

RESOLUTION NO. \_\_\_\_\_ (2021 SERIES)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP NO. 3157 TO CREATE TWENTY-THREE (23) RESIDENTIAL LOTS IN THE LOW-DENSITY (R-1) ZONE AND ADOPTING THE ASSOCIATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION, MONITORING, AND REPORTING PLAN PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AS REPRESENTED IN THE STAFF REPORT AND ATTACHMENTS DATED SEPTEMBER 7, 2021 (SBDV-0169-2020, EID-0170-2020, 500 WESTMONT DRIVE)**

**WHEREAS**, the Tree Committee of the City of San Luis Obispo conducted a web based public hearing on May 17, 2021, recommending the Planning Commission find the project consistent with the Tree Regulations Ordinance with recommended conditions, pursuant to a proceeding instituted under SBDV-0169-2020 and EID-0170-2020, Alice Jo Meinhold Survivors Trust, applicant; and

**WHEREAS**, the Planning Commission of the City of San Luis Obispo conducted a web based public hearing on May 26, 2021, and continued the review of the project to a future date, pursuant to a proceeding instituted under SBDV-0169-2020 and EID-0170-2020, Alice Jo Meinhold Survivors Trust, applicant; and

**WHEREAS**, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chambers of City Hall, at 990 Palm Street, on July 28, 2021, pursuant to a proceeding instituted under SBDV-0169-2020 and EID-0170-2020, Alice Jo Meinhold Survivors Trust, applicant; and

**WHEREAS**, the Planning Commission of the City of San Luis Obispo recommended approval of Tentative Tract Map 3157, as conditioned, and recommended the adoption of an Initial Study-Mitigated Negative Declaration (IS-MND) associated with the project, pursuant to said application; and

**WHEREAS**, the City Council of the City of San Luis Obispo conducted public hearing in the Council Chambers of City Hall, at 990 Palm Street, San Luis Obispo, on September 7, 2021, for the purpose of considering Tentative Tract Map 3157, subdividing an approximately 4.98-acre site into 23 residential lots, and for the purpose of considering an Initial Study-Mitigated Negative Declaration (IS-MND) analyzing the proposed tentative tract map, pursuant to the California Environmental Quality Act and a proceeding instituted under SBDV-0169-2020 and EID-0170-2020; and

**WHEREAS**, the City Council 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; and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law.

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

**SECTION 1.** Findings. The City Council approve the project (SBDV-0169-2020, & EID-0170-2020), 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 surrounding neighborhoods.
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan because:
  - a. The Land Use Element provides that the purpose of the Low-Density Residential land use designation is to provide for single family detached dwellings, which the subdivision is designed and intended to accommodate, and complies with the maximum density limit of seven density units per acre.
  - b. The project is consistent with Land Use Element Policies 2.2.3 and 2.2.4, Circulation Element Policy 5.1.3, and Housing Element Policy 7.3 because the design of the subdivision protects the existing neighborhood from intrusive traffic by avoiding any increase in cut-through traffic between other existing neighborhoods and Highway 1 and by incorporating a potential bicycle and pedestrian connection to the east, as well as parkways, on-street parking, and sidewalks with proposed streets.
  - c. The project is consistent with Land Use Element Policy 2.3.5 because the design of the subdivision integrates with the existing neighborhood by continuing the street layout of Stanford Drive and Cuesta Drive, including street width, sidewalks, and parkways.
  - d. The project is consistent with Land Use Element Policy 4.2.1 because the project respects the separation from creek banks by identifying the dimensions of the creek and existing riparian area. The lots proposed adjacent to the creek are a larger size (24,451 to 7,884 square feet) so that creek protection measures, such as compliance with creek setback requirements, can be met and still allow residential development within the created parcels. The project also proposes no development or grading activities in the southwest corner of the site, where the creek and associated vegetation is most prominent and established.

- e. The project is consistent with Housing Element Policy 6.8 because the project will facilitate residential infill development.
  - f. The project is consistent with Conservation and Open Space Element Policy 7.7.9 because building envelopes, streets, and driveways, are separated from the creek by the inclusion of a 20-foot creek setback applied to the project for such improvements, even though the onsite creek is not subject to creek setback standards.
3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision because the project has demonstrated that development of the proposed lots can be achieved in compliance with the setback standards of the Zoning Regulations, which are intended to help provide air circulation and exposure to sunlight.
  4. As conditioned, the subdivision and associated tree removals are consistent with the City's Tree Regulations because the project will be required to provide compensatory tree plantings at a rate consistent with Municipal Code requirements with a size and species of tree found to be appropriate by the Tree Committee.
  5. The design of the 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, Engineering Standards, Mitigation Measures, and Conditions of Approval.

