FROM: Michael Codron, Community Development Director  
Prepared By: Kyle Van Leeuwen, Assistant Planner

SUBJECT: REVIEW OF A COMMON INTEREST VESTING TENTATIVE TRACT MAP (MAP NO. 3140) TO CREATE TEN RESIDENTIAL LOTS. THE PROJECT IS WITHIN THE MILL STREET HISTORIC DISTRICT AND INCLUDES FIVE NEW TWO-BEDROOM, TWO- STORY SINGLE-FAMILY RESIDENCES AND THE RETENTION OF FIVE, TWO-BEDROOM, SINGLE-STORY RESIDENCES, WHICH ARE ON THE CITY’S CONTRIBUTING LIST OF HISTORIC PROPERTIES. THE PROJECT HAS REQUESTED EXCEPTIONS FROM DEVELOPMENT STANDARDS TO ALLOW INTERIOR SIDE SETBACKS TO BE REDUCED AND A REQUEST TO ALLOW REQUIRED PARKING FOR THREE OF THE FIVE EXISTING RESIDENCES TO BE PROVIDED IN TANDEM. AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION IS PROPOSED.

RECOMMENDATION

Adopt a Resolution approving Vesting Tentative Tract Map (VTTM) No. 3140, the project design, and adopt the associated Initial Study/Mitigated Negative Declaration (Attachment A).

DISCUSSION

Background
The applicant proposes to construct five new two-bedroom, two-story single-family residences on a 0.86-acre site within the Mill Street Historic District. The site is north of the downtown core in a neighborhood characterized by single-family and multi-family uses, with some offices to the west near Santa Rosa Street. The site is currently developed with five existing single-family residences, which are Contributing Historic Resources and will be retained in their existing locations.

The project proposes one new residence on the corner of Peach and Toro Streets, with the four other residences located interior to the site behind the existing structures. The project also includes a subdivision of the property into ten lots; each lot would contain one single-family residence. The applicant has requested exceptions from development standards to allow interior side setbacks from proposed property lines to be reduced (five feet where seven feet is the standard, six feet where eight feet is the standard, seven feet where eight or nine feet is the standard, and eight feet where eleven feet is the standard), and to allow required parking for three of the five existing residences to be provided in tandem (Attachment B, Project Plans and Vesting Tentative Tract Map).
Consistency with Subdivision Regulations
The applicant is requesting a common interest subdivision that includes easements for shared vehicular access, sewer, drainage, and utilities. The vesting tentative map also identifies at least 150 square feet per residential unit of open space. In this type of common interest subdivision, each lot is subject to the property development standards of the R-2 zone. These include standards for lot coverage, density, and setbacks. All proposed lots are appropriately sized to allow for a two-bedroom unit on each lot and are consistent with lot coverage standards. Some setback reductions have been requested and are discussed further below.

TABLE 1. SUBDIVISION: LOT SIZE AND SIDE SETBACKS FROM PROPOSED PROPERTY LINES

<table>
<thead>
<tr>
<th>Lot</th>
<th>Lot Size (sf)</th>
<th>Structure</th>
<th>Proposed</th>
<th>Required**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>East</td>
<td>West</td>
</tr>
<tr>
<td>1</td>
<td>3,621</td>
<td>Existing</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>3,718</td>
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<td>5</td>
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<tr>
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</tr>
<tr>
<td>4</td>
<td>3,855</td>
<td>Existing</td>
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<td>8</td>
</tr>
<tr>
<td>5</td>
<td>3,739</td>
<td>New</td>
<td>NA</td>
<td>7*</td>
</tr>
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<td>6</td>
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</table>

*Exception Requested **Per City Zoning Regulations

Consistency with Zoning Regulations
The project design complies with density, lot coverage, building height, and front setback development standards for the Medium-Density Residential (R-2) zone, and is compliant with side and rear setback standards from all existing property lines. However, the project includes requested exceptions to side setbacks standards in relation to the proposed property lines of the common interest subdivision (see Table 1 Subdivision: Lot Size and Side Setbacks from Proposed Property Lines). The project also includes a request to allow parking to be provided in tandem for three of the five existing residences.

Side Setback Exceptions: The Zoning Regulations (§17.70.170 D.2.c.) provides that a reduction in the side and rear setback standards may be approved within new residential subdivisions. The proposed setbacks are consistent with this section because a separation of ten feet between buildings will be maintained and an acceptable level of solar exposure will be provided consistent with General Plan Conservation and Open Space Element (COSE) Policy 4.5.1.1

1 COSE Policy 4.5.1 To encourage use of solar energy, reasonable solar access shall be provided and protected. The City will protect reasonable solar exposure for existing collectors and likely locations of future collectors, both active and passive. Standards for the subdivision and development of property should assure desirable solar access, as described in Table 2. Protection beyond that established by the City may be provided by recorded agreement among private parties. Table 2. Desired Solar Access for: Residential uses between six and 12 dwellings per acre (...) on sites less than one acre - Most roof areas, nearly all second-story and most first-story south walls should be unshaded between 10 a.m. and 3 p.m. on the winter solstice.
This policy calls for south facing walls and building roofs to be unshaded during midday hours on the winter solstice. Consistency with this policy is illustrated by the solar study provided by the applicant in project plans (Attachment B), showing that most roof areas, nearly all second-story and most first-story south walls will be unshaded between 10:00 a.m. and 3:00 p.m. on the winter solstice. All setbacks provided along existing property lines on the perimeter of the site are consistent with Zoning Regulations standards.

**Tandem Parking:** The project also includes a request to allow parking for three of the five existing residences to be in provided in tandem. The requested tandem parking approval will formalize the parking scenario already in use for much of the site. The four residences fronting Peach Street currently have access to onsite parking on three existing driveways that are wide enough for only one car. This leaves one residence with no onsite parking. Staff has worked with the applicant to develop a parking plan that will provide and formalize parking locations for all existing residences facing Peach Street. This is accomplished though approval of tandem parking and access to the proposed driveway isle. Additionally, the existing residence facing Toro Street would be provided parking by utilizing the existing driveway along the south property line, also in tandem. The draft council resolution includes conditions 8, 9, & 10, which require the final map to identify the location of this required parking for the existing residences, but also provides flexibility for a modified scenario if desired by the applicant. This modified scenario will be supported if the number of tandem spaces can be reduced, consistent with the recommendation of the Planning Commission.

**Previous Advisory Body Action**
On June 22, 2020, the Cultural Heritage Committee (CHC) reviewed the project and recommended the Planning Commission (PC) find the project consistent with the Historic Preservation Ordinance and Guidelines. The applicant also agreed to work with a subcommittee of the CHC to explore options to provide additional architectural variety in architectural styling of the interior structures (Attachment C, CHC Staff Report and Draft Meeting Minutes).

On June 30, 2020, City staff and members of the applicant’s architectural team met with two of the CHC subcommittee members. The subcommittee members agreed that the modifications made by the applicant’s architectural team successfully provided a variety in styling that better reflects the neighborhood and setting (Attachment D, Staff Memo and Modified Project Renderings).

On July 6, 2020, the Architectural Review Commission (ARC) reviewed the project, including the modifications reviewed and agreed upon by the CHC subcommittee, and recommended the PC find the project consistent with the Community Design Guidelines, with one recommended condition to add “street trees” adjacent to the shared driveway along adjacent fencing. (Attachment E, ARC Staff Report and Meeting Minutes).

On July 22, 2020, the Planning Commission (PC) considered the recommendations of the CHC and ARC and reviewed the project for consistency with the General Plan, Zoning Regulations, Subdivision Regulations, and applicable City development standards and guidelines. The PC recommended approval of the project to the City Council, with minor changes to the proposed conditions of approval (Attachment F, PC Resolution).
Those changes included: (1) additional language allowing flexibility regarding the location of parking for the existing residences to reduce the need for tandem parking; (2) a new condition requiring additional plantings along the southern property line to provide additional privacy for neighbors; and (3) specifically requiring that the parkway along Peach Street be restored to facilitate the planting of required street trees (Attachment G, PC Staff Report and Draft Meeting Minutes). These recommendations are included in the Draft Resolution (Attachment A) as Conditions 8 through 10, 7, and 35, respectively.

Policy Context
The General Plan Land Use Element (LUE) provides policies for the conservation and development of residential neighborhoods. LUE Policy 2.2.7 encourages infill development and rehabilitation efforts that contribute positively to existing neighborhoods. The project is consistent with this policy because it proposes infill development of a residential site within a residential neighborhood and includes the retention of the five units existing on site. The project is also consistent with LUE Policies 2.8 and 4.2.1 (A & B), pertaining to the Downtown residential areas because the project includes the protection of existing homes and the creation of additional dwellings within established density limits, which does not significantly change the existing character of the area. The project also has the potential to reduce automobile dependence in the Downtown area consistent with LUE Policy 2.9, which also supports sustainability goals. The General Plan Housing Element also provides policies and programs that speak specifically to supporting infill and densification within City Limits.

