

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING AND MODIFYING THE DECISION OF THE PLANNING
COMMISSION AND CONDITIONALLY APPROVING THE APPLICATION OF JACK
LOPERENA FOR A MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT
DRC2005-00216

The following resolution is now offered and read:

WHEREAS, on April 10, 2014, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the Planning Commission) duly considered and conditionally approved the application of Jack Loperena for a Minor Use Permit/Coastal Development Permit DRC2005-00216; and

WHEREAS, Kevin Elder, on behalf of Ethel Pludow and Cynthia Sugimoto, has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 3, 2014, and continued to the October 7, 2014 hearing, and

continued again to the December 9, 2014 hearing where determination and decision was made on December 9, 2014; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld in part and denied in part, that the decision of the Planning Commission should be affirmed and modified, and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.
3. That the Final Environmental Impact Report prepared for this project, is hereby certified as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors certifies that it has reviewed and considered the information contained in the Final Environmental Impact Report together with all comments received during the public review process prior to approving the project.
5. That the Board of Supervisors certifies that the Final Environmental Impact Report reflects the County's independent judgment and analysis.

6. That the appeal filed by Kevin Elder on behalf of Ethel Pludow and Cynthia Sugimoto is hereby upheld in part and denied in part, that the decision of the Planning Commission is affirmed and modified, and that the application of Jack Loperena for Minor Use Permit / Coastal Development Permit DRC2005-00216 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

EXHIBIT A - FINDINGS

Minor Use Permit

- A. The proposed project or use is consistent with the San Luis Obispo County General Plan, because a single-family residence is an allowable use, and as conditioned, is consistent with all of the General Plan policies as outlined in the staff report.
- B. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- C. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use, because the construction of a single-family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- D. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development, because the proposed single-family residence is similar in nature to, and will not conflict with, the surrounding lands and residential uses.
- E. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Studio Drive, a local road constructed to a level able to handle the minor amount of additional traffic associated with the project.

Coastal Access

- F. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is conditioned to require dedication of coastal lateral access from the western property line to the toe of the rock outcrop, and because adequate vertical access to the coast already exists adjacent to the site to the North.

Small Scale Design Neighborhood

- G. The proposed project meets the Community Small-scale Design Neighborhood standards and guidelines, and is therefore consistent with the character and intent of the Cayucos Community Small-Scale Design Neighborhood.
- H. Public views of the ocean from Highway One and the respective neighborhood are not being further limited because the proposed single family residence is directly adjacent to existing residential development.

Coastal Bluff and Setback

- I. The project site contains a coastal bluff based on the information in the record, and information submitted by the California Coastal Commission (letter dated June 2, 2014). The project is conditioned to require a 25 foot setback from the bluff which complies with the Coastal Zone Land Use Ordinance bluff setback requirements (23.04.118 Blufftop

Setbacks). The structure is engineered to withstand a minimum of 100 years of coastal processes.

Hazards

- J. Based on the presence of erosion-resistant bedrock, and compliance with mitigation measure GS/mm-4, which requires the use of deepened pier foundations identified in the Engineering Evaluation (Shoreline Engineering 2012) and Updated Geotechnical Investigation (GSI Soils, Inc. 2011), the project would maintain stability and structural integrity, and would withstand erosion and wave action. There is no evidence that shoreline protection structures would be required for the structure and are prohibited in this case. The project is proposed to withstand coastal processes for a minimum of 100 years provided it is constructed pursuant to mitigation identified in the Final EIR and following the recommendations identified in referenced geotechnical reports. The evidence presented in the Final EIR and associated and subsequent technical reports support the conclusion that that exposure to rising sea level over the life of the structure and associated coastal hazards would not result in substantial adverse effects to the structure, including compromised structural integrity, or to adjacent properties.

Sea Level Rise

- K. The EnergyWise Plan (November 2011) provides information, including an estimate for sea level rise in the Adaptation Chapter. The Plan does not include a policy or standard requiring use of a specific sea level rise estimate. The Plan states an estimated sea level rise from 3.3 to 4.6 feet by 2100. The proposed project includes updated sea level rise calculations which include the most recent California Coastal Commission Draft Guidelines used in the project analysis (5.5 feet). Those calculations support the conclusion that that exposure to rising sea level over the life of the structure and associated coastal hazards would not result in substantial adverse effects to the structure, including compromised structural integrity, or to adjacent properties.

