

**RESOLUTION NO. 10124 (2009 Series)**

**A RESOLUTION OF THE SAN LUIS OBISPO CITY COUNCIL APPROVING VESTING TENTATIVE TRACT MAP NO. 3011 TO CREATE FIVE COMMERCIAL LOTS AND ONE OPEN SPACE LOT WITH PROVISION FOR AIR SPACE CONDOMINIUM OWNERSHIP OF SPACES WITHIN PROJECT BUILDINGS AND INCLUDING AN ADJUSTMENT TO THE MARGARITA AREA SPECIFIC PLAN REGARDING THE EXTENT AND DESIGN OF THE PROPOSED COLLECTOR ROAD ON THE PROJECT'S EAST SIDE FOR PROPERTY LOCATED AT 400 PRADO ROAD TR/ER 112-07**

**WHEREAS**, the Planning Commission conducted a public hearing on September 23, 2009, and recommended approval of the project; and

**WHEREAS**, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on November 3, 2009, pursuant to an application filed by Prado Park, LLC, applicant for the purpose of considering TR/ER 112-07, a vesting tentative tract map subdividing an approximately 20-acre site into 6 lots with provision for air space condominium ownership within project buildings; and

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

**WHEREAS**, the City Council has considered the Mitigated Negative Declaration of environmental impact as prepared by staff and reviewed by the Planning Commission; 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. Environmental Determination.** The City Council finds and determines that the project's Mitigated Negative Declaration adequately addresses the potential significant environmental impacts of the proposed project entitlements in accordance with the California Environmental Quality Act and the City's Environmental Guidelines, and reflects the independent judgment of the Council. The Council hereby adopts the Mitigated Negative Declaration incorporating all of the following mitigation measures with monitoring programs into the project:

### **Aesthetics Mitigation**

#### **Reduction of Light and Glare**

1. The applicant shall submit an exterior lighting plan ensuring that lighting associated with the project shall not spill over the property lines and that light trespass shall be reduced by shielding lights and recessing light sources within fixtures. The lighting plan shall propose specific measures to limit the amount of light trespass associated with development within the project area including shielding and/or directional lighting methods to ensure that spillover light does not exceed one foot-candle at adjacent property lines and submit photo metrics to substantiate this standard is met. The lighting plan shall be to the review and approval of the Architectural Review Commission.

#### **Monitoring Program:**

The ARC will review development plans for the project. City staff, including Planning and other departments, will review plans to assure that all of the ARC's requirements related to lighting are compliant with the MASP provisions and have been incorporated into working drawings. City building inspectors will be responsible for assuring that all lighting is installed pursuant to the approved lighting plan.

### **Air Quality Mitigation**

#### **Operational Phase Mitigation**

2. In order to mitigate air quality impacts associated with this project the applicant must implement the following measures:
  - a. Mitigation Measures AIR 1.1, 1.2, 1.3, and AIR 2.1 from the MASP/AASP EIR.
  - b. Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
  - c. Provide on-site eating, refrigeration, and food vending facilities to reduce employee lunchtime trips.
  - d. Provide preferential carpool and vanpool parking spaces.
  - e. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
  - f. Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall, or floor insulation, installing double-pane windows, using efficient interior lighting, etc.).
  - g. Implement all feasible Discretionary and Greenhouse Gas Mitigation Measures (but no less than 10) provided in the letter from APCD dated February, 2008.

Monitoring Program:

The applicant is required to implement all of the APCD's Standard Mitigation Measures and at least 10 Discretionary and Green House Gas Mitigation Measures to the approval of the Community Development Department and the APCD. No construction work may commence before said mitigation has been approved by the City and APCD.

**Biological Resources Mitigation**

3. Implement the following Mitigation Measures from the MASP/AASP EIR:
  - a. BIO 1.1, conduct surveys to determine presence of wetlands and/or sensitive species (already completed);
  - b. BIO 6.1, minimize impacts to wetland habitat and prepare and implement a wetland habitat mitigation plan, to the satisfaction of the Natural Resources Manager, California Department of Fish and Game, and U.S. Army Corps of Engineers;
  - c. BIO 9.1, mitigate for impacts to sensitive plant species (Congdon tarplant) to the satisfaction of the Natural Resources Manager;
  - d. BIO 12.1, conduct preconstruction surveys to determine presence of burrowing owl, and, if found, prepare and implement a protection and mitigation plan to the satisfaction of the California Department of Fish and Game;
  - e. BIO 13.1, provide training for construction personnel to recognize and protect California red-legged frogs; and
  - f. BIO 17.1, provide training for construction personnel to recognize and protect southwestern pond turtle.