Public Engagement
Consistent with the City’s Public Engagement and Noticing (PEN) Manual and the City’s Municipal Code, the project was noticed per the City’s notification requirements for Development Projects for each public hearing associated with the project. Newspaper legal advertisements were posted in the New Times ten days prior to the hearing. Additionally, postcards were sent to both tenants and owners of properties located within 300 feet of the project site ten days before the hearing.

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2 *LUE Policy 2.2.7.* The City shall promote infill development, redevelopment, rehabilitation, and adaptive reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

3 *LUE Policy 2.8.* In Downtown residential areas, the City should encourage the rehabilitation and maintenance of existing housing. Additional dwellings may be permitted, in keeping with density limits, provided that the existing character of the area is not significantly changed. Demolition of structurally sound dwellings shall be strongly discouraged.

*LUE Policy 4.2.1 A.* Existing residential uses within and around the commercial core should be protected, and new ones should be developed. *B.* Dwellings should be provided for a variety of households.

4 *LUE Policy 2.9.* The City shall encourage the development of Downtown housing that minimizes the need for automobile use and minimizes the storage of vehicles in surrounding neighborhoods.

5 *Housing Element Policy 6.10.* To help meet the Quantified Objectives, the City will support residential infill development and promote higher residential density where appropriate.

*Housing Element Program 6.17* Encourage residential development through infill development and densification within City Limits and in designated expansion areas over new annexation of land.
CONCURRENCE

The proposed project has been reviewed by the Community Development Department (Planning, Building, and Engineering), Public Works Department (Transportation), Utilities Department, Fire Department, and City Arborist. Specifically, the engineering review included an evaluation of the proposed approach to manage onsite drainage, and concluded the measures proposed are consistent with City standards for low impact development. Staff comments provided during review of the proposed project are incorporated into the presented evaluation and conditions of approval.

CONSISTENCY COVID-19 ORDERS AND CURRENT FISCAL CONTINGENCY PLAN

This activity is presently allowed under the State and Local emergency orders associated with COVID-19. This Project and associated staff work will be reimbursed by the Developer directly or indirectly through fees and therefore consistent with the guidance of the City’s Fiscal Health Contingency Plan.

ENVIRONMENTAL REVIEW

The proposed project has been analyzed pursuant to the California Environmental Quality Act (CEQA). An Initial Study-Mitigated Negative Declaration (IS/MND) was prepared and circulated from June 11, 2020 through July 11, 2020 (Attachment H, Initial Study/Mitigated Negative Declaration). Comments were received from the State Department of Toxic Substances Control recommending certain broad-based evaluations be included in the MND Hazards and Hazardous Materials section. In review of these recommendations, staff finds that the Initial Study sufficiently identifies the potential impacts related to hazardous materials for this project and project site. Given the project’s size, location, surroundings, type (residential), and the limited amount of grading required for the project, potential impacts would be mitigated by Mitigation Measures AQ-3, AQ-4 and AQ-5. This was the only comment received during the 30-day public comment period. The applicant has agreed to all mitigation measures proposed specific to this project.

FISCAL IMPACT

Budgeted: No  Budget Year: N/A
Funding Identified: No

<table>
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<th>Funding Sources</th>
<th>Current FY Cost</th>
<th>Annualized On-going Cost</th>
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<tr>
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</table>
When the General Plan was prepared, it was accompanied by a fiscal impact analysis, which found that overall, the General Plan was fiscally balanced. Since the project does not propose to change the General Plan designations of the site, it has a neutral fiscal impact.

**ALTERNATIVES**

1. **Deny the Vesting Tentative Tract Map #3140 and the project design.** Staff does not recommend this alternative, because the project complies with the City’s Subdivision Regulations and Zoning Regulations and would help meet the City’s housing objectives. Findings of the City Council concerning such a recommendation would require development of findings to support the recommendation.

2. **Continue the item.** The Council may continue its review of the project if additional information is needed to make a decision. If additional information is needed, direction should be provided to staff so that it can be presented at that subsequent hearing. The Council may direct staff and the applicant to make specific changes to the project.

**Attachments:**

a - Draft Resolution

b - COUNCIL READING FILE - Project Plans and Vesting Tentative Tract Map

c - COUNCIL READING FILE - CHC Staff Report and Meeting Minutes dated 06/22/2020

d - COUNCIL READING FILE - Staff Memo and Modified Renderings

e - COUNCIL READING FILE - ARC Staff Report and Meeting Minutes dated 07/06/2020

f - Planning Commission Draft Resolution

g - COUNCIL READING FILE - PC Staff Report and Draft Minutes dated 07/22/2020

h - COUNCIL READING FILE - Initial Study-Mitigated Negative Declaration
RESOLUTION NO. _____ (2020 SERIES)


WHEREAS, the Cultural Heritage Committee of the City of San Luis Obispo conducted a web based public hearing on June 22, 2020, recommending the Planning Commission find the project consistent with the Historic Preservation Ordinance and Historic Preservation Program Guidelines, pursuant to a proceeding instituted under ARCH-0568-2019, SBDV-0571-2019, and EID-0800-2019, Levi Seligman, applicant; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a web based public hearing on June 6, 2020, recommending the Planning Commission find the project consistent with the Community Design Guidelines, pursuant to a proceeding instituted under ARCH-0568-2019, SBDV-0571-2019, and EID-0800-2019, Levi Seligman, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a web based public hearing on July 22, 2020, for the purposes of considering SBDV-0571-2019, ARCH-0568-2019 and EID-0800-2019, a vesting tentative tract map subdividing an approximately 0.86-acre site into 10 lots, the design of the project, and considered an Initial Study-Mitigated Negative Declaration (IS-MND) analyzing the proposed vesting tentative tract map and project design, Levi Seligman, applicant; and

WHEREAS, the City Council of the City of San Luis Obispo conducted a web based public hearing on September 1, 2020, for the purpose of considering SBDV-0571-2019, ARCH-0568-2019 and EID-0800-2019, a vesting tentative tract map subdividing an approximately 0.86-acre site into 10 lots, the design of the project, and considered an Initial Study-Mitigated Negative Declaration (IS-MND) analyzing the proposed vesting tentative tract map and project design; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Findings. The City Council hereby approves the project (SBDV 0571-2019, ARCH-0568-2019, & EID-0800-2019), based on the following findings:
1. As conditioned, the project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because the project respects site constraints and will be compatible with the scale and character of the neighborhood.

2. The project is consistent with Land Use Element Policy 2.2.7 because the project includes infill development and rehabilitation efforts that contribute positively to the existing neighborhood and surrounding area.

3. The project is consistent with Land Use Element Policy 2.8 because the project includes the rehabilitation and maintenance of existing housing and provides additional dwellings that keep with density limits and do not significantly change the existing character of the area in a Downtown residential area.

4. The project is consistent with Land Use Element Policy 2.9 because the project provides Downtown housing that minimizes the need for automobile use and storage of vehicles in surrounding neighborhoods.

5. The project is consistent with Land Use Element Policy 4.2.1 because the project protects existing and provides new residential uses around the Downtown core and contributes to the variety of housing types in the area.

6. The project is consistent with Housing Element policies and programs (6.10 and 6.17) because the project consists of residential infill development.

7. The project is consistent with the Conservation and Open Space Element Policy 4.4.3 because the project promotes higher-density, compact housing to achieve more efficient use of public facilities and services, and to improve the City’s jobs/housing balance.

8. As conditioned, the project is consistent with the Zoning Regulations, since the proposed building design complies with property development standards for height, coverage, and parking, for the Medium Density Residential (R-2) zone.

**Architectural Review Findings**

9. The project is consistent with the Historic Preservation Ordinance and Historic Preservation Program Guidelines for construction in historic districts because the structures are designed to be architecturally compatible with the districts prevailing character and nearby historic resources. The project is consistent with the scale, massing, rhythm, signature architectural elements, exterior materials, siting and street yard setbacks of the district's historic structures and does not sharply contrast with, significantly block public views of, or visually detract from, the historic architectural character of historically designated structures located on or adjacent to the project site.

10. As conditioned, the project is consistent with the Community Design Guidelines for Infill Development because the architectural style is complementary to the surrounding neighborhood and is designed consistent with the prevailing setback pattern of the neighborhood (CDG, Chapter 5.3 & 5.4).

11. As conditioned, the project design is consistent with the Community Design Guidelines by providing a variety of architectural treatments that add visual interest and articulation to the building design that are compatible with the design and scale of the existing structures in the surrounding neighborhood (CDG, Chapter 5.3).
**Subdivision Findings**

12. The site is physically suited for the type of development allowed in the medium-density (R-2) zone and provides for passive and natural heating or cooling opportunities in the subdivision.

