



## PLANNING DEPARTMENT

City of Guadalupe  
918 Obispo Street  
P. O. Box 908  
Guadalupe, CA, 93434  
Tel (805) 356-3903

November 22, 2022

Mr. Patrick Kimbell  
P.O. Box 1265  
San Luis Obispo, CA 93406

**SUBJECT: CONDITIONAL USE PERMIT, 2022-027-CUP AND DESIGN REVIEW 2022-030-CUP, 823 GUADALUPE STREET, GUADALUPE CA (APN 115-112-03)**

At the regular meeting of the City Of Guadalupe City Council on November 8, 2022 your request for a Conditional Use Permit, as noted above, was approved.

It will be appreciated if you will read the enclosed Conditional Use Permit that outlines the conditions placed by the City Council on this use of the property. Please sign and mail one copy to the Community Development Department at the above address, or you may deliver it to the Planning and Building Department, 918 Obispo Street, The permit is not valid until this office has received the signed copy, *and the 14-day appeal period has expired. It is important that we receive the signed permit within 30 days.* The second copy is for your files.

If you have any questions regarding the conditions of approval, please feel free to call. If you wish to appeal any of the requirements, a written appeal must be filed with this office within 14 calendar days following the Planning Commission action.

It is necessary that the enclosed form be signed by you and kept on file in this office in order to validate your Conditional Use Permit. Your cooperation is appreciated.

BILL SCOTT, CONTRACT CITY PLANNER  
COMMUNITY DEVELOPMENT DEPARTMENT

Enclosures

cc: Todd Bodem, City Administrator  
Larry Appel, Planning Director  
Public Works/Engineering Division  
File Copy



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**ACKNOWLEDGMENT OF CONSENT TO PERMIT CONDITIONS**

**PERMIT NO.** 2022-027-CUP and 2022-030-DR **APPROVAL DATE** November 8, 2022  
**PROJECT NAME** 823 Guadalupe Apartments  
**APPLICANT/OWNER** Otay Properties, LLC, C/O Patrick Kimbell  
**ADDRESS/LOCATION** 9940 Marconi Drive, San Diego, Ca 92019

By initialing below, the property owner and applicant agree to:

\_\_\_\_\_ Comply with the project description as listed on the first page of this permit, the approved Plan Set, attached hereto and incorporated, Conditions of Approval set forth above, and all applicable Municipal Code requirements. Any changes from the project description, exhibits or conditions must be reviewed and approved by the Planning Division for conformity with this permit. Changes will require an application to amend the permit along with associated processing time and fees. Changes without the above-described approval will constitute a violation of permit approval. Contact the Planning Division prior to changing anything on-site.

\_\_\_\_\_ Accept all listed conditions and Municipal Code requirements to be completed prior to occupancy unless otherwise stated and are to be maintained in perpetuity.

\_\_\_\_\_ Maintain the entire site free of accumulated dirt and litter and in an otherwise neat and attractive manner, including but not limited to permanently maintaining all landscaping areas on the property and in the public parkway with healthy, growing plant material, free from weeds, as shown on the approved landscape plan.

I, the undersigned, have read, understand, and agree to comply with the terms and conditions of the above permit. I also understand that these terms and conditions are contractual in nature, that my acceptance of this permit creates a binding and enforceable obligation to perform in accordance therewith, and that I am authorized to sign as designated.

By my signature I certify that the foregoing is true under penalty of perjury.

_____		_____
Full Name (Please Print)		Signature
PROPERTY OWNER		APPLICANT
(Circle all that apply)		Date

_____		_____
Full Name (Please Print)		Signature
PROPERTY OWNER		APPLICANT
(Circle all that apply)		Date

**CONDITIONS OF APPROVAL**  
**823 GUADALUPE STREET APARTMENTS CONDITIONAL USE PERMIT AND DESIGN REVIEW**  
**(2022-027-CUP AND 2022-030-DR)**

GENERAL CONDITIONS

1. Project Description: The permittee shall comply with the project description, and the approved Plan Set entitled: *823 Guadalupe Street, Guadalupe California, (Attachment 3)*. Any changes from the project description, or conditions may require a permit amendment as determined by the Planning Director. Contact the Planning Department prior to changing anything onsite or a change in use. The property shall be maintained, operated, sold, leased, or financed in compliance with this project description, the approved plan set and conditions of approval. This Project Description establishes the general use parameters for the multi-family development contained in two buildings in the G-C (General Commercial) zoning district, on the 0.70-acre property at 823-829 Guadalupe Street (APN 115-112-003). Under the provisions of Government Code 65915 the project consists of a high-density multi-family development consisting of twenty-seven apartment units contained in two buildings on the 0.70-acre property.

