Assessment completed during the preparation of this Mitigated Negative Declaration, and the recommendations of the Environmental Health Division, which are included as mitigation measures. The following mitigation measures to be completed prior to recordation of the final map and issuance of construction permits reduce potential impacts to a less than significant level:

- implementation of a work plan submitted to the Division of Environmental Health which describes procedures to deal with a possible 7th underground storage tank, the elimination point of the former gas stations floor drain, potential lead or asbestos-containing materials in the existing building, and potential Volatile Organic Compounds
- verification that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health
- verification that the Regional Water Quality Control Board and the Division of Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP), and implementation of the CMMP during site excavation

The Mitigated Negative Declaration adequately addresses potential air quality impacts associated with excavation of the underground garage, because it is expected that less than 2,000 cubic yards of material would be moved per day (below the APCD's mitigation threshold). As a result, no mitigation measures, beyond standard dust control measures already required by the county code would be required.

The Mitigated Negative Declaration adequately addresses the need for dewatering, its potential affects on biological resources, and the associated impacts of storm water runoff on biological resources in Willow Creek, because the following mitigation measures reduce potential impacts to a less than significant level. In addition, adequate capacity exists in the storm water system to handle the increased runoff from the project, according to the Public Works Department, and. project is not expected to significantly increase the amount or degrade the quality of runoff from the neighborhood:

- compliance 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
- no construction of the underground garage between Oct. 15 and April 15
- implementation of a construction dewatering plan that describes the dewatering technologies to be used, the Best Management Practices to be employed, the

proposed outfall location (currently the existing storm drain), and water quality standards to be met for discharged water, at a minimum

- verification that appropriate dewatering and/or discharge permits have been issued by the Regional Water Quality Control Board
- no subsurface water to be discharged into the public storm water system without filtration and all necessary discharge permits

Transportation and Circulation

The Mitigated Negative Declaration adequately addresses transportation impacts, including pedestrian safety and impacts to Old Creek Road. The traffic study prepared for this project concludes that no project-specific mitigation measures are necessary. The Public Works Department agrees with that conclusion, and also comments that most of the traffic concerns expressed in the comment letter attached to the Request for Review deal with existing conditions, and are not considered impacts of the project. The required standard road improvements for this project would reduce significant operational traffic impacts to a less than significant level.

The following mitigation measures reduce potential impacts on regional transit needs and potential impacts due to short-term construction traffic to a less than significant level:

- payment of applicable regional transit in-lieu fees to the Regional Transit Authority
- implementation of a Construction Traffic Management Plan that includes measures such as identifying the maximum number of daily trips proposed for construction workers and construction vehicles, and designated worker parking

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans, because it complies with the Estero Area Plan and the applicable area plan standards; is consistent with all of the General Plan policies, including applicable Coastal Plan policies regarding public works, coastal watersheds, visual and scenic resources, and archaeology; and is being subdivided in a consistent manner with the Commercial Retail and Residential Multi-Family land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances, because the parcels meet the minimum parcel sizes set by the Coastal Zone Land Use Ordinance, as well as the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans, because the required improvements will be completed consistent with county ordinances, and the conditions of approval and the design of the parcels meet applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed, because the proposed parcels contain adequate area for development of residential units and a motel, and because potential impacts regarding geology, soils, drainage, and hazards will be mitigated.

- F. The site is physically suitable for the proposed density proposed, because the site can adequately support the proposed number of residential units and motel units while providing adequate open area.
- G The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/circulation, water, and land are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

EXHIBIT D: CONDITIONS OF APPROVAL, TENTATIVE TRACT 2863

Approved Project

This approval authorizes a one-lot subdivision to create a five-unit condominium for development of a residential/motel mixed-use development, all in a three-story building, including the following:

- a) four residential multi-family units having a total floor area of about 10,300 square feet, plus decks and courtyards
- b) an 18-unit motel, to be operated as a conventional motel for overnight and short-term lodging by the general public, and a 17,600 square-foot subterranean garage

Access and Improvements

1. Roads and/or streets to be constructed to the following standards:
 - a. Old Creek Road constructed to an A-3b road section (project side) fronting the property (minimum paved width to be 46 feet)
 - b. Ocean Blvd. constructed to an A-2b road section (project side) fronting the property (minimum paved width to be 36 feet)
 - c. Orville Avenue constructed to an A-2b road section (project side) fronting the property (minimum paved width to be 30 feet)
2. All driveways shall be constructed in accordance with County Public Improvement Standards. All driveways constructed on county roads require an encroachment permit.

Improvement Plans

3. Improvement plans shall be prepared in accordance with San Luis Obispo County 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:
 - 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. To minimize the amount of dewatering necessary, construction of the underground garage shall be prohibited between Oct. 15 and April 15, and this shall be placed as a note on the grading and construction plans prior to issuance of grading and construction permits.
4. 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.

5. 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.

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 required

Drainage

7. Submit complete drainage calculations to the Department of Public Works for review and approval. A Soils Engineer is to determine the volume of subsurface flows which will enter the underground garage or be intercepted by underground drains, and if calculations so indicate, offsite storm drain improvements will be required.
8. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

9. Electric and telephone lines shall be installed underground. At the time of application for construction permits, the applicant shall submit a utility plan to the Department of Planning and Building for review and approval. The utility plan shall include the undergrounding of existing overhead utilities on-site and surrounding the project along the project frontages of Ocean Avenue, Old Creek Road and Orville Street, unless PG&E provides written documentation that such undergrounding is infeasible due to high voltage or other technical reasons.
10. Cable T.V. conduits shall be installed in the street.
11. Gas lines shall be installed.