13. The tentative map, as conditioned, will comply with all environmental mitigation measures prescribed herein, and therefore is consistent with the California Environmental Quality Act and the Initial Study-Mitigated Negative Deceleration (IS-MND).

14. The design of the vesting tentative map and proposed improvements are not likely to cause serious health problems or substantial environmental damage since further development or redevelopment of the proposed parcels will occur consistent with the City’s Development Standards, Mitigation Measures, and Conditions of Approval.

15. The project insures safe, orderly development because the project complies with the City’s housing goals and the City’s General Plan to maintain a compact urban form.

**Variable Side and Rear Setback in New Subdivision Findings**

16. The reduced side and rear setbacks proposed (a setback of five feet where seven is the standard, six feet where eight feet is the standard, seven feet where nine feet is the standard, and eight feet where eleven feet is the standard) are consistent with section 17.70.170. (D.2.c) of the Zoning Regulations, because a separation of at least 10 feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by the proposed setbacks consistent with the solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1. The setbacks are consistent with this policy because most roof areas, nearly all second-story south walls, and most first-story south walls will be unshaded between 10 a.m. and 3 p.m. on the winter solstice.

17. All proposed side and rear building setback exceptions meet the five-foot minimum requirement specified in the Zoning Regulations for the R-2 zone.

18. All setbacks between proposed structures and previously established property lines are consistent with Zoning Regulations Standards for the R-2 Zone.

**Tandem Parking Findings**

19. As conditioned, the proposed tandem parking for residential use is consistent with section 17.72.090 (C.1) because the spaces are identified for the exclusive use of occupants of a designated dwelling.

20. The proposed tandem parking provides needed flexibly on a site constrained by the location of existing historic structures and existing parking arrangements.

21. The proposed tandem parking is safe and compatible with the surrounding neighborhood because both Peach and Toro Streets are classified as Residential Local streets and are consistent with the current parking arrangement on site and in the neighborhood.
SECTION 2. Environmental Review. The City Council hereby adopts the proposed Initial Study/Mitigated Negative Declaration (IS/MND) of Environmental Impact, based on incorporation of the following mitigation measures, which will reduce potential environmental impacts to less than significant.

AIR QUALITY

AQ-1 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. **Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.**
   a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible; and
   b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted; and
   c. Use of alternative fueled equipment shall be used whenever possible; and
   d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.

2. **California Diesel Idling Regulations.** On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
   a. Shall not idle the vehicle’s primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
   b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

   Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf).

AQ-2 During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD’s limit of 20% opacity for no greater than 3 minutes in any 60 minute period. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the City Community Development Department prior to commencement of construction. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition.
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 and from exceeding the SLOAPCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible.

c. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers 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 grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive, 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 SLOAPCD.

g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.

j. “Track Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code Section 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a “track-out prevention device” where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.

l. All PM$_{10}$ mitigation measures required should be shown on grading and building plans.
m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact Tim Fuhs at 805-781-5912).

AQ-3 Prior to initiation of ground-disturbing activities, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

AQ-4 If NOA are determined to be present on-site, proposed earthwork, demolition, and construction activities shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:
   a. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
   b. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
   c. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

AQ-5 Prior to initiation of demolition activities, the applicant shall implement the following measures to reduce the risk associated with disturbance of ACM and lead-coated materials that may be present within the existing structures onsite:
   a. Demolition of the on-site structures shall comply with the procedures required by the National Emission Standards for Hazardous Air Pollutants (40 CFR 61, Subpart M – Asbestos) for the control of asbestos emissions during demolition activities. SLOAPCD is the delegated authority by the U.S. EPA to implement the Federal Asbestos NESHAP. Prior to demolition of on-site structures, SLOAPCD shall be notified, per NESHAP requirements. The project applicant shall submit proof that SLOAPCD has been notified prior to demolition activities to the City Community Development Department.
b. If during the demolition of the existing structures, paint is separated from the construction materials (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed of in accordance with local, state, and federal regulations. According to the Department of Toxic Substances Control (DTSC), if the paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as non-hazardous construction debris. The landfill operator shall be contacted prior to disposal of lead-based paint materials. If required, all lead work plans shall be submitted to SLOAPCD at least 10 days prior to the start of demolition. The applicant shall submit proof that paint waste has been evaluated by a qualified hazardous waste materials inspector and handled according to their recommendation to the City Community Development Department.

Monitoring Program: Measures AQ-1 and AQ-2 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 and documentation showing compliance with measures AQ-4 and AQ-5 to the City Community Development Department upon completion and prior to issuance of grading permits.

BIOLOGICAL RESOURCES

BIO-1 If feasible, tree removal associated with any future residential (or accessory) development at the project site shall be scheduled to occur from September 16 to January 31, outside of the typical nesting bird season, to avoid potential impacts to nesting birds. If tree removal or other construction activities are proposed during the nesting season (February 1 through September 15), prior to any ground disturbing activity, surveys for active nests shall be conducted by a qualified biologist within one week prior to the start of activities. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work shall be conducted until an appropriate buffer is determined in consultation with the City and the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service.

Monitoring Program: These conditions and measures shall be noted on all grading and construction plans. The City Community Development Department and Natural Resources Manager shall verify compliance through regular inspections and review of monitoring reports, as necessary.
CULTURAL RESOURCES

CR-1 Cultural Resource Awareness Training. Prior to construction activities, a qualified archaeologist shall conduct a cultural resource awareness training for all construction personnel including the following:

a. Review the types of archaeological artifacts that may be uncovered;

b. Provide examples of common archaeological artifacts to examine;

c. Review what makes an archaeological resource significant to archaeologists and local native Americans;

d. Describe procedures for notifying involved or interested parties in case of a new discovery;

e. Describe reporting requirements and responsibilities of construction personnel;

f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and

g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 If cultural resources are encountered during subsurface earthwork activities, all ground disturbing activities within a 25-foot radius of the find shall cease and the City shall be notified immediately. Work shall not continue until a City-qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the City-approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials.

CR-3 In the event that human remains are exposed during earth disturbing activities associated with the project, an immediate halt work order shall be issued and the Community Development Director and locally affiliated Native American representative(s) (as necessary) shall be notified. State Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours. These requirements shall be printed on all building and grading plans.
Monitoring Program: These conditions shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines.

HAZARDS AND HAZARDOUS MATERIALS

Implement Mitigation Measures AQ-3, AQ-4, and AQ-5.

Monitoring Program: Measures AQ-1 and AQ-2 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 and documentation showing compliance with measures AQ-4 and AQ-5 to the City Community Development Department upon completion and prior to issuance of grading permits.

NOISE MITIGATION

N-1 For the entire duration of the construction phase of the project, the following Best Management Practices (BMPs) shall be adhered to:

1. Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devices (i.e. mufflers, lagging, and/or motor enclosures).
2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used.
4. All construction equipment shall have the manufacturers’ recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

N-2 Construction plans shall note construction hours, truck routes, and all construction noise Best Management Practices (BMPs) on project plans, which shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. The City shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a pre-construction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.
N-3 Construction activities shall be conducted so that the maximum noise levels at affected properties will not exceed 75 dBA for single-family residences where feasible.

N-4 For all construction activity at the project site, additional noise attenuation techniques shall be employed as needed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include, but are not limited to:
- Sound blankets shall be used on noise-generating equipment.
- Stationary construction equipment that generates noise levels above 65 dBA at the project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25.
- All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
- The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No movement of heavy equipment shall occur on Sundays or official holidays (e.g., Thanksgiving, Labor Day).
- Temporary sound barriers shall be constructed between construction sites and affected uses.

N-5 The project contractor shall inform residents and business operators at properties within 300 feet of the project of proposed construction timelines and noise complaint procedures to minimize potential annoyance related to construction noise. Signs shall be in place prior to and throughout grading and construction activities informing the public that noise-related complaints shall be directed to the construction manager prior to the City’s Community Development Department.

Monitoring Program: These measures shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections.

TRIBAL CULTURAL RESOURCES

Implement Mitigation Measures CR-1 through CR-3.

Monitoring Program: These conditions shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines.

UTILITIES AND SERVICES SYSTEM

Implement Mitigation Measures AQ-1 through AQ-5, BIO-1, CR-1 through CR-3, and N-1 through N-5.
Monitoring Program: Measures AQ-1 and AQ-2 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 and documentation showing compliance with measures AQ-4 and AQ-5 to the City Community Development Department upon completion and prior to issuance of grading permits. BIO-1, CR-1 through CR-3, and N1 through N-5 shall be noted on all grading and construction plans. The City Community Development Department shall verify compliance through regular inspections and review of monitoring reports, as necessary.

