

## Conditions of Approval PD 22-20, CUP 23-11

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## Site Specific Conditions of Approval – PD 22-20,

## CUP 23-11 and OTR 23-11

### Planning Division Conditions:

1. The applicant/developer shall comply with the checked standard Conditions of Approval, “Exhibit B” of Resolution 23-\_\_\_\_\_.

NOTE: In the event of conflict or duplication between standard and site-specific conditions, the site-specific condition shall supersede the standard condition.

2. The project shall be constructed in substantial conformance with the Conditions of Approval established by Resolution 23-\_\_\_\_\_ and it shall be constructed in substantial conformance with the following Exhibits:

### EXHIBIT DESCRIPTION

A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	PD Plan Set (AO1.-C4.4)

A0.1	TITLE SHEET
A1.0	PROPOSED ARCHITECTURAL SITE PLAN
L1.1	CONCEPTUAL LANDSCAPE PLAN
L1.2	LANDSCAPE PALETTE
L1.3	LANDSCAPE SITE SECTIONS
A2.0	DESIGN DETAILS - BUILDING 1
A2.1	DESIGN DETAILS - PEDESTRIAN FOCUSED
A2.2	DESIGN DETAILS - SERVICE FOCUSED
A2.3	DESIGN DETAILS - HYBRID FOCUSED
A3.0	BUILDING 1 - FLOOR PLAN
A3.1	BUILDING 1 - EXTERIOR ELEVATIONS
A3.2	BUILDING 2 - FLOOR PLAN & EXTERIOR ELEVATIONS
A3.3	BUILDING 3 - FLOOR PLAN & EXTERIOR ELEVATIONS
A3.4	BUILDING 4 - FLOOR PLAN & EXTERIOR ELEVATIONS
A3.5	BUILDING 5 - FLOOR PLAN & EXTERIOR ELEVATIONS
A3.6	BUILDING 6 - FLOOR PLAN
A3.7	BUILDING 6 - EXTERIOR ELEVATIONS
A4.0	PERSPECTIVE RENDERING
A4.1	PERSPECTIVE RENDERING
A4.2	PERSPECTIVE RENDERING
A4.3	PERSPECTIVE RENDERING
A4.4	PERSPECTIVE RENDERING
A4.5	PERSPECTIVE RENDERING
A4.6	PERSPECTIVE RENDERING
A4.7	PERSPECTIVE RENDERING
A4.8	PERSPECTIVE RENDERING
A4.9	PERSPECTIVE RENDERING
A4.10	PERSPECTIVE RENDERING
A4.11	PERSPECTIVE RENDERING
A5.0	COLOR & MATERIALS - BUILDING 1
A5.1	COLOR & MATERIALS - BUILDINGS 2-6
A5.2	SITE AMENITY DESIGN
E1	GENERAL NOTES AND SYMBOLS
E2	SITE LIGHTING PLAN
E3	SITE PHOTOMETRIC PLAN
T1.0	TENTATIVE PARCEL MAP
C1.1	DEMO PLAN
C2.1	TRUCK CIRCULATION PLAN
C3.1	GRADING PLAN
C3.2	SITE SECTIONS
C3.3	SITE SECTIONS
C3.4	UTILITY PLAN
C3.5	STREET PLAN AND PROFILE
C4.1	EROSION CONTROL PLAN
C4.2	EROSION CONTROL DETAILS
C4.3	EROSION CONTROL DETAILS
C4.4	EROSION CONTROL DETAILS

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D Arborist Report

3. PD22-20 shall allow for the subdivision, development plan, use permit, and oak tree removal permit to develop an approximate 14-acre site with six (6) commercial/light industrial buildings totaling 240,327 square feet.
4. Approval of this project is valid for a period of two (2) years from date of City Council approval. Unless construction permits have been issued and site work has begun, the approval of Planned Development 22-20 shall expire on November 7, 2025. The Planning Commission may extend this expiration date if a Time Extension application has been filed with the City along with the fees before the expiration date.
5. The project phasing shall be substantially compliant with the following schedule:

Phase I	Phase II
Lot 13 <ul style="list-style-type: none"><li>- Building 1</li><li>- Site access, circulation, parking, fencing &amp; landscaping</li></ul> Lot 6 "Parcel A" <ul style="list-style-type: none"><li>- Buildings 2, 3 &amp; 4</li><li>- Site access, circulation, parking, utilities, fencing, retention basin &amp; landscaping</li></ul> Ardmore Extension	Lot 6 "Parcel B" <ul style="list-style-type: none"><li>- Buildings 5 &amp; 6</li><li>- Parking, fencing &amp; landscaping adjacent to Buildings 5 &amp; 6</li></ul>

