

RESOLUTION NO. ____ (2022 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, APPROVING A COMMON INTEREST VESTING TENTATIVE TRACT MAP (VTTM 3136), A 192-UNIT MIXED-USE DEVELOPMENT, INCLUDING 7 LIVE/WORK UNITS, A 585 SQUARE FOOT COMMERCIAL UNIT, ON-SITE PARKING, AND OTHER RESIDENTIAL COMMUNITY AMENITIES ON A 10.93-ACRE SITE LOCATED WITHIN THE 231-ACRE ORCUTT AREA SPECIFIC PLAN (OASP), A REQUEST TO ALLOW LIVE/WORK UNITS ON THE GROUND FLOOR WITHIN THE FIRST 50 FEET OF FLOOR AREA MEASURED FROM THE BUILDING FACE ADJACENT TO A STREET, A SIGN PROGRAM, THE SUMMARY ABANDONMENT OF 30 FEET OFFER OF DEDICATION FOR PUBLIC STREET AND UTILITY PURPOSES, AND ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL REVIEW AS REPRESENTED IN THE CITY COUNCIL AGENDA REPORT AND ATTACHMENTS DATED JANUARY 11, 2022 (3580/3584 BULLOCK LANE FILE #ARCH-0489-2019, SBDV-0490-2019, EID-0345-2020)

WHEREAS, the Tree Committee of the City of San Luis Obispo conducted a web based public hearing on October 26, 2020 and recommended approving the proposed tree removal and replanting plan associated with an development review applications ARCH-0755-2019, Bullock Ranch, LLC, applicant, with the addition of specific conditions of approval; and

WHEREAS, the Architectural Review Commission of the City of San Luis Obispo conducted a web based public hearing on December 7, 2020 for the purpose of reviewing a development review application ARCH-0489-2019, Bullock Ranch, LLC, applicant and recommended approving the design with direction regarding metal railing design on balconies to maximize privacy and variation of the use of masonry on porches; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a web based public hearing on October 27, 2021 for the purpose of reviewing a development review application ARCH-0489-2019, SBDV-0490-2019 & EID-0345-2020, Bullock Ranch, LLC, applicant, for a mixed-use development project; and

WHEREAS, the Planning Commission of the City of San Luis Obispo recommended approval of the project to the City Council, with conditions; and

WHEREAS, the City Council of the City of San Luis Obispo conducted a web based public hearing on January 11, 2022 for the purpose of reviewing a development review application ARCH-0489-2019, SBDV-0490-2019 & EID-0345-2020, Bullock Ranch, LLC, applicant, for a mixed-use development project; and

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

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

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

Section 1. Findings. Based upon all the evidence, the City Council hereby approves the project (ARCH-0489-2019, SBDV-0490-2019 & EID-0345-2020), based on the following findings:

1. The project will not be detrimental to the health, safety, or welfare of those working or residing in the vicinity since the proposed project is consistent with the intention of the site's Medium-High Density Residential and Community Commercial with a Mixed-Use overlay zoning designation and will be subject to conformance with all applicable building, fire, and safety codes.
2. The proposed San Luis Obispo Mission, Adobe Ranch, and Farmhouse architectural styles of the residential and commercial structures are consistent with the California Mission and California Bungalow styles described in the Orcutt Area Specific Plan because the designs include architectural features such as gable end roof forms, rafter tails, fenestration and porch styles of the bungalow style and tile roofs, smooth stucco facades, end roof forms and arched openings of the mission style.
3. The proposed architectural style of the project is consistent with the Design Guidelines described in the Orcutt Area Specific Plan because the project provides architecture that is internally compatible with one another and with adjacent developments and enhances San Luis Obispo's unique sense of place.
4. The project is consistent with the General Plan because it promotes policies related to compatible development (LUE 2.3.9), residential project objectives (LUE 2.3.11), and housing production (HE 6.10).
5. The project is consistent with the Housing Element because the project provides a variety of residential types, sizes, and styles of dwellings (HE Policy 5.2). The project supports Housing Element policies related to inclusion and expansion of missing middle and affordable housing units within the City (HE Policies 2.4, 4.1, 4.2, & 5.3).
6. The project is consistent with the Orcutt Area Specific Plan's policy framework, as

it relates to land development and project design.

Sign Program Findings

7. The proposed sign program is consistent with Sign Regulations Section 15.40.485 because it includes sign requirements to ensure signage is complementary and compatible within the development and with the surrounding neighborhood.

Mixed-Use Development Findings

8. The request to allow live work units on the ground floor within the first 50 feet of floor area measured from the building face adjacent to a street is consistent with the Zoning Regulations for Mixed-Use Projects (Section 17.70.130.D.1(2)), because the project enhances the pedestrian environment in the surrounding area by placing the commercial space at the sidewalk and fulfills the Orcutt Area Specific Plan Policy 3.2.21 that encourages live work units in the multifamily residential portion of the community commercial zone.
9. The project is consistent with the Zoning Regulations for Mixed-Use Projects (Section 17.70.130), since the proposed building design complies with design and performance standards for mixed-use development and is consistent with all property development standards including height, coverage, access, and setbacks for the Community Commercial (C-C) zone.

Subdivision Findings

10. The design of the Vesting Tentative Tract Map is consistent with the General Plan because the proposed subdivision respects existing site constraints, will incrementally add to the City's residential housing inventory and will be consistent with the density and project amenities established by the Orcutt Area Specific Plan (OASP).
11. The site is physically suited for the type and density of development allowed in the medium-high density (R-3-SP) and community commercial (C-C) zones.
12. The design of the subdivision is consistent with the pattern of development prescribed in the Orcutt Area Specific Plan.
13. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Section 2. Environmental Review. A Mitigated Negative Declaration (MND) was prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental effects of a Bullock Ranch Residential and Mixed-Use Development Project. The project is consistent with what is described in the CEQA

documentation and will implement all required mitigation measures included in that document that are necessary to reduce potential impacts to a less than significant level, some of which derive from those included in the Final EIR for the Orcutt Area Specific Plan, which was certified in 2009.

MITIGATION MEASURES

Aesthetics

OASP Final EIR AES-3(a). Minimize Lighting on Public Areas. Lighting shall be shielded as shown in the Specific Plan and directed downward. Lighting shall not be mounted more than 16 feet high. Streetlights, where they are included, shall be primarily for pedestrian safety, and shall not provide widespread illumination unless necessary to comply with safety requirements, as determined by the Public Works Director. Street lighting should focus on intersections and should be placed between intersections only when it is necessary to comply with safety requirements, as determined by the Public Works Director. Trail lighting shall be at a scale appropriate for pedestrians, utilizing bollards, although overhead lighting may be used where vandalism of bollard lights is a concern. Prior to development of individual lots, proposed lighting shall be indicated on site plans and shall demonstrate that spill-over of lighting would not affect nearby residential areas.

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

Air Quality

AQ-1 The following SLOAPCD-recommended *Standard Mitigation Measures* shall be implemented to reduce construction-generated NO_x, ROG, and DPM:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Diesel-fueled construction equipment shall meet, at a minimum, CARB's Tier 2-certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

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

AQ-2 The following SLOAPCD-recommended mitigation measures shall be implemented to reduce construction generated fugitive dust. These measures shall be shown on grading and building plans.

- a. Reduce the amount of disturbed area where possible.
- b. Use water trucks, SLOAPCD-approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), 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. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of a SLOAPCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.
- c. All dirt stockpile areas should be sprayed and covered daily, as needed.
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should 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 should 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 should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between the top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114.
- j. Install wheel washers at the construction site entrance/exit, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways.
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- l. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the SLOAPCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.
- m. 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 20% opacity, and to prevent the transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.
- n. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the CARB) or be permitted by the SLOAPCD. Such equipment may include power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.
- o. Construction of the proposed project shall use low volatile organic compound (VOC)-content paints not exceeding 50 grams per liter.
- p. To the extent locally available, use prefabricated building materials or materials that do not require the application of architectural coatings.

AQ-3 The following measures shall be implemented to reduce construction emissions from on- and off-road construction equipment (NO_x, ROG, and DPM). These measures shall be shown on grading and building plans:

a. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative-fueled equipment is recommended whenever possible; and
4. Signs that specify the no-idling requirements must be posted and enforced at the construction site.

a. Idling Restrictions for On-Road Vehicles. Section 2485 of 13 CCR limits diesel-fueled commercial motor vehicles that operate in the state of California with gross vehicular weight ratings of greater 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:

1. 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
2. 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 100 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 web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

b. Idling Restrictions for Off-Road Equipment. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the CARB's In-Use Off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.

AQ-4 The following mitigation measures shall be implemented to reduce the disturbance of asbestos and lead. Strategies include but are not limited to the following:

- a. Demolition of on-site structures shall comply with the National Emission Standards for Hazardous Air Emissions (NESHAP) requirements (40 Code

of Federal Regulations [CFR] Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the EPA to implement the federal Asbestos NESHAP. Prior to demolition of on-site structures, the SLOAPCD shall be notified, per NESHAP requirements. The SLOAPCD notification form and reporting requirements are included in Appendix A. Additional information may be obtained at the following website: <http://slocleanair.org/business/asbestos.php>.