**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 Idling Control Techniques.** 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 13 CCR 2485. 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 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 Particulate Matter Control Measures.** 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:

1. Reduce the amount of disturbed area where possible.
2. 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 (mph). Reclaimed (non-potable) water should be used whenever possible.
3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers as needed.
4. 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.
5. 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.
6. 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.

7. 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.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. 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 (CVC) Section 23114.
10. "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 CVC Section 23113 and California Water Code (CWC) 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.
11. 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.
12. All PM10 mitigation measures required should be shown on grading and building plans.
13. 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 Geologic Evaluation.** 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 Naturally Occurring Asbestos Control Measures.** If NOA are determined to be present onsite, 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:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

**AQ-5 Asbestos-Containing Material.** Prior to issuance of demolition permits, the applicant shall provide an asbestos report that was prepared by a certified asbestos consultant. If ACM are determined to be present, at least 10 working days prior to any demolition work the applicant shall provide notification to SLOAPCD of such work. The notification shall include an asbestos report that was prepared by a certified asbestos consultant. ACM removal and disposal shall follow the requirements of the National Emission Standards for Hazardous Air Pollutants Regulation (NESHAP) Subpart M and of the SLOAPCD.

**Monitoring Program:** These measures shall be incorporated onto Final Map and project grading/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 SLOAPCD, as necessary.

## **Biological Resources**

**BIO-1 Implement a Rare Plant Mitigation Program that ensures no net loss of Cambria morning glory on the project site.** Prior to any tract improvements, a Rare Plant Mitigation Program shall be implemented for Cambria morning glory and shall be overseen by a qualified botanist approved by the City. As a component of the program, seed shall be collected from Cambria morning glory plants during the appropriate season prior to tract grading activities. Using standard procedures, the qualified botanist shall clean and store the seeds until the receiving sites shown on the project plans are ready. Suitable habitat of 2,180 square-feet in size outside of the development area (as designated on the site

plans in the creek setback zone) shall be designated as the mitigation site that will be maintained in a natural state and not be subject to mowing earlier than June 1 each year. The areas will be maintained as grassland habitat and no planting of ornamental species or other adverse modifications (such as grazing activities) will be allowed. The mitigation site shown on the project plans is twice the size as the areas currently occupied by the rare plant occurrences (2,180 square-feet of habitat created for 1,076 square-feet of habitat impacted). This equates to a 2:1 mitigation ratio (habitat created to habitat impacted) to ensure a minimum 1:1 replacement ratio is achieved. Topsoil from each of the four occurrences will be collected in 6-inch lifts and stored for top-dressing the mitigation site once grading of the pads is complete. As needed, the mitigation site should be prepared for planting by removal of non-native species or other measures as necessary, then applying the salvaged topsoil. Once topsoil has been layered evenly through the area, collected seed should be hand-broadcasted into suitable locations by the qualified botanist and covered with compost. Seed may also be incorporated into the native erosion control seed mix described in the Native Erosion Control Seed Mix table under Mitigation Measure BIO-9 and applied to other grassy areas of the site as part of the erosion control effort. Depending on the season when construction starts, the qualified botanist may also potentially salvage plants (i.e., dig them up when soils are moist) and transplant them to containers to be maintained until the mitigation sites are ready for planting.

**BIO-2 Conduct annual monitoring and implement adaptive management measures for 5 years to ensure no net loss of Cambria morning glory onsite.** The Rare Plant Mitigation Program shall include annual monitoring and maintenance of the mitigation site to ensure success of the program. Monitoring by a qualified botanist shall occur during the spring growing season (between April 15 and May 15 each year) to ensure successful establishment of planted propagules. The established rare plants shall be mapped to evaluate the goal of no net loss of the species onsite. The measurable objective shall be to have at least 1,076 sf of occurrence comprised of approximately 300 Cambria morning glory plants. Appropriate vegetation sampling techniques shall be used to assess the areal cover of vegetation to evaluate the status of the established occurrences. If the success criteria of having approximately 300 plants covering 1,076 sf within the creek setback zone is not reached by the third year of monitoring, remedial actions such as collecting more seed and distributing it in suitable areas should be employed, with a corresponding additional year of monitoring. Other activities to increase the success of the rare plant mitigation effort could include non-native plant species removal within the mitigation site to reduce competition, additional seed application, or supplemental irrigation during periods of prolonged drought. The qualified botanist shall prepare annual reports for the applicant detailing the methods and results of the mitigation effort and monitoring effort. The applicant shall be responsible for submitting the report to the City on an annual basis (by December 31 of each year) for the 5-year monitoring period or until the final success criteria described above are met.