SECTION 3. Action. The City Council hereby approves the common interest subdivision and project design with the incorporation of appropriate conditions. Project conditions of approval do not include mandatory code requirements. Code compliance will be verified during the plan check process, which may include additional requirements applicable to the project. The City Council grants final approval, subject to the following conditions:

Planning Division - Architectural Conditions

1. Final project design and construction drawings submitted for a building permit shall be in substantial compliance with the project plans approved by the PC (ARCH-0568-2019 & SBDV-0571-2019). A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions and code requirements of project approval listed as sheet number 2. Reference shall be made in the margin of listed items as to where in plans requirements are addressed. Any change to approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Director or Architectural Review Commission, as deemed appropriate.

2. Plans submitted for a building permit shall call out the colors and materials of all proposed building surfaces and other improvements. Colors and materials shall be consistent with the color and material board submitted and/or reviewed at the Architectural Review Commission hearing on June 6, 2020.

3. Plans submitted for a building permit shall include recessed window details and all other details including but not limited to awnings, and railings. Plans shall indicate the type of materials for the window frames and mullions, their dimensions, and colors. Plans shall include the materials and dimensions of all lintels, sills, surrounds, recesses and other related window features. Plans shall demonstrate the use of high-quality materials for all design features that reflect the architectural style of the project and are compatible with the neighborhood character, to the approval of the Community Development Director.

4. All wall-mounted lighting fixtures shall be clearly called out on building elevations included as part of working drawings. All wall-mounted lighting shall complement building architecture. The lighting schedule for the building shall include a graphic representation of the proposed lighting fixtures and cut sheets on the submitted building plans. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with the requirements of the City’s Night Sky Preservation standards contained in Chapter 17.70.100 of the Zoning Regulations.
5. A final landscaping plan, including irrigation details and plans, shall be submitted to the Community Development Department along with working drawings. The legend for the landscaping plan shall include the sizes and species of all groundcovers, shrubs, and trees with corresponding symbols for each plant material showing their specific locations on plans.

6. Plans submitted for a building permit shall show no less than five trees to be planted along the north edge of the common drive isle, spaced approximately 35 feet apart, and of a species on the City’s approved street tree list.

7. Plans submitted for a building permit shall show trees or other means of vertical landscaping along the southern edge of the project site to provide privacy and screening between new structures and existing residential properties on Mill Street.

Planning Division – Subdivision Conditions

8. The subdivider shall include on the final map an access and parking easement for the benefit of lot 2 that secures the use of no less than 56.8 feet of the existing driveway between the residences at 1143 Peach Street and 1151 Peach Street, extending from the northwest property line, or an alternative parking scenario acceptable to the Community Development Director to reduce tandem parking.

9. The subdivider shall include on the final map an access and parking easement for the benefit of lot 4 that secures the use of no less than 56.8 feet of the existing driveway between the residences at 1151 Peach Street and 1163 Peach Street, extending from the northwest property line, or an alternative parking scenario acceptable to the Community Development Director to reduce tandem parking.

10. The subdivider shall include on the final map two access and parking easements for the benefit of lot 3 that secures the use of no less than 18.4 feet of the existing driveway between the residences at 1143 and 1151 Peach Street, and the existing driveway between the residences at 1151 and 1163 Peach Street, adjacent to and extending from the new common drive isle, or an alternative parking scenario acceptable to the Community Development Director to reduce tandem parking.

Engineering Division – Public Works/Community Development - Architectural Conditions

11. Except for any proposed “model home(s)”, the subdivision map shall be recorded prior to building permit issuance for new dwellings.

12. The building plan submittal shall show and label all property lines, dedications, public easements, and private easements in accordance with the tract map. The building plans shall show and label all existing and proposed survey monumentation for reference. The plan shall note the required monument preservation or replacement for any disturbed monuments.

13. The building plan submittal shall show and label all existing and proposed frontage improvements and sidewalk furniture located within the public right-of-way to scale on the site plan for reference. Improvements to be shown include but are not limited to curb, gutter & sidewalk, driveway approaches, catch basins, curb ramps, fire hydrants, street lights, utility poles, parking meters, curb and street painting, overhead and underground utility services, utility vaults, water meter vaults, water and sewer services, utility abandonments, street signs,
sidewalk underdrains, fences, retaining walls, landscape improvements, and street trees. Plan must differentiate between existing frontage improvements and new frontage improvements. New improvements shall include reference to the applicable Engineering Standards.

14. Prior to building permit issuance, any existing steps, concrete pads, walls, fences, etc. that are located in the right-of-way shall be removed or relocated unless an encroachment agreement is requested and approved by the city.

15. Projects involving the construction of new structures require that complete frontage improvements be installed and that existing improvements be upgraded per City Engineering Standards. Pursuant to Municipal Code 12.16.050, plans submitted for a building permit shall show these improvements.

16. Any sections of damaged or displaced curb, gutter & sidewalk or driveway approach shall be repaired or replaced to the satisfaction of the Public Works Director. All areas to be repaired or replaced shall be shown on the building plan submittal for reference.

17. Sections of damaged curb, gutter, or sidewalk adjacent to the large ficus trees on Peach Street shall be repaired or replaced due to root intrusion to the satisfaction of the Public Works Director. New bulb-outs may be considered to retain existing trees. A site visit shall be arranged with the Community Development and/or Public Works Department to coordinate a site visit with the City Arborist to discuss areas to be repaired and/or replaced. Areas to be repaired or replaced shall be shown on the building plans submittal for reference.

18. The building plan submittal shall show the existing curb ramp at the corner of Peach and Toro and clarify if it complies with current Americans with Disabilities Act (ADA), City Standard #4440, and Cal Trans Standards Plan RSP A88A.

19. The building plan submittal shall show the existing shared driveway curb drop off between 1137 & 1127 Peach Street. Provide details of this curb drop off transition and any treatment features that will be included and installed to mitigate the interface. If a property line fence is proposed, the fence height and line-of-sight analysis shall conform to City standards.

20. The subdivision improvement plans may be included within the building permit plan set. Separate record drawings (as-built) plans may be required at the completion of the project. A separate subdivision improvement plan review fee will be required based on the fee schedule in effect at the time of plan submittal. A separate encroachment permit will be required to cover the required Public Works Department inspections.

21. The building permit submittal shall show and note compliance with the Post Construction Stormwater Regulations and the City’s Drainage Design Manual. This project is considered to be a common plan and is not a single-family residential project for purposes of evaluating the Performance Requirement triggers. The altered and/or replaced frontage improvements shall be included in the area analysis. Unless the net impervious area is less than 5,000 square feet, compliance with Performance Requirement 2 will be required.

22. The building plan submittal shall include an operations and maintenance manual as required for the Post Construction Stormwater improvements, if applicable. A private stormwater conveyance agreement will be required and shall be recorded prior to final inspection approvals.
23. Documents submitted for a building permit shall show compliance with the grading ordinance of the adopted building code, and a summary drainage report or note on building plans shall be provided showing the pre vs. post drainage analysis for the 2 through 100-year storm with plans submitted for a building permit. Improved or diverted drainage shall not be directed across the side or rear property lines unless conveyed in an existing waterway, or a drainage easement.

24. The building plan submittal shall include a complete grading and drainage plan for this project. The plan shall show the existing and proposed contours and/or spot elevations to clearly depict the proposed grading and drainage. The plan shall show and label the high point elevation or grade break at the yard areas and drainage arrows to show the proposed drainage. Plans shall include the finished floor (FF) of the residences/garage, patio finish surface elevations, finish grade elevations, and yard drainage.

25. Plans submitted for a building permit shall show that any improved drainage is directed to a non-erosive outlet and ultimately discharged to the face of curb on Peach Street with an approved sidewalk underdrain, per City Engineering Standards.

26. The building submittal shall include a complete site utility plan. The utility plan shall show all existing and proposed on-site and off-site utilities. Show the location of all overhead and underground utilities along with the location of any utility company meters. Show all existing and proposed improvements located within the public right-of-way if applicable.

27. The building submittal shall show all new wire utilities to serve the development on all ten parcels to be underground. The underground wiring shall be achieved without a net increase in wood utility poles located within the public right-of-way unless otherwise approved by the City and serving utility companies. Interim overhead wiring may be proposed to provide replacement services to the existing residences until the PGE underground service to the subdivision is available for the underground conversion.

28. PG&E and Tele-Com plans shall be provided in conjunction with the building plan submittal and/or subdivision plans. Preliminary plans shall be reviewed by the engineer of record for consistency with the overall design. The final PG&E handout package shall be reviewed and approved by the engineer of record and the City prior to construction. PG&E, AT&T, and Charter plans shall not be deferred unless specifically approved for deferral by the City.

29. If allowed by PG&E, plans submitted for a building permit shall show and reference a new streetlight to be located on the existing wood joint pole on Toro Street, in accordance with Engineering Standards #1010.G, #7520, and #7910.

30. Plans submitted for a building permit shall show newly provided driveway and parking areas in compliance with the Parking and Driveway Standards for dimensions, maneuverability, slopes, drainage, and materials. Alternate paving material shall be provided consistent with project plans and to the satisfaction of the Planning Division.