- b. If during the demolition of existing structures paint is separated from the construction materials (e.g., chemically or physically), the paint waste will 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 federal, state, and local regulations. According to the California 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 construction debris (a non-hazardous waste). The landfill operator will be contacted prior to disposal of building material debris to determine any specific requirements the landfill may have regarding the disposal of lead-based paint materials. The disposal of demolition debris shall comply with any such requirements. Contact the SLOAPCD Enforcement Division at (805) 781-5912 for more information. Approval of a lead work plan and permit may be required. Lead work plans, if required, will need to be submitted to SLOAPCD 10 days prior to the start of demolition.
- c. Prior to any grading activities, a geologic evaluation shall be conducted to determine if NOA is present within the area that will be disturbed, unless the applicant agrees to comply with the Asbestos ATCM without an evaluation. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:
 - 1. Development of an Asbestos Dust Mitigation Plan, which must be approved by the SLOAPCD before operations begin; and
 - 2. Development and approval of an Asbestos Health and Safety Program (required for some projects).

OASP Final EIR AQ-1(c). Shade Trees. All parking lots shall include shade trees within the parking area. There shall be at least one shade tree for every six vehicle parking spaces.

OASP Final EIR AQ-1(d). Telecommuting. All new homes within the Specific Plan area shall be constructed with internal wiring/cabling that allows telecommuting,

teleconferencing, and telelearning to occur simultaneously in at least three locations in each home.

OASP Final EIR AQ-1(e). Pathways. Where feasible, all cul-de-sacs and dead-end streets shall be links by pathways to encourage pedestrian and bicycle travel.

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, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary.

Biological Resources

OASP Final EIR B-5(a). Bird Pre-Construction Survey. To avoid impacts to nesting special-status bird species and raptors including the ground nesting burrowing owl, all initial ground-disturbing activities and tree removal shall be limited to the time period between September 15 and February 1. If initial site disturbance, grading, and tree removal cannot be conducted during this time period, a pre-construction survey for active nests within the limits of grading shall be conducted by a qualified biologist at the site no more than 30 days prior to the start of any construction activities (for ground-nesting burrowing owl survey see below). If active nests are located, all construction work must be conducted outside a buffer zone of 250 feet to 500 feet from the nests as determined in consultation with the CDFG. No direct disturbance to nests shall occur until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to the start of construction.

OASP Final EIR B-5(c). Monarch Pre-Construction Survey. If initial ground-breaking is to occur between the months of October and March a preconstruction survey for active monarch roost sites within the limits of grading shall be conducted by a qualified biologist at the site two weeks prior to any construction activities. If active roost sites are located no ground-disturbing activities shall occur within 50 feet of the perimeter of the habitat. Construction shall not resume within the setback until a qualified biologist has determined that the monarch butterfly has vacated the site.

OASP Final EIR B-6(c). Educational Pet Brochure. Any development pursuant to the Specific Plan shall prepare a brochure that informs prospective homebuyers and Home Owners Association (HOA) members about the impacts associated with non-native animals, especially cats and dogs, to the project site; similarly, the brochure must inform potential homebuyers and all HOA members of the potential for coyotes to prey on domestic animals.

OASP Final EIR B-6(d). Landscaping Plan Review. To ensure that project landscaping does not introduce invasive non-native plant and tree species to the region of the site, the final landscaping plan shall be reviewed and approved by a qualified biologist. The California Invasive Plant Council (Cal-IPC) maintains several lists of the most important invasive plants to avoid. The lists shall be used when creating a plant palette for landscaping to ensure that plants on the lists are not used. The following plants shall not be allowed as part of potential landscaping plans pursuant to development under the Specific Plan:

- African sumac (*Rhus lancea*)
- Australian saltbush (*Atriplex semibaccata*)
- Black locust (*Robinia pseudoacacia*)
- California pepper (*Schinus molle*) and Brazilian pepper (*S. terebinthifolius*)
- Cape weed (*Arctotheca calendula*)
- Cotoneaster (*Cotoneaster pannosus*), (*C. lacteus*)
- Edible fig (*Ficus carica*)
- Fountain grass (*Pennisetum setaceum*)
- French broom (*Genista monspessulana*)
- Ice plant, sea fig (*Carpobrotus edulis*)
- Leafy spurge (*Euphorbia esula*)
- Myoporum (*Myoporum* spp.)
- Olive (*Olea europaea*)
- Pampas grass (*Cortaderia selloana*), and Andean pampas grass (*C. jubata*)
- Russian olive (*Elaeagnus angusticifolia*)
- Scotch broom (*Cytisus scoparius*) and striated broom (*C. striatus*)
- Spanish broom (*Spartium junceum*)
- Tamarix, salt cedar (*Tamarix chinensis*), (*T. gallica*), (*T. parviflora*), (*T. ramosissima*)
- Blue gum (*Eucalyptus globulus*)
- Athel tamarisk (*Tamarix aphylla*)

With the exception of poison oak, only those species listed in the Specific Plan's Suggested Plant List (Appendix E) shall not be planted anywhere on-site because they are invasive non-native plant species. Poison oak is a native plant species and could be used to deter human entrance to an area such as a mitigation/enhancement area.

Monitoring Program: These conditions and measures shall be noted on all grading and construction plans for review and approval by the City Community Development Department. The pre-construction surveys shall be completed prior to any site disturbance, including grading, trenching, or demolition. The biologist completing the surveys shall provide a report to the City Community Development Department and

Natural Resources Manager within 5 days of completion of surveys. The Educational Pet Brochure shall be reviewed and approved by the City Community Development Department prior to occupancy of the first unit. The City Community Development Department and Natural Resources Manager shall review the final landscape plan after it has been reviewed and approved by the project qualified biologist. The City Community Development Department and Natural Resources Manager verify compliance of all measures.

Cultural Resources

OASP Final EIR CR-1(d). Archaeological Resource Construction Monitoring. At the commencement of project construction, an orientation meeting shall be conducted by an archaeologist for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

An archaeologist shall monitor construction grading within 50 meters (164 feet) of the two isolated finds. In the event that prehistoric or historic archaeological resources are exposed during project construction, all earth disturbing work within 50 meters (164 feet) of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated (e.g., curation, preservation in place, etc.), work in the area may resume. The City should consider retaining a Chumash representative to monitor any field work associated with Native American cultural material.

If human remains are exposed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98.

Monitoring Program: These conditions shall be noted on 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.

Note: Isolated finds were not identified on the proposed project site and the requirement for monitoring during construction within 50 meters of the two isolated finds does not apply to this project.

Geology and Soils

GEO-1 Prior to application for construction permits of any development at the project site, the applicant shall retain a qualified soil engineer to prepare a revised Soils Engineering Report to evaluate on-site soil stability risks, including expansive soils. This report shall include specific design recommendations to properly safeguard against risks identified. The applicant shall incorporate all recommendations identified in the geotechnical report into the final design and construction plans for the project.

OASP Final EIR G-4(a). Expansive Soils Grading. If the project area is identified as having expansive soils (through the Soils Engineering Report required in [OASP Final EIR] Mitigation Measure G-2(a)), the foundations and transportation infrastructure shall be designed by a structural engineer to withstand the existing conditions, or the site shall be graded in such a manner to address the condition. Suitable measures to reduce impacts from expansive soils could include, but need not be limited to:

- a. Excavation of existing soils and importation of non-expansive soils; and/or
- b. Foundation design to accommodate certain amounts of differential expansion such as post-tensional slab and/or ribbed foundations designed in accordance with Chapter 18, Division III of the Uniform Building Code (UBC).

GEO-2 Should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered during work on the site, all activities in the immediate vicinity of the find shall cease until a qualified paleontologist evaluates the find for its scientific value. If deemed significant, the paleontological resource(s) shall be salvaged and deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

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

Greenhouse Gas Emissions

GHG-1 The following mitigation measures shall be implemented to reduce long-term operational GHG emissions:

- a. The project shall be served by Central Coast Community Energy (CCCE).
- b. The project shall provide on-site bicycle parking/amenities and electric vehicle (EV) charging stations in accordance with applicable building code requirements.

- c. The project shall incorporate a pedestrian and bicycle access network that connects proposed on-site land uses to adjacent existing or planned pedestrian and bicycle facilities contiguous with the project site.
- d. The project shall be designed to minimize barriers to pedestrian access and interconnectivity.
- e. The project shall be designed to provide safe and convenient access to public transit contiguous to the project site.
- f. The project shall provide organic waste pick up and shall provide the appropriate on-site enclosures consistent with the provisions of the City of San Luis Obispo Development Standards for Solid Waste Services.
- g. Trees shall be planted in accordance with the City's municipal code requirements.