A new three-story apartment building would contain twenty-four one- and two-bedroom units. The upstairs portion of the existing two-story building at the Guadalupe Street front of the property will be renovated to contain three affordable apartments for very low-income households. Two of the affordable units would be three-bedroom units and one apartment would be a four-bedroom unit. The ground floor would continue to remain as commercial space. The project proposes a total of twenty-seven parking spaces. As provided by density bonus law, all of the parking spaces would be uncovered. The angled parking spaces are accessed by a 16-foot-wide one-way driveway which is accessed from Guadalupe Street on the east side and is exited on Pioneer Street on the west side.

Approximately 11.5 percent of the site will be covered in landscaping. Minor grading will be required to prepare the site for construction. The project will implement a stormwater control plan in accordance with SB County Project Clean water standards. Each ground-floor unit ranging from a minimum of 136 square-feet to 212 square-feet.

The building exhibits a Spanish Mission style architecture. The new building will reach a maximum height of 35 feet, as allowed for the R-3 zoning district. Deviations from this project description or the approved plan set may require amendments to the permit, including additional CEQA review. Deviations without the above-described approval will constitute a violation of the permit approval.

2. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul

the approval of this permit or to determine the reasonableness, legality or validity of any condition attach hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligation of this condition. Applicant's acceptance of this permit approval or commencement of construction or operations under the approval shall be deemed to be acceptance of all conditions of approval.

3. In the event that any condition imposing a fee, exaction, or dedication is challenged by the project sponsors in an action filed in a court of law or threaten to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.

#### CITY ENGINEER CONDITIONS

All of the following conditions shall be completed to the satisfaction of the City Engineer prior to issuance of Certificate of Occupancy, unless otherwise stated herein.

#### Drawings/Administrative

4. County assessor parcel map indicates APN 115 – 112 – 003 address is 823 Guadalupe St. Correct address on all drawings before resubmittal.
5. All engineering submittals and drawings prepared by the applicant's engineer shall be signed and sealed by a California licensed civil engineer.
6. Prior to construction, the applicant shall provide a copy of a preliminary Title Report, no more than 6 months old to the City Engineer.
7. Park development and public facilities fees shall be paid per the master fee schedule.
8. Submit grading and drainage plans, including a geotechnical report providing technical specifications for grading of the site and prepared by a Geotechnical Engineer, to the City and Santa Barbara County Flood Control District for plan checking and comment. Before building permits are issued, address all comments to the satisfaction of the City Engineer.
9. Upon approval of the improvement plans, the applicant shall provide a scanned pdf of the signed plans and three sets of prints of the signed improvement plans for inspection purposes.

10. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner and adhere to the requirements of the City of Guadalupe Municipal Code. Any graffiti on the property shall be promptly painted out. All landscaping areas in the property shall be permanently maintained with healthy, growing plant material, free from weeds. Dead or dying plant material shall be replaced within one month of plant deterioration. Failure to comply with this condition is a public nuisance and is subject to the adopted citation ordinance of the City of Guadalupe.

#### Bonding

11. The applicant shall provide an engineer's estimate for all work included on the public improvement plans, and enter into an agreement with the City, subject to the City's approval. If approved by the City, bonds or other forms of securities shall be submitted as a guarantee for the construction of infrastructure improvements before the issuance of building permits.

#### Dedication

12. Before final inspections and acceptance of the public improvements, the applicant shall provide to the City Engineer record as-built drawings, signed by the engineer of record in the following method: one set of scanned pdfs, and one set of reproducible mylars. Applicant agrees to dedicate Public Works improvements to the City.

#### Infrastructure improvements

13. Public infrastructure improvements shall be designed and constructed in accordance with the City of Santa Maria standards (adopted by the City of Guadalupe), and the City of Guadalupe standard drawings when available. The decision of the City Engineer shall be final regarding the specific standards that shall apply.
14. The developer shall obtain an encroachment permit from the Building/Planning Department prior to any work in public streets, right-of-way, or easements.