31. A final landscape plan shall be included with plans submitted for a building permit and shall show a line-of-sight analysis for new plantings at driveway approaches to the satisfaction of the City Engineer.

32. The building plan submittal shall show all existing trees to be removed and trees to be retained. The plan shall show any neighboring trees with canopies/root zones within the area of construction disturbance. Tree preservation measures shall be shown and noted on the building plans to the satisfaction of the Community Development and Public Works Departments.
33. Safety pruning may be required for any existing street trees depending upon the scope of proposed work and required construction activities. If required, any existing street trees along the property frontage shall be safety pruned to the satisfaction of the City Arborist prior to building permit issuance.

34. Plans submitted for a building permit shall show street trees at an approximate rate of one tree per each 35 lineal feet of frontage. The City Arborist shall approve the proposed tree species based on the location, soils type, and overhead wiring conflicts. The City Arborist shall review and approve the tree species for the newly planted parkway trees prior to acceptance as satisfying the street tree requirement.

35. The building plan shall show the removal of the infilled parkway to provide a tree planting area for new street trees. Parkway plantings shall include provisions for irrigation from the on-site irrigation system. All parkways shall be kept with plantings, groundcovers, or stable landscape materials and shall be free of any debris for perpetuity.

36. The building plan submittal shall show the limits of the existing catch basin opening and infrastructure for reference.

Engineering Division – Public Works/Community Development - Subdivision Conditions

37. The subdivision shall be recorded with a final map. The map preparation and monumentation shall be in accordance with the city’s Subdivision Regulations, Engineering Standards, and the Subdivision Map Act. The parcel map shall use U.S. Customary Units in accordance with the current City Engineering Standards.

38. All map exhibits and legal descriptions shall be prepared by a California Licensed Land Surveyor or Civil Engineer authorized to practice land surveying.

39. Prior to map recordation, Park In-Lieu fees shall be paid for the proposed new dwelling units/LOTS. Credit for the existing houses to remain will be applicable.

40. A separate subdivision improvement or miscellaneous public improvement plan is not required. The building plan submittal may be used to show some or all of the required private on-site subdivision improvements. Improvements located within the public right-of-way will require a separate encroachment permit and associated inspection fees based on the fee schedule in effect at the time of permit issuance. A separate subdivision improvement plan review fee and subdivision map check fee will be required for the Public Works Department review and inspection of the public subdivision/development improvements and map in accordance with the most current fee resolution.

41. The site development plan submittal shall show any parking, access, utility, site, and/or drainage improvements required to support the proposed subdivision. The building plan submittal shall show all existing public and/or private utilities and improvements shall be approved to the satisfaction of the Community Development Director and Public Works Director prior to recordation of the parcel map. Unless otherwise waived or deferred, the site/utility plan shall include drainage improvements, water, sewer, storm drains, gas, electricity, telephone, cable TV, and any related utility company meters for each parcel if applicable. Any utility relocations, demolitions, and/or other on-site work shall be completed with proper permits and receive final inspection approvals prior to recordation of the parcel map.
42. If “all electric” residences are proposed, gas service may not be required to each parcel. If proposed, a “Notice of Requirements” may be required for concurrent recordation with the map to identify the lack of gas service to any parcel(s).

43. Plans submitted for subdivision shall show the proposed water service lateral(s), meter sizing, and private service laterals, sized in accordance with the approved fire sprinkler plans. Unless a design exception is specifically approved, City Engineering Standards limit a meter manifold to 4 1” water meters. A separate service lateral and meter manifold may be required to accommodate the number of units, fire flow requirements, and the potential addition of a common area landscape meter.

44. Any easements including but not limited to provisions for all public and private utilities, access, grading, drainage, storm drain systems, construction, common driveways, and maintenance of the same shall be shown on the final map and/or shall be recorded separately prior to map recordation if applicable. Said easements may be provided for in part or in total as blanket easements.

45. A 10’ Street Tree easement and 10’ PUE shall be shown and noted on the map along both the Peach and Toro street frontages.

46. A separate public pedestrian easement may be required behind the new or redeveloped driveway approach(es) to accommodate the ADA sidewalk extension(s).

47. The map may be recorded prior to construction of the required public and/or private subdivision improvements. If so, the map conditions or code requirements may be satisfied by the preparation and approval of a subdivision improvement plan. A subdivision agreement and guarantee will be required for this process.

48. An Operation and Maintenance Manual and Private Stormwater Conveyance Agreement shall be provided in conjunction with the development project. The Stormwater Agreement shall be recorded separately or concurrent with the map recordation.

49. The final map shall include reference to the project soils report in accordance with the subdivision regulations. The report may be included on the cover sheet of the map or could be included on an “additional map sheet”.

Utilities Department

50. Plans submitted for a building permit shall label all existing sewer laterals to remain or to be abandoned per City Standards.

51. Plans submitted for a building permit showing sewer and water services shall be in accordance with the engineering design standards in effect at the time the building permit is approved.

52. Plans submitted for a building permit shall clarify the size of existing and proposed water services and water meters for the project.

53. Projects generating more than two cubic yards of total waste shall comply with AB 1826, and local waste management ordinance to reduce greenhouse gas emissions.

54. The building permit submittal shall include the San Luis Garbage Company letter of service within the plan set.
55. The City’s Development Standards for Solid Waste Services require that single family residential projects with interior storage are designed and constructed to include adequate storage space for three 96-gallon waste wheelers. The minimum space required shall be 92” side by 36” deep by 6’ tall. This area shall be depicted on the plans submitted for a building permit or a Conditional Exception Application shall be provided.

56. Plans submitted for a building permit shall show the location of garbage, recycling and organic bins located for pickup.

57. Projects having landscape areas greater than 500 square feet shall provide a Maximum Applied Water Allowance calculation as required by the Water Efficient Landscape Standards; Chapter 17.87 of the City’s Municipal Code.
Indemnification

58. The applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review (“Indemnified Claims”). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and the City shall fully cooperate in the defense against an Indemnified Claim.

Upon motion of Council Member __________________, seconded by Council Member __________________, and on the following roll call vote:

AYES: __________________
NOES: __________________
ABSENT: __________________

The foregoing resolution was adopted this _____ day of _____________________ 2020.

________________________________________
Mayor Heidi Harmon

ATTEST:
________________________________________
Teresa Purrington
City Clerk

APPROVED AS TO FORM:

________________________________________
J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on ____________________

________________________________________
Teresa Purrington
City Clerk
RESOLUTION NO. PC-XXXX-20


WHEREAS, the Cultural Heritage Committee of the City of San Luis Obispo conducted a web based public hearing on June 22, 2020, recommending the Planning Commission find the project consistent with the Historic Preservation Ordinance and Historic Preservation Program Guidelines, pursuant to a proceeding instituted under ARCH-0568-2019, SBDV-0571-2019, and EID-0800-2019, Levi Seligman, applicant; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a web based public hearing on June 6, 2020, recommending the Planning Commission find the project consistent with the Community Design Guidelines, pursuant to a proceeding instituted under ARCH-0568-2019, SBDV-0571-2019, and EID-0800-2019, Levi Seligman, applicant and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a web based public hearing on July 22, 2020, pursuant to a proceeding instituted under ARCH-0568-2019, SBDV-0571-2019, and EID-0800-2019, Levi Seligman, applicant; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission of the City of San Luis Obispo has duly considered all evidence, including the testimony of the applicant, interested parties, and evaluation and recommendations by staff, presented at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1. Findings. The Planning Commission hereby recommends the City Council approve the project (ARCH-0568-2019, SBDV 0571-2019, & EID-0800-2019), based on the following findings:

1. As conditioned, the project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because the project respects site constraints and
will be compatible with the scale and character of the neighborhood.

2. The project is consistent with Land Use Element Policy 2.2.7 because the project includes infill development and rehabilitation efforts that contribute positively to the existing neighborhood and surrounding area.

3. The project is consistent with Land Use Element Policy 2.8 because the project includes the rehabilitation and maintenance of existing housing and provides additional dwellings that keep with density limits and do not significantly change the existing character of the area in a Downtown residential area.

4. The project is consistent with Land Use Element Policy 2.9 because the project provides Downtown housing that minimizes the need for automobile use and storage of vehicles in surrounding neighborhoods.

5. The project is consistent with Land Use Element Policy 4.2.1 because the project protects existing and provides new residential uses around the Downtown core and contributes to the variety of housing types in the area.

6. The project is consistent with Housing Element policies and programs (6.10 and 6.17) because the project consists of residential infill development.

7. The project is consistent with the Conservation and Open Space Element Policy 4.4.3 because the project promotes higher-density, compact housing to achieve more efficient use of public facilities and services, and to improve the City’s jobs/housing balance.