To accomplish the above, a City-approved biological monitor shall be retained by the project sponsors to oversee implementation of the described mitigations and other protective measures.

Monitoring Program:

Prior to the onset of construction, the wetland habitat mitigation plan, mitigation for the Congdon tarplant, surveys for the burrowing owl, and training for construction personnel shall be completed or in progress to the satisfaction of the Natural Resources Manager.

**Cultural Resources Mitigation**

4. If excavations encounter significant paleontological resources, archaeological resources, or cultural materials, then construction activities which may affect them shall cease until the extent of the resource is determined and appropriate protective measures are approved by the Community Development Director. The Community Development Director shall be notified of the extent and location of discovered materials so that they may be recorded by a qualified archaeologist. If pre-historic Native American artifacts are encountered, a Native American monitor should be called in to work with the archaeologist to document and remove the items. Disposition of artifacts shall comply with state and federal laws.

Monitoring Program:

Requirements for cultural resource mitigation shall be clearly noted on all plans for project grading and construction.

**Geology and Soils Mitigation**

**Reduction of Geotechnical Concerns**

5. The applicant shall incorporate the recommendations included in the Soils Engineering Report for Parcel 12 Prado Road prepared by GeoSolutions Inc. into final project plans and specifications.

Monitoring Program:

The applicant is responsible for incorporating the recommendations presented in the Soils Engineering Report prepared by GeoSolutions into the project plans and specifications to the approval of the Community Development Department. No site preparation or construction work may commence before project plans have been approved by the City.

**Hazards and Hazardous Materials Mitigation**

**Preparation and Implementation of a "Construction-Related Hazardous Materials Management Plan"**

6. As stipulated in the MASP/AASP EIR, the applicant shall prepare a plan identifying, when they are known, site/development-specific construction activities that will involve the hazardous materials. The plan shall be prepared before construction activities begin that involve hazardous materials and shall discuss proper handling and disposal of materials used or produced onsite, such as petroleum products, concrete, and sanitary waste. The plan will also outline a specific protocol to identify health risks associated with the presence of chemical compounds in the soil and/or groundwater and identify specific protective measures to be followed by the workers entering the work area. If the presence of hazardous materials is suspected or encountered during construction-related activities, the project applicant will cause Mitigation Measure HAZ-1.2 to be activated. Mitigation Measure HAZ-1.2 states:

*"The project proponent will complete a Phase I environmental site assessment for each proposed public facility (e.g. streets and buried infrastructure). If Phase I site assessments indicate a potential for soil and/or groundwater contamination within or adjacent to the road or utility alignments, a Phase II site assessment will be completed. The following Phase II environmental site assessments will be prepared specific to soil and/or groundwater contamination.*

*a. **Soil Contamination.** For soil contamination, the Phase II site assessment will include soil sampling and analysis for anticipated contaminating substances. If soil*

*contamination is exposed during construction, the San Luis Obispo Fire Department (SLOFD) will be notified and a work plan to characterize and possibly remove contaminated soil will be prepared, submitted, and approved.*

**b. Groundwater Contamination.** *For groundwater contamination, the Phase II assessment may include monitoring well installation, groundwater sampling, and analysis for anticipated contaminating substances. If groundwater contaminated by potentially hazardous materials is expected to be extracted during dewatering, the SLOFD and the Central Coast RWQCB will be notified. A contingency plan to dispose of contaminated groundwater will be developed in agreement with the SLOFD and Central Coast RWQCB.*

#### Monitoring Program:

The "Construction-Related Hazardous Materials Management Plan" will be required to be submitted to the City Community Development Department and Fire Department for review prior to commencement of any site preparation or construction work involving hazardous materials. No site preparation or construction work may commence before said plan has been approved by the City. Any site work commenced without City approval of said Plan will be subject to "Stop Work" (cease and desist) orders as may be issued under the authority of the City Fire Department.