- BIO-3 To the extent feasible, avoid initial site grading in the winter months.** The burrowing owl has been recorded in the vicinity of the project from October to the end of April. If initial vegetation removal and site grading for the tract improvements is conducted outside of this period, potential effects on this species would be avoided and no further mitigation would be required. Restricting the time period for earth-moving activities is also required to avoid or minimize the potential for erosion and sedimentation (see Mitigation Measure BIO-9). If initial grading work must commence during the time period that burrowing owls may be present onsite, preconstruction surveys for this species shall be included in the survey effort described in Mitigation Measure BIO-4 prior to vegetation removal or tract improvements.
- BIO-4 Conduct a preconstruction survey and avoid construction in areas occupied by special-status wildlife species until relocated or they have left the site. Within 7 days prior** to the start of vegetation/tree removal, ground-disturbing activities, or demolition of existing structures, a biologist approved by the City shall survey the project impact area to identify whether nesting birds, roosting bats, monarch butterfly overwintering populations, obscure bumble bee, and/or California legless lizard are present on site. A separate survey shall be conducted for any phase of the project not conducted concurrently or within 10 days of cessation of the previous phase (i.e., structure demolition conducted prior to general site grading). The biologist shall use appropriate survey techniques for the special-status species identified in the 2020 BRA as having potential to occur onsite. For example, burrows shall be examined with binoculars or wildlife cameras, and inspected for whitewash or prey remains. Leaf litter and cover objects shall be searched for northern California legless lizards. Potential bat roost sites shall be inspected for sign of roosting bats such as guano or prey remains. If any of these species are found onsite, the biologist shall coordinate with the City, and CDFW as appropriate, on methods to ensure the successful relocation of individuals to suitable habitat nearby. In some cases, CDFW may recommend creating structures for displaced woodrats and bats. Burrowing owls can be discouraged from using burrows onsite, or occupied burrows can be avoided until the owls have left the area. Bats can be restricted from roost sites by placing netting over their entrances after they have left the roost for night-time foraging. The wildlife protection measures to be employed will be based on the results of the survey and the particular characteristics of their use of the site, in coordination with CDFW and the construction engineer. If no special-status animal species are found onsite during the preconstruction survey, work may proceed with the implementation of the following Mitigation Measures BIO-5 through BIO-7.
- BIO-5 Prepare and present a Worker Environmental Awareness Program.** Prior to any vegetation removal or tract improvements, a qualified biologist shall prepare a Worker Environmental Awareness Program that will be presented to all project personnel. This program shall detail measures to avoid and minimize impacts on



biological resources. It shall include a description of special-status species potentially occurring on the project site and their natural history, the status of the species and their protection under environmental laws and regulations, and the penalties for take. Recommendations shall be given as to actions to avoid take should a special-status species be found on the project site. Other aspects of the training shall include a description of general measures to protect wildlife, including:

1. Delineation of the allowable work area, staging areas, access points, and limits to vehicle access;
2. Storage of all pipes, metal tubing, or similar materials stored or stacked on the project site for one or more overnight periods shall be either securely capped before storage or thoroughly inspected for wildlife before the materials are moved, buried, capped, or otherwise used.
3. Inspection of materials stored onsite, such as lumber, plywood, and rolls of silt fence, for wildlife that may have sheltered under or within the materials;
4. Use of netting to exclude birds from nesting in construction materials;
5. Construction of escape ramps in all excavations and trenches more than 6 inches deep;
6. Contact information for the City-approved biologist and instructions should any wildlife species be detected in the work site;
7. Dust suppression methods during construction activities when necessary, to meet air quality standards and protect biological resources; and
8. Methods for containment of food-related trash items (e.g., wrappers, cans, bottles, food scraps), small construction debris (e.g., nails, bits of metal and plastic), and other human generated debris (e.g., cigarette butts) in animal-proof containers and removal from the site on a weekly basis.

All project personnel who have attended the training shall sign an attendance sheet. The program shall be repeated for any new crews that arrive subsequently on the site.

**BIO-6 Install high-visibility construction and silt fence along the creek corridor to delineate the allowable work area, exclude wildlife from the site, and protect the stream habitat.** Prior to vegetation removal or tract improvements, and during subsequent residential development for Lots 1-7, a high-visibility construction fence at least 4 feet tall together with a silt fence, or an approved wildlife exclusion fence, shall be erected along the creek corridor to delineate the limits of grading and vehicle access. If possible, the fence shall be erected along the creek setback line, and encroachment into the setback shall be kept at a minimum. In no case shall ground disturbance occur within the riparian habitat or below the top of bank without obtaining proper permits from regulatory

agencies. The type of fence used may be a combination of wildlife exclusion and silt fence (i.e., ERTEC Triple-function E-fence) or similar materials that would serve the purposes of safety/construction area delineation, wildlife exclusion, and siltation prevention. The fence shall be checked weekly by construction personnel for needed maintenance.

