

**MINOR USE PERMIT DRC2013-00065  
PEOPLES SELF HELP HOUSING**

**EXHIBIT B - CONDITIONS OF APPROVAL**

**Approved Development**

1. This approval authorizes the following development:
  - a. Site work and construction of 24 single-family residences in the previously-approved Tract 2710.
  - b. A maximum height of 35 feet above average natural grade.
  - c. Through the grant of a concession pursuant to Government Code Section 65915, a reduction in the setbacks required by Section 22.10.140 of the Land Use Ordinance as follows:
    - i. Lot 1 shall have a front setback of 20 feet, rather than 25 feet.
    - ii. Lot 14 shall have a rear setback of 5 feet, rather than 10 feet.
2. In order to comply with noise mitigation measures, residences on Lots 7-9 and 21-24 must be constructed prior to development on other lots. The following restrictions apply:
  - a. **Prior to issuance of construction permits on Lots 1-6 and 10-20**, all construction permits shall have already been issued for residential development on Lots 7-9 and 21-24.
  - b. **Prior to final inspections or occupancy of residences on Lots 1-6 and 10-20**, the residences on Lots 7-9 and Lots 21-24 shall have received final inspections and a certificate of occupancy.

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

***Affordable Housing***

3. **At the time of application for construction permits**, the applicant shall enter into an affordable housing agreement pursuant to Section 22.12.070 of the Land Use Ordinance, unless the Director of Planning and Building determines that the units will meet the criteria specified in Section 22.12.070G.

***Lot Legality***

4. **At the time of application for construction permits for the second residence**, the Final Map for Tract 2710 shall have been recorded.

***Site Development***

5. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

6. **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.
7. **At the time of application for construction permits**, the applicant shall provide documentation that they have filed a Notice of Intent with the Regional Water Quality Control Board to comply with the provisions of the Construction General Permit. If possible, development on all lots in Tract 2710 should be coordinated through a single Stormwater Pollution Prevention Plan (SWPPP).
8. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. The design of the basin shall be approved by the Department of Public Works and in compliance with the approved tract drainage plan.
9. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMPs, shall demonstrate compliance with Stormwater Quality Standards, and shall include a preliminary drainage plan and a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval if required.

#### ***Fire Safety***

10. **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 by the San Miguel Community Services District Fire Department for this proposed project and dated September 24, 2009.

#### ***Services***

11. **At the time of application for construction permits**, the applicant shall provide a letter from San Miguel Community Services District stating they are willing and able to service the property.

#### **Conditions to be completed prior to issuance of a construction permit**

#### ***Fees***

12. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
13. **Prior to issuance of a construction permit**, the applicant shall be responsible for paying to the Department of Public Works the San Miguel Area Road Improvement Fee for each residence in the amount prevailing at the time of payment.

**Tract 2710 Conditions**

14. **Prior to issuance of a construction permit**, the designated building sites and access drives for Lots 7-9 and 21-24 shall be shown on all associated project plans.
  
15. **Prior to issuance of a construction permit for Lots 7-9 and 21-24**, the following measures shall be included on all applicable plans:
  - a. Vents – Soffit vents, eave vents, dormer vents, and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source (located on the north, east, and south elevation) wherever possible. If kitchens or bathrooms are located on the west side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90-degree bend shall be incorporated into the design of the ductwork.
  - b. Walls – Only west-facing exterior walls closest to the noise sources require mitigation. Any walls enclosing habitable spaces nearest the noise sources shall be constructed with a sound transmission class rating of 30 or greater. Construction of the west-facing walls shall include the liberal use of non-hardening acoustic sealant at all construction joints.
  - c. Acoustic Leaks – All construction openings and joints through the gypsum board on west-facing walls shall be insulated, sealed, and caulked with expanding foam and a resilient, non-hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.
  - d. Windows – Windows shall meet the interior LDN = 45dBA requirements for windows for habitable spaces on all floors of the elevation affected by the noise source. The windows shall be double-glazed construction and be fully gasketed, with an STC rating of 30 or better.
  - e. Doors
    - i. Doors directly facing the noise sources shall be fully gasketed solid core with sound dampening, sealed jambs, and grouted frames. Doors shall have an overall STC rating of 30 or better.
    - ii. All exterior doors shall be solid core with perimeter weather stripping and threshold seals.
    - iii. Double door construction shall have a minimum required space of not less than three inches between the double doors.
    - iv. For side-hinged doors, at least one shall be a solid-core wood or insulated hollow metal door that is not less than one and three-quarters inch (1¾") thick at its thinnest point. The second door may be a storm door.
    - v. Glass installed in a solid-core wood door that has a total area of more than two square feet shall not be less than three-sixteenths of an inch (3/16") thick.
    - vi. All glass and glazing used in doors shall be sealed in an airtight manner with a non-hardening acoustical sealant or in a soft elastomer gasket or glazing type.
    - vii. Exterior sliding glass doors shall be weather stripped with an efficient airtight gasket system.
    - viii. For sliding glass doors, the interior sliding glass door assembly shall be double-glazed with a separation between glass panels of not less than one-half inch (½"). The glass used in the double-glazed glass panels shall be of unequal thickness to avoid harmonic resonance. The second, exterior sliding glass door may be a storm door, separated by three inches (3") from the interior door.