6. Any condition imposed by the City Council in approving this Development Plan and Oak Tree Removal Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Development Plan.
7. OTR23-11 allows for the removal of 6 Valley oak trees (Tree #'s 1, 2, 3, 4, 9 and 11), totaling 270-inches in diameter. Tree No. 10 and 13 shall be protected and subject to the tree preservation details outlined in the Arborist Report, attached as Exhibit S.
8. OTR 23-11 shall require the onsite planting of 67.5-inches in diameter of replacement trees, or 34, 1.5-inch caliper replacement Valley oaks.
9. Before issuance of a building permit, the applicant shall submit a Water Efficient Landscape Worksheet.

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10. Before final inspection, the applicant shall submit a Certificate of Completion for the landscaping and irrigation installed.
11. Ongoing, the project shall be subject to the City Noise Ordinance.
12. When incorporating new oak trees into your landscape, you will need to allow for at least an 8' x 8' planting area. Curbing for the planting area shall not count as part of the planting area dimensions. Planting areas smaller than 8'x 8' will result in sidewalk and curb buckling when tree roots mature. Distances between oak trees should be no less than 25 feet. If oak trees can be incorporated into open, non-hardscape areas, they will have a higher success rate. Planting trees in groups of 3, in larger landscape planting islands is also a great way to ensure better root health and tree survival rates while maximizing parking lot shade benefits.
13. The following precautions shall be taken to insure protection of Tree No. 10 and 13:
  - Do not till or trench within the TPZ to install landscaping or irrigation.
  - Install only drought tolerant and preferably California native plants beneath the tree canopy.
  - Irrigation shall be drip-type and all supply hoses shall be routed above ground.
  - Do not install overhead sprinkler irrigation because it will introduce too much moisture and potentially rot the tree's roots.
  - Do not install weed block cloth beneath the canopy of the tree. It restricts rainwater from percolating into the soil.
  - Provide decorative bark as a top dressing to help retain moisture in the root zone.
  - Do not construct permanent concrete or brick patios beneath the canopy of the tree.
  - Install Raised deck patios. They are the preferred treatment for seating areas within the critical root zones of trees.
14. Prior to any construction or ground disturbing activities, the project arborist shall meet with all contractors involved with the development of this project to review tree protection measures. Any new contractors brought on site shall also meet or communicate with the project arborist by phone or video conference to ensure they are aware of all tree protection measures.
15. If construction occurs during the months of June through November, the TPZs shall be irrigated to a depth of 12 inches 1 time before construction begins, which will ensure the trees are properly hydrated. Additional irrigations during construction may be recommended by the project arborist.
16. All work within or adjacent to the CRZs of oak trees will require arborist supervision to ensure that all tree protection measures are implemented. To avoid damage to critical roots, no machine use will be allowed in the TPZ. In order to prevent undue damage to roots when grading, the grading limits along the perimeter of the TPZ shall be dug by hand to the final grading depth. If a root 1" diameter or larger is exposed, it shall not be cut without the project arborist's permission.
17. If the project arborist determines that a root over 1-inch diameter needs to be cut, it shall be cut by hand with a pruning saw or reciprocating saw. Once the entire perimeter outside the TPZ has been dug and roots are severed, the project arborist can approve use of machinery to complete excavation and grading if work is outside of the TPZ.