#### Preparation and Implementation of an "Operations-Related Hazardous Materials Management Plan"

7. As stipulated in the MASP/AASP EIR, the applicant shall prepare a plan identifying hazardous materials management practices as might be required by state and local laws and regulations regarding delivery, use, manufacture, and storage of any such regulated materials might be present on site for any operations-related activities. This plan would identify the proper handling and disposal of materials used or produced onsite, such as petroleum products, concrete, and sanitary waste. By the filing of said Plan, the City Fire Department will be on notice to provide regular and routine fire and life-safety inspections to determine compliance with applicable health and safety codes.

#### Monitoring Program:

The "Operations-Related Hazardous Materials Management Plan" will be required to be submitted by a project applicant to the City Community Development Department and City Fire Department for review prior to the establishment of any operations-related activities.

#### Conduct a Geologic Evaluation to Determine if NOA is Present

8. According to the APCD the project site is a candidate area for NOA, which has been identified as a toxic air contaminant by the ARB. The project applicant is responsible for conducting a geologic evaluation of the area that will be disturbed to determine if NOA is present. If NOA is found at the site, the applicant must comply with all requirements

outlined in the Asbestos ATCM. If NOA is not present, an exemption request must be filed with the APCD.

**Monitoring Program:**

The geologic evaluation will be required to be submitted by a project proponent to the City Community Development Department and APCD for review prior to any grading activities. If NOA is found at the site, the Asbestos ATCM shall include an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program subject to the approval of the APCD.

**Transportation/Traffic Mitigation**

**Impacts to the South Higuera & Prado Road Intersection**

9. As part of public infrastructure improvements for the subdivision map, the applicant shall:
  - a. Modify the intersection of Prado Road/Higuera Street in order to lengthen the westbound left-turn lane on Prado Road to a minimum of 200' of storage length.
  - b. Install countdown pedestrian signal heads for the two South Higuera Street crossings.
  - c. Modify the eastbound and westbound approaches of Prado Road to include protected/permissive left-turn signal phasing.
  - d. The improvements shall include miscellaneous signing and striping modifications and potential installation/modification of traffic signal detection equipment for the approaches of Prado Road.

**Monitoring Program:**

Compliance with the required mitigation measures shall be reflected on the plans for project grading and construction and shall be completed to the satisfaction of the Public Works Director prior to City issuance of a certificate of occupancy for the project.

**Unocal Collector Road**

10. An adjustment to the MASP shall be processed along with the tentative subdivision map for the project. A condition of approval shall preserve the potential for the extension of the collector road to the south through the full dedication of the needed right-of-way. The condition shall also require that a covenant agreement be executed to call for the future development of the extended roadway if determined to be desired in the future.

**Monitoring Program:**

The required adjustment to the MASP will be reviewed by the Planning Commission with their consideration of the tentative tract map and either approved or denied by the City Council with their final action on the tract map. Community Development and Public Works staffs would insure that a condition of approval attached to the tract map included a requirement for the full

dedication of the needed right-of-way. The required covenant agreement would be executed along with the review of the final tract map and improvement plans.

Preparation and Implementation of "Traffic Reduction Program"

11. In order for MASP/AASP EIR Mitigation Measure T-2.1 adopted with the certification of the MASP/AASP EIR in conjunction with the approval of the AASP in August, 2005 (Ref. City Council Resolution No. 9726, 2005 Series) to be brought forward to this site-specific project stage, a transportation demand management program that demonstrates reduction of peak period travel by single-occupant vehicles shall be required of any employer within the subdivision with 25 or more employees. Said program shall incorporate all reasonably feasible measures or techniques, including those listed in the MASP/AASP EIR/General Plan Circulation, that encourage alternate modes other than single-occupant vehicles as the primary mode of transportation to the workplace and to travel during non-peak times.

Monitoring Program:

Each business owner, upon employment of 25 or more employees, shall immediately prepare and submit, obtain approval from the City Public Works Director and implement the provisions of a Traffic Reduction Plan which demonstrates reduction of peak period travel consistent with requirements of the City General Plan Circulation Element Policies and Programs. City Staff shall periodically inspect the business to observe and assure that reduction techniques approved by the City are in place and adhered to by the business. Staff shall take any corrective or enforcement actions authorized by law to achieve compliance.

