

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2013-00027 Francis**

Approved Development

1. This Minor Use Permit/ Coastal Development Permit authorizes a 1,706 square foot single story single-family residence and a 864 square foot detached metal garage at 1060 Bayview Heights Drive in the community of Los Osos.
2. Maximum height is 28 feet above average natural grade.

Conditions required to be completed at the time of application for construction permits

3. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans and construction documents shall be consistent with the currently adopted California Codes.
4. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.
5. **At the time of application for construction permits**, the project is subject to the California State Title 24 energy laws.
6. Installation of a fire sprinkler system is required for the residence.

Site Development

7. **At the time of application for construction permits**, the applicant shall submit and development shall be consistent with the approved siteplan, floor plans, landscape plan and architectural elevations.
8. **At the time of application for construction permits**, a landscaping plan shall be submitted, and shall consist of native, drought and fire resistant species that are compatible with the habitat values of the surrounding habitat.
9. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
10. **At the time of application for construction permits**, the applicant shall submit an application, fee and plans to the Department of Public Works to secure an Encroachment Permit to construct the project access driveway in accordance with County Public Improvement Standards.

Grading, Drainage, Sedimentation and Erosion Control

11. **At the time of application for construction permits**, the applicant shall submit a drainage, sedimentation, and erosion control plan for review and approval by the Department of Public Works.

ATTACHMENT 2

12. **At the time of application for construction permits**, the applicant shall submit a complete drainage plan for review and approval, by the Public Works Department, in accordance with Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance. Drainage plans should be designed to retain water on-site and encourage infiltration when feasible. Natural drainage patterns should be retained and remediated if retention is infeasible on-site.
13. **At the time of application for construction permits**, the project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.
14. **At the time of application for construction and/or grading permits**, the applicant shall submit a Stormwater Control Plan application and demonstrate project compliance with Performance Requirement 1 in Chapter 19.09 of the Building and Construction Ordinance.

Services

15. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan prepared for the project by the Cal Fire Department, dated November 6, 2013.
16. **At the time of application for construction permits**, the applicant shall comply with the conditions from the Golden State Water Company, including but not limited to those on the Can and Will Serve Letter, dated October 17, 2013.
17. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Fees

18. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, public facilities and road improvement fees.

Conditions to be completed prior to issuance of a construction permit

Biological Resources

19. **Mitigation Measure BIO-1: Prior to site disturbance**, the applicant shall retain USFWS-approved biologist (abiologist with a valid recovery permit for Morro Shoulderband Snail) in coordination with the USFWS and the County of San Luis Obispo to perform a preconstruction survey for each phase of construction so as to minimize the take of the shoulderband snail. Only Service-authorized biologist may conduct pre-and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails to a receiver site that has been approved by the Service. Only Service-authorized biologist may conduct said activities. The permittees or their designated agents must request and receive approval of those biologists they wish to have conducted these activities. The request must be submitted, in writing, to the Ventura Fish and Wildlife Office at least 15 working days prior to the commencement of the specified activities. The Service-authorized biologist(s) shall notify the Ventura Fish and Wildlife Office of their intent to conduct any monitoring events within 24 hours of

ATTACHMENT 2

commencing the activity. Survey results shall be submitted to the Environmental Division of the County of San Luis Obispo upon completion.

20. **Mitigation Measure BIO-2: Prior to initiation of construction activities**, the following must be demonstrated:
- Written verification that the required pre-construction environmental awareness training program has been prepared and will be delivered by the Service-approved biologist to all personnel who will be working onsite during site preparation and construction activities will be provided to the Ventura Fish and Wildlife Office and the County of San Luis Obispo, Department of Planning and Building. A training attendance sheet shall be submitted to the Environmental Division of the County of San Luis Obispo upon completion;
 - A receipt that demonstrates the deposit of \$9,300 to the National Fish and Wildlife Foundation Impact-Directed Environmental Account entitled "Morro Shoulderband Snail In-Lieu Fee Account". This receipt must be provided to, and acknowledged in writing by, the Ventura Fish and Wildlife Office and the County of San Luis Obispo, Department of Planning and Building; and
 - Written confirmation to demonstrate that a receiver site for those Morro shoulderband snails identified during the monitoring activities has been selected and approved by the Ventura Fish and Wildlife Office must be provided to the County of San Luis Obispo, Department of Planning and Building.

Water Resources

21. **Prior to issuance of building permits**, the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the applicant has retrofitted enough existing homes and businesses to save twice the amount of water the new residence will use (consistent with Title 19).

