

July 6, 2009

Studio Design Group
Attn Tim
641 Higuera St. # 303
San Luis Obispo, CA 93401

San Miguel Co. LLC.
200 Crestmont Drive
San Luis Obispo, CA 93401

NOTICE OF FINAL COUNTY ACTION

SUBJECT: SAN MIGUEL CO. LLC./ County File Number: SUB2007-00216 / TRACT 2995

At the meeting of June 25, 2009, the County Planning Commission approved your application and adopted an official resolution. A copy of this resolution is enclosed for your records. The approved Findings, shown in Exhibits A and C, and the Conditions, shown in Exhibits B and D, are attached to the resolution. The conditions of approval must be carried out as set forth therein.

If you disagree with this action, pursuant to County Land Use Ordinance Section 22.70.050, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing on the proper department appeal form, to the Department of Planning and Building. The appeal fee is \$626.00 and must accompany your appeal form. We will only accept the original appeal form with an original signature; a FAX will not be accepted.

If you have any questions regarding this matter, please contact me at (805) 781-5612.

Sincerely,

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, June 25, 2009

PRESENT: Commissioners, Eugene Mehlschau, Bruce White, Anne Wyatt Carlyn
Christianson, and Chairperson Sarah Christie

ABSENT: None

RESOLUTION NO. 2009-022
RESOLUTION RELATIVE TO THE GRANTING
OF A VESTING TENTATIVE TRACT MAP/CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 25th day of June, 2009, grant a Vesting Tentative Tract Map/Conditional Use Permit to SAN MIGUEL CO. L.L.C. to allow a planned development that will subdivide two existing parcels of .9 acres each into 20 parcels ranging in size from 2,500 square feet to 11,280 square feet each for the purpose of sale and development of 20 mixed use buildings. The mixed use buildings will include a combination of commercial retail, office and residential uses and will range in size from approximately 2,000 to 5,500 square feet, for a total of approximately 67,700 square feet. This project will result in the disturbance of the entire 1.8 acre site. Also for consideration is an adjustment to the parking standards because this site will have a variety of uses that can share parking. The proposed project is within the Commercial Retail land use category and is located on the east side of Mission Street, 225 feet south of the corner of Mission Street and 14th Street in the Central Business District of the community of San Miguel, in the Salinas River planning area. Assessor Parcel Number:021-221-019, -020. County File Number: SUB2007-00216.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibits A and C.

EXHIBIT B
CONDITIONS OF APPROVAL FOR TRACT 2995

Approved Project

- 1 a. A vesting tentative tract map 2995 to subdivide two existing parcels of .9 acres each into 20 parcels ranging in size from 2,500 square feet to 11,280 square feet.

Access and Improvements

2. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes the necessary right of way to accommodate the Mission Street improvements to the back of the required 10-foot sidewalk.

Improvement Plans

3. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and proposed utilities including undergrounding of existing overhead utility lines along the Mission Street frontage.
 - g. Railroad pedestrian fencing plan.
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, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Access

6. The applicant shall submit Public Improvement Plans, prepared by a Registered Civil Engineer, to the Department of Public Works for approval. The plans shall be in conformance with the County Public Improvement Standards and shall include:
 - a. Mission Street between 11th and 14th Street plan and profile in conformance with Mission Street Improvement Plans on file with the Public Works Department.
 - b. Mission Street features to be included in the sidewalk area such as street lighting, bike racks, irrigation system and landscaping, and benches per the

San Miguel Design Plan shall be shown on the plans and approved by Public Works in consultation with the Planning Department.

- c. 11th Street plan and profile designed in accordance with an A-2 urban road section.
 - d. 14th Street plan and profile designed in accordance with an A-2 urban road section.
 - e. Temporary all weather base alley acceptable to the San Miguel Fire Department in the rear of the lots and a temporary asphalt walkway along Mission Street frontage of lots.
7. **Prior to map recordation**, ~~the Mission Street~~ the 14th Street, 11th Street, temporary base alley and temporary asphalt sidewalk improvement plans shall be jointly approved by the Departments of Public Works and of Planning and Building. The road improvements are ~~not~~ required to be constructed prior to map recordation, ~~but shall be constructed or bonded for prior to issuance of any future permit or any other grant of approval for development of any parcels within the subdivision.~~
8. **Prior to map recordation**, install or bond for a metal fence along the railroad right-of-way to prevent pedestrian crossing through the subdivision. The fence shall be consistent with county approved rail road fencing for San Miguel. That is wrought iron fence protected against corrosion, at least six feet tall, four inch maximum openings and constructed with no climbing features and 8" x 12" openings near the ground shall be provided every 100 yards.