**SECTION 2. Vesting Tract Map No. 3011 Approval with Findings and Conditions.** The Vesting Tentative Tract Map No. 3011 included as part of City Application No. TR 112-07, which allows the creation of 6 lots, comprised of 5 commercial lots and one open space lot, and allowing for condominium ownership within project buildings, is hereby approved, based on the following findings, including approval of an adjustment to the Margarita Area Specific Plan regarding the timing and extent of the collector road on the property's east side, and subject to the following conditions and noting certain code requirements:

Findings:

1. As conditioned, the design of the vesting tentative map is consistent with the General Plan because the proposed subdivision respects existing site constraints (oil plumes, wetlands, avigation easements, and drainage facilities) and will be consistent with the lot sizes established by the Margarita Area Specific Plan.
2. The site is physically suited for the type and density of development allowed in the Business Park (BP-SP) zone.
3. The project will not be detrimental to the health, safety, or welfare of those living or working on the site and vicinity since it has been found in conformance with applicable

development standards of the Margarita Area Specific Plan and General Plan Policy, and because the project specifies conditions and mitigation measures that have adequately addressed issues related to hazardous materials, over-flight concerns, high water table, and other geo-technical concerns.

4. The design of the subdivision will not conflict with easements for access through (or use of property within) the proposed subdivision. The City Council hereby approves an "adjustment" to the Specific Plan regarding the extent and timing of the collector road on the east side of the project site, specifically allowing the street improvements to terminate at the southerly project driveway rather than the southern tract boundary. Full right-of-way dedication to accommodate the collector road is required by project conditions but, as conditioned, the full development of the collector road to the southern tract boundary may be postponed or not required based on potential preferred alternative locations for a collector road between Prado and Tank Farm Roads which is dependent on the ultimate development plans for properties to the south of the site.
5. As conditioned and with applicable mitigation measures, the design of the tentative tract map and proposed improvements are not likely to cause serious health problems, substantial environmental damage, or substantially and unavoidably injure fish or wildlife or their habitat.
6. The subdivision will not have a significant adverse impact on the environment, subject to the mitigation measures of the Final Environmental Impact Report (EIR) certified by the City Council on October 12, 2004, being incorporated into the project, the mitigation monitoring program adopted with said EIR approval being followed and mitigation measures recommended herein.
7. A Mitigated Negative Declaration was prepared by the Community Development Department on January 16, 2009. The Planning Commission finds and determines that the project's Mitigated Negative Declaration adequately addresses the potential significant environmental impacts of the proposed project.

Conditions:

1. Prior to final map approval, the condominium plan for the project shall be submitted for review to ensure compliance with City standards, subject to the approval of the Public Works and Community Development Directors.
2. Pursuant to Government Code Section 66474.9(b), the subdivider 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 subdivision, and all actions relating thereto, including but not limited to environmental review.



3. Subdivider shall prepare conditions, covenants, and restrictions (CC&Rs) to be approved by the Community Development Director and City Attorney prior to final map approval. CC&Rs shall contain the following provisions:
  - a. Creation of a property owners' association to enforce the CC&Rs and provide for professional, perpetual maintenance of all common areas including private driveways, drainage, on-site sewer facilities, parking lot areas, walls and fences, lighting, and landscaping.
  - b. Grant to the City the right to maintain common areas if the property owners' association fails to perform, and to assess the property owners' association for expenses incurred, and the right of the City to inspect the site at mutually-agreed times to assure conditions of CC&Rs and final map are being met.
4. The subdivider shall dedicate a 15' wide public utility easement across the frontage of each lot. Said easement shall be adjacent to and contiguous with all public right-of-way lines bordering each lot.
5. The subdivider shall dedicate a 10' wide street tree easement across the frontage of each lot. Said easement shall be adjacent to and contiguous with all public right-of-way lines bordering each lot.
6. Access rights shall be dedicated to the City along Prado Road and the collector road except at approved driveway locations as shown on the tentative map.
7. Development of the affected lots shall comply with all provisions of the August 11, 2006, Covenant and Environmental Restriction on Property between Union Oil Company of California and the Regional Water Quality Control Board unless otherwise amended or exempted.
8. A phased final map is not proposed as part of the tentative map approval. Construction phasing is proposed and is defined by a Phase 1 consisting of Buildings A and B constructed on Lots 1 and 2 respectively. No additional construction phasing has been proposed or endorsed through this process beyond Phase 1. Therefore, Phase 2 is defined in these conditions as construction of any buildings, along with their associated improvements, except for Buildings A and B. Phase 3 is defined as construction of the collector road and pertinent utilities beyond the Phase 2 limit of development. The scope of work for Phase 3 is dependent upon the outcome of environmental review for the Collector Road extension.
9. The temporary Phase 1 improvements shall be removed or altered in conjunction with the Phase 2 improvements. The temporary improvements include both public and private improvements. Temporary improvements located within the public right-of-way shall be covered by an encroachment permit, temporary encroachment agreement, and covenant to