**BIO-7 Conduct biological monitoring for special-status wildlife species while the property is cleared and graded, and structures are removed.** A qualified biologist shall monitor the removal of structures, materials, and vegetation that may provide cover for obscure bumble bee, northern California legless lizards, and bat roosting sites. The biologist shall be onsite daily until all materials are removed and all vegetation has been cleared. If any special-status species are found, work shall be delayed until the individuals have left the work area or CDFW shall be notified to obtain authorization for capture and relocation.

**BIO-8 Avoid vegetation removal within the riparian habitat during the overwintering season.** Vegetation removal within the riparian area shall be conducted outside of the overwintering season for monarch butterfly (late October through February) and obscure bumble bee (late October through January) to avoid disturbance to species potentially inhabiting riparian vegetation.

**BIO-9 Install erosion and sediment BMPs and revegetate graded areas.** The following erosion and sedimentation control BMPs are required to be implemented during vegetation removal, tract improvements, during individual lot construction, and after the construction phases of the project:

1. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction to occur outside of the rainy season, which is typically defined as October 15 through April 15. Adherence to this measure would also serve as avoidance for the burrowing owl, as described in Mitigation Measure BIO-3.
2. To minimize site disturbance, all construction related equipment shall be restricted to established roads, construction areas, and other designated staging areas. The creek setback zone shall be clearly marked as described in Mitigation Measure BIO-6.
3. Prior to any site disturbance during tract improvements or individual lot construction, a Sediment and Erosion Control Plan shall be prepared by a qualified engineer. The use of silt fence, straw wattles, erosion control blankets, straw bales, sandbags, fiber rolls, and other appropriate techniques should be employed to protect the drainage features on and off the property. Biotechnical approaches using native vegetation shall be used as feasible. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. All sediment and erosion control measures shall be installed per the engineer's requirements prior to the initiation of site grading if planned to occur within the rainy season.

4. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.
5. No vehicles or equipment shall be refueled within 100 feet of wetland areas, riparian habitat and/or drainage features, and refueling areas shall have a spill containment system installed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas shall be located in a location where spills would not drain into aquatic habitats.
6. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. should not be allowed in any location where the tainted water could enter onsite drainages.
7. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
8. All project-related spills of hazardous materials within or adjacent to the project site should be cleaned up immediately.
9. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. Silt fencing, erosion control blankets, straw bales, sandbags, fiber rolls, and/or other types of materials prescribed on the plan shall be implemented to prevent erosion and sedimentation. Biotechnical approaches using native vegetation shall be used as feasible.
10. Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as detailed above. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix as described in the table below. Native seed mix shall be applied to the graded areas in the creek setback area through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix should be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

**Native Erosion Control Seed Mix**

Species	Application Rate (lbs/acre)
California Brome ( <i>Bromus carinatus</i> )	10
purple needlegrass ( <i>Stipa pulchra</i> )	5
tomcat clover ( <i>Trifolium wildenovii</i> )	5
six weeks fescue ( <i>Vulpia microstachys</i> )	5
<b>Total</b>	<b>25</b>

**BIO-10 Obtain necessary permits for impacts in jurisdictional areas, implement a compensatory mitigation program, and monitor the success of the program to ensure no net loss of Riparian/Wetland habitat or other waters on the subject property.** Prior to any vegetation removal or site disturbance within the areas delineated as jurisdictional features (Figure 5, Aquatic Resources Delineation 2021), the applicant shall provide documentation to the City that a Clean Water Act Section 404 Permit from USACE, a Clean Water Act Section 401 Water Quality Certification from RWQCB, and a California Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW have been obtained or have been determined by the regulatory agencies to not be required.

Prior to the initiation of vegetation removal or tract improvements, the applicant shall retain a qualified biological monitor to ensure compliance with all Clean Water Act, City of San Luis Obispo stormwater and water quality requirements, and If regulatory permits are required, prior to the initiation of vegetation removal or tract improvements, the applicant shall retain a qualified biological monitor to ensure compliance with all Clean Water Act and CDFW permit requirements during work adjacent to the creek. The monitor shall be present during the installation of the construction fencing delineating the limits of work in relation to the edge of riparian, creek top of bank, and 20-foot creek setback buffer, as described in Mitigation Measure BIO-6. Since the Cambria morning glory compensatory mitigation site is to be located within this buffer, the monitor shall direct appropriate wildlife exclusion and erosion control BMPs to protect riparian habitat during site preparation for planting. The monitor shall be present during construction of the rip rap pad and any other work within the creek setback area on stormwater structures. The monitor shall also oversee removal of non-native tree species and site preparation for tree planting within the setback. If a Habitat Mitigation and Monitoring Plan (HMMP) is required by the regulatory agencies, the applicant shall provide a copy of the plan to the City and the biological monitor shall be responsible for successful implementation of the plan.