Drainage

9. Submit complete drainage calculations to the Department of Public Works for review and approval. The runoff associated with this project from a primary design storm shall either be detained onsite or be conveyed offsite in a non-damaging manner by a suitable engineered drainage system to a point of discharge approved by the County Public Works Department. Proposed drainage improvements shall conform to those identified in the San Miguel Drainage and Flood Control Study Final Report dated December 2003.
10. If calculations so indicate, drainage must be detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.
11. If a drainage basin is required, the drainage basin along with rights of ingress and egress may require being offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
12. 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 3143.

Utilities

13. All utility improvements shall be completed or bonded for prior to final map, work shall include:
- a. All water lines shall be installed in accordance with San Miguel CSD standards. Individual lot service laterals shall be installed with future building permits.

- b. All sewer lines shall be installed accordance with San Miguel CSD standards. Individual lot service laterals shall be installed with future building permits.
- c. All existing overhead wire utilities along the Mission Street project frontage shall be installed underground. Individual lot wire utility service laterals shall be installed with future building permits.
- d. Gas lines shall be installed. Individual lot service laterals shall be installed with future building permits.
- e. Cable T.V. conduits shall be installed in the street.

Vector Control and Solid Waste

- 14. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

- 15. The applicant shall obtain a fire safety clearance letter from the San Miguel Fire Department establishing fire safety requirements prior to filing the final tract map.

Inclusionary Housing

- 16. **At the time of map recordation**, the applicant shall record a legal agreement, prepared by County Council that designates one lot to provide an affordable/workforce housing unit in conformance with Section 22.12.080 of the Land Use Ordinance.

Mitigations

- 17. **Prior to issuance of tract improvement plans**, the applicant shall provide a closure letter from the County Environmental Health Department that verifies the contaminated soil was removed from the site and appropriately disposed of.
- 18. **Prior to issuance of tract improvement plans**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
- 19. **Prior to issuance of tract improvements plans**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;

- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off; and,
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.
20. All PM10 mitigation measures required shall be shown on tract improvement plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and 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 land use clearance for map recordation and land use clearance for finish grading of the structure.
21. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).
22. **Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Impacts to kit fox habitat are to be mitigated at a ratio of three acres conserved for each acre impacted (3:1). Future development of the site will result in the permanent disturbance of 1.8 acres of kit fox habitat.
23. **Prior to issuance of tract improvements,** the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a

combination of the following three San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total mitigation acreage required multiplied by the cost per mitigation acre. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; therefore, your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would be based on the total area of mitigation acreage required multiplied by the cost per credit (one mitigation acre equals one credit). Currently, the cost per credit is \$2500. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation

Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

24. **Prior to issuance of tract improvements**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

i. **Prior to issuance of tract improvements and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

iii. **Prior to or during tract improvement activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

iv. In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones.

Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily

monitoring during ground disturbing activities shall be required by a qualified biologist.

25. **Prior to issuance tract improvements**, the applicant shall clearly delineate as a note on the pro
Joaquin kit fox". Speed limit signs shall be installed on the project site **within 30 days prior to**
26. **Prior to tract improvements approval and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
27. **During the site disturbance of tract improvements**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
28. **Prior to tract improvement approval and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
29. **During the site-disturbance and/or construction phase of tract improvements**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
30. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
31. **During the site-disturbance and/or construction phase of tract improvements**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

32. **Prior to, during and after the site-disturbance and/or construction phase of tract improvements**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
33. **During the site-disturbance and/or construction phase of tract improvements**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

Additional Map Sheet

34. 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 tract map. The _____ additional map sheet shall include the following:

Site Plan Review

a. A site plan review is required for building and improvement plans. These plans shall be reviewed by the San Miguel Advisory Council, County Planning Department and County Public Works Department for compliance with the below requirements:

Improvements

- b. If a fenced drainage basin is required, that the owner(s) of Lots 1-20 are responsible for on-going maintenance of drainage basin fencing, in perpetuity.
- c. If a drainage basin is required, that the owner(s) of Lots 1-20 are responsible for on- going maintenance of drainage basin / adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- d. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
- e. If subdivision improvements are bonded for, all public improvements shall be completed prior to occupancy of any new structure.
- f. Notification to prospective buyers that all streets, roads and parking areas _____ within the subdivision are to be privately maintained, indicating the proposed _____ maintenance mechanism.
- g. Prior to Building Permit issuance pay a drainage impact fee of not to exceed \$2,819 per 1,000 square-feet of estimated future building area to County Public Works to mitigate cumulative drainage impacts in the San Miguel area.
- h. Prior to Building Permit issuance the applicant shall submit Public Improvement Plans, prepared by a Registered Civil Engineer, to the Department

of Public Works for approval. The plans shall be in conformance with the County Public Improvement Standards and are to include, as applicable:

- i. Plan and profile in conformance with Mission Street Improvement Plans on file with the Department of Public Works.
- ii. An access road between 11th Street and 14th Street shall be constructed in accordance with San Miguel Fire Department requirements within an easement of sufficient width to contain all the elements of the roadway prism.

~~iii. 11th Street shall be constructed to an A-2 urban road section on the project site fronting the 20 foot private access road with a B-3a commercial driveway constructed in accordance with approved plans on file with Public Works.~~

~~iv. 14th Street shall be constructed to an A-2 urban road section on the project side fronting the 20 foot private access road with a B-3a commercial driveway constructed in accordance with approved plan on file with the Public Works Department~~

- iii. Street lighting consistent with existing streetlights along Mission Street.
- iv. Pedestrian and landscaping amenities consistent with the subdivision conditions
- v. Drainage plan consistent with the requirements of the Department of Public Works
- vi. Utility Plan consistent with the requirements of the Department of Planning and Building and the San Miguel CSD
- vii. 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 3143.

i. Prior to Building Permit issuance, the applicant shall enter into an agreement and post a performance bond with the Department of Public Works to cover the required public improvements in accordance with 22.54.030 (Curbs, Gutters and Sidewalks). The applicant's for building permit for lots within Tract 2995 shall not apply for a curb, gutter and sidewalk waivers.

j. Prior to occupancy the required public improvements shall be accepted as complete by the Department of Public Works.

k. The applicant shall enter into an agreement with the county for the cost of checking the improvement plans, 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.

l. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Building Design

m. Building styles include variations commonly seen from the late 1800s through the 1940s and styles that incorporate design elements from the mission.

n. Maximum allowable building height is two stories with extra height allowed for design features (copula, doormers. etc.).

- o. The height of a building's Mission Street facade should be no greater than the building's width. Articulation of the facade should include no portion designed to emphasize its verticality.
- p. Roof forms should be consistent with existing commercial buildings in the core area - shallow-pitch gable roofs, usually with a parapet wall facing the street.
- q. Building design should include cornices, window moldings, parapet caps, overhangs, awnings, balconies and other three-dimensional architectural features that cast shadows and create visual interest.
- r. Between 60 percent and 85 percent of the ground level street facade should be transparent glass (windows and doors).
- s. Entries shall be recessed so that doors do not open into the path of pedestrians and to create maneuvering space for pedestrians entering and leaving the building.
- t. Building materials shall evoke pre-1950's design themes, mission or of the early railroad era. These materials include natural finish or painted wood, stucco, unpainted brick, wood window frames and moldings and mission tile roofs.
- u. Building materials that are not consistent with the mission or early railroad design themes are not allowed. These materials include exposed concrete block, highly reflective surfaces (other than windows and doors), reflective glass, glass block, metal siding, painted brick, plastic and unpainted/un-anodized aluminum.
- v. Signs are limited to 15% of the building face up to 80 square feet. Signs shall be designed to be consistent with the mission, early railroad or pre-1950's design themes. Signs shall not be made of plastic. They shall not be internally lighted, except that they may include neon tubing. Signs should be directly illuminated with building-mounted light fixtures. Signs shall be mounted perpendicular to the building facade. Pole signs are not allowed.
- w. New development shall include its proportionate share of the number of street trees needed to achieve a continuous row along the Mission Street frontage with spacing of 30 feet between trees. Each development plan shall include at least one street tree. Plans for parcels with frontage exceeding 30 feet shall include one street tree per 30 feet of frontage or fraction thereof.
- x. Exterior light fixtures shall be designed and adjusted to direct light away from any road, street or dwelling unit.
- y. All future buildings shall be ~~40% more energy efficient than the California Energy Code~~ and made of high quality materials.
- z. All second floors shall provide plumbing and wiring for apartment use even if commercial space is initially proposed.
 - aa. Designated building sites, town center, common space, and access drives shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site, town center on lot 6, common space, and access drives on the project plans.
 - bb. Residential parking will be designated parking along the alley.
 - cc. Solid waste disposal site shall be within 100 feet of all buildings it serves.
 - dd. The southern part of lot 6 shall include a town center public open space area of at least 2,000 square feet and include the following amenities: decorative paving, trees for shade, street furniture and a visitor information kiosk with historic exhibits of San Miguel.
 - ee. Public restroom(s) shall be designated within this subdivision.
 - ff. Waste disposal shall be located within 100 feet from each building.