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, in coordination with the County of San Luis Obispo Air Pollution Control District, as necessary.

Hazards

OASP Final EIR S-4(d). 55-Gallon Drums. Prior to development on the property where 55-gallon drums were identified as shown in Figure 4.9-1 [of the Final EIR for the OASP], soils samples shall be taken in the vicinity of the drums and analyzed for total extractable petroleum hydrocarbons (TEPH) by EPA method 8015, heavy metals by CCR Title 22 metals, and solvents by EPA method 8260B. If levels of contaminants are found to exist in concentrations that exceed regulatory thresholds, further sampling may be needed to determine the extent of contamination. Once the extent of contamination is delineated, an appropriate remediation method should be implemented according to the size of the area contaminated and the contaminant involved.

Monitoring Program: The applicant shall provide the City Community Development Department with the soil sample analysis and report prior to issuance of any construction, grading, or site improvement permits. Compliance shall be verified by the City Community Development Department. *[Note the 55-gallon drums and equipment identified in Figure 4.9-1 are a few yards to the north of this project site. Applicant will provide a soil sample analysis and report for samples take on its property in the vicinity of the drums. Applicant shall not be required to obtain samples on property it does not own.]*

Hydrology and Water Quality

OASP Final EIR D-1(a). Erosion Control Plan. Prior to issuance of grading permits, the applicant shall submit a detailed erosion control plan (ECP) to the City Community Development Department for review and approval. At a minimum, the ECP should be prepared according to the guidelines outlined in the Drainage Design Manual and should include the following:

- a. A proposed schedule of grading activities, monitoring, and infrastructure milestones in chronological format;
- b. Identification of critical areas of high erodibility potential and/or unstable slopes;
- c. Soil stabilization techniques such as short-term biodegradable erosion control blankets and hydroseeding should be utilized. Silt fences should be installed downslope of all graded slopes. Straw bales should be installed in the flow path of graded areas receiving concentrated flows, as well as around storm drain inlets;
- d. Description of erosion control measures on slopes, lots, and streets;
- e. Contour and spot elevations indicating runoff patterns before and after grading;
- f. Filter systems at catch basins (drop inlets) in public streets as a means of sediment control; and
- g. Post-construction inspection of all drainage facilities for accumulated sediment, and the clearing of these drainage structures of debris and sediment.

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

OASP Final EIR D-1(b). Storm Water Pollution Prevention Plan. The applicant shall comply with NPDES General Construction Activities Storm Water Permit Requirements established by the CWA. Pursuant to the NPDES Storm Water Program, an application for coverage under the statewide General Construction Activities Storm Water Permit (General Permit) must be obtained for project development. It is the responsibility of the project applicant to obtain coverage prior to site construction.

The applicant can obtain coverage under the General Permit by filing a Notice of Intent (NOI) with the State Water Resource Control Board's (SWRCB) Division of Water Quality. The filing shall describe erosion control and storm water treatment measures to be implemented during and following construction and provide a

schedule for monitoring performance. These BMPs will serve to control point and non-point source (NPS) pollutants in storm water and constitute the project's SWPPP for construction activities. While the SWPPP will include several of the same components as the ECP, the SWPPP will also include BMPs for preventing the discharge of other NPS pollutants besides sediment (such as paint, concrete, etc.) to downstream waters.

- Notice of Intent. Prior to beginning construction, the applicant shall file a Notice of Intent (NOI) for discharge from the proposed development site.
- Storm Water Pollution Prevention Plan. The applicant shall require the building contractor to prepare and submit a SWPPP to the City forty-five (45) days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the project site in excess of one acre. The SWPPP shall include specific BMPs to control the discharge of material from the site. BMP methods may include, but would not be limited to, the use of temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers. Additional BMPs should be implemented for any fuel storage or fuel handling that could occur on-site during construction. The SWPPP must be prepared in accordance with the guidelines adopted by the State Water Resources Control Board (SWRCB). The SWPPP shall be also submitted to the City along with grading/development plans for review and approval.
- Notice of Completion of Construction. The applicant shall file a notice of completion of construction of the development, identifying that pollution sources were controlled during the construction of the project and implementing a closure SWPPP for the site.

Monitoring Program: The SWPPP shall be obtained prior to issuance of any grading permits, subdivision improvement plans, or public improvement plans. The applicant shall provide a copy of the approved SWPPP or NOI to the City Public Works Department for review.

OASP Final EIR D-3(a). Payment of Fair Share Fees for Area Drainage Improvements. The City/Zone 9 Waterway Management Plan (WMP, Questa, 2002) provides for imposition of a Drainage Impact Fee on new development projects that would result in adverse hydrological impacts. The Drainage Impact Fee can only be used to pay for drainage improvements made necessary by the hydrologic impacts of a project. The applicant shall pay their "fair share" of any mitigation fee established by the City of San Luis Obispo for drainage

improvements made necessary by cumulative project development. These fair share fees may be used to fund components of the City's Storm Drain Master Plan (Boyle Engineering, 2000), or other improvements as identified by the City. Components of the City's Storm Drain Master Plan preferred alternative downstream of the Orcutt Plan Area include:

- A new concrete box culvert at Broad Street on Orcutt Creek,
- A new concrete slab bridge at Santa Fe Road on the East Branch of SLO Creek, and
- A modified channel for improved conveyance capacity from Santa Fe to Buckley Road on the East Branch of SLO Creek.

Monitoring Program: The fee shall be paid prior to issuance of building, grading, or site improvement permits.

Noise

OASP Final EIR N-1(a). Compliance with City Noise Ordinance. Construction hours and noise levels shall be compliant with the City Noise Ordinance [Municipal Code Chapter 9.12, Section 9.12.050(6)]. Methods to reduce construction noise can include, but are not limited to, the following:

- **Equipment Shielding.** Stationary construction equipment that generates noise can be shielded with a barrier.
- **Diesel Equipment.** All diesel equipment can be operated with closed engine doors and equipped with factory-recommended mufflers.
- **Electrical Power.** Whenever feasible, electrical power can be used to run air compressors and similar power tools.
- **Sound Blankets.** The use of sound blankets on noise generating equipment

N-1 For the entire duration of the construction phase of the project, the following BMPs shall be adhered to:

- a. 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).
- b. 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.
- c. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used.

- d. All construction equipment shall have the manufacturers' recommended noise abatement methods (such as mufflers, engine enclosures, and engine vibration insulators) installed, intact, and operational.
 - e. 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 BMPs 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.
- N-3** 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, the following:
- a. Sound blankets shall be used on noise-generating equipment.
 - b. 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.
 - c. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
 - d. 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).
 - e. Temporary sound barriers shall be constructed between construction sites and affected uses.
- N-4** Construction activities shall be conducted so that the maximum noise levels at affected properties will not exceed 75 dBA for single-family residential uses and 80 dBA for multi-family residential 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

compliant 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 Community Development Department.

- N-6** All residential development within 240 feet of the centerline of the UPRR (identified by Exhibit 4 of the 2019 Noise Analysis) shall include adequate ventilation in compliance with the California Building Code so that adequate noise attenuation may be achieved with windows closed.
- N-7** Indoor noise levels shall be reduced using the design and materials techniques described in OASP Programs 4.5.1a, 4.5.1b, 4.5.1c, 4.5.1d, 4.5.1e, 4.5.1f, 4.5.2a, 4.5.2b, and 4.5.2c. All residential development within 163 feet of the centerline of the UPRR (identified by Exhibit 3 of the 2019 Noise Analysis) shall include a noise barrier at least six feet in height that will shield exterior residential uses (i.e. patios, decks) from noise exposure greater than 60 CNEL. The noise barriers for the decks and patios must have a surface density of at least 3.5 pounds per square foot, and shall have no openings or gaps. The wall may be constructed of stud and stucco, 3/8-inch plate glass, 5/8-inch Plexiglas or Lexan, any masonry material, or a combination of these materials. Additionally, individual homes shall be designed so that structures block the line-of-sight from usable backyards to the railroad tracks. For homes with backyards not blocked by intervening structures, backyard fencing shall be installed of sufficient height to block line-of-sight to the railroad tracks.

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.

OASP Final EIR N-5(a). Fair Share of Cumulative Noise Improvements. Applicants under the Specific Plan must contribute their fair financial share, as determined by the City, to the implementation of one or more of the mitigation approaches listed in policy 9 of the Noise Element (refer to Appendix E of this EIR). The Specific Plan shall be revised to include a specific program to contribute to mitigating cumulative impacts. Implementation of the program must occur prior home occupancy for development pursuant to the Specific Plan.

Monitoring Program: The fee shall be paid prior to issuance of any building permits.

Transportation

TR-1 Prior to issuance of building permits, the project applicant/owner(s) shall provide finalized circulation plans indicating addition of W11-2 pedestrian warning signage along Ranch House Road in both directions approaching the Ranch House Road/Sponza Place intersection.