**BIO-11 Record a Biological Easement and Biological Easement Agreement protecting riparian area:** A Biological Easement and Biological Easement Agreement shall be recorded in conjunction with the final map recordation. The easement agreement shall be developed by the applicant in a format provided by the City. The following activities are permitted within the biological easement, subject to the review and approval by the City Sustainability and Natural Resources Official:

1. Stormwater improvements.
2. Removal of non-native trees.
3. Restoration and creek bank stabilization activities.

No future paving or structures shall be permitted within the biological easement. Creek setback standards shall be applied to the easement area, consistent with municipal code requirements.

**Monitoring Program:** These conditions and measures shall be noted on Final Map and all grading and construction plans. The City Community Development Department and Natural Resources Manager shall verify compliance.

### **Cultural Resources**

**CR-1 Discovery of Previously Unidentified Cultural Resources.** In the event that historical or archaeological remains are discovered during ground-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City Community Development Director shall be notified. A qualified archaeologist shall conduct an assessment of the resources and formulate proper mitigation measures, if necessary. After the find has been appropriately mitigated, work in the area may resume. These requirements shall be noted on the project's final map and all improvement/construction plans.

**CR-2 Discovery of Human Remains.** In the event that human remains are exposed during ground-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City Community Development Director shall be notified. California 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 PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. These requirements shall be noted on the project's final map and all improvement/construction plans.

**Monitoring Program:** These conditions shall be noted on Final Map and all grading and construction plans. The City Community Development Department shall verify compliance, including preparation and implementation of the Monitoring Plan, and review and approval of cultural resources monitoring reports documenting compliance with required Mitigation Measures.

**Noise**

**N-1** For the entire duration of the construction phase of the project, the following 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 BMP, and 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 preconstruction meeting on construction hour limitations and how, why, and where BMP measures are to be implemented.

**Monitoring Program:** These measures shall be incorporated into Final Map and 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

**Tribal Cultural Resources**

**TC-1 Culturally Affiliated Native American Monitor.** A representative from the Salinan Tribe shall be notified prior to any ground disturbing activities to provide for on-site monitoring. 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 consistent with the requirements of Mitigation Measures CR-1 and CR-2.

**Monitoring Program:** These measures shall be incorporated into Final Map and 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.

## **Wildfire**

**WF-1 Vegetation/Fuel Management Plan.** Prior to issuance of any construction permit, the applicant shall provide a vegetation/fuel management plan prepared by a registered professional forester or certified arborist for each lot. The plan shall identify fuel load reduction techniques, including vegetation removal and trimming, to increase defensible space around residential structures and driveways/access roads. The plan shall also identify appropriate standards for installation of new landscaping, such as requirements for drought-tolerant and fire-resistant species.

**WF-2 Additional Fire Hazard Reductions.** Future development would incorporate the following fire reduction methods identified by the 2020 Wildland Fire Protection Report (Neumann) to reduce wildland fire risk:

1. Rain gutters, when not adequately maintained, will collect leaf material which becomes a receptive fuel bed for embers and sparks and can then transmit fire underneath the non-combustible roof materials. Rain gutters should be protected by noncombustible leaf shields or not allowed.
2. Record on all lots a deed restriction that allows for only non-combustible fences and decks in the subdivision.
3. Record on all lots a deed restriction that allows for fire resistant landscaping in the back yards of the subdivision.
4. Require enclosed eaves on all structures within the subdivision.
5. Install fireproof vents on all structures (fire-rated, flame and ember resistant).
6. Working with the biologist, remove the non-native vegetation in the creek, riparian area,
7. reduce the fuel load.
8. Install a non-combustible wall (block or steel stud /stucco) wall 36 inches in height all around the northern perimeter of the subdivision. The wall shall begin at the westernmost property line and continue to the 20-foot setback at the west side of the creek and shall continue beginning at the 20-foot setback at the east side of the creek, terminating at the property line of CAL FIRE Station #12. The purpose of this wall is to interrupt fire progression from the north onto the proposed lots without obstructing the very desirable view of the open space.

**Monitoring Program:** This measure shall be incorporated into Final Map and noted on all grading and construction plans. The City Community Development Department shall verify compliance through initial and regular inspections.