#### Storm

15. The project shall comply with all Municipal Separate Storm Sewer System (MS4) requirements. Low Impact Development, best management practices and similar regulations and guidelines shall be met. The design shall comply with the Santa Barbara County Post Construction Requirements, Stormwater Technical Guide, and all future updates.
16. Stormwater control plans are required for all projects with new and replaced impervious surface greater than 2,500 ft.<sup>2</sup>
17. The applicant shall submit drainage calculations or an updated drainage report with the public improvement plans.
18. Submit an Erosion and Drainage Control Plan to the City Engineer for review and approval prior to construction. The plan shall reflect "Best Management Practices" as proposed in

the California Regional Water Quality Control Board Erosion and Sediment Control Field Manual and shall include both temporary measures (to be used during construction, and until permanent measures are completed/established) and permanent measures. Erosion control measures shall be in place and approved by the City before the start of construction. The plan shall include both source control and perimeter containment measures. All Drainage and Erosion Control Measures shall be designed and sized by a qualified professional.

19. All stormdrain infrastructure located on-site and required by the Post-Construction Requirements (PCRs) adopted by the California Regional Water Quality Control Board for the Central Coast Region shall be privately owned and maintained.
20. Install Storm Drain Markers on all drainage inlets and bioretention signage on all bioretention areas.
21. Prior to final occupancy, an "Owner's Agreement to Construct and Maintain Private Drainage Improvements for Water Quality" on all private lots where LID measures are required must be approved, signed by the owner and City, and recorded. A template is available from the City Engineer.
22. Prior to final occupancy and if required, a "Storm Water Control Measures Certification of Approval" must be signed and stamped by a California Registered Engineer, Architect, Geologist and/or Landscape Architect and submitted to the City Engineer. A template is available from the City Engineer.

#### Solid waste

23. Provide a solid waste enclosure constructed and placed to the satisfaction of the City Engineer

#### Street/sidewalk

24. Applicant shall repair cracked or broken curb, gutter, driveway, and sidewalk along project frontage on Guadalupe Street. Public Works staff will determine the extent of the sidewalk, driveway, and curb and gutter repair in the field prior to construction.
25. Install new sidewalk, curb, and gutter are required along Pioneer Street from the northwest corner of the property to the existing sidewalk at the corner of 8th and Pioneer Street.
26. Upgrade curb ramp at the northeast corner of 8th and Pioneer Street to current ADA standards.
27. Provide a landscape and irrigation plan for the parkway on Pioneer Street.

## PLANNING DEPARTMENT CONDITIONS

28. Density Bonus Agreement. Prior to issuance of a building permit, the applicant shall enter into a Density Bonus Agreement with the City. The Density Bonus Agreement shall be established to the specifications set forth in Municipal Code Section 18.54.100, and to the satisfaction of the City Administrator or the City Administrator's designee. The requirements of this condition shall be implemented to the satisfaction of the City prior to issuance of a building permit.
29. Exterior Remodel. Prior to the first occupancy of any apartment approved for either building under this conditional use permit and design review, the owner/operator shall complete exterior façade renovations to the existing two-story mixed-use building at the front of the property (823- 829 Guadalupe Street). The exterior improvements shall be completed to the satisfaction of the Planning Director, or the Planning Director's designee, and shall include but not be limited to window repair/replacement, trim refurbishing, cleaning, and painting as needed to restore the building exterior to an appearance that is presentable as representative of the Downtown Guadalupe Street location.
30. Driveway Design. A flat or rolled curb will be provided to the specifications of the City Engineer.
31. Commencement of work. The applicant shall notify City Planning Department and City Building Department staff of the start date for construction at least 5 working days in advance of the start of work. This notification shall also include an estimated construction schedule and a truck haul route for demolished and recycled materials. The applicant shall also notify City staff of the completion of construction and demolition work no more than one working day upon completion.
32. Recycling. Excess construction materials and demolition materials shall be recycled to the extent feasible and proof of recycling in the form of a receipt from the recycling facility noting recycled materials and amounts shall be provided to City staff.
33. Fees. Prior to Zoning Clearance, the applicant shall pay all applicable permit processing fees in full, including but not limited to building permit fees.
34. Zoning Clearance. No Building Permit shall be issued until a Zoning Clearance has first been issued by the Planning Department.
35. Agreement to Comply. Approval of this Design Review is not valid until the property owner or authorized agent signs and returns the Agreement to Comply form, agreeing to the terms and Conditions of Approval. The signed form must be submitted to Planning Department prior to issuance of the Zoning Clearance.