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

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 City Council does hereby grant final approval of the architectural review application ARCH-0489-2019 and SBDV-0490-2019 for a residential and mixed-use development project located at 3580 and 3584 Bullock Lane ("Project"), subject to the following conditions:

Planning Division – Community Development Department

1. Final Project design and construction drawings submitted for a building permit shall be in substantial compliance with the project plans approved by the ARC. A separate, full-size sheet shall be included in working drawings submitted for a building permit that lists all conditions of project approvals listed as sheet number 2.
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.
3. 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.
4. Signage for the Project shall be consistent with the sign program described in the project description and below. Any requests to modify the sign program shall be submitted to the Community Development Director for review.

| Sign Type | Quantity | Maximum Size and dimensions |
|---------------------------------------|-----------------|---|
| Awning Sign | 3 | 18 inches x 6 feet (9 square feet) |
| Wall Sign | 4 | 18 inches x 6 feet (9 square feet) |
| Awning Sign (corner commercial space) | 1 | 18 inches x 8 feet (12 square feet) |
| Awning Sign (corner commercial space) | 1 | 18 inches x 12 feet (18 square feet) |
| Residential Monument Sign | 1 | 30 square feet (approx. 4 feet x 12 feet) |
| Apartment Community Sign | 1 | 36 square feet (24 feet x 1.5 feet) |
| Total No. of Signs | 11 | |

Wall signs may be made from wood, metal, or plastic. Wall signs may be painted on the wall or on a board that is attached to the wall. Signs may be illuminated externally or internally consistent with Municipal Code Section 15.40.430. The residential monument sign shall have a maximum height of 4 feet and width of 12 feet. The sign shall have a stucco finish with a terracotta cap that ties into the project architecture and shall not be illuminated.

5. Plans submitted for building permits shall include a photometric plan, demonstrating compliance with maximum light intensity standards not to exceed a maintained value of 10 foot-candles. The locations of all lighting, including bollard style landscaping or path/parking lighting, shall be included in plans submitted for a building permit. All wall-mounted lighting fixtures shall be clearly called out on building elevations included as part of working drawings. Any wall mounted lighting installed above the first floor on the exterior elevations shall be minimal and consider its impact on the surrounding neighborhood. All wall-mounted lighting shall complement building architecture, subject to the approval of the Community Development Director. 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.
6. Plans submitted for a building permit shall include window details indicating 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 the windows that reflect the architectural style of the project and are compatible with the neighborhood character, to the approval of the Community Development Director.

7. Plans submitted for a building permit shall include balcony railing details indicating the type of materials, picket details, dimensions and colors. Plans shall demonstrate the use of high-quality materials for the railings that reflect the architectural style of the Project and are compatible with the neighborhood character, to the approval of the Community Development Director.
8. Plans submitted for a building permit shall include all trim and awning details indicating the type of materials, dimensions and colors. Plans shall demonstrate the use of high-quality materials that reflect the architectural style of the project and are compatible with the neighborhood character and recommendations of the Architectural Review Commission, subject to the approval of the Community Development Director.
9. Mechanical and electrical equipment shall be located internally to the buildings or screened by fencing, landscaping, building features, and/or other treatments. With submittal of working drawings, the applicant shall include sectional views of the building, which clearly show the sizes of any proposed condensers and other mechanical equipment. If any condensers or other mechanical equipment is to be placed on the roof, plans submitted for a building permit shall confirm that parapets and other roof features will adequately screen them. A line-of-sight diagram may be required to confirm that proposed screening will be adequate. This condition applies to initial construction and later improvements.
10. Storage areas for trash and recycling cans shall be screened from the public right-of-way consistent with §17.70.200 of the Zoning Regulations. The subject property shall be maintained in a clean and orderly manner at all times; free of excessive leaves, branches, and other landscape material. The applicant shall be responsible for the clean-up of any landscape material in the public right-of-way.
11. A final landscaping plan, including all irrigation details, 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. Landscaping plans shall include the following information, at a minimum:
 - a. The species, diameter at breast height, location, and condition of all existing trees;
 - b. Identification of trees that will be retained, removed, or relocated;
 - c. Location and size of plant and tree species proposed to be planted;
 - d. The location of proposed utilities, driveways, street tree locations, and the size and species of proposed street trees; and
 - e. A reclaimed water irrigation plan.

12. The final landscape plan shall provide details showing that the street trees are consistent with the OASP selected tree species and that where possible, plant Coast Live Oaks. Coast Live Oaks shall be planted with 8 feet of clearance on all sides. Additionally, the tree replacement ratio shall remain greater than 1:1 as provided in the project description.
13. The location of any required backflow preventer and double-check assembly shall be shown on all site plans submitted for a building permit, including the landscaping plan. Construction plans shall also include a scaled diagram of the equipment proposed. Where possible, as determined by the Utilities Director, equipment shall be located inside the building within 20 feet of the front property line. Where this is not possible, as determined by the Utilities Director, the back-flow preventer and double-check assembly shall be located in the street yard and screened using a combination of paint color, landscaping and, if deemed appropriate by the Community Development Director, a low wall. The size and configuration of such equipment shall be subject to review and approval by the Utilities and Community Development Directors.
14. Plans submitted for construction permits shall include elevation and detail drawings of all walls, retaining walls, and fences or any combination. Plans should clearing show the location of property lines. Fences, walls, and hedges shall comply with the development standards described in the Zoning Regulations §17.70.070. Walls, fences, and combinations that exceed the development standards shall be approved through the entitlement process or separate Fence Height exception process.
15. The location of any required transformer shall be shown on the site plans submitted for a building permit and shall be screened by structures, walls, or heavy landscaping to the satisfaction of the Community Development Director.
16. Bicycle Parking: Plans submitted for a building permit shall clearly depict the location of all required short and long-term bicycle parking for all intended uses. Plans submitted for construction permits shall include bicycle lockers or interior space within each residential unit, including garage space, for the storage of at least two bicycle per residential unit. Sufficient detail shall be provided about the placement and design of bike racks and lockers to demonstrate compliance with relevant Engineering Standards and Community Design Guidelines for long-term bicycle parking, to the satisfaction of the Public Works and Community Development Directors.

Unless otherwise approved by the Public Works Department, short-term bicycle parking shall consist of “peak style” racks. Plans submitted for a building permit shall

clearly depict the bicycle rack type proposed, location and dimensions of all short bicycle parking. Sufficient detail shall be provided about the placement and design of bike racks to demonstrate compliance with relevant Engineering Standards and Community Design Guidelines, to the satisfaction of the Public Works and Community Development Directors.

17. The design of proposed structures will incorporate noise attenuating construction techniques that reduces noise exposure to acceptable levels. Exposure in outdoor activity areas must not exceed 60 dB and indoor exposure must not exceed 45 dB consistent with the City's Noise Ordinance. Plans submitted for construction permits must clearly indicate and describe noise attenuation measures, techniques, and materials, and demonstrates their compliance with noise levels limits.
18. Affordable Housing: Prior to issuance of a building permit, the applicant shall record an agreement, in a form subject to the approval of the City Attorney, ensuring that the project includes 7 deed restricted affordable housing units (2 low and 5 moderate income households) as shown in the plans submitted for Planning Commission review and the table below. The affordable housing units shall be of similar quality, size, and amenities as the market rate units and dispersed throughout the project. The affordable housing units shall be constructed at the same time, or before, the market units are constructed in the same building or adjacent buildings.

| Housing Type | No. of Bedrooms | No. of Affordable |
|--------------|-----------------|-------------------|
| Bungalow | 1 | 1 Low |
| Bungalow | 3 | 1 Moderate |
| Townhouse | 1 | 1 Moderate |
| Townhouse | 1 | 1 Low, 2 Moderate |
| Townhouse | 2 | 1 Moderate |

19. In order to be consistent with the requirements of the Orcutt Area Specific Plan and County Airport Land Use Plan, the property owner shall grant an avigation easement for the benefit and protection of the City of San Luis Obispo, the County of San Luis Obispo and the San Luis Obispo County Airport via an avigation easement document prior to the recordation of the final map. Prior to occupancy, an overflight notification shall be recorded and appear with the property deed. The applicant shall also record a covenant with the City to ensure that disclosure is provided to all buyers and lessees at the subject property. Notice form and content shall be to the satisfaction of the Community Development Director and include the following language:

NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as the airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

20. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport, railroad, or mixed-use operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties on the project site.
21. Provisions for trash, recycle, and green waste containment, screening, and collection shall be approved to the satisfaction of the City and San Luis Obispo Garbage Company. Proposed refuse storage area(s) and on-site conveyance shall consider convenience, aesthetics, safety, and functionality. Ownership boundaries and/ or easements shall be considered in the final design. Any common storage areas shall be maintained by the Homeowners Association(s) ("HOA") and shall be included in the CC&Rs or other property maintenance agreement accordingly.
22. The proposed Project was deemed complete on January 10, 2020 and as such, the impact fees shall be paid at time of building permits through the Community Development Department per the fee schedule in effect at the time the Vesting Tentative Map was deemed complete (adjusted for CPI increases), unless the vesting rights have expired as set forth in Government Code Section 66498.5(b) through (d). If the vesting rights have expired, the fees shall be paid at the rate in effect at time of building permits.
23. The Project shall comply with the mitigation measures outlined in the Orcutt Area Specific Plan EIR as approved by City Council in Resolution No. 10154 (2010 Series) prior to the approval of building plan permits, except as set forth herein.
24. Building plans for the project shall include a tot lot located adjacent and east of the Neighborhood Gathering Space identified on Sheet L1 of the project plans that is a minimum of 650 square feet in size and includes play equipment (e.g. slides, climbing apparatus, grassy areas, etc.), and appropriate safety features (e.g. fencing, playground mulch, etc.) to the satisfaction of the Community Development Director.