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18. A tree protection zone or TPZ is similar to a CRZ. Ideally it will be the same size as the CRZ, however it can be smaller. The general rule for CRZ encroachments is that they may be allowed if the impact to critical roots is not more than 25% with no disturbance of Structural Roots (large roots that provide anchorage and stability to the tree).
19. Once the TPZ limits have been established, tree protection fencing shall be provided for all trees listed for protection. Tree protection fencing is required to be in place for the duration of the construction project and shall be installed before starting any ground disturbing activities.
  - Do not remove any tree protection fencing or enter the TPZ without approval of the project arborist. The fencing shall delineate and protect the tree protection zone.
  - The fencing shall at minimum, be 4 feet tall and made of orange, high density, polyethylene with 3.5" x 1.5" openings. It shall be installed on steel posts 8 feet on center and tightly stretched to prevent sagging. I STRONGLY recommend installing 6' X 8' temporary, chain-link, fence panels secured to driven steel post. This is a more secure and less moveable option than vinyl fencing that can easily be moved by hand or run over by vehicles. See Appendix C - Tree Protection Diagrams & Photos - Diagram 2 – Temporary Chain-link Fence Panel.
  - Trunk Protection shall also be provided – Often, the trunk of a tree will be damaged by construction equipment activities. In order to protect as much of the trunk as possible, 2" X 4" wood slats with a minimum height of 8' shall be placed against the trunk of the tree and secured with wire or zip-ties. DO NOT use anchors such as screws or nails to connect to the trunk. See Appendix C – Tree Protection Diagrams - Diagram 3- Trunk Protection for more detail.
  - Tree protection signs shall be placed on the TPZ fencing and be spaced 10 feet apart. Signs shall be weatherproof, and state, "Tree Protection Zone – Do Not Enter". The signs shall also include the project manager's and project arborist's phone numbers. Signs shall remain in place until completion of the project. See Appendix C – Tree Protection Diagrams - Diagram 1 – Tree Protection Fencing for further detail.
  - No construction or ground disturbance shall be allowed inside the fenced TPZ or CRZ without the project arborist's permission and/or oversight. If you are unsure whether an activity is allowed, refer to Appendix D - Tree Protection Requirements – Quick Reference List or contact the project arborist Rodney Thurman at 805 234 8760

### **APCD Conditions:**

1. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require a California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:
  - Power screens, conveyors, diesel engines, and/or crushers;
  - Portable generators and equipment with engines that are 50 hp or greater;
  - Electrical generation plants or the use of standby generators;
  - Internal combustion engines; and
  - Tub grinders

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2. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive:
  - New wineries or expanding wineries with the capacity of 26,000 gallons (10,000 cases at twelve 750 milliliter bottles per case) year or more require a Permit to Operate for fermentation and storage of wine;
  - Portable generators and equipment with engines that are 50 hp or greater;
  - Any stationary or portable agricultural engine over 50 hp;
  - Electrical generation plants or the use of standby generators;
  - Food and beverage preparation (primarily coffee roasters);
  - Furniture and fixture products;
  - Metal industries, fabrication;
  - Small scale manufacturing;
  - Boilers;
  - Internal combustion engines; and
  - Sterilization units using ethylene oxide and incinerators.
3. This project exceeds the ROG+NO<sub>x</sub> Quarterly Tier 1 threshold; therefore the project's construction phase shall implement Standard Construction Mitigation Measures:
  - Maintain all construction equipment in proper tune according to manufacturer's specifications;
  - Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
  - Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
  - Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
  - 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<sub>x</sub> exempt area fleets) may be eligible by proving alternative compliance;
  - 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;
  - Diesel idling within 1,000 feet of sensitive receptors is not permitted;
4. Projects with grading areas more than 4 acres and/or within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance (APCD Rule 402) impacts:
  - a. Reduce the amount of the disturbed area where possible;
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD'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 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to

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- the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: Products Available for Controlling Dust;
- c. All stockpiled dirt should be sprayed daily and covered with tarps or other dust barriers as needed;
  - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
  - e. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114;
  - f. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
  - g. All fugitive dust mitigation measures shall be shown on grading and building plans;
  - h. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
  - i. 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;
  - j. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
  - k. 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 APCD;
  - l. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - m. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
  - n. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

### **GHG Condition:**

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1. The proposed project would be operational on or before 2028, therefore using the recently released updated guidance from SLO APCD, the applicable threshold should be 740 MT CO<sub>2</sub>e for operational year 2024, as identified in Table 2 (page 3-12) and Table 1-1 (pages 4-28 and 4-29) of the SLO APCD's updated guidance document. This GHG threshold for 2028 is also included in the SLO APCD's [land use screening tool](#). As such, if Central Coast Community Energy is incorporated as a project feature, the GHG impacts would be less than significant when compared to the new thresholds.
  - a. Prior to the issuance of a final occupancy permit for the Phase 1 building on Lot 13, The applicant commits to the project receiving power from Central Coast Community Energy.