36. Compliance with Conditions. The applicant shall be in compliance at all times with these conditions. If complaints are filed with the City, staff will review the complaints and determine if a meeting with the applicant and complainants can resolve the issue(s). If no resolution is reached, a hearing will be scheduled before the City Council for staff to present a recommendation to resolve the issue(s). The applicant shall be responsible for the fees to cover staff's time.
37. Construction Hours. The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 5:00 p.m. Monday through Friday. No noise-generating construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions. The applicant is advised that building inspectors and planning staff will spot check and respond to complaints.
38. Landscaping. Prior to issuance of Zoning Clearance, the applicant shall submit a Final Landscape Plan for review and approval by the Planning Director, or the Planning Director's designee(s). Prior to the first occupancy clearance, the project shall have all landscaping planted.
- a) Landscaping shall be installed and maintained per the City-approved landscape and irrigation plan and maintained for the life of the project.
  - b) The type, size, density and configuration of new plants shall be selected to maximize successful establishment and growth to achieve this landscaping objective within a reasonable period of time after installation.
  - c) Final landscape and irrigation plans shall be submitted by the Applicant to the City for review and approval prior to Issuance of Zoning Clearance.
  - d) All landscaping and irrigation shall be completed and installed prior to the first Occupancy Clearance of the first apartment unit. Plant locations may be adjusted in the field (as directed by Planning staff) to achieve landscaping objectives.
  - e) The applicant shall contact City Planning staff at least 48 hours prior to request for occupancy clearance in order to verify that landscaping and irrigation has been installed according to the approved plans. Failure to comply with the requirement could jeopardize issuance of the occupancy clearance.
  - f) Additional shrubs may be required to the satisfaction of the Planning Director or the Planning Director's designee, prior to a building permit approval.
39. Additional Permits Required. The use and/or construction of any structures or improvements authorized by this approval shall not commence until all necessary

planning and building permits are obtained. Before any Permit will be issued by the Building Department, the Owner/Applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions.

40. Design Review Expiration. The Owner/Applicant shall obtain the required Zoning Clearance within the 24 months following the effective date of this Design Review Permit. If the required Zoning Clearance is not issued within the 24 months following the effective date of this Design Review Permit, or within such extended period of time as may be authorized in compliance with Section 18.73.120.B of the Guadalupe Municipal Code, and an application for an extension has not been submitted to the Planning Department, then the Design Review permit shall be considered void and of no further effect.
41. Design Review-Void. This Design Review Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Design Review Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 18.73.120.B of the Guadalupe Municipal Code. Any use authorized by this Design Review Permit shall immediately cease upon expiration or revocation of this Design Review Permit. Any Zoning Clearance approved or issued pursuant to this Design Review Permit shall expire upon expiration or revocation of the Design Review Permit. Design Review Permit renewals must be applied for prior to expiration of the Design Review Permit.
42. Plans Requirements. The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to the Building Department.
43. Contractor and Subcontractor Notification. The Owner/Applicant shall ensure that potential contractors are aware of City conditions and requirements. Owner/Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to Planning staff.
44. Time Extensions-All Projects. The Owner/Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with City rules and regulations, which include reflecting changed circumstances and ensuring compliance with CEQA. If the Owner/Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.
45. All newly planted landscaping shall be maintained for the life of the project.

46. In the unexpected event archaeological or paleontological resources are unearthed during project construction, all earth disturbing work within the project area of potential effect (APE) must be temporarily suspended until an archaeologist has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Native American representative should monitor any archaeological field work associated with Native American materials.

#### BUILDING DEPARTMENT CONDITIONS

47. Fire Sprinklers. Identify that all buildings, including the existing two story structure are to be fire sprinklered. Identify the Type of Fire Sprinkler System to be provided for each building. [C.F.C., §930.2.22(d) as amended by Guadalupe].
48. Type of Construction. The proposed new buildings are three stories. As such, the C.B.C., July 2021 Supplement is applicable. The revised C.B.C., Table 504.4 requires that the new buildings minimum Type of Construction shall be Type V-A to permit three-story construction for Group R-2 occupancies.
49. Accessibility.
- a. All ground-floor dwelling units in nonelevator buildings shall be adaptable and on an accessible route. [C.B.C., §1104A.1]
  - b. Based on 27 Dwelling Units provided on the site, a minimum of three (3) dwelling units are to be fully accessible. Identify these three units. [C.B.C., §1102A.3.]
  - c. An accessible path of travel is required from the public way to each ground floor dwelling unit. [C.B.C., §1108A]
  - d. Based on 27 parking spaces of which also serves the ground floor commercial space, two shall be designated accessible, one being van accessible. [C.B.C., Table 11B-208.2]
50. Electric Vehicle Charging Spaces. Ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future Electric Vehicle Supply Equipment (EVSE). Calculations for the required number of EV spaces shall be rounded up to the nearest whole number [C.G.B.S.C. §4.106.4.2]
51. Area and Height. Justification for the proposed allowable area and height for the buildings proposed in this project shall be shown on the cover sheet of plans. [C.B.C. Table 506.2] Show compliance for an R-2 occupancy using total square footage and proposed height.
52. Projections and Opening Protection. Plans shall show compliance with C.B.C., Table 507.2 and Table 705.8. The plans shall show the assumed property line between Buildings B and C.
53. Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the building code. The construction documents shall designate the

number of occupants to be accommodated on every floor, and in all rooms and spaces. Provide an exit analysis within the construction plans. [C.B.C., §[A] 107.2.3]