Engineering Division – Public Works/Community Development

25. The developer shall pay the required parkland (Quimby) fee at the time of recordation of the subdivision map in accordance with the City's fee resolution and OASP Parkland reimbursement agreement. The park improvement fees shall be paid at the time of building permit issuance. The fees shall be based on the appropriate fee schedule in effect at the time of permit application.
26. The developer shall pay the prescribed reimbursement fee in accordance with the Infrastructure Reimbursement Agreement per Document No. 2017030488 on file in the Office of the San Luis Obispo County Recorder. The fee substantiation and payment timing shall be in accordance with the provisions of said agreement.

Dedications and Easements

27. The City supports the summary abandonment of the 30' Offer of Dedication for Public Street and Utility purposes as recorded per Document Number 2017025192 on June 9, 2017 on file in the Office of the County Recorder. The City has determined that a portion or all of the offered property is not needed for public street or utilities purposes. The final map may be used to abandon all or a portion of said offer depending upon the final subdivision improvement design. The map shall include the new/amended offer along the Ranch House Road frontage along with any required street tree and Public Utility Easement (PUE).
28. Except as set forth herein, any easements including but not limited to provisions for all public and private utilities, access, grading, drainage, slope banks, construction, public and private streets, pedestrian and bicycle facilities, common driveways, and maintenance of the same shall be shown on the final map and/or shall be recorded separately prior to or concurrent with the recordation of the map, unless a deferral is requested by the Developer and granted by the City. Said easements may be provided for in part or in total as blanket easements.
29. Except as set forth herein, the final map, improvement plans, and separate instruments, if any, shall show the extent of all on-site and off-site offers of dedication. Subdivision improvement plans and or preliminary designs may be required for any deferred improvements so that dedication limits can be established. These improvements may include but are not limited to road construction and widening, grading and drainage improvements, utility easements, roadway improvements, bikeways, pedestrian paths, and bike/pedestrian bridges.

30. The improvement plans, final map, and separate instruments, if any, shall clarify the limits of the UPRR right-of-way and shall show and note any established monumentation for reference. The clarification shall include the defined right-of-way as related to the existing track(s), whether measured from the mainline track, centerline of the tracks, or centerline of the easterly (siding) track.
31. Access rights shall be dedicated to the City along the Project's frontage with both Bullock Lane and Ranch House Road, except at approved driveway locations and intersections as shown on the tentative map or as otherwise approved by the City.
32. The subdivider shall dedicate a 10' wide street tree easement and 6' public utility easement (P.U.E.) across the frontage of each lot. Said easements shall be adjacent to and contiguous with all public right-of-way lines bordering each lot. Any reduction or elimination of these easements along the Ranch House Road frontage of Lot 2 and Lot 9 shall be approved to the satisfaction of the Public Works Department and serving utility companies.
33. The private sewer and stormwater easements on the Project site which are noted for abandonment shall be terminated or quit-claimed prior to approval of the subdivision improvement plans and map recordation.
34. All improvements on private property shall be owned and maintained by the individual property owners or the (HOA) as applicable. Private improvements include but are not limited to internal streets, sidewalks, private pedestrian/bike paths, sewer mains, drainage systems, detention basin(s), street lighting, landscape, landscape irrigation, and common areas.
35. A notice of requirements or other agreement acceptable to the City of San Luis Obispo may need to be recorded in conjunction with the Final Map for construction phasing to clarify development restrictions and/or conditions of development, set forth in these conditions of approval.
36. Except as set forth herein, off-site easements and/or dedications may be required to facilitate through street access and public water and sewer main extensions beyond the tract boundary and in accordance with the OASP. Looped water mains may be required in accordance with the tentative map, development phasing, and the City water model to provide adequate service and compliance with adopted codes and standards.
37. Except as set forth herein and/or where the City agrees to take a lead in securing access rights or easements, the Developer shall acquire any off-site dedication/acquisition of property for public right-of-way purposes necessary to

facilitate orderly development of the OASP improvements required to be constructed by the Developer as described herein. The Developer shall work with the City and the landowner(s) to acquire the necessary rights-of-way. In the event the Developer is unable to acquire said rights-of-way, the City Council may consider lending the Developer its powers of condemnation to acquire the off-site right-of-way dedication, including any necessary slope and drainage easements. If condemnation is required, the Developer shall agree to pay all costs associated with the off-site right-of-way acquisition (including attorney fees and court costs).

38. The City recognizes that the existing sections of the original 30' Bullock Lane north of the Pratt parcels that were party to the street improvement and assessment, along with the accepted offers of dedication for the widening of Bullock are considered public rights-of-way. The developer or their contractor shall secure an encroachment permit from the City for work or construction staging within the Bullock Lane public right-of-way.
39. With respect to any off-site improvements, except for the extension of the Railroad Safety Trail ("Bike Path") as set forth herein, prior to the approval of the development improvement plans or the filing of the Final Map, the developer/subdivider shall either:
 - a. Clearly demonstrate their right to construct the improvements by showing access to, title or interest in the property in a form acceptable to the City Engineer; or,
 - b. Demonstrate, in writing, that the subdivider has exhausted all reasonable efforts to acquire interest to the subject property and request that the City assist in acquiring the property required for the construction of such improvements and exercise its power of eminent domain in accordance with Government Code Section 66462 .5 to do so, if necessary. Developer shall also enter into an agreement with the City to pay all costs of such acquisition including, but not limited to, all costs associated with condemnation. Said agreement shall be in a form acceptable to the City Engineer and the City Attorney. If condemnation proceedings are required, the subdivider shall submit, in a form acceptable to the City Engineer, the following documents regarding the property to be acquired:
 - i. Property legal description and sketch stamped and signed by a Licensed Land Surveyor or Civil Engineer authorized to practice land surveying in the State of California.
 - ii. Preliminary title report including chain of title and litigation guarantee;
 - iii. Appraisal of the property by a City approved appraiser. In the course of obtaining such appraisal, the property owner(s) must be given an

opportunity to accompany the appraiser during any inspection of the property or acknowledge in writing that they knowingly waived the right to do so;

- iv. Copies of all written correspondence with off-site property owners including purchase summary of formal offers and counter offers to purchase at the appraised price.
- v. Prior to submittal of the aforementioned documents for City Engineer approval, the Developer shall deposit with the City all or a portion of the anticipated costs, as determined by the City Attorney, of the condemnation proceedings. The City does not and cannot guarantee that the necessary property rights can be acquired or will, in fact, be acquired. All necessary procedures of law would apply and would have to be followed.

Improvement Plans

- 40. Except as set forth herein, all public improvements, including any off-site improvements, shall be designed, and completed to the satisfaction of the Public Works Department, Utilities Department and Fire Department. Public Improvements shall be in substantial conformance with the OASP, Bicycle Transportation Plan/Active Transportation Plan, and City Engineering Standards, except where the Developer and/or the City have requested and been granted a formal design exception. Where conflicts occur between the City Engineering Standards and concepts identified in the OASP, final determination shall be provided by the City Engineer.
- 41. On-site private streets, pedestrian pathways, and common areas and facilities shall comply with the City Parking and Driveway Standards, City Standard Specifications and Engineering Standards, ADA standards, and the California Building Code as applicable.
- 42. The public improvement plans shall include full frontage improvements along Ranch House Road and Bullock Lane in accordance with the tentative map, OASP and City Engineering Standards as follows:
 - a. Ranch House Road: Improvements shall include the full Project (Tract 3136) frontage. Unless otherwise approved by the City Engineer, the plans shall show, at a minimum, all improvements along the project frontage including 5' sidewalk, 7' landscaped parkway, concrete curb and gutter, 6' southbound bike lane, 12' southbound travel lane, and complete details for the new project driveway/intersection access. The proposal to use a 5' sidewalk in accordance with the OASP shall include full compliance with

ADA access requirements. Otherwise, the sidewalk or sections of sidewalk may need to be widened to accommodate minimum clearances around sidewalk furniture such as posts, light standards, and fire hydrants. Improvements do not include construction of curb/gutter/sidewalk or other street improvements along the frontage of the neighboring property north of Tract 3136, except for transitions to the unimproved shoulder.

