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EXHIBIT D
MINOR USE PERMIT CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a 2,336 square foot addition to an existing single family residence. The addition includes a studio/gallery of 946 square feet, an office/bedroom of 595 square feet, a 93 square foot addition to the living room, a garage of 306 square feet, and a 396 square foot deck.

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

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. (VS-1) **At the time of application for construction permit(s)**, the applicant shall provide an exterior lighting plan. The plan 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 residences. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.

Wetland Setback

4. All new development shall be setback a minimum of 50 feet from the edge of wetland vegetation. An engineered survey shall be completed to establish this edge prior to ground disturbance. This setback shall be shown on all applicable plans submitted for county approval.

Services

5. The applicant shall provide a letter from Los Osos Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Biological Resources

6. (BR-1) All impacted or removed trees shall be replaced at a 4:1 ratio (up to 2 trees for a total replacement of 8 trees). **Prior to construction permit issuance**, construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed. **Prior to any ground disturbing activities**, adequate protection measures (e.g., sturdy fencing) per the approved construction plans, shall be installed to protect those trees identified to remain unharmed as well as to minimize impacts for those trees identified as being impacted.
7. (BR-3) **Prior to commencement of any tree removal**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), 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, possibly with recommendations for

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variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

8. (CR-1) **Prior to issuance of construction permit**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Bertrando and Bertrando, 2002 and SWCA, 2014). The Phase III program shall include at least the following:
- A. Standard archaeological data recovery practices;
 - B. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be 2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
 - C. Identification of location of sample sites/test units;
 - D. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - E. Disposition of collected materials;
 - F. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
 - G. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable plans and implemented during construction.

9. (CR-3) **Prior to issuance of construction permit**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- 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; and
 - G. Description of monitoring reporting procedures.

10. (CR-6) **Prior to ground disturbing activities**, all labor crews shall be trained on the identification of archaeological remains and instructed in the proper steps to take in the event archaeological remains are exposed. The training shall be conducted by a qualified archaeologist

Fees

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

Drainage Review

12. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan for review and approval by the Department of Public Works.

Lateral Access

13. **Prior to issuance of a construction permit**, the applicant shall execute and record an offer of dedication for public access along the shoreline, prior to framing inspection. The offer or dedication shall provide for lateral access of twenty-five (25) feet of dry sandy beach along the shore to be available at all times during the year, or from the mean high tide to the toe of the bluff where topography limits the dry sandy beach to less than 25 feet as well as room for any improvement requirements required by Coastal Zone Land Use Ordinance Section 23.04.420 - Coastal Access. The offer shall be in a form acceptable to County Counsel, and shall be approved by the Planning Director and the Executive Director the California Coastal Commission.

Conditions to be completed during project construction

Cultural Resources

14. (CR-4) **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Building Height

15. **The maximum height of the project is 14 feet as measured from average natural grade.**
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

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

Site Development

16. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. All

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landscaping shall be drought tolerant. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

Fire Safety

17. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CalFire of all required fire/life safety measures.

Biological Resources

18. (BR-2) **Prior to occupancy or final inspection, whichever occurs first**, the applicant shall replace, in kind at a 4:1 ratio all Coast live oak trees removed or impacted as a result of the development of the project. No more than 2 Coast live oak trees shall be removed as a result of the development of the project with 8 trees replaced. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Replacement trees shall be planted on-site or at an approved off-site location within the community of Los Osos.

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

Once trees have been planted and **prior to final inspection**, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryman, botanist) to prepare a letter stating when the above planting occurred, what was planted and all measures installed to improve the long-term success of these trees. This letter shall be submitted to the Department of Planning and Building.

Development Review Inspection

19. **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.

Wetland Setback

20. Prior to final inspection or occupancy, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the required setback has been achieved.

Cultural Resources

21. Prior to final inspection, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work, as identified in the Phase III program, has been completed.
22. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)**, the consulting archaeologist shall submit a

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report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis.

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

Miscellaneous

23. 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.
24. 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.