- ix. If interior allowable noise levels are met by requiring that windows and doors be unopenable or closed, the design for the structure must also specify means that will be employed to provide ventilation and cooling if necessary to provide a habitable interior environment.
16. **Prior to issuance of a construction permit**, the dust control measures specified in Section 22.52.160C.1 of the Land Use Ordinance shall be shown on project plans.
17. **Prior to issuance of a construction permit**, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
- a. All EPA-Certified Phase II wood burning devices;
  - b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
  - d. Pellet-fueled woodheaters.
18. **Prior to issuance of a construction permit**, the applicant shall provide evidence that Title 24 requirements have been met including consideration of the following site design mitigations and energy efficiency measures:
- a. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to the project.
  - b. Increase street shade tree planting.
  - c. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
  - d. Provide on-site bicycle parking for multi-family residential developments.
  - e. Increase number of bicycle routes/lanes.
  - f. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing and telelearning to occur simultaneously in at least three locations throughout the home.
  - g. Provide pedestrian signalization and signage to improve pedestrian safety.
  - h. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
  - i. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
  - j. Install outdoor electrical outlets to encourage the use of electric appliances and tools.
  - k. Increase walls and attic insulation beyond Title 24 requirements.
  - l. Use high efficiency gas or solar water heaters.
  - m. Use built-in energy efficient appliances.
  - n. Use double-paned windows.
  - o. Use low energy street lights (i.e. sodium).
  - p. Use energy efficient interior lighting.
  - q. Use low energy traffic signals (i.e. light emitting diode).
  - r. Install door sweeps and weather stripping if more efficient doors and windows are not available.
  - s. Install high efficiency or gas space heating.

Other measures may be proposed as replacements by contacting the APCD Planning Division at 781-5912.

19. **Prior to issuance of grading permits**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
  - a. List of personnel involved in the monitoring activities;
  - b. Description of how the monitoring shall occur;
  - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - d. Description of what resources are expected to be encountered;
  - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered “significant” archaeological resources?);
  - f. Description of procedures for halting work on the site and notification procedures;
  - g. Description of monitoring reporting procedures.
  
20. **Prior to issuance of a construction permit**, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County.
  - a. The retained biologist shall, within 30 days prior to construction, conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
  - b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purposes of monitoring compliance with required San Joaquin kit fox mitigation measures BR-3 through BR-10. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
  - c. 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 county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County 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.
  
21. **Prior to issuance of grading and/or construction permits**, the following shall appear on all applicable project plans:
  - a. A note stating “Speed signs of 15 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”. Speed limit signs shall be installed on the project site within 30 days **prior to initiation of site disturbance and/or construction**.
  - b. Conditions 22 through 27 of this Minor Use Permit, pertaining to San Joaquin kit fox mitigation.

## **Conditions to be completed during site disturbance and development activities**

### ***San Joaquin Kit Fox***

22. **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
23. **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
24. **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
25. **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
26. **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
27. **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 County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). 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 Department for care, analysis, or disposition.

***Biology – Nesting Raptors***

28. **Prior to commencement of any tree removal**, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March 1 to August 31), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

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

29. All public subdivision improvements for Tract 2710 shall be installed **prior to occupancy or final inspection** of any structure associated with this subdivision.
30. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

***Grading, Drainage, Sedimentation and Erosion Control***

31. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices. Devices must be installed in conjunction with any grading and must effectively control siltation

***Tract 2710 Conditions***

32. **Prior to final inspection of residences on Lots 7-9 and 21-24**, the applicant shall provide certification from an engineer qualified in noise analysis that a noise level of 45 dBA or less can be maintained inside the residence with the windows and doors closed when railroad buildout conditions are considered. In the even the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide written verification to the County by the acoustical noise expert that the acceptable levels have been achieved.

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

33. In accordance with Chapter 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the San Miguel Area Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.
34. 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 22.64.070 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 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

35. All conditions of this approval run with the land and 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 22.74.160 of the Land Use Ordinance.