**SECTION 3.** Action. The City Council hereby approves of 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*

1. Plans submitted for final map recordation shall label lots one through seven, sixteen, and eighteen through twenty-three as “sensitive sites”. This status ensures that future site development will respect existing site constraints, creek setback requirements, privacy of occupants and neighbors of the project and be compatible with the scale and character of the surrounding neighborhood. Prior to submittal of a building permit application, development of these sensitive parcels shall require architectural review, in accordance with Municipal Code Section 2.48.
2. Plans submitted for final map recordation shall state that lots one through seven are subject to creek setback standards and requirements, consistent with Municipal Code Section 17.70.030.
3. Plans submitted for final map recordation shall increase the lot size of lot 19 to be no less than 6,900 square feet by reducing the size of lot 20, which shall be no less than 6,000 square feet, consistent with Subdivision Regulations requirements for corner lots.
4. Plans submitted for final map recordation shall include the Biological Easement required by mitigation measure BIO-11. This easement shall include all the area between the creek top of bank, current riparian area, or replanted areas which are planned directly adjacent to the creek, whichever is furthest from the centerline of the creek. The easement shall also cover all areas identified for Cambria morning glory replanting required by mitigation measure BIO-1.
5. Plans submitted for public improvements or grading of lots shall identify all trees proposed for removal, their diameter at breast height, and the location of compensatory tree planting. Compensatory tree planting shall be provided at a rate of one-to-one for all onsite trees removed, or otherwise consistent with Municipal Code Standards, unless the tree being removed is exempt from tree removal permitting by Municipal Code section 12.24.090 (C.1.). Measurements of tree diameters shall be consistent with forestry best practices, to the satisfaction of the City Arborist. Compensatory tree plantings shall be an equal mix of 15-gallon and 24-inch box size and consist of at least 50% native tree species. All compensatory trees shall be irrigated and maintained by the property owner or subdivider until the tree is established or the individual lot is sold.



6. Plans submitted for public improvements shall include a Construction Communication Plan. This plan shall specify how and when existing residents adjacent to the project will be notified about the schedule for grading and construction activities. Notification of the project schedule should include all residences within a 300-foot radius of the project site and all residences on Stanford Drive and Cuesta Drive.

*Engineering Division – Public Works/Community Development - Subdivision Conditions*

7. 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 map shall use U.S. Customary Units in accordance with the current City Engineering Standards. A separate application, checklist, and final map review fee shall be paid at the time of final map processing.
8. The map and improvement plans shall be tied to the City's vertical and horizontal control network in accordance with the City Engineering Standards. Depending upon the location of existing vertical control benchmark(s), a new benchmark may need to be established within or adjoining the subdivision.
9. The final map submittal and improvement plans shall include a current title report. An electronic copy of the title report with embedded links to referenced documents is preferred. If not available, the submittal shall include a copy of each of the pertinent referenced documents.
10. Park in-lieu fees shall be paid for each new single family dwelling lot prior to map recordation. The fees shall be based on the fee resolution in effect at the time of final map submittal. Credit for the removal of the existing residence will be applied to the final fee.
11. Any easements including but not limited to provisions for all public and private utilities, access, grading, drainage, slope banks, 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.
12. The subdivider shall dedicate a 10' wide street tree easement and public utility easement (P.U.E.) across the frontage of each lot. This easement shall be clearly shown on the final map submittal. Said easement shall be adjacent to and contiguous with all public right-of-way lines bordering each lot.
13. Any easements including but not limited to provisions for all public and private utilities, access, grading, drainage, slope banks, 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.

14. The final map shall include a public path easement connection from Westmont (east) if attainable to the satisfaction of the Community Development Director and Public Works Director. The easement definition of either a public pedestrian or bikeway easement shall be confirmed with the City prior to map recordation and in concert with the subdivision improvement plans.
15. A creek/biological open space easement shall be shown and noted on the map in accordance with the mitigation measures. A creek maintenance Easement Agreement, in a format approved by the City shall be recorded prior to or concurrent with the recordation of the map. The agreement shall further clarify the creek maintenance responsibility and limits of improvements allowed within the creek corridor. The agreement shall be approved to the satisfaction of the City's Sustainability and Natural Resources Official and Community Development Director.
16. The relocation, extinguishment, or quitclaim of any existing easements shall be clearly identified on the final map or shall be completed separately prior to map recordation if applicable.
17. The final map shall show and label the limits of the calculated 100-year flood event. The information may be included on an additional map sheet.
18. The project soils report shall be referenced on the final map in accordance with the subdivision regulations. The soils engineer shall verify whether additional boring(s) or exploratory trenching is required to cover the portions of the subdivision located under the existing developed site. The final report shall complete the analysis and any final recommendation regarding the potential for liquefaction.
19. The plans, map, and supporting documents shall show and note compliance with the City's Drainage Design Manual, Floodplain Management Regulations, and Post Construction Stormwater Regulations.
20. Stormwater Control Measures (SCM's) and piping within the public right-of-way should be limited to the minimum extent feasible. All SCM's shall be the maintenance responsibility of the HOA or private property owners. SCM's that are located within the public right-of-way will require the recordation of an Encroachment Agreement in a format provided by the City. The agreement shall be recorded in conjunction the map recordation.
21. The stormwater strategy and subdivision improvement plans shall consider the requirement for permanent irrigation to any bioremediation SCM's. The irrigation system could be provided from the adjoining domestic meter located along the lot frontage. A common landscape meter could be provided at the commercial meter water impact fee rate. Private service piping located within the public right-of-way will require the recordation of an encroachment agreement. Cross-connection control may be required for all future domestic meters for lots that are crossed with a private common irrigation service.