8. As conditioned, the project is consistent with the Zoning Regulations, since the proposed building design complies with property development standards for height, coverage, and parking, for the Medium Density Residential (R-2) zone.

Architectural Review Findings

9. The project is consistent with the Historic Preservation Ordinance and Historic Preservation Program Guidelines for construction in historic districts because the structures are designed to be architecturally compatible with the districts prevailing character and nearby historic resources. The project is consistent with the scale, massing, rhythm, signature architectural elements, exterior materials, siting and street yard setbacks of the district's historic structures and does not sharply contrast with, significantly block public views of, or visually detract from, the historic architectural character of historically designated structures located on or adjacent to the project site.

10. As conditioned, the project is consistent with the Community Design Guidelines for Infill Development because the architectural style is complementary to the surrounding neighborhood and is designed consistent with the prevailing setback pattern of the
neighborhood (CDG, Chapter 5.3 & 5.4).

11. As conditioned, the project design is consistent with the Community Design Guidelines by providing a variety of architectural treatments that add visual interest and articulation to the building design that are compatible with the design and scale of the existing structures in the surrounding neighborhood (CDG, Chapter 5.3).

Subdivision Findings

12. The site is physically suited for the type of development allowed in the medium-density (R-2) zone and provides for passive and natural heating or cooling opportunities in the subdivision.

13. The tentative map, as conditioned, will comply with all environmental mitigation measures prescribed herein, and therefore is consistent with the California Environmental Quality Act and the Initial Study-Mitigated Negative Deceleration (IS-MND).

14. The design of the vesting tentative map and proposed improvements are not likely to cause serious health problems or substantial environmental damage since further development or redevelopment of the proposed parcels will occur consistent with the City’s Development Standards, Mitigation Measures, and Conditions of Approval.

15. The project insures safe, orderly development because the project complies with the City’s housing goals and the City’s General Plan to maintain a compact urban form.

Variable Side and Rear Setback in New Subdivision Findings

16. The reduced side and rear setbacks proposed (a setback of five feet where seven is the standard, six feet where eight feet is the standard, seven feet where nine feet is the standard, and eight feet where eleven feet is the standard) are consistent with section 17.70.170. (D.2.c) of the Zoning Regulations, because a separation of at least 10 feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by the proposed setbacks consistent with the solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1. The setbacks are consistent with this policy because most roof areas, nearly all second-story south walls, and most first-story south walls will be unshaded between 10 a.m. and 3 p.m. on the winter solstice.

17. All proposed side and rear building setback exceptions meet the five-foot minimum requirement specified in the Zoning Regulations for the R-2 zone.

18. All setbacks between proposed structures and previously established property lines are consistent with Zoning Regulations Standards for the R-2 Zone.

Tandem Parking Findings
19. As conditioned, the proposed tandem parking for residential use is consistent with section 17.72.090 (C.1) because the spaces are identified for the exclusive use of occupants of a designated dwelling.

20. The proposed tandem parking provides needed flexibly on a site constrained by the location of existing historic structures and existing parking arrangements.

21. The proposed tandem parking is safe and compatible with the surrounding neighborhood because both Peach and Toro Streets are classified as Residential Local streets and are consistent with the current parking arrangement on site and in the neighborhood.

SECTION 2. Environmental Review. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental effects of the proposed project. The Planning Commission hereby recommends the City Council adopt the IS/MND, based on incorporation of the following mitigation measures, which will reduce potential environmental impacts to less than significant.

AIR QUALITY

AQ-1 During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment,
   a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
   b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
   c. Use of alternative fueled equipment shall be used whenever possible; and,
   d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.

2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
   a. Shall not idle the vehicle’s primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
   b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2 During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD’s limit of 20% opacity for no greater than 3 minutes in any 60 minute period. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the City Community Development Department prior to commencement of construction. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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 and from exceeding the SLOAPCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible.

c. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers 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 grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast germinating, non-invasive, 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 SLOAPCD.

g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

h. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.

i. All trucks hauling dirt, sand, soil, or other loose materials, are to be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.

j. “Track Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then
fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code Section 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a “track-out prevention device” where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.

l. All PM$_{10}$ mitigation measures required should be shown on grading and building plans.

m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact Tim Fuhs at 805-781-5912).

AQ-3 Prior to initiation of ground-disturbing activities, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

AQ-4 If NOA are determined to be present on-site, proposed earthwork, demolition, and construction activities shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

a. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
b. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and

c. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

AQ-5 Prior to initiation of demolition activities, the applicant shall implement the following measures to reduce the risk associated with disturbance of ACM and lead-coated materials that may be present within the existing structures onsite:

a. Demolition of the on-site structures shall comply with the procedures required by the National Emission Standards for Hazardous Air Pollutants (40 CFR 61, Subpart M – Asbestos) for the control of asbestos emissions during demolition activities. SLOAPCD is the delegated authority by the U.S. EPA to implement the Federal Asbestos NESHAP. Prior to demolition of on-site structures, SLOAPCD shall be notified, per NESHAP requirements. The project applicant shall submit proof that SLOAPCD has been notified prior to demolition activities to the City Community Development Department.

b. If during the demolition of the existing structures, paint is separated from the construction materials (e.g., chemically or physically), the paint waste shall be evaluated independently from the building material by a qualified hazardous materials inspector to determine its proper management. All hazardous materials shall be handled and disposed of in accordance with local, state, and federal regulations. According to the Department of Toxic Substances Control (DTSC), if the paint is not removed from the building material during demolition (and is not chipping or peeling), the material can be disposed of as non-hazardous construction debris. The landfill operator shall be contacted prior to disposal of lead-based paint materials. If required, all lead work plans shall be submitted to SLOAPCD at least 10 days prior to the start of demolition. The applicant shall submit proof that paint waste has been evaluated by a qualified hazardous waste materials inspector and handled according to their recommendation to the City Community Development Department.

**Monitoring Program:** Measures AQ-1 and AQ-2 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 and documentation showing compliance with measures AQ-4 and AQ-5 to the City Community Development Department upon completion and prior to issuance of grading permits.

**BIOLOGICAL RESOURCES**
BIO-1 If feasible, tree removal associated with any future residential (or accessory) development at the project site shall be scheduled to occur from September 16 to January 31, outside of the typical nesting bird season, to avoid potential impacts to nesting birds. If tree removal or other construction activities are proposed during the nesting season (February 1 through September 15), prior to any ground disturbing activity, surveys for active nests shall be conducted by a qualified biologist within one week prior to the start of activities. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work shall be conducted until an appropriate buffer is determined in consultation with the City and the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service.

Monitoring Program: These conditions and measures shall be noted on all grading and construction plans. The City Community Development Department and Natural Resources Manager shall verify compliance through regular inspections and review of monitoring reports, as necessary.

CULTURAL RESOURCES

CR-1 Cultural Resource Awareness Training. Prior to construction activities, a qualified archaeologist shall conduct a cultural resource awareness training for all construction personnel including the following:

- Review the types of archaeological artifacts that may be uncovered;
- Provide examples of common archaeological artifacts to examine;
- Review what makes an archaeological resource significant to archaeologists and local native Americans;
- Describe procedures for notifying involved or interested parties in case of a new discovery;
- Describe reporting requirements and responsibilities of construction personnel;
- Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
- Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 If cultural resources are encountered during subsurface earthwork activities, all ground disturbing activities within a 25-foot radius of the find shall cease and the City shall be notified immediately. Work shall not continue until a City-qualified archaeologist assesses
the find and determines the need for further study. If the find includes Native American affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the City-approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials.

CR-3 In the event that human remains are exposed during earth disturbing activities associated with the project, an immediate halt work order shall be issued and the Community Development Director and locally affiliated Native American representative(s) (as necessary) shall be notified. State Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours. These requirements shall be printed on all building and grading plans.

Monitoring Program: These conditions shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines.

HAZARDS AND HAZARDOUS MATERIALS

Implement Mitigation Measures AQ-3, AQ-4, and AQ-5.

Monitoring Program: Measures AQ-1 and AQ-2 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 and documentation showing compliance with
measures AQ-4 and AQ-5 to the City Community Development Department upon completion and prior to issuance of grading permits.

NOISE MITIGATION

N-1 For the entire duration of the construction phase of the project, the following Best Management Practices (BMPs) shall be adhered to:

1. Stationary construction equipment that generates noise that exceeds 60 dBA at the project boundaries shall be shielded with the most modern noise control devices (i.e. mufflers, lagging, and/or motor enclosures).
2. Impact tools (e.g., jack hammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools.
3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used.
4. All construction equipment shall have the manufacturers’ recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

N-2 Construction plans shall note construction hours, truck routes, and all construction noise Best Management Practices (BMPs) on project plans, which shall be reviewed and approved by the City Community Development Department prior to issuance of grading/building permits. The City shall provide and post signs stating these restrictions at construction entry sites prior to commencement of construction and maintained throughout the construction phase of the project. All construction workers shall be briefed at a pre-construction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.