- b. Bullock Lane: Improvements shall include the full Project (Tract 3136) frontage and extending northerly approximately 230 feet along the 3540 and 3560 Bullock Lane property frontages to connect with the existing sidewalk and paved roadway at the southern boundary of the Willow Creek Country Estates property. Unless otherwise approved by the Public Works Department via design exception request, the plans shall show, at a minimum, all improvements along this extent, including the following street elements listed from the east to west side of Bullock Lane: 6' sidewalk with concrete curb and gutter (4' at driveways), 8' parking lane (where street parking is proposed), two 10'-12' travel lanes, concrete curb and gutter. See Transportation Conditions of Approval for details on Bike Path improvements along west side of Bullock Lane.

Bullock Lane improvements shall include complete details for new project driveway and undergrounding of overhead utilities on the east side of Bullock Lane. Some off-site dedication of property for public right-of-way purposes shall be required along the 3540 and 3560 Bullock Lane property frontages to facilitate the Bullock Lane and shared-use path improvements, and transitions between the existing adjoining road segments beyond the tract boundaries. Some modifications to the existing off-site shared-use path beyond the southerly tract boundary within Righetti Ranch may need to be modified for vertical and/or horizontal control to accommodate the project plans and to avoid the UPRR right-of-way. Public improvement plans for the Bike Path and portions of Bullock Lane beyond the Project frontage may be provided as separate submittals from the on-site and frontage improvement plans.

Design, permitting and construction costs for Bullock Lane improvements north of the 3540 Bullock Lane frontage are eligible for Transportation Impact Fee credits or reimbursement (with a public reimbursement agreement approved by the City Council).

43. Unless stated otherwise in these conditions of approval, offers of dedication will be required for the widening of Ranch House Road and Bullock Lane along the Project's

frontage, and the extension of Bullock Lane and the Bike Path across the 3540 and 3560 Bullock Lane properties.

44. The Developer may present financing and reimbursement programs for transportation improvements to be considered with approval and recordation of the initial final map for VTM #3136. Any such program(s) will be subject to approval by the City Council.
45. Unless stated otherwise in these conditions of approval, the public improvements related to this development shall be approved or substantially approved to the satisfaction of the Public Works and Community Development Departments prior to issuance of any building permits and improvements shall be completed prior to issuance of first occupancy permits. Prior to approval of any deferrals, the Developer shall demonstrate that the construction of the required improvements is impractical to the satisfaction of the Community Development and Public Works directors. The City generally supports a practical phasing of the following items, including but not limited to:
 - a. The shared sitework improvements such as driveways, utilities, and landscaping on each lot of Tract 3136 until the first certificate of occupancy for the lot provided that the Developer shall substantially construct Sponza Place including its utilities prior to issuance of a building permit for the Project;
 - b. The permanent underground stormwater retention facilities located in construction phase 2 of the Project (Phase 2) if replaced by a temporary open storm water basin in Phase 2; and
 - c. Bullock Lane, the undergrounding of PG&E lines as set forth in Conditions of Approval #64 and #65, all internal streets located in Phase 2 but for the sections of "B" street and Court "4" necessary for through access, and/or the Community Building, Pool, Spa, and Pool Building, until the first certificate of occupancy in Phase 2.
46. Unless stated otherwise in these conditions, the Developer shall exhaust reasonable efforts to complete the final design and construction of the off-site transportation improvements to the ultimate plan to limit the amount of throwaway improvements. Phased, partial, or temporary improvements may be considered and shall be approved to the satisfaction of the Public Works and Community Development Departments. Temporary improvements may include water quality treatment Best Management Practices (BMPs) and stormwater peak management facilities.
47. Unless otherwise approved by the Public Works Director, improvement plans shall include the installation of public street lighting and all associated facilities including but not limited to conduits, sidewalk vaults, fusing, wiring and luminaires along the

east side of Bullock Lane (along the Project frontage and frontage of 3540 and 3560 Bullock Lane properties) and west side of Ranch House Road along the Project frontage per City Engineering Standards. Existing street lighting shall be shown on the improvement plans for reference and will be considered in establishing the required spacing, location, number, and type of fixtures.

48. Lighting fixtures, including public streetlights shall not exceed 16' in height in accordance with the OASP unless otherwise required for traffic safety. The developer shall submit a streetlight proposal for approval by the City Engineer for any public streetlights.
49. Street trees are required as a condition of development. Street trees shall generally be planted at the rate of one street tree for each 35 lineal feet of property frontage. Landscape plans may include grouping of trees to vary this standard, to achieve visual variety or where conflicts may exist with the site development and infrastructure within the subdivision.
50. The subdivision improvement plans and building plan submittal shall include a complete tree summary show the diameter and species of 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.
51. A separate map check application, final map review fee, improvement plan application, review fee, and inspection fee will be required in accordance with the Engineering fee schedule in effect at the time of map or plan submittal. The plans and supporting documents shall be in accordance with the codes and standards in effect at the time of application. Multiple final maps will require a separate map review fee for each subsequent map phase.
52. A separate demolition permit will be required from the Building Division for the removal of any existing structures and related infrastructure. A separate application may be required for each detached residential structure, if more than one. Miscellaneous structures can be included in the demolition permit application for the primary structure. Building removals are subject to the Building Demolition Regulations including the additional notification and timing requirements for any structure over 50-years old.
53. The improvement plans submittal shall include a complete topographic survey and/or existing site development plans showing all existing structures, site improvements, utilities, water wells, septic tanks, leach fields, gas and wire services, trees, etc. The plan shall clarify the limits of the demolitions and improvements to remain. The plan shall show and note the location and proposed disposition of any

existing water wells, private waste disposal system, or leach fields whether active or abandoned. The plan shall include any pertinent off-site water well and private waste disposal systems that are located within regulated distances to the proposed drainage and utility improvements. The plan shall include the proposed disposition of the improvements and any proposed phasing of the removal and demolition. All structures and utilities affected by the proposed lot lines shall be removed and receive final inspection approvals prior to map recordation.

54. Unless a phased construction plan is approved by the Community Development Department, all access roads, required secondary access, fire department access, fire department turn-around area(s), and any required fire hydrant installations shall be completed prior to commencing with combustible construction.
55. If construction phasing of the new street pavement is proposed, the phasing shall provide for the ultimate structural street section and pavement life (per the City's Pavement Management Plan) prior to acceptance by the City. The engineer of record shall detail this requirement in the public improvement plans, to the satisfaction of the Public Works Director.
56. The development/improvement plan submittal shall include a complete construction phasing plan in accordance with the conditions of approval, City codes, and standards. A truck circulation plan and construction management and staging plan shall be included with the improvement plan submittal. General truck routes shall be submitted for review and acceptance by the City. The engineer of record shall provide a summary of the extent of cut and fill with estimates on the yards of import and export material. The summary shall include rough grading, utility trench construction, road construction, AC paving, concrete delivery, and vertical construction loading estimates on the existing public roadways. The developer shall either; 1) complete roadway deflection testing before and after construction to the satisfaction of the City Engineer and shall complete repairs to the pre-construction condition, or 2) shall pay a roadway maintenance fee in accordance with City Engineering Standards and guidelines, or 3) shall propose a pavement repair/replacement program to the satisfaction of the City Engineer.
57. Construction phasing plans shall consider emergency vehicle access, access to fire hydrants, construction traffic, occupant access to facilities and amenities, and public/visitor and occupant pedestrian and vehicle circulation requirements.
58. Street naming of the private streets and site addressing shall be established through the map review and subdivision improvement plan review processes and prior to building permit issuance in accordance with City guidelines. Street name signs shall conform to City Engineering Standards for public vs. private streets.

59. The parking and site development shall show and note compliance with the City Engineering Standards, Community Design Guidelines, and the OASP.
60. Mailbox unit (MBUs) shall be provided on-site to the satisfaction of the Postal Service and the City Planning Division. The number and location shall consider access, convenience, and circulation requirements.
61. Private on-site lighting shall be provided per City Engineering Standards and the OASP and/or as approved in conjunction with the ARC direction or PC/CC approvals.