22. An Operation and Maintenance Manual and recorded Private Stormwater Conveyance Agreement will be required as part of the Stormwater Control Plan approval and map recordation.
23. The final map submittal shall include CCR's to define the maintenance responsibility of the several private and/or shared facilities.
24. All existing structures, private water supply, or private waste disposal system shall be demolished or abandoned to the satisfaction of the Public Works Director, Building Official, and County Health Department with proper permits prior to map recordation. Existing structures or improvements may remain if specifically approved, are not considered to be a nuisance or health hazard, and are shown to not be affected by the proposed location of property lines and/or improvements.
25. The subdivision improvement plan submittal shall include the standard application, checklist, engineer's estimate of probable cost, a plan review fee/retainer, and all supporting documents.
26. All new on-site and off-site subdivision improvements shall comply with the City Engineering Standards and Standard Specifications in effect at the time of subdivision plan approval.
27. The street paving shall comply with City Engineering Standards. If construction phasing of the new street pavement is proposed, the phasing shall provide for the ultimate structural street section and pavement life per standard #7110. The engineer of record shall detail this requirement in the public improvement plans, to the satisfaction of the Public Works Director.
28. The improvement plans shall clearly show and label the existing rights-of-way, street improvements, and utility infrastructure located at the subdivision boundaries and points of connection to Westmont (east), Cuesta, Stanford, and Westmont (west).
29. The transitions from the several sidewalk connections from the adjoining neighborhood 4' wide sidewalks to the new 5' detached sidewalks and 6' walking path shall be approved by the City Engineer prior to map recordation. Limited off-site sidewalk improvements may be required for the transitions and for the connection to ADA compliant and competent material.
30. Sidewalk extensions and or terminations at the Westmont connections to the subdivision shall be approved by the Public Works Department prior to final map recordation. Unless otherwise approved for deferral or waiver by the Public Works Department, the through connection from Westmont (east) will require a continuation of the sidewalk along the street end to provide an accessible connection to the 6' walking path.

31. Westmont street termination improvements, storm drain capture, and utility connections may require the removal of the existing parkway street tree. A compensatory parkway tree may be required prior to final map recordation.
32. Plans submitted for public improvements shall show the proposed pathway connection from Westmont (east) to Cuesta in compliance with City and ADA standards unless otherwise approved by the Public Works Director. Ramps and landings may be required if the slope can't be reduced to walkway gradients. Handrails, if required may need to include a non-skateboard feature or may need to be attached to a guardrail, fence, or other barrier to discourage the establishment of a skateable feature.
33. The improvement plans shall show the location of a Mail Box Unit (MBU's) per City Engineering Standards and the approval of the Post Master. Unless otherwise approved by the City, the MBU(s) shall be located outside of the public right-of-way. A separate easement may need to be included on the map.
34. The subdivision plans shall show water, sewer, gas, electrical, phone, and cable connections to each lot. Any proposal for the elimination of a gas main and/or gas services shall be approved by the City and supplying utility company.
35. Plans submitted for public improvements shall show the final line and grade of all sewer, water, and storm drain lines to the satisfaction of the Public Works and Utility Departments. Utility separations shall be provided for all new and existing systems unless a design exception is approved by the City and State, if applicable.
36. The utility plan shall include water services and meters to each lot. The service may be provided as individual services or could be provided as a "U-branch" at the common property line per City Engineering Standard #6260 and to the satisfaction of the Utilities Department.
37. Unless specifically approved by the Building Official, and the directors of Community Development, Public Works, and Utilities, the sewer service to Lots 1, 2, and 3 shall be gravity sewers. The developer shall exhaust reasonable efforts to provide a gravity sewer to each of the lots to either Westmont, Stanford, or through an easement to Jeffrey. If sewer ejectors are required for one or more lots, a Notice of Requirements shall include this item and shall be recorded in conjunction with the final map.
38. Fire Hydrants shall be provided per City Engineering Standards. The final placement shall consider the hydrant availability and distance from the tract boundary at all four tract interfaces with the adjoining public streets. Off-site hydrants may be required. Final hydrant locations and spacing shall be approved to the satisfaction of the Fire Department and Utilities Department prior to final map recordation.