Noise

gg. **At the time of application for construction permits**, the applicant shall show the following on the project plans:

- i. The structure is provided with air conditioning or mechanical ventilation.
- ii. All windows and doors on the east railroad side of the structure are mounted in low air infiltration rate frames (0.5 cfm or less).
- iii. All fresh air inlets or exhaust vents located on the east, railroad side of the structure incorporate sound attenuation and noise baffling.

hh. **At the time of application for construction permits**, for buildings with residential unit(s) the applicant shall submit plans that include a private outdoor space that face Mission Street so the buildings will be located between the railroad tracks and the outdoor living space and will buffer the outdoor living space from the railroad noise.

Archeology

ii. **At the time of application for construction permits**, the applicant will submit a monitoring plan, prepared by a subsurface-qualified archaeologist, that provides details on how the archaeologist will monitor grading and excavation activities during construction and the process to follow should resources be encountered. The applicant will retain a qualified archaeologist and Native American to implement the monitoring plan during construction and verify to the county that construction work adhered to the plan.

Air Quality

jj. **Prior to issuance of construction permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.

kk. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- i. Reduce the amount of disturbed area where possible;
- ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- iii. All dirt stock-pile areas should be sprayed daily as needed;
- iv. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
- v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- vi. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- vii. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;

- viii. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- ix. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- x. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off; and,
- xi. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.

ll. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and 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 land use clearance for map recordation and land use clearance for finish grading of the structure

mm. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans, and installed as approved by the county.

nn. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

San Joaquin kit fox

oo. **Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat.** Impacts to kit fox habitat are to be mitigated at a ratio of three acres conserved for each acre impacted (3:1). Future development of the site will result in the permanent disturbance of 1.8 acres of kit fox habitat.

pp. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- i. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the

property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

ii. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total mitigation acreage required multiplied by the cost per mitigation acre. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; therefore, your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

iii. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would be based on the total area of mitigation acreage required multiplied by the cost per credit (one mitigation acre equals one credit). Currently, the cost per credit is \$2500. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

iv. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

qq. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

rr. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist

shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

i. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

ii. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project or activities.

ss. In addition, the qualified biologist shall implement the following measures:

i. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones.

Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

iii. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

tt. **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "*Speed signs of 25*

mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction.**

uu. In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

vv. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

ww. **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

xx. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

yy. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

zz. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality.

aaa. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

bbb. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of

injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

ccc. **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".

ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Fire Safety

ddd. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated June 3, 2009 from the San Miguel Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.

Covenants, Conditions and Restrictions

35. 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 establishment of a Homeowners Association and shall also have at a minimum the following provisions:

Future Building Permits

a. 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.

b. Designated building sites, town center, access drives, common space shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.

c. At the time application of building permit the applicant shall submit a Site Plan for review by the county Department of Public Works, Department of Planning and Building and the San Miguel Advisory Council for review. This applicant shall provide information as to how the building meets the relative community plans and ordinances along with the requirements listed in the additional map sheet for Tract 2995. If the building plans do not meet these requirements, the applicant must apply for a Minor Use Permit, and describe why they can not meet these standards.

d. Verification of compliance of recorded a agreement(s) for Tract 2995 regarding common areas, private roads, shared parking, walkways, alley, stairs, fencing, railroad fencing, landscaping, trash collection areas and Mission Street improvements, curb, gutter, sidewalk, lighting, street trees, street furniture, trash cans and other pedestrian amenities.