Conditions to be completed during project construction

22. **Mitigation Measure BIO-3: During all ground disturbing construction activities**, the applicant shall retain a USFWS-approved biologist whose recovery permit includes authorization to capture and move the species to be present daily during the installation of construction fencing, demolition of existing structures, and initial ground disturbing activities. Any live Morro shoulderband snails or egg masses found during these monitoring events shall be moved out of harm's way by the authorized biologist. This biologist shall have the authority to order any reasonable measure necessary to avoid the take of Morro shoulderband snail and to immediately stop any work or activity that is not in compliance with the conditions set forth in the incidental take permit. The Service office in Ventura shall be notified of any "stop work" order and the order shall remain in effect until the issue has been resolved. Upon completion of ground disturbing activities, the monitor shall periodically visit the project site throughout the construction period to ensure that impacts to the project site are consistent with the project description contained in *Final Low Effect Habitat Conservation Plan for the Morro Shoulderband Snail at the Kelley-McDonough Parcel (APN 074-471-002) 2285 Bay Vista Lane Los Osos San Luis Obispo County, January 2013*. During periods of rain or heavy fog/dew the monitor shall conduct pre-activity surveys to ensure no Morro shoulderband snails have migrated into the work area. No construction work shall be initiated until the monitor determines that the work area is clear of Morro shoulderband snails.
23. **Mitigation Measure BIO-4:** Should project activities result in a take of the Morro

ATTACHMENT 2

shoulderband snail, the take of the Morro shoulderband snail shall be mitigated through the payment of an in-lieu fee of \$9,300 to fund Morro shoulderband snail recovery task actions on conserved lands within the known range of the species as approved by the Service. Any remains of dead, intact Morro shoulderband snails must be deposited at a professionally maintained facility that is widely accessible for scientific study, such as the California Academy of Sciences [Entomology Department, Golden Gate Park, San Francisco, California 94118, (415) 750-7037 and 7239] or the Santa Barbara Museum of Natural History [Department of Invertebrates, 2559 Puesta del Sol Road, Santa Barbara, California 93105, (805)682-4711]. Arrangements regarding the disposition of potential museum specimens must be made with a receiving institution prior to the implementation of any fieldwork. Other arrangements for disposition of specimens may be made with prior written approval from the Ventura Fish and Wildlife Office. A copy of permit TE44620A must be in the possession of the permittee or designated agents while conducting any activities that could result in take of Morro shoulderband snail. Please refer to the permit number in all correspondence concerning permit activities. Any questions you may have about this permit should be directed to the Field Supervisor, Ventura Fish and Wildlife Office.

24. **Mitigation Measure BIO-5:** The applicant shall submit an annual report to the USFWS and the Planning and Building Department by December 31 each year until the expiration of the USFWS Incidental Take Permit and include (as necessary): (1) a brief summary or list of project activities accomplished during the reporting year (e.g., inclusive of construction activities and other covered activities); (2) project impacts (e.g., quantification of the area graded, numbers of buildings constructed); (3) a description of any take that occurred for each covered species (inclusive of the cause, form, amount, location of take and deposition of dead or injured individuals); (4) a brief description of conservation strategy implemented; (5) results of monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable); (6) a description of circumstances that made adaptive management necessary and how it was implemented; (7) a description of any changed or unforeseen circumstances that occurred and how they were addressed; (8) all funding expenditures, balance, and accrual; and (9) a description of any minor or major amendments. Minimization measures and reporting obligations must be consistent with those identified in *Section 5 of the Low-Effect Habitat Conservation Plan for Francis Parcel – APN 074-323-031, Los Osos, California*.
25. **Mitigation Measure BIO-6: Prior to any grading work,** all manzanita within 25 feet of the project limits shall be staked and/or flagged for protection. These areas to be protected shall be shown on all applicable construction plans. The protection devices shall be installed prior to any vegetation removal and remain in place throughout the grading and construction phases. No Morro manzanita shall be removed from the project site.

Grading, Drainage, Sedimentation and Erosion Control

26. Prior to or concurrently with on-site grading activities, permanent erosion control devices shall be installed.
27. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
28. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.

ATTACHMENT 2

29. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
30. All areas disturbed by grading activities shall be re-vegetated with temporary or permanent erosion control devices in place.
31. Appropriate sedimentation measures to be implemented at the end of each day's work.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

32. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cal Fire Department of all required fire/life safety measures.

Water Resources

33. **Prior to occupancy clearance**, the applicant shall install the minimum of 1.28 gallon flush toilets, 1.5 gallons per minute shower heads, an energy star washing machine, and 0.65 gallons per minute faucets.

Development Review Inspection

34. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
35. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

On-going conditions of approval (valid for the life of the project)

Drainage

36. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

General

37. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
38. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.