### Engineering Division Conditions:

1. The applicant shall offer to dedicate a 30' right of way for roadway purposes for Ardmore Road from centerline of street across the project northerly frontage. **TIMING: Prior to final map recordation**
2. The applicant shall provide a 10' public utility easement on the southerly side of the right of way for Ardmore Road across the project northerly frontage. **TIMING: Prior to final map recordation**
3. The applicant shall offer to dedicate a 60' right of way for roadway purposes for **Street "A"** as shown on the vesting tentative parcel map. **TIMING: Prior to prior to final map recordation**
4. The applicant shall provide a 10' public utility easement on both sides of the right of way offered for Street "A", as shown on the vesting tentative parcel map. **TIMING: Prior to final map recordation**
5. The applicant shall grant the City an Avigation Easement across all parcels in a form acceptable to the City Engineer. **TIMING: Prior to final map recordation**
6. Public Storm Drain easements across Lot 13 – Not a part of the tentative parcel Map. **TIMING: Prior to final map recordation**
7. Reciprocal drainage easement on northerly side of Lot 13 – Not a part of the tentative parcel Map. **TIMING: Prior to final map recordation**
8. Reciprocal access easements on the northerly side of Parcel 13 – Not a part of the tentative parcel Map. **TIMING: Prior to final map recordation**
9. Temporary grading easement on the northerly side of Lot 13 – Not a part of the tentative parcel Map. **TIMING: Prior to final map recordation**
10. The applicant shall construct Ardmore Road along the northerly project frontage to provide a 40-foot curb to curb section, with sidewalk adjacent to back of curb except at driveway approaches. **TIMING: Prior to acceptance of improvements**
11. The applicant shall construct Street "A" to provide a 40-foot curb to curb section, with sidewalk adjacent to back of curb except at driveway approaches. **TIMING: Prior to acceptance of improvements.**

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12. The applicant shall install public improvements including, but not limited to, curbs, gutters, sidewalks, curb ramps, driveway approaches, streetlights, traffic signage, pavement markings, street signs, and barricades in accordance with City Engineering Standards or as modified on the vesting tentative parcel map. TIMING: Prior to acceptance of improvements.
13. The applicant shall enter into an agreement with the City of Paso Robles to maintain bioretention basins within the Ardmore Road and Street "A" rights of way in perpetuity, as shown on the vesting tentative parcel map. This agreement will be required prior to acceptance of improvements.
14. The applicant shall mitigate additional storm water runoff generated by this project, including off-site improvements. Appropriate drainage facilities shall be designed in accordance with current City Standards. TIMING: Prior to grading final inspection

### Mitigation Measures – Conditions of Approval:

MM BIO-1: Vegetation removal and initial site disturbance shall be conducted between September 1 and January 31 outside of the nesting season for birds. If vegetation and/or tree removal is planned for the bird nesting season (February 1 to August 31), then preconstruction nesting bird surveys shall be conducted by a qualified biologist to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required.

If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist. Nest sites shall be avoided and protected with the non-disturbance buffer zone until the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist.

MM BIO-2: To avoid direct take of SJKF during construction in accordance with the CDFW and San Luis Obispo County Guide to SJKF Mitigation Procedures Under CEQA, the project owner shall adopt the Standard Kit Fox CEQA Mitigation Measures and shall be included on development plans. The following measures shall be implemented:

- A maximum 25 mph speed limit shall be required at the project site during construction activities.
- All construction activities shall cease at dusk and not start before dawn.
- A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
- Exclusion zone boundaries shall be established around all known and potential SJKF dens.
- All excavations deeper than 2 feet shall be completely covered at the end of each working day, or fitted with wildlife escape ramps.
- All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.



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- All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
- All food-related trash shall be removed from the site at the end of each workday.
- Project-related equipment shall be prohibited outside of designated work areas and access routes.
- No firearms shall be allowed in the project area.
- Disturbance to burrows shall be avoided to the greatest extent feasible.
- No rodenticides or herbicides should be applied in the project area.
- Permanent fences between any remaining habitat areas shall allow for SJKF passage through or underneath (i.e., an approximate 4-inch passage gap shall remain at ground level).
- To avoid take of any SJKF and/or active SJKF dens, within 30 days prior to the initiation of site disturbance, implement the SJKF den survey and den closure protocol for unoccupied dens. Any SJKF occupied dens shall be avoided until the SJKF leave the den/site.
- Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.

MM CUL-1 In the event that cultural resources including human remains are encountered during ground disturbance activity, the project shall stop all activity within a 100-foot radius of the find and the project archaeologist shall access the situation with the County Coroner to verify the next steps and determine when construction may resume.