Fire Protection

12. The applicant shall submit the fire safety clearance letter from the Cayucos Fire Protection District establishing fire safety requirements prior to filing the final parcel or tract map.

Affordable Housing Fee

13. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Quimby Fee

14. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Conditions required to be completed prior to filing of the final map

Landscape Plans

15. Prior to filing of the final map, the applicant shall submit revised landscaping plans to the Department of Planning and Building for review and approval. The plans are to include the following:
 - a. Provide additional screening of the blank walls on the north (residential) elevation of the building that abuts the Residential Multi-Family category by use of trees in selective locations to provide more substantial screening of the blank walls than would be provided by the previously proposed palm trees.
 - b. Replace the Queen palm--used as a street tree along Ocean Blvd. and a portion of Old Creek Road--with another species that is either native or drought tolerant from the County-approved list of plant materials in order to comply with the street tree requirements of the Real Property Division Ordinance, Section 21.03.010c(7).
 - c. Provide additional street trees, which may be grouped, as needed along at least two of the street frontages in order to provide street trees at a ratio of one tree for every 25 feet of frontage, as required by the Real Property Division Ordinance, Section 21.03.010c(7).

Services

16. Prior to recordation of the final map, the applicant shall submit to the Environmental Health Division a final "will-serve" letter from the Cayucos Sanitary District and a final clearance from County Service Area 10A.

Hazards and Hazardous Materials

17. Prior to recordation of the final map, the applicant shall submit a work plan to the Division of Environmental Health which describes procedures to determine the following:
 - a. whether or not a 7th underground storage tank (UST) still exists onsite, if it was the used oil UST and whether or not it leaked
 - b. the elimination point of the former gas stations floor drain (whether or not it was into the sewer system or a septic/leach system)
 - c. whether or not lead or asbestos-containing materials were used in the construction of the building.
 - d. whether or not Volatile Organic Compounds (VOCs) are present onsite in the soil gas. This portion of the work plan shall be prepared by a qualified Health Risk Assessor and shall be in compliance with the USEPA Guidance on vapor intrusion and the Cal-EPA/DTSC Guidance for the evaluation of subsurface vapor intrusion.
18. The approved work plan shall be implemented prior to recordation of the final map. If VOCs are present, they shall be addressed in the CMMP (see below).
19. Prior to recordation of the final map, the applicant shall provide verification to the Department of Planning and Building that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health.
20. Prior to recordation of the final map, the applicant shall provide verification to the Department of Planning and Building that the RWQCB and Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP) for the project. The plan shall include, at minimum, a discussion of the findings from the additional site assessment work required in the work plan (see above), and the methodologies proposed for proper field screening of excavated soil for potential contamination by an environmental monitor, identification of a contractor licensed to perform the removal and transportation of hazardous waste, proper handling, onsite storage and disposal of contaminated soil, and confirmatory soil sampling, etc. if encountered. The approved CMMP shall be implemented during the site excavation.
21. Prior to recordation of the final map, the name and telephone number of the person or persons designated by the contractor or builder to monitor the dust control program (see Development Plan SUB2005-00241 Condition 221.) shall be provided to the Air Pollution Control District.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the County Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Development shall comply with all conditions of approval of Development Plan SUB2005-00241.

- b. Public improvements shall be completed prior to occupancy or final inspection, whichever comes first.
- c. The motel is to be operated as a conventional motel for overnight and short-term lodging by the general public. No person or persons shall occupy a motel unit for greater than 29 consecutive days.
- d. The motel component of the proposed project shall not be converted to any other or more intensive use, including timeshare estates or residential condominiums, without approval of a discretionary land use permit (Minor Use Permit, at minimum, dependent on request), accompanied by approval of a land division, as required.
- e. The local property manager designated by the applicant shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. If the property owner lives within the Cayucos Urban Area as defined in the County General Plan, the owner may designate himself or herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be permanently posted on the premises in prominent locations. If there is a change in the local contact person's name, address or telephone number, that information shall be promptly furnished to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and all property owners within a 300-foot radius.
- f. Only Air Pollution Control District (APCD)-approved wood burning devices can be installed in new dwelling units per PCD rule 504. These devices include:
 - i. all EPA-certified Phase II wood burning devices
 - ii. catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iii. non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iv. pellet-fueled woodheaters
 - v. dedicated gas-fired fireplaces
- g. No highly reflective glazing or coatings shall be used on west and south facing windows.
- h. No highly reflective exterior materials such as chrome, bright stainless steel or glossy tile shall be used on the south and west facing sides of the development where visible from off-site locations.
- i. A sign plan for the entire site show all locations, dimensions, materials, text, and lighting of all proposed exterior signs in accordance with the requirements of Coastal Zone Land Use Ordinance Sections 23.04.300 et seq. The proposed project identification monument sign near the intersection of Old Creek Road and Ocean Blvd. shall be no greater than three feet in height; otherwise, it shall be relocated outside of the required setback area. The maximum sign area for the monument sign is 60 square feet.
- j. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties; the point source of all exterior lighting shall be shielded from off-site views.
- k. Light hoods shall be dark colored.
- l. All required security lights shall utilize motion detector activation.
- m. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.

- n. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
- o. Lumination spill-over from security lighting in the parking garages shall be minimized through selective luminaire placement, in conjunction with possible motion detectors, fixture design, lowest allowable foot-candle standards, and hours of operation.
- p. Any signage visible from off-site shall not be internally illuminated.

Covenants, Conditions and Restrictions

- 23. 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 for the creation of a Homeowner's Association, and at a minimum, shall include the following provisions:
 - a. Access to, use of and maintenance of common areas.
 - b. 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

- 24. 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.
- 25. 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.

Indemnification

- 26. The applicant shall as a condition of approval of this tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.