Maintenance

- e. Establish a financing mechanism, satisfactory to the Department of Public Works and the Department of Planning and Building, to pay for the ongoing operation and maintenance of: town center, public restroom(s), common areas, private roads, shared parking, walkways, alley, stairs, fencing, railroad fencing, landscaping, trash collection areas and Mission Street lighting, street trees, street furniture, trash cans and other pedestrian amenities.
- f. Maintenance of common areas, town center, private roads, shared parking, walkways, alley, stairs, fencing, railroad fencing, landscaping, trash collection areas and Mission Street lighting, street trees, street furniture, trash cans and other pedestrian amenities in a viable condition on a continuing basis into perpetuity.

Drainage

- g. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
- h. If a drainage basin is required, on-going maintenance of *drainage basin / adjacent* landscaping in a viable condition on a continuing basis into perpetuity.

Town Center

36. **Prior to recordation of the final map**, the applicant shall enter into an agreement to bond for the lot six town center public improvements to include public space area of at least 2,000 square feet with decorative paving, trees for shade, street furniture and a visitor information kiosk with historic exhibits of San Miguel.

Miscellaneous

- 37. 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.
- 38. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 39. Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- 40. Prior to the sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- 41. 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.
- 42. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

FINDINGS - EXHIBIT C
Conditional Use Permit SUB 2007-00216

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on May 21, 2009 for this project. Mitigation measures are proposed to address air quality, biological resources, cultural resources, geology and soils, hazards/hazardous materials, noise and public service and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because 20-lot subdivision and 20 mixed-use buildings does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the San Miguel Community Design Plan encourages this type of development on this site.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located Mission Street, a collector road constructed to a level able to handle any additional traffic associated with the project.
- G. Modification of parking standards required by Land Use Ordinance Section 22.18.050 is justified because this mixed-use project is with a walkable distance (1/2 mile) from most residences in San Miguel. This project will provide many services in one location where community members can make one trip to do a multitude tasks. This type of project at this location does not necessitate the 71 parking spaces and 47 will be adequate to accommodate the on site parking needs generated by the use and no traffic problems will result from the proposed modification of parking standards.
- H. The proposed use will not significantly reduce the community inventory of commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because planners reviewed the commercial

needs in San Miguel while creating the San Miguel Community Design Plan and encouraged mixed-use development at this location.

I. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the San Miguel Community Design calls out the development standards for San Miguel and the Design Plan encourages mixed-use development at this location.

EXHIBIT D - CONDITIONS OF APPROVAL

Conditional Use Permit SUB 2007-00216

Approved Development

1. This approval authorizes:
 - a. the development of a planned development of 20 mixed-use buildings ranging in size from approximately 2,000 square feet to approximately 5,500 square feet for a total of 56,406 square feet of commercial/office space and 11,260 square feet of apartments, on the proposed parcels.
 - b. maximum height is 35 from average natural grade.
 - c. A phased development to be completed within 20 years (December 31, 2029)

Subdivision Related Approvals

2. This approval authorizes a planned development/subdivision to subdivide two existing parcels of .9 acres each into 20 parcels ranging in size from 2,500 square feet to 11,280 square feet for the development of a planned development of 20 mixed-use buildings ranging in size from approximately 2,000 square feet to approximately 5,500 square feet for a total of 56,406 square feet of commercial/office space and 11,260 square feet of apartments, on the proposed parcels.
3. Conditional Use Permit time extensions shall run concurrently with the Tentative Map time extensions thereafter, until expiration of the Tentative Map. Time extensions for the Tentative Map must be requested by the applicant or agent and are subject to further review.
4. Any significant revisions in the Tentative Map or type of units authorized by this approval shall require reconsideration by the Planning Commission.
5. ~~All project related grading must be completed with the tract improvements including drainage and building pads except curb gutter and sidewalk and individual lot utility connections.~~
5. Designated building sites, access drives, town center and common areas shall be shown on an exhibit attached to the CC&R's reflecting the approved tract map 2995.
6. **At the time of application for building permit the applicant shall submit a Site Plan for review** by the county Department of Public Works, Department of Planning and Building and the San Miguel Advisory Council for review. The applicant shall provide information as to how the building meets the relevant community plans and ordinances along with the requirements listed in the additional map sheet for Tract 2995. If the building plans do not meet these requirements, the applicant must apply for a Minor Use Permit, and describe why they can not meet these standards.
7. Applicants requesting building permits for lots within Tract 2995 shall not apply for curb, gutter and sidewalk waivers.