REVISED EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a request by Jack Loperena for a Minor Use Permit/Coastal Development Permit to allow for the construction of a single family residence. The applicant shall submit revised plans at the time of construction permits detailing the following:
 - a. The revised single family residence shall comply with the Cayucos small scale neighborhood standards (height, setbacks, upper floor setbacks, gross structural area requirements).
 - b. The maximum height of the structure shall be 15 feet above the centerline elevation of Studio Drive.
 - c. The house (including all projections such as decks and cantilevers) shall be setback a minimum of 25 feet from the edge of the rocks and ice plant along the western side of the property as noted on the basement floor plan (as outlined in the December 9, 2014 staff report Attachment 3)

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, architectural elevations, and landscape plan and shall be in conformance with condition no. 1 above.

Biological Resources

3. (BR/mm-3) At the time of application for construction permits all grading plans shall clearly show the location of project delineation fencing, including protection fencing surrounding the Monterey cypress tree on the southern property boundary.
4. (BR/mm-5) At the time of application for grading permits, all applicable plans shall clearly show stockpile and staging areas. Stockpiles and staging areas shall not be placed in areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of storm water runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Maintenance, cleaning, and refueling of equipment and vehicles shall not be permitted onsite, within adjacent beach areas, or on Studio Drive.
5. (BR/mm-7) Upon application for construction permits, the following measure shall be included on all applicable plans: The applicant shall avoid ground disturbing activities conducted during the snowy plover nesting season to the extent feasible. If work activities must occur during the nesting season the following measures shall be taken:
 - a. Prior to installation of the project delineation fencing and the commencement of site grading, a qualified biologist shall conduct a series of pre-construction nesting bird surveys for western snowy plover. Surveys shall be conducted every other day for two weeks prior to any project related disturbances.

- b. Surveys for snowy plovers shall include walking through all potential nesting and foraging habitat within 300 feet of the site on each survey day. The survey area shall include all available snowy plover nesting habitat within 300 feet of anticipated project activities.
 - c. The number of snowy plover individuals observed and their activities (e.g. nesting, foraging, resting, etc.) shall be documented. All documented occurrences would be reported to USFWS and documented on the CNDDDB.
 - d. If nesting activity is identified, all project activities within 300 feet of the nest shall be delayed until the nesting activity has ceased.
 - e. During construction, the environmental monitor shall conduct snowy plover surveys twice a week (preferably two to three days apart).
6. (BR/mm-8) Upon application for construction permits, the following measure shall be included on all applicable plans: If commencement of construction begins between March and September, the environmental monitor shall conduct pre-construction nesting bird surveys. If nesting activity is identified, the following measures shall be implemented:
- a. If active nest of common passerine or shorebird species' are observed in the work area or within 100 feet of the work area, construction activities shall be modified and or delayed as necessary to avoid direct take or indirect disturbance of the nests, eggs, or young.
 - b. If active nest sites of raptors or other special-status species are observed within the work area or 300 feet of the work area, the environmental monitor shall establish a suitable buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.
 - c. Active raptor or special-status species nests should be documented by a qualified biologist and a letter report should be submitted to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.
7. (BR/mm-9) Upon application for construction permits, the following measure shall be included on all applicable plans: Prior to site grading, the environmental monitor shall conduct a survey for coast horned lizard and other reptiles. The surveyor shall utilize hand search methods in areas of disturbance where coast horned-lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). Any lizards located during this survey should be safely removed from the construction area and placed in suitable habitat.

Noise

8. (N/mm-1) Upon application for building permits, the project applicant shall include in the project design the following standard mitigation measures for interior noise mitigation provided in the Noise Element for levels in the 60-65 dBA range:
- a. Air conditioning or a mechanical ventilation system;
 - b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cubic feet per minute or less, per American National Standards Institute [ANSI] specifications); and,
 - c. Solid core exterior doors with perimeter weather stripping and threshold seals.

Water

9. (WAT/mm-1) Upon application for construction permits, the applicant shall submit grading and construction plans showing BMPs, and shall implement BMPs during grading and construction activities. BMPs shall include, but not be limited to, the following:
 - a. Erosion control barriers shall be applied, such as silt fences, hay bales, drain inlet protection, and gravel bags;
 - b. Disturbed areas shall be stabilized with vegetation or hard surface treatments upon completion of construction in any specific area.
 - c. All inactive disturbed soil areas are required to be stabilized with both sediment and temporary erosion control prior to the onset of the rainy season (October 15 to April 15).

Coastal Hazards

10. All buildings or structures shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
11. All new construction and other development shall be located on the landward side of the reach of mean high tide.
12. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.
13. The Director of Planning and Building and/or the Public Works Director shall obtain and maintain the following records:
 - a. Certification by a registered engineer or architect that a proposed structure complies with Subsection D.3.a.
 - b. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all buildings and structures, and whether such structures contain a basement.