N-3 Construction activities shall be conducted so that the maximum noise levels at affected properties will not exceed 75 dBA for single-family residences where feasible.

N-4 For all construction activity at the project site, additional noise attenuation techniques shall be employed as needed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include, but are not limited to:

- Sound blankets shall be used on noise-generating equipment.
- Stationary construction equipment that generates noise levels above 65 dBA at the project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25.
• All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
• The movement of construction-related vehicles, with the exception of passenger vehicles, along roadways adjacent to sensitive receptors shall be limited to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday. No movement of heavy equipment shall occur on Sundays or official holidays (e.g., Thanksgiving, Labor Day).
• Temporary sound barriers shall be constructed between construction sites and affected uses.

N-5 The project contractor shall inform residents and business operators at properties within 300 feet of the project of proposed construction timelines and noise complaint procedures to minimize potential annoyance related to construction noise. Signs shall be in place prior to and throughout grading and construction activities informing the public that noise-related complaints shall be directed to the construction manager prior to the City’s Community Development Department.

Monitoring Program: These measures shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections.

TRIBAL CULTURAL RESOURCE

Implement Mitigation Measures CR-1 through CR-3.

Monitoring Program: These conditions shall be noted on all grading and construction plans. The City shall review and approve the City-qualified archaeologist consistent with the Archaeological Resource Preservation Program Guidelines.

UTILITIES AND SERVICES SYSTEM

Implement Mitigation Measures AQ-1 through AQ-5, BIO-1, CR-1 through CR-3, and N-1 through N-5.

Monitoring Program: Measures AQ-1 and AQ-2 shall be incorporated into project grading and building plans for review and approval by the City Community Development Department. Compliance shall be verified by the City during regular inspections, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary. The applicant shall submit the geologic evaluation detailed in measure AQ-3 and documentation showing compliance with
measures AQ-4 and AQ-5 to the City Community Development Department upon completion and prior to issuance of grading permits. BIO-1, CR-1 through CR-3, and N1 through N-5 shall be noted on all grading and construction plans. The City Community Development Department shall verify compliance through regular inspections and review of monitoring reports, as necessary.

SECTION 3. Action. The project conditions of approval do not include mandatory code requirements. Code compliance will be verified during the plan check process, which may include additional requirements applicable to the project. The Planning Commission (PC) hereby grants final approval to the project with incorporation of the following conditions:

Planning Division - Architectural Conditions

1. Final project design and construction drawings submitted for a building permit shall be in substantial compliance with the project plans approved by the PC (ARCH-0568-2019 & SBDV-0571-2019). A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions and code requirements of project approval listed as sheet number 2. Reference shall be made in the margin of listed items as to where in plans requirements are addressed. Any change to approved design, colors, materials, landscaping, or other conditions of approval must be approved by the Director or Architectural Review Commission, as deemed appropriate.

2. Plans submitted for a building permit shall call out the colors and materials of all proposed building surfaces and other improvements. Colors and materials shall be consistent with the color and material board submitted with Architectural Review application or reviewed at the Architectural Review Commission hearing on June 6, 2020 and Planning Commission Hearing on July 22, 2020.

3. Plans submitted for a building permit shall include recessed window details and all other details including but not limited to awnings, and railings. Plans shall indicate the type of materials for the window frames and mullions, their dimensions, and colors. Plans shall include the materials and dimensions of all lintels, sills, surrounds, recesses and other related window features. Plans shall demonstrate the use of high-quality materials for all design features that reflect the architectural style of the project and are compatible with the neighborhood character, to the approval of the Community Development Director.

4. All wall-mounted lighting fixtures shall be clearly called out on building elevations included as part of working drawings. All wall-mounted lighting shall complement building architecture. The lighting schedule for the building shall include a graphic representation of the proposed lighting fixtures and cut-sheets on the submitted building plans. The selected fixture(s) shall be shielded to ensure that light is directed downward consistent with the requirements of the City’s Night Sky Preservation standards contained in Chapter 17.70.100 of the Zoning Regulations.
5. A final landscaping plan, including irrigation details and plans, shall be submitted to the Community Development Department along with working drawings. The legend for the landscaping plan shall include the sizes and species of all groundcovers, shrubs, and trees with corresponding symbols for each plant material showing their specific locations on plans.

6. Plans submitted for a building permit shall show no less than five trees to be planted along the north edge of the common drive isle, spaced approximately 35 feet apart, and of a species on the City’s approved street tree list.

7. Plans submitted for a building permit shall show trees or other means of vertical landscaping along the southern edge of the project site to provide privacy and screening between new structures and existing residential properties on Mill Street.

Planning Division – Subdivision Conditions

8. The subdivider shall include on the final map an access and parking easement for the benefit of lot 2 that secures the use of no less than 56.8 feet of the existing driveway between the residences at 1143 Peach Street and 1151 Peach Street, extending from the northwest property line, or an alternative parking scenario acceptable to the Community Development Director to reduce tandem parking.

9. The subdivider shall include on the final map an access and parking easement for the benefit of lot 4 that secures the use of no less than 56.8 feet of the existing driveway between the residences at 1151 Peach Street and 1163 Peach Street, extending from the northwest property line, or an alternative parking scenario acceptable to the Community Development Director to reduce tandem parking.

10. The subdivider shall include on the final map two access and parking easements for the benefit of lot 3 that secures the use of no less than 18.4 feet of the existing driveway between the residences at 1143 and 1151 Peach Street, and the existing driveway between the residences at 1151 and 1163 Peach Street, adjacent to and extending from the new common drive isle, or an alternative parking scenario acceptable to the Community Development Director to reduce tandem parking.

Engineering Division – Public Works/Community Development - Architectural Conditions

11. Except for any proposed “model home(s)”, the subdivision map shall be recorded prior to building permit issuance for new dwellings.

12. The building plan submittal shall show and label all property lines, dedications, public easements, and private easements in accordance with the tract map. The building plans shall show and label all existing and proposed survey monumentation for reference. The plan shall note the required monument preservation or replacement for any disturbed monuments.
13. The building plan submittal shall show and label all existing and proposed frontage improvements and sidewalk furniture located within the public right-of-way to scale on the site plan for reference. Improvements to be shown include but are not limited to curb, gutter & sidewalk, driveway approaches, catch basins, curb ramps, fire hydrants, street lights, utility poles, parking meters, curb and street painting, overhead and underground utility services, utility vaults, water meter vaults, water and sewer services, utility abandonments, street signs, sidewalk underdrains, fences, retaining walls, landscape improvements, and street trees. Plan must differentiate between existing frontage improvements and new frontage improvements. New improvements shall include reference to the applicable Engineering Standards.

14. Prior to building permit issuance, any existing steps, concrete pads, walls, fences, etc. that are located in the right-of-way shall be removed or relocated unless an encroachment agreement is requested and approved by the city.

15. Projects involving the construction of new structures require that complete frontage improvements be installed and that existing improvements be upgraded per City Engineering Standards. Pursuant to Municipal Code 12.16.050, plans submitted for a building permit shall show these improvements.

16. Any sections of damaged or displaced curb, gutter & sidewalk or driveway approach shall be repaired or replaced to the satisfaction of the Public Works Director. All areas to be repaired or replaced shall be shown on the building plan submittal for reference.

17. Sections of damaged curb, gutter, or sidewalk adjacent to the large ficus trees on Peach Street shall be repaired or replaced due to root intrusion to the satisfaction of the Public Works Director. New bulb-outs may be considered to retain existing trees. A site visit shall be arranged with the Community Development and/or Public Works Department to coordinate a site visit with the City Arborist to discuss areas to be repaired and/or replaced. Areas to be repaired or replaced shall be shown on the building plans submittal for reference.

18. The building plan submittal shall show the existing curb ramp at the corner of Peach and Toro and clarify if it complies with current Americans with Disabilities Act (ADA), City Standard #4440, and Cal Trans Standards Plan RSP A88A.

19. The building plan submittal shall show the existing shared driveway curb drop off between 1137 & 1127 Peach Street. Provide details of this curb drop off transition and any treatment features that will be included and installed to mitigate the interface. If a property line fence is proposed, the fence height and line-of-sight analysis shall conform to City standards.

20. The subdivision improvement plans may be included within the building permit plan set. Separate record drawings (as-built) plans may be required at the completion of the project. A separate subdivision improvement plan review fee will be required based on the fee schedule in effect at the time of plan submittal. A separate encroachment permit will be required to cover the required Public Works Department inspections.
21. The building permit submittal shall show and note compliance with the Post Construction Stormwater Regulations and the City’s Drainage Design Manual. This project is considered to be a common plan and is not a single-family residential project for purposes of evaluating the Performance Requirement triggers. The altered and/or replaced frontage improvements shall be included in the area analysis. Unless the net impervious area is less than 5,000 square feet, compliance with Performance Requirement 2 will be required.