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

Site Development

8. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved designated building envelopes.
9. **Prior to issuance of a building permit for the 11th building of Tract 2995,** development of the town center improvements on lot six shall be installed , these include public spaces area of at least 2,000 square feet, decorative paving, trees for shade, street furniture and a visitor information kiosk with historic exhibits of San Miguel.
10. **At the time of application for construction permits** plans the applicant shall pay a drainage impact fee of not to exceed \$2,819 per 1,000 square-feet of estimated future building area to County Public Works to mitigate cumulative drainage impacts in the San Miguel area.
11. **At the time of application for construction permits** plans the applicant shall submit Public Improvement Plans, prepared by a Registered Civil Engineer, to the Department of Public Works for approval. The plans shall be in conformance with the County Public Improvement Standards and are to include, as applicable:
 - a. Plan and profile in conformance with Mission Street Improvement Plans on file with the Department of Public Works.
 - b. An access road between 11th Street and 14th Street shall be constructed in accordance with San Miguel Fire Department requirements within an easement of sufficient width to contain all the elements of the roadway prism.
 - c. ~~11th Street shall be constructed to an A-2 urban road section on the project side fronting the 20-foot private access road with a B-3a commercial driveway constructed in accordance with approved plans on file with the Public Works Department.~~
 - d. ~~14th Street shall be constructed to an A-2 urban road section on the project side fronting the 20-foot private access road with a B-3a commercial driveway constructed in accordance with approved plans on file with the Public Works Department.~~
 - e. Street lighting consistent with existing streetlights along Mission Street.
 - f. Pedestrian and landscaping amenities consistent with the subdivision conditions.
 - g. Drainage plan consistent with the requirements of the Department of Public Works.
 - h. Utility Plan consistent with the requirements of the Department of Planning and Building and the San Miguel CSD.
 - i. 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 3143.
12. **At the time of application for construction permits** the applicant shall enter into an agreement and post a performance bond with the Department of Public Works to cover the required public improvements in accordance with 22.54.030 (Curbs, Gutters and Sidewalks).

13. The applicant shall enter into an agreement with the county for the cost of checking the improvement plans, 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.
14. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure on each individual lot.

Building Design

15. **At the time of application for construction permits** the applicant shall provide plans that include
 - a. Building styles include variations commonly seen from the late 1800s through the 1940s and styles that incorporate design elements from the mission.
 - b. Maximum allowable building height is two stories with extra height allowed for design features (copula, dormers. etc.).
 - c. The height of a building's Mission Street facade should be no greater than the building's width. Articulation of the facade should include no portion designed to emphasize its verticality.
 - d. Roof forms should be consistent with existing commercial buildings in the core area -shallow-pitch gable roofs, usually with a parapet wall facing the street.
 - e. Building design should include cornices, window moldings, parapet caps, overhangs, awnings, balconies and other three-dimensional architectural features that cast shadows and create visual interest.
 - f. Between 60 percent and 85 percent of the ground level street facade shall be transparent glass (windows and doors).
 - g. Entries shall be recessed so that doors do not open into the path of pedestrians and to create maneuvering space for pedestrians entering and leaving the building.
 - h. Building materials shall evoke pre-1950's design themes, mission or of the early railroad era. These materials include natural finish or painted wood, stucco, unpainted brick, wood window frames and moldings and mission tile roofs.
 - i. Building materials that are not consistent with the mission or early railroad design themes are not allowed. These materials include exposed concrete block, highly reflective surfaces (other than windows and doors), reflective glass, glass block, metal siding, painted brick, plastic and unpainted/un-anodized aluminum.
 - j. Sign are limited to 15% of the building face up to 80 square feet. Signs shall be designed to be consistent with the mission, early railroad or pre-1950's design themes. Signs shall not be made of plastic. They shall not be internally lighted, except that they may include neon tubing. Signs should be directly illuminated with building-mounted light fixtures. Signs shall be mounted perpendicular to the building façade. Pole signs are not allowed.
 - k. New development shall include its proportionate share of the number of street trees needed to achieve a continuous row along the Mission Street plan frontage with spacing of 30 feet between trees. Each development

shall include at least one street tree. Plans for parcels with frontage exceeding 30 feet shall include one street tree per 30 feet of frontage or fraction thereof.