install final improvements. The required agreement and covenant shall be recorded against the property.

10. The architectural site plans submitted for final review by the ARC shall be revised to clarify the proposed construction phasing consistent with the tentative map and project conditions of approval.
11. The plan submittal for final review by the ARC shall be revised to include the appropriately-phased landscape plans. The landscape plans shall agree with the architectural site plans and civil plans approved with the tentative map. The landscape plans shall honor any temporary improvements that are proposed to be removed or reconstructed with the build-out of the subdivision, construction of Prado Road improvements, and the Collector Road in accordance with the tentative map, specific plan, and approvals of the Western Enclave Subdivisions. The street trees shown on the landscape plans for the Collector Road shall be revised to meet City Standard Drawing 8010 for planting within a sidewalk (Zone 1).
12. The public improvement plans for this subdivision shall consider the proposed or required phasing to be completed by the combined development known as Margarita Area Specific Plan western enclave (VTTM 2353, VTTM 2428 and VTTM 2342). The public improvement plans for each subdivision shall include any permanent or temporary offsite improvements as considered necessary by the Director of Public Works to provide a reasonable transition between the subdivisions in the case that one project is developed before another. The scope of required improvements shall be approved to the satisfaction of the Public Works Director.
13. The Prado Road Extension (PRE) plans and detention basin plans have not been approved. The pertinent plans affecting each phase of construction shall be approved or partially approved to the satisfaction of the Public Works Director prior to approval of the public improvement plans or map recordation. All plan review fees and pertinent inspection fees shall be paid for the review of the PRE and detention basin plans.
14. The Phase 1 grading and drainage improvements shall be shown on the phased public improvement plans. The improvements shall be in accordance with the project drainage report and may include but are not limited to water quality treatment, detention, sizing of temporary drainage structures, and erosion protection. The ultimate detention basin shall be completed prior to or in conjunction with the Phase 2 subdivision improvements.
15. All Prado Road and collector road improvements shall be constructed as follows:
  - a. Phase 1 Prado: PRE improvements along the subdivision frontage including ½ street (two 12-foot travel lanes and 6-foot bike lane), curb, gutter, 6-foot-wide parkway, and 6-foot-wide detached sidewalk. If Tract 2342 road improvements are under construction, Phase 1 improvements shall include the median.

- b. Phase 2 Prado: PRE improvements along the subdivision frontage including ½ street plus 26 feet. If Tract 2342 improvements have not commenced, the northerly edge treatments shall be approved to the satisfaction of the Public Works Director.
- c. Phase 1 Collector: Complete paving on Prado Road to beginning of curb return on the Collector Road.
- d. Phase 2 Collector: Complete ½ street including curb, gutter, and an 8-foot sidewalk with tree wells and grates.
- e. Phase 3 Collector: Complete ½ street plus 12 feet (two 12-foot travel lanes, two 5-foot bike lanes and an 8-foot integral sidewalk). Depending upon the final disposition of the Collector Road extension, the improvements shall extend to the southerly tract boundary or shall be terminated in a cul-de-sac or knuckle to the approval of the Public Works Director.