39. A preliminary electrical service design/memo from PGE shall be provided prior to approval of the subdivision improvement plans. The final PGE design/handout package may be listed as a deferred submittal item on the cover sheet of the improvement plans. Service to the subdivision shall be completed without a net increase in the number of service poles located within the public right of way.
40. Prior to recordation of the final map, the subdivider shall install street lighting and all associated facilities including but not limited to conduits, sidewalk vaults, fusing, wiring, and luminaires per City Engineering Standards. Off-site street lighting improvements, alterations, or upgrades may be required along roadways leading to and from the proposed development to complete the necessary public improvements.
41. Improvement plans shall include a complete tree summary show the diameter and species of all trees. The plan shall clarify the trees to remain and the trees to be removed. Trees to remain may require a tree preservation plan per City Engineering Standards.
42. Prior to recordation of the final map, invasive plant species shall be removed or eradicated along and within the Twin Ridge Creek corridor to the satisfaction of the Planning Division and Sustainability and Natural Resources Official.
43. Agency permits required for any work within the creek corridor shall be secured prior to commencing with any demolitions, grading, and construction within the jurisdictional areas. Any jurisdictional permits from the Army Corp, Fish and Wildlife, or Regional Water Quality Control Board required for the drainage, site improvements, street and road improvements shall be issued prior to plan approval and/or commencing with work within the respective waterways. Permit conditions shall be reflected on the approved subdivision plans.
44. A SWPPP and Waste Discharger Identification Number (WDID) shall be issued and referenced on the grading, erosion control, and stormwater control plan sheets prior to plan approval and encroachment permit issuance.
45. The grading and drainage plan and reports shall clarify the limit of run-on from the adjoining public streets and from any upslope private watershed. The upslope watershed to the north (Cal Fire) shall be evaluated for the capacity of the current drainage systems. The systems shall be shown to be adequate to carry the design storm, shall be upgraded, or subdivision improvements added to collect and convey any run-on.
46. Prior to final map recordation, all proposed retaining walls shall be evaluated for collecting and conveying any surface run-on that might be tributary to the back of wall. Any concentrated drainage shall be conveyed and discharged in a non-erosive manner.

47. The proposed pad grades shall provide a minimum surface drainage design gradient from a defined high point(s) to an approved drainage outlet. The pad grading and drainage plan and build-out strategy shall not rely on subsurface drainage systems without a safe overflow.
48. The proposed slope banks shall honor the top and toe of slope setbacks from the adjoining property lines in accordance with the California Building Code unless captured with a retaining wall or curb. Pad grading and drainage improvements plans should consider the final grading and drainage proposed for the typical lot development.
49. Street trees are required as a condition of development. The proposed trees may be planted in conjunction with the subdivision improvements or could be deferred to individual lot development. The proposed parkway planting or bio-remediation improvements shall consider and honor the requirement for parkway tree planting at the rate of approximately one tree per every 35 lineal feet of frontage.

*Utilities Department*

50. The proposed utility infrastructure shall comply with the latest engineering design standards effective at the time the permit for public improvement is obtained and shall have reasonable alignments needed for maintenance of public infrastructure along public roads.
51. Any private sewer lateral improvement included with public improvement plans that cross one proposed parcel for the benefit of another shall provide evidence that a private utility easement appropriate for those facilities has been recorded prior to issuance of a permit for such improvement.
52. Public improvement plans submitted shall show all utility easements dedicated to the City in compliance with the latest engineering design standards and shall have reasonable alignments needed for maintenance of public infrastructure.
53. Public improvement plans submitted shall show the existing terminal manhole in Cuesta Drive to be abandoned and a new cleanout manhole shall be installed upstream of the sewer lateral connection for Lot 16. The proposed sewer lateral for Lot 16 shall connect to the new 6" sewer main extension downstream of the cleanout manhole with a wye.
54. Public improvement plans submitted shall show the proposed public sewer main extension and manhole in Westmont Avenue to be 6" PVC pipe and meet current City Engineering Standards.
55. Public improvement plans submitted shall show water meters and private sewer laterals with appropriate clearance from one another per City Standards.

56. Public improvement plans submitted shall show a separate water meter provided for each new parcel per Chapter 13.04.120 of the City's Municipal Code.
57. Potable city water shall not be used for major construction activities, such as grading and dust control, as required under Prohibited Water Uses; Chapter 13.07.070.C of the City's Municipal Code. Recycled water is available through the City's Construction Water Permit program.
58. The proposed 8" public water main within Stanford Drive shall meet the current City Standards at the time of building permit submittal and shall maintain a minimum 12" clearance above the proposed public sewer main, per City Standards.

*Indemnification*

59. 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 \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll call vote:

AYES:  
NOES:  
ABSENT:

The foregoing resolution was adopted this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
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

R \_\_\_\_\_