- l. Exterior light fixtures shall be designed and adjusted to direct light away from any road, street or dwelling unit.
- m. A future building shall be ~~10% more energy efficient than the California Energy Code~~ and to be made of high quality materials.
- n. All second floors shall provide plumbing and wiring for apartment use even if commercial space is initially proposed.
- o. Residential parking will be designated parking along the alley.
- p. The southern part of lot 6 and shall include a town center public open space area of at least 2,000 square feet and include the following amenities: decorative paving, trees for shade, street furniture, a visitor information kiosk with historic exhibits of San Miguel.
- q. Waste disposal shall be located within 100 feet from each building.

Noise

- 16. **At the time of application for construction permits**, the applicant shall show the following on the project plans:
 - a. The structure is provided with air conditioning or mechanical ventilation.
 - b. All windows and doors on the east railroad side of the structure are mounted in low air infiltration rate frames (0.5 cfm or less).
 - c. All fresh air inlets or exhaust vents located on the east, railroad side of the structure incorporate sound attenuation and noise baffling.
 - d. At the time of application for construction permits, for buildings with residential unit(s) the applicant shall submit plans that include a private outdoor space that face Mission Street so the buildings will be located between the railroad tracks and the outdoor living space and will buffer the outdoor living space from the railroad noise.

Archeology

- 17. **At the time of application for construction permits**, the applicant will submit a monitoring plan, prepared by a subsurface-qualified archaeologist, that provides details on how the archaeologist will monitor grading and excavation activities during construction and the process to follow should resources be encountered. The applicant will retain a qualified archaeologist and Native American to implement the monitoring plan during construction and verify to the county that construction work adhered to the plan.

Air Quality

- 18. **Prior to issuance of construction permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: 50-hp portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc. Should any of these types of equipment be used during construction activities California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit may be required.
- 19. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - a. Reduce the amount of disturbed area where possible;

- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - c. All dirt stock-pile areas should be sprayed daily as needed;
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off; and,
 - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible.
 - l. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and 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 land use clearance for map recordation and land use clearance for finish grading of the structure.
 - m. Only the following types of wood burning devices shall be allowed (based on D district Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance,** such devices shall be shown on all applicable plans, and installed as approved by the county.
20. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a

part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).

21. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

22. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated June 2, 2009.

Services

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

San Joaquin kit fox

24. **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:
Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.
 - i. This can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total mitigation acreage required. Impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1) multiplied by the cost per mitigation acre. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; therefore, your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.
 - ii. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the

property in perpetuity. Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank.

iii. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would be based on impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1) multiplied by the cost per credit (one mitigation acre equals one credit). Currently, the cost per credit is \$2500. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

25. **Prior to issuance of grading and/or construction permits**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:
- a. **Prior to issuance of grading and/or construction permits** and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
 - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
 - c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work. If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the

Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

d. In addition, the qualified biologist shall implement the following measures:

i. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

ii. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

iii. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

26. **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction,
27. **Prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.
- a. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

Conditions to be completed prior to issuance of a construction permit

Fees

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

Conditions to be completed during project construction

29. **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the

kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

30. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
31. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
32. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality.
33. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
34. **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

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

35. **Prior to occupancy or final inspection**, landscaping in accordance with an approved landscaping plan shall be installed. The landscaping shall thereafter be maintained in a viable condition in perpetuity.
36. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
37. **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.
38. **Prior to occupancy** the required public improvements shall be accepted as complete by the Department of Public Works.
39. **Prior to final inspection**, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
 - i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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

40. Maintenance of common areas, private roads, shared parking, walkways, alley, stairs, fencing, railroad fencing, landscaping, trash collection areas and Mission Street lighting, street trees, street furniture, trash cans and other pedestrian amenities in a viable condition on a continuing basis into perpetuity.
41. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A “final will serve” letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an **approved** cross-connection control device installed at the meter or property line service connection **prior to occupancy**. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. **Prior to the filing of the map** a “final will serve” letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

12. Prior to submission of the map “check prints” to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.