Utilities

62. Separate utilities, including water, sewer, gas, electricity, telephone, and cable TV shall be served to each proposed lot/unit to the satisfaction of the Utilities Department, Public Works Department, and serving utility companies. All public and private mains shall be shown on the development/improvement plans and shall be constructed per the City's adopted codes and City Engineering Standards unless a waiver or alternate standard is otherwise approved by the City. The plans shall clearly delineate and distinguish the difference between public and private improvements. Gas service may be omitted to all or a portion of the subdivision in accordance with current City Codes and Standards.
63. The private water and recycled water mains shall be provided with backflow prevention devices per City and State standards. The main sizing shall be justified and approved to the satisfaction of the City. The backflow prevention device type, size, and orientation shall be approved to the satisfaction of the Public Works Department, Utilities Department, and Planning Division. A compact device type, screening/landscape screening, and/or color matching may be required by the Planning Division. Sizing analysis to potentially reduce the pipe and device size, particularly with the recycled main line may be appropriate. Unless otherwise required and approved by the City, the proposed looped domestic mainline shall be eliminated in favor of a single point of connection.
64. All new wire utilities shall be placed underground. The underground placement shall be completed without a net increase in utility poles located within the public right-of-way unless specifically approved to the satisfaction of the Public Works and Community Development Departments.
65. The existing overhead wire services and service poles that are located within this tract and along the extent of the Bullock Lane frontage improvements described

herein shall be removed or services undergrounded where applicable, unless otherwise deferred or waived by the Public Works and Community Development Directors. Unless otherwise specifically approved, pole relocation in lieu of undergrounding is not supported.

66. Street widening generally requires undergrounding per City codes and resolutions. The applicant shall exhaust reasonable efforts to maintain, extend, or convert the existing wire services to underground for the 3540 and 3560 Bullock Lane parcel(s) located beyond the northerly tract boundary.
67. Final grades and alignments of all public and/or private water, sewer and storm drains shall be approved to the satisfaction of the Public Works Director and Utilities Department. The final location, configuration, and sizing of service laterals and meters shall be approved in conjunction with the review of the building plans, fire sprinkler plans, and /or public improvement plans.
68. The improvement plans shall show the location of all domestic and landscape water meters. The plan shall include service lateral sizes and meter sizes. Sizing calculations may be required to justify service and meter sizing. Water impact fees related to the irrigation water meter(s) shall be paid prior to approval of the subdivision improvement plans for each pertinent map and /or construction phase. Detailed water meter manifold exhibits shall be included in the subdivision improvement plans showing compliance with City Engineering Standards and sequential addressing requirements.

Grading, Drainage and Stormwater

69. Agency permits required for any work within nearby drainage ditches 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 plans and/or development submittal supporting documents.
70. 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 permit issuance.
71. The limits of improvements within the nearby drainage ditches required for any potential modifications proposed to the existing Bullock Lane culverts shall be

approved by the Public Works Director in collaboration with the City Biologist and Natural Resources Manager.

72. The grading, drainage, and stormwater control plan shall clarify the scope and limit of the existing and new drainage outlet structures proposed to discharge to the existing facilities within the UPRR right-of-way. The drainage report and calculations shall confirm the capacity of the existing roadside ditch. Any required outlet or capacity improvements within the UPRR jurisdiction shall be approved by UPRR.
73. The subdivision improvement plans, grading plans, drainage plans, and drainage reports shall show and note compliance with City Codes, Standards and Ordinances, Floodplain Management Regulations, OASP stormwater provisions, Waterways Management Plan Drainage Design Manual, and the Post Construction Stormwater Regulations as promulgated by the Regional Water Quality Control Board, whichever pertinent sections are more restrictive. Run-on from adjoining developed or undeveloped parcels shall be considered.
74. The drainage report shall show compliance with the more conservative peak management requirements of the OASP for both the 50 and 100-year post development events to match or be lower than the 25-year predevelopment Q.
75. Although not located within a mapped flood zone, the Project shall clarify any areas of existing or proposed flooding. The calculated 100-year flood limits shall be shown and noted on the improvement plans and an additional final map sheet for reference if applicable. The drainage report and final plans shall clarify the 100-year flood elevations, clearances, and freeboard at any new pedestrian/bicycle or vehicle crossings of the creek corridors and for the UPRR roadside ditch.
76. This project site shall include the private and public improvements related to this common plan for evaluation of the Post Construction Requirements (PCRs). Temporary treatment facilities may be proposed for any minor off-site access roadways. The final PCR compliance documentation, drainage management areas, and improvement drawings shall include both the on-site and proposed public street and sidewalk impervious surfaces. Run-off from all impervious surfaces shall be treated in accordance with the PCR's.
77. The off-site Bike Path improvements may qualify for an exemption within the PCR's but will need to be considered based on the final design and requirements of the Regional Water Quality Control Board.
78. The developer shall prepare an Operations and Maintenance Manual for review and approval by the City in conjunction with the development of any stormwater BMP' s

that will be maintained by the HOA or by the respective private property owner. A Private Stormwater Conveyance Agreement shall be recorded in a format provided by the City prior to final inspection approvals and acceptance of subdivision improvements.

79. Unless specifically approved by the Public Works Department all stormwater control measures (SCMs), except for those SCMs for public streets dedicated to the City, shall be located on private property and shall be maintained by the property owner, a Property Owner Association, or HOA. The Developer shall provide notification to private property owners regarding any individual maintenance responsibility of stormwater BMPs in accordance with Section E.2 of the RQWCB Resolution R3-2013 -0032, if proposed. The notification may be by Notice of Requirements or other method acceptable to the City.
80. The final details for any bioretention facilities proposed to be located within the public right-of-way shall be approved to the satisfaction of the City Engineer. The project soils engineer shall review and provide recommendations on the proposed site constructed and/or proprietary retention systems. Analysis of impacts to the public improvements, protection of utilities, and methods to minimize piping and protection of private properties shall be addressed in the final analysis.
81. Unless otherwise approved for acceptance and maintenance by the City, the SCMs that are proposed for location within the public right-of-way shall require an Encroachment Agreement and shall be maintained by the property owner or HOA.
82. The Project's development and grading shall comply with all air quality standards and mitigation measures. The developer shall provide written notification from the County Air Pollution Control District (APCD) regarding compliance with all local, state, and federal regulations including but not limited to the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations related to Naturally Occurring Asbestos (NOA).

Transportation Division - Public Works Department

83. Railroad Safety Trail Extension ("Bike Path")

- a. The Developer shall be responsible for design, permitting and construction of the extension of the Railroad Safety Trail pedestrian/bicycle path along the west side of Bullock Lane from the Bullock Ranch property boundary just north of Tiburon Way north to Orcutt Road ("Bike Path"). Design details shall be approved to the satisfaction of the City Public Works Director, but are anticipated to include:

R _____

- Construction of a 10'-12' wide concrete shared-use path on the west side of Bullock Lane per City Engineering Standards
 - Path signing and striping
 - Minimum 2' wide shoulder on the west side
 - 2'-4' wide shoulder/parkway on the east side with concrete curb and gutter (extending north to approximately 150' south of Bullock Lane culvert crossing)
 - Street trees and/or landscaping within shoulder on east side of path, as approved by the City Engineer and required per applicable post-construction stormwater regulations
 - Path lighting per City Engineering Standards, or an approved equivalent solar path lighting system
 - Safety fencing on the west side of the path along the UPRR property line
 - Improvements to the Orcutt Road/Laurel Lane/Bullock Lane intersection to improve connectivity between the Railroad Safety Trail segments to the north and south of Orcutt Road. Intersection improvements are expected to include geometric modifications at the southwest intersection corner to remove the right-turn slip lane, traffic signal modifications (relocating poles at southwest corner, bike signal heads, bike detection, etc.), modifications to road/path signing and striping
- b. It is assumed that construction of the Bike Path will not require significant modifications or reconstruction of the existing Bullock Lane storm drain or creek culverts. Based on preliminary design concepts, the path is anticipated to cross the existing Bullock Lane culverts as follows:
- The path will cross the creek just south of Orcutt Road on a bicycle/pedestrian-only bridge spanning the creek channel west of the existing culvert
 - The path will cross the storm drain culvert just south of Willow Circle at grade over the existing culvert. This may require installation of a pedestrian/bicycle railing along the culvert headwall.
- c. The pathway designs shall endeavor to minimize potential encroachment into UPRR right-of-way. The City Public Works Department is willing to support potential design exception requests to utilize reduced cross section dimensions along the pathway and Bullock Lane (e.g. 7' parking lane (or no on-street parking lane), 10' auto lanes), if needed to minimize UPRR encroachment and/or to address other geometric constraints.