The project shall develop a Class 1 bicycle/pedestrian pathway connection to the south should the adjacent collector roadway (that includes bike lanes and sidewalks) not extend south of the project. The location shall be approved by the Public Works Director. The multi-use path should be 12 feet in width as called for in the Specific Plan, however the Natural Resources Manager and Public Works Director may approve an alternate width in locations where environmental conditions or right-of-way limitations warrant a narrower path.

- 16. Prior to map recordation, a subdivision agreement and a surety shall be required to guarantee completion of all the required subdivision improvements, including completion of Phase 3 improvements to the subdivision boundary (extending the collector road south, extending the sewer main, and extending the Class 1 bikeway). The surety shall include an estimate of the cost to design Phase 3 improvements and prepare any environmental documents or amendments to the existing documents related to subdivision improvements beyond those shown on the tentative map.
- 17. The proposed temporary private sewer lift station(s) serving this development shall be removed and connections made to the permanent sewer main located in the collector road upon the completion of the main and the availability of the main extension to the Tank Farm Road lift station. The on-site laterals and/or private mains shall be designed to connect to the ultimate main location unless temporary on-site facilities are otherwise approved by the City.
- 18. The final design of the proposed fill and construction of the stormwater detention basin shall take into consideration the effects on the 100-year floodplain. The final drainage report shall establish and confirm the base flood elevation by processing a CLOMR or CLOMR-F with FEMA prior to approval of any plans for ground-disturbing activities that could adversely affect the floodplain. The analysis required for the CLOMR/CLOMR-F shall show that the proposed finish floors of the structures are at least one foot above the

100-year flood elevations and that the proposed grading does not significantly reduce the amount of floodplain storage per the WWMP-DDM. Once construction is complete, but prior to final occupancy, the subdivider/developer shall finalize the CLOMR with a final Letter of Map Change (LOMC) through FEMA. A final LOMR shall be processed at the completion of each phase of grading if phased grading is proposed.

**Miscellaneous Requirements**

19. Public improvement plans shall be submitted to the Public Works Department for review and approval. The plans shall be approved prior to map recordation and prior to building permit issuance. Public improvement plans and specifications shall comply with the City Engineering Standards and Standard Specifications in effect at the time of submittal of the improvement plans. The current standards are dated January 2009.
20. Separate utilities, including water, sewer, gas, electricity, telephone, and cable TV shall be served to each lot/parcel to the satisfaction of the Public Works Director and serving utility companies. A private sewer main may be proposed to the satisfaction of the Building Official, Utilities Engineer, and Public Works Director.
21. All final grades and alignments of all public water, recycled water, sewer, and storm drains (including service laterals and meters) are subject to modifications to the satisfaction of the Public Works Director and Utilities Director.
22. The subdivider shall install street lighting and all associated facilities including but not limited to conduits, sidewalk vaults, fusing, wiring, and luminaires per City standards along the subdivision frontage. Off-site street lighting improvements, alterations, or upgrades may be required along roadways leading to and from the proposed development to complete the necessary public improvements.
23. If off-site dedication of property for public right-of-way purposes is necessary to facilitate the construction of utility and road improvements or for a proposed extension of the sewer main to the Tank Farm lift station, the subdivider shall exhaust all avenues available to acquire said public right-of-way dedication. In the event the subdivider is unable to acquire said property, the City Council will lend the subdivider its powers of condemnation to acquire the off-site right-of-way dedication, including any necessary construction, slope, and drainage easements.
24. Phase 2 improvements will require off-site right-of-way acquisition. The subdivision agreement shall include a provision requiring the subdivider to pay for all costs incurred by the City to acquire off-site right-of-way, including, but not limited to, all costs associated with condemnation through the condemnation process, if the subdivider has exhausted all reasonable efforts to acquire interest to the subject property. 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:

- a. 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.
  - b. Preliminary title report including chain of title and litigation guarantee.
  - c. 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.
  - d. 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.
  - e. Prior to submittal of the aforementioned documents for City Engineer approval, the Subdivider 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.
25. The site is within the City's Water Reuse Master Plan area and landscape irrigation for the project shall utilize recycled water. The irrigation system for Phase I and Phase 2 shall be designed per recycled water standards and operated as described in the City's *Procedures for Recycled Water Use*, including the requirement that sites utilizing recycled water require backflow protection on all potable service connections. Three sets of irrigation plans shall be submitted for review during the City's building permit process for Phase 1 and Phase 2. The applicant can contact the City's Utility Projects Manager at 781-7239 for more information.
26. Prior to the issuance of a building permit, the applicant shall receive approval from San Luis Garbage Company and the Conservation Manager (781-7258), in writing, for the final size and location of the solid waste enclosure areas.
27. All waterlines and fire services onsite shall be private ownership. Individual water meters are required for each individually-owned commercial space. Meters shall be located per City standard in the sidewalk frontage along street right-of-way. For Buildings F and G, the Utilities Department will allow a master meter for each building to be located in the sidewalk along street frontage. Individual private submeters shall be installed for each individually-owned commercial space to allow appropriate apportionment of the water and sewer bills to each owner. A property owner's association will need to be established to maintain onsite private utilities, read meters, and apportion the water and sewer bills.
28. If not already recorded, the applicant shall obtain approval from the County of San Luis Obispo for an avigation easement covering the subject property.

**Code Requirements:**

*The following code requirements are included for information purposes only. They serve to give the applicant a general idea of other City requirements that will apply to the project. This is not intended to be an exhaustive list as other requirements may be identified during the plan check process. The project is subject to all requirements in effect at the time of the building permit or map vesting date.*

1. Future airspace ownership boundaries for the project shall comply with all applicable exiting provisions of the Building Code. Access to two complying exits must be maintained for all occupants on the second floor. Occupants shall not be allowed to access a required exit by transiting a space under different ownership. Condominium map shall show a dedicated space to provide common exit access for all individually-owned spaces.
2. All boundary monuments, lot corners and centerline intersections, BC's, EC's, etc., shall be tied to the City's *Horizontal Control Network*. At least two control points shall be used and a tabulation of the coordinates shall be submitted with the final map or parcel map. All coordinates submitted shall be based on the City coordinate system. A 3.5" diameter computer floppy disk, containing the appropriate data compatible with *Autocad* (Digital Interchange Format, DXF) for Geographic Information System (GIS) purposes, shall be submitted to the City Engineer.
3. The parcel map/final map preparation and monumentation shall be in accordance with the City's Subdivision Regulations, Engineering Standards, and the Subdivision Map Act. The final map shall use U.S. Customary Units in accordance with the current City Engineering Standards. All record data shall be entered on the map in the record units; metric translations should be in parenthesis if applicable.
4. The final map shall include any required public or private easements as required for the proposed development of the tract. Easements may include, but are not limited to, grading, drainage, water, sewer, storm drainage, access, vehicle turn-around, and utilities. Any CC&Rs, maintenance agreements or common driveway agreements shall be completed and recorded concurrent with final map approval.
5. Any proposed on-site sewer main will be privately owned and maintained by the Property Owner's Association. The common landscape irrigation meter, irrigation system piping and appurtenances, and landscaping served by the common irrigation system shall be owned and maintained by the Property Owner's Association.
6. Notice of requirements shall be recorded concurrent with the final map for any impending road and/or utility improvements related to the extension of the collector road and/or sewer main within the subdivision boundary.
7. Applicant is advised that Section 16.20.110 (Reimbursement) of the San Luis Obispo Municipal Code may be applicable to this project.

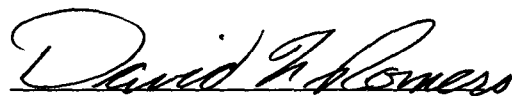
**Informational Note:**

1. Once the final map and condominium plan for the project has been recorded, every time airspace ownership boundaries are modified, a revised condominium plan must be recorded.


On motion of Council Member Ashbaugh, seconded by Council Member Marx, and on the following vote:

AYES: Council Members Ashbaugh, Carter and Marx, Vice Mayor Settle and Mayor Romero  
NOES: None  
ABSENT: None

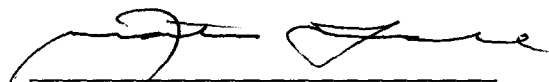
The foregoing resolution was adopted this 3rd day of November, 2009.

  
Mayor David F. Romero

ATTEST:

  
Elaina Cano  
Interim City Clerk

APPROVED AS TO FORM:

  
Jonathan P. Lowell  
City Attorney