- a. For all of the spaces shown on the floor plan identify the current or future proposed uses, their associated square footage and occupant load using C.B.C., Table 1004.5.
- b. Based on the current or future occupant load show that the spaces have the required quantity of exits and denote the occupant load served at each exit door from the space. [C.B.C., §1019]
- c. Show the exit route path of travel from all spaces and show the accumulated exit load totals at each spaces exit door and sum these loads up until an exterior exit discharge door is reached and denote this total occupant load served.
- d. For each of the exit access route path of travel locations specify the total distance traversed from the beginning of the exit path to the exit discharge.

54. Soils Report Required. A soils (Geotechnical) report will be required for the project and must be submitted at the time of building permit application. [C.B.C., §1803].

55. Waste Management. After the issuance of a building permit, the applicant shall submit a waste management plan to the Building Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project developer intends to recycle at least 65 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building Official prior to the issuance of a final inspection. During demolition and construction, the project developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only."

56. Design Professional Required. Construction plans for the project shall be prepared signed and sealed by a California registered design professional, i.e., architect or engineer.

57. Permits. A building permit application, plans and specifications demonstrating compliance with current California Building, Fire, Plumbing, Mechanical, Electrical, Green Building and Energy Standard Code requirements is to be submitted, and permits obtained prior to construction.

#### POLICE DEPARTMENT CONDITIONS

58. Public Safety Impact Fees. The project applicant shall contribute to the necessary funding for emergency equipment and facilities to serve the proposed structure. The applicant shall pay the required public safety fees to the City of Guadalupe as deemed necessary by the City of Guadalupe Police Department prior to the issuance of a Certificate of Occupancy.

59. The project applicant shall apply all Guadalupe Municipal Code Ordnances 2021-494 and the August 2021 supplements at the time of Plan Review.

60. Provide final layout plans for the location of utilities, services and unit layouts in PDF format.

#### FIRE DEPARTMENT CONDITIONS

61. Public Safety Impact Fees. The project applicant shall contribute to the necessary funding for emergency equipment and facilities to serve the proposed structure. The applicant shall pay the required public safety fees to the City of Guadalupe as deemed necessary by the City of Guadalupe Fire Department prior to the issuance of a Certificate of Occupancy.
62. The project shall comply with all adopted 2019 California Fire Code requirements as well as adopted code amendments under Guadalupe Municipal Code 15.08.020 and 15.08.030 at the time of plan review.
63. Maintain a minimum unobstructed width of 20' and maintain a minimum vertical clearance of 13 feet 6 inches. The proposal shows 16-foot-wide access on the west side and 20-foot-wide access on the east side.
64. Fire hydrant will need to be added on Pioneer Street by the project's west entrance. Fire hydrant separation exceeds the maximum allowed.
65. Provide final layout plans for the location of utilities, services and unit layouts in PDF format.

#### CITY COUNCIL CONDITION

66. The applicant shall install a six-foot tall decorative iron fence with a concrete base along the southerly property line and a 6-foot tall masonry wall along the northerly property line.

End of Conditions



2206 South Bradley Road  
 Santa Maria, CA, 93455-1348  
 (805) 349-3774

Terminal: 0545M600MIX01  
 11/22/2022 14:52  
 Receipt #: 05458RL1600  
 Type: Purchase

Qty	Description	Amount
13	PNG B&W S/S 8.5x11 & 8.5x14	2.21
1	PNG B&W S/S 8.5x11 & 8.5x14	0.17
1	PNG Color S/S 8.5x11 & 8.5x14	0.64
SubTotal		3.02
District tax		0.05
City tax		0.00
County tax		0.04
State tax		0.18
Total		USD \$3.29

Acct #:\*\*\*\*\*6898  
 VISA DEBIT  
 Chip Read  
 Auth No.: 033583  
 Mode: Issuer  
 AID: A0000000031010  
 NO CVM  
 CVM Result: 5F0002  
 TVR: 8000008000  
 IAD: 0606120360A000  
 TSI: 6800  
 ARC: 00  
 APPROVED

The Cardholder agrees to pay the Issuer of the charge card in accordance with the agreement between the Issuer and the Cardholder.



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Offer expires 12/31/2022

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