22. The building plan submittal shall include an operations and maintenance manual as required for the Post Construction Stormwater improvements, if applicable. A private stormwater conveyance agreement will be required and shall be recorded prior to final inspection approvals.

23. Documents submitted for a building permit shall show compliance with the grading ordinance of the adopted building code, and a summary drainage report or note on building plans shall be provided showing the pre vs. post drainage analysis for the 2 through 100-year storm with plans submitted for a building permit. Improved or diverted drainage shall not be directed across the side or rear property lines unless conveyed in an existing waterway, or a drainage easement.

24. The building plan submittal shall include a complete grading and drainage plan for this project. The plan shall show the existing and proposed contours and/or spot elevations to clearly depict the proposed grading and drainage. The plan shall show and label the high point elevation or grade break at the yard areas and drainage arrows to show the proposed drainage. Plans shall include the finished floor (FF) of the residences/garage, patio finish surface elevations, finish grade elevations, and yard drainage.

25. Plans submitted for a building permit shall show that any improved drainage is directed to a non-erosive outlet and ultimately discharged to the face of curb on Peach Street with an approved sidewalk underdrain, per City Engineering Standards.

26. The building submittal shall include a complete site utility plan. The utility plan shall show all existing and proposed on-site and off-site utilities. Show the location of all overhead and underground utilities along with the location of any utility company meters. Show all existing and proposed improvements located within the public right-of-way if applicable.

27. The building submittal shall show all new wire utilities to serve the development on all ten parcels to be underground. The underground wiring shall be achieved without a net increase in wood utility poles located within the public right-of-way unless otherwise approved by the City and serving utility companies. Interim overhead wiring may be proposed to provide replacement services to the existing residences until the PGE underground service to the subdivision is available for the underground conversion.

28. PG&E and Tele-Com plans shall be provided in conjunction with the building plan submittal and/or subdivision plans. Preliminary plans shall be reviewed by the engineer of record for consistency with the overall design. The final PG&E handout package shall be reviewed and
approved by the engineer of record and the City prior to construction. PG&E, AT&T, and Charter plans shall not be deferred unless specifically approved for deferral by the City.

29. If allowed by PG&E, plans submitted for a building permit shall show and reference a new streetlight to be located on the existing wood joint pole on Toro Street, in accordance with Engineering Standards #1010.G, #7520, and #7910.

30. Plans submitted for a building permit shall show newly provided driveway and parking areas in compliance with the Parking and Driveway Standards for dimensions, maneuverability, slopes, drainage, and materials. Alternate paving material shall be provided consistent with project plans and to the satisfaction of the Planning Division.

31. A final landscape plan shall be included with plans submitted for a building permit and shall show a line-of-sight analysis for new plantings at driveway approaches to the satisfaction of the City Engineer.

32. The building plan submittal shall show all existing trees to be removed and trees to be retained. The plan shall show any neighboring trees with canopies/root zones within the area of construction disturbance. Tree preservation measures shall be shown and noted on the building plans to the satisfaction of the Community Development and Public Works Departments.

33. Safety pruning may be required for any existing street trees depending upon the scope of proposed work and required construction activities. If required, any existing street trees along the property frontage shall be safety pruned to the satisfaction of the City Arborist prior to building permit issuance.

34. Plans submitted for a building permit shall show street trees at an approximate rate of one tree per each 35 lineal feet of frontage. The City Arborist shall approve the proposed tree species based on the location, soils type, and overhead wiring conflicts. The City Arborist shall review and approve the tree species for the newly planted parkway trees prior to acceptance as satisfying the street tree requirement.

35. The building plan shall show the removal of the infilled parkway to provide a tree planting area for new street trees. Parkway plantings shall include provisions for irrigation from the on-site irrigation system. All parkways shall be kept with plantings, groundcovers, or stable landscape materials and shall be free of any debris for perpetuity.

36. The building plan submittal shall show the limits of the existing catch basin opening and infrastructure for reference.

*Engineering Division – Public Works/Community Development - Subdivision Conditions*
37. The subdivision shall be recorded with a final map. The map preparation and monumentation shall be in accordance with the city’s Subdivision Regulations, Engineering Standards, and the Subdivision Map Act. The parcel map shall use U.S. Customary Units in accordance with the current City Engineering Standards.

38. All map exhibits and legal descriptions shall be prepared by a California Licensed Land Surveyor or Civil Engineer authorized to practice land surveying.

39. Prior to map recordation, Park In-Lieu fees shall be paid for the proposed new dwelling units/lots. Credit for the existing houses to remain will be applicable.

40. A separate subdivision improvement or miscellaneous public improvement plan is not required. The building plan submittal may be used to show some or all of the required private on-site subdivision improvements. Improvements located within the public right-of-way will require a separate encroachment permit and associated inspection fees based on the fee schedule in effect at the time of permit issuance. A separate subdivision improvement plan review fee and subdivision map check fee will be required for the Public Works Department review and inspection of the public subdivision/development improvements and map in accordance with the most current fee resolution.

41. The site development plan submittal shall show any parking, access, utility, site, and/or drainage improvements required to support the proposed subdivision. The building plan submittal shall show all existing public and/or private utilities and improvements shall be approved to the satisfaction of the Community Development Director and Public Works Director prior to recordation of the parcel map. Unless otherwise waived or deferred, the site/utility plan shall include drainage improvements, water, sewer, storm drains, gas, electricity, telephone, cable TV, and any related utility company meters for each parcel if applicable. Any utility relocations, demolitions, and/or other on-site work shall be completed with proper permits and receive final inspection approvals prior to recordation of the parcel map.

42. If “all electric” residences are proposed, gas service may not be required to each parcel. If proposed, a “Notice of Requirements” may be required for concurrent recordation with the map to identify the lack of gas service to any parcel(s).

43. Plans submitted for subdivision shall show the proposed water service lateral(s), meter sizing, and private service laterals, sized in accordance with the approved fire sprinkler plans. Unless a design exception is specifically approved, City Engineering Standards limit a meter manifold to 4 1” water meters. A separate service lateral and meter manifold may be required to accommodate the number of units, fire flow requirements, and the potential addition of a common area landscape meter.

44. Any easements including but not limited to provisions for all public and private utilities, access, grading, drainage, storm drain systems, construction, common driveways, and maintenance of the same shall be shown on the final map and/or shall be recorded separately.
prior to map recordation if applicable. Said easements may be provided for in part or in total as blanket easements.

45. A 10’ Street Tree easement and 10’ PUE shall be shown and noted on the map along both the Peach and Toro street frontages.

46. A separate public pedestrian easement may be required behind the new or redeveloped driveway approach(es) to accommodate the ADA sidewalk extension(s).

47. The map may be recorded prior to construction of the required public and/or private subdivision improvements. If so, the map conditions or code requirements may be satisfied by the preparation and approval of a subdivision improvement plan. A subdivision agreement and guarantee will be required for this process.

48. An Operation and Maintenance Manual and Private Stormwater Conveyance Agreement shall be provided in conjunction with the development project. The Stormwater Agreement shall be recorded separately or concurrent with the map recordation.

49. The final map shall include reference to the project soils report in accordance with the subdivision regulations. The report may be included on the cover sheet of the map or could be included on an “additional map sheet”.

Utilities Department

50. Plans submitted for a building permit shall label all existing sewer laterals to remain or to be abandoned per City Standards.

51. Plans submitted for a building permit showing sewer and water services shall be in accordance with the engineering design standards in effect at the time the building permit is approved.

52. Plans submitted for a building permit shall clarify the size of existing and proposed water services and water meters for the project.

53. Projects generating more than two cubic yards of total waste shall comply with AB 1826, and local waste management ordinance to reduce greenhouse gas emissions.

54. The building permit submittal shall include the San Luis Garbage Company letter of service within the plan set.

55. The City’s Development Standards for Solid Waste Services require that single family residential projects with interior storage are designed and constructed to include adequate storage space for three 96-gallon waste wheelers. The minimum space required shall be 92” side by 36” deep by 6’ tall. This area shall be depicted on the plans submitted for a building permit or a Conditional Exception Application shall be provided.
56. Plans submitted for a building permit shall show the location of garbage, recycling and organic bins located for pickup.

57. Projects having landscape areas greater than 500 square feet shall provide a Maximum Applied Water Allowance calculation as required by the Water Efficient Landscape Standards; Chapter 17.87 of the City’s Municipal Code.

Indemnification

58. The applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review (“Indemnified Claims”). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and the City shall fully cooperate in the defense against an Indemnified Claim.

On motion by ________________, seconded by ________________, and on the following roll call vote:

AYES: 
NOES: 
REFRAIN: 
ABSENT: 

The foregoing resolution was passed and adopted this 22nd day of July, 2020.

_____________________________
Brian Leveille, Secretary
Planning Commission
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