- d. The Project Applicant shall be responsible for obtaining any jurisdictional permits required to construct the path extension, including the pedestrian/bicycle-only bridge over the creek channel.
- e. The City shall obtain all approvals, easements, access agreements, dedications, and/or license agreements needed from the UPRR for the extension of the Railroad Safety Trail, including the bike/ped bridge, with the exception of any permits or approvals required by the construction contractor hired by the Developer to construct the Bike Path. The Developer will not be required to obtain any other approvals, easements, access agreement, dedications, and/or license agreement from the UPRR for the Bike Path or any other purpose except that prior to subdivision plan approval or commencement of construction the City may require the Developer to obtain UPRR approval for any substantial alterations proposed by the Developer to the existing drainage outlets on the UPRR property along the Project's frontage, including an increase in the volume or rate of storm water calculated to pass through the drainage outlets after the completion of the Project. The City began negotiations with UPRR in earnest in September 2021 upon receipt of preliminary design drawings that identified path details at a sufficient level to confirm right-of-way needs from UPRR. The Developer shall make a good faith effort to provide engineering plans, design information and design revisions in a timely manner to address design review questions and comments submitted to the City by UPRR. The City shall make a good faith effort to obtain all approvals and agreements required by UPRR for construction of the Bike Path in a timely manner and to include Developer's representatives in relevant communications between the City and UPRR.
- f. Off-site dedication/acquisition of public right-of-way may be necessary to facilitate orderly development of the Bike Path improvements. Excluding UPRR and the section of Bullock Lane north of 3540 Bullock Lane, if off-site dedications/acquisitions of private property or temporary easements are necessary to facilitate construction of the pathway public improvements, the Project Applicant is responsible for working with landowner(s) in coordination with the City to acquire the necessary rights-of-way. In the event the Project Applicant is unable to acquire said rights-of-way, the City Council may consider lending the Project Applicant its powers of condemnation to acquire the off-site right-of-way dedication, including any necessary slope and drainage easements. If condemnation is required, the Project Applicant shall agree to pay all costs associated with the off-site right-of-way acquisition (including attorney fees and court costs).

- g. If the City is unsuccessful with acquiring UPRR right-of-way agreements within 24 months following (a) City acceptance of substantially complete Bike Path designs, or (b) UPRR approval of designs for the purposes of drafting right-of-way agreements (whichever comes sooner), the Developer is released of the obligation to construct the Bike Path, and the Bike Path will transition to a City-led capital improvement project. City's review and approval of substantially complete Bike Path plans shall not be unreasonably delayed for the purpose of providing additional time for UPRR right-of-way negotiations. Further, the Public Works Director may ultimately deem construction of the Bike Path to be infeasible if good faith right-of-way negotiations with UPRR are unproductive.

In the case that the Developer is relieved of the obligation to construct the Bike Path, the Developer's fair share financial contribution towards this improvement is satisfied through payment of applicable transportation impact fees (minus fee credits for eligible Bike Path design costs) and the City agrees to release any performance bonds or sureties provided by the Developer related to the Bike Path improvements.

- h. Unless otherwise approved by the Public Works Director, Developer shall be responsible for funding and constructing the Bike Path improvements upon City receipt of fully-executed UPRR right-of-way agreements. The Developer shall complete Bike Path construction within 18 months following of City receipt of fully-executed UPRR right-of-way agreements or City issuance of first building permits for the Project (whichever comes later).
 - i. Bike Path project costs, including design, permitting and construction costs, are eligible for Transportation Impact Fee credits or reimbursement (with a public reimbursement agreement approved by the City Council).
84. **Ranch House Road/Sponza Place Pedestrian Signage** – The Developer shall install pedestrian warning signs (CA MUTCD Sign W11-2) in the northbound and southbound directions approaching the intersection of Ranch House Road & Sponza Place. Signs shall be florescent yellow/green and installed on punch posts per City Engineering Standards approximately 100' in advance of the intersection approaching from the north and south on Ranch House Road.
85. **Ranch House Road Bike Lanes** – As part of the Project's frontage improvements, the Developer shall install striping, pavement markings and signage to delineate Class II bike lanes in the southbound direction of Ranch House Road. This work shall include removal (i.e. grind and seal) the conflicting shared lane pavement

markings “sharrows” that currently exist in the southbound lane along Ranch House Road.

86. **Transportation Impact Fees** – Prior to issuance building permits, the project applicant shall pay all required transportation impact fees (TIF) minus any approved fee credits associated with construction of the Bike Path and Bullock Lane to the north of 3540 Bullock Lane. Applicable TIF fees include participation in the Citywide Transportation Impact Fee (TIF) Program and Orcutt Area Specific Plan (OASP) TIF Program. Participation in these TIF programs shall satisfy the Project’s fair share contribution towards future and in-progress off-site transportation improvements, including the Tank Farm/Orcutt roundabout and future capacity improvements to the Orcutt/Laurel/Bullock intersection. Design, permitting and construction costs for Bullock Lane improvements north of the 3540 Bullock Lane frontage are eligible for Transportation Impact Fee credits or reimbursement (with a public reimbursement agreement approved by the City Council).
87. **Driveway Sight Distance** – The development plans shall include all final line-of-sight analysis at new intersections and driveways to the satisfaction of the Public Works Department. Fence heights, signs, and plantings in the areas of control shall be reviewed in conjunction with the analysis. A separate recorded declaration, covenant, agreement or Notice of Requirements for private property owner maintenance of sight lines may be required.
88. **Bullock Lane Speed Management** – Public improvement plans shall include traffic calming improvements on Bullock Lane along the Project frontage, which can be satisfied with the proposed addition of a speed table/raised crosswalk connecting the east side of Bullock Lane with the extension of the Railroad Safety Trail on the west side. Design of traffic calming elements shall be approved to the satisfaction of the Public Works and Fire Departments. The developer shall record a Notice of Requirements with each map phase regarding the designed and installed traffic calming measures and convey that the subdivision is not eligible for future Residential Parking District or Neighborhood Traffic Management program processing.
89. **Fire Access** – Fire Department access shall be provided for each construction phase to the satisfaction of the Fire Chief. Phased street construction shall consider and provide suitable Fire Department hydrant access, circulation routes, passing lanes, and turnaround areas in accordance with current codes and standards.

Utilities Department

90. The proposed utility infrastructure shall comply with the latest engineering design standards effective at the time the building permit is obtained and shall have reasonable alignments needed for maintenance of public infrastructure along public roads.
91. Provide calculations for the proposed sewer generations based on Section 7 of the City's Engineering Design Standards.
92. Building permit submittal shall clarify size of existing and proposed water services and water meters for the project, including both potable and recycled water.
93. Provide a comparison of the existing water demands versus proposed water demands per Section 6 of the City's 2020 Engineering Design Standards.
94. All residential units are to be individually metered. Privately owned water sub-meters may be provided for residential condominiums upon approval of the Utilities Director or her/his designee. The CCR's for the property/homeowner association shall require that the sub-meters be read by the association (or a contracted service) and each condominium billed monthly according to water use. Reports of readings and associated billings shall be provided to the Utilities Department on an annual basis, or when requested by the Utilities Department.
95. Water service meter(s) shall be adequately sized to serve the project's proposed units. Residential units shall be separately metered from the non-residential/commercial units, and service lines shall not cross parcel boundaries per MC 13.04.120, unless waived in writing by the Utilities Director.
96. The on-site sewer shall be privately owned and connect to the City sewer main with a wye.
97. Property shall be served with a private domestic water main with a single connection to the City's public main.
98. The recycled water line serving the project shall be private.
99. The proposed residential apartments shall have a master public water meter with individual private sub-meters and constructed to the satisfaction of the Utilities Director.

100. 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.
101. The site is within the City's Water Reuse Master Plan area and shall utilize recycled water for landscape irrigation. The irrigation system shall be designed and operated as described consistent with recycled water standards in the City's Procedures for Recycled Water Use, including the requirement that sites utilizing recycled water shall provide backflow protection on all potable service connections per City Engineering Standards. An Application for Recycled Water Service and three sets of irrigation plans conforming to the City's Procedures shall be submitted to the Building Department for review during the City's building permit review process.
102. The project's estimated total water use (ETWU) to support new ornamental landscaping shall not exceed the project's maximum applied water allowance (MAWA). Information shall be submitted during the Building Permit Review Process for review and approval by the Utilities Department prior to issuance of a Building Permit to support required water demand of the project's proposed landscaping.
103. Trash enclosure(s) shall conform the requirements by the San Luis Garbage Company and refuse bins shall be sized to provide a reasonable level of service. Separate refuse bins shall be accommodated within the site for the three (3) waste streams, trash, recycling, and organics.
104. Driveways and access routes to all refuse receptacles shall be designed to accommodate the size and weight of the garbage trucks; a written confirmation from the San Luis Garbage Company shall be included in the building permit plans for the proposed project.
105. Building permit submittal shall include a letter of service from San Luis Garbage Company on the site plans.
106. 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.
107. In order for trash enclosures to be shared between parcels, a Conditional Exception Application shall be submitted to the Utilities Solid Waste Coordinator and shall be included in the property/homeowner association CC&Rs.

Fire Department

108. The Fire Department supports and encourages the connection of Bullock to Righetti Ranch Road to improve response times.

Note of applicable Code Requirements:

109. All access roads less than 35 feet in width shall be posted as fire lanes on one side, if less than 28 feet in width they shall be posted no parking on both sides.

110. No combustible construction prior to having live fire hydrants and all-weather access roads approved and installed.

Indemnification

111. The Developer 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 City shall fully cooperate in the defense against an Indemnified Claim.

On motion by Council Member _____, seconded by Council Member _____, and on the following roll call vote:

AYES:

NOES:

ABSENT:

The foregoing resolution was passed and adopted this day of January 11, 2022.

Mayor Erica A. Stewart

ATTEST:

R _____

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 _____