Conditions to be completed prior to issuance of a construction permit

Water

14. (WAT/mm-2) Prior to issuance of grading and construction permits, the applicant shall submit a copy of the RWQCB-issued stormwater construction permit. The permit shall be on-site during all major grading and construction activities.

Fees

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

Public Works

16. Prior to issuance of a construction permit, the applicant shall apply for and obtain an encroachment permit for any improvements within the right of way from the County Department of Public Works.

17. The applicant shall submit a drainage plan for review and approval by County Public Works Department. The applicant shall show the finished floor at a minimum of one foot above the 100 year storm surge level for review and approval by County Public Works and the Department of Planning and Building.

Services

18. Prior to issuance of a construction permit, the applicant shall submit to the Development Review staff evidence from the **Cayucos Sanitary District** that all of their requirements, including payment of fees, have been met.
19. Prior to issuance of a construction permit, the applicant shall provide a letter from the **CSA 10A** stating that they are willing and able to service the property.
20. Prior to issuance of a construction permit, the applicant shall receive any necessary approvals from the Regional Water Quality Control Board.

Fire Safety

21. Prior to issuance of a construction permit, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cayucos Fire Protection District.

Lighting

22. Prior to issuance of a construction permit, the applicant shall prepare a lighting plan for review and approval. The plan shall comply with the requirements of 23.04.320 (outdoor lights) of the Coastal Zone Land Use Ordinance.

Biological Resources

23. (BR/mm-1) Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified environmental monitor for all measures requiring environmental mitigation to ensure compliance with Conditions of Approval and EIR mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies (e.g., USACE, CDFW, RWQCB, California Coastal Commission, USFWS, and the County).
24. (BR/mm-6) Prior to issuance of construction permits, the applicant shall submit a detailed sediment and erosion control plan for approval, which shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection shall be provided on all cut and fill slopes. Revegetation shall be facilitated by mulching, hydro-seeding or other methods, and shall be initiated as soon as possible after completion of grading, and prior to the onset of the rainy season (October 15). Permanent revegetation and landscaping shall emphasize native shrubs, and trees, to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration and long-term root development. All plans shall show that sedimentation and erosion control measures are installed prior to any other ground disturbing work.

Aesthetics

25. (AES/mm-1) Prior to issuance of the building permit, the applicant shall submit interior and exterior lighting plans to the Department of Planning and Building for review and approval consistent with the following:
- a. The point source of all exterior lighting shall be shielded from off-site views, including beach areas.
 - b. All required security lights shall utilize motion detector activation.
 - c. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.

Air Quality

26. (AQ/mm-2) Prior to issuance of construction permits, the applicant shall include the following measures on applicable grading and building plans:

Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- c. Use of alternative fueled equipment is recommended whenever possible; and,
- d. Signs that specify the no idling requirements must be posted and enforced at the construction site.

Idling Restrictions for On-road Vehicles

- e. Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- f. Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

Idling Restrictions for off-Road Equipment

- g. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
- h. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.

Geology and Soils

27. (GS/mm-1) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Engineering Evaluation (Shoreline Engineering 2012) and Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of the Building Pad, Section 5.3 – Structural Fill, Section 5.4 – Drilled Piers, Section 5.5 – Conventional Deepened Foundation, Section 5.6 – Slab Construction, and Section 5.9 – Surface and Subsurface Drainage.
28. (GS/mm-2) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, and specifically the following:
 - a. All surface and subsurface deleterious materials shall be removed from the proposed building area and disposed of offsite. This includes, but is not limited to, any buried utility lines, loose fills, debris, building materials, and any other surface and subsurface structures.
 - b. Voids left from site clearing shall be cleaned and backfilled as recommended for structural fill.
 - c. Once the site has been cleared, the exposed ground surface shall be stripped to remove surface vegetation and organic soil.
29. (GS/mm-3) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the following: recommendations for slope stability identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.10 – Temporary Excavations and Slopes; and Shoring Detail prepared by Shoreline Engineering (January 2012, updated September 20, 2012). Plans shall demonstrate how construction would be conducted such that no activity would compromise the neighboring structure. Construction of all site preparation and shoring activities shall be monitored by the project Engineer of Record, and daily monitoring reports shall be prepared and submitted to the County Department of Planning and Building on a weekly basis.
30. (GS/mm-4) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which include the use of deepened pier foundations identified in the Engineering Evaluation (Shoreline Engineering, Inc.), dated January 2012, and Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of Building Pad, Section 5.4 – Drilled Piers, and Section 5.5 – Conventional Deepened Foundation.
31. (GS/mm-5) Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.1 – Clearing and Stripping, Section 5.2 – Preparation of Building Pad, and Section 5.3 – Structural Fill.
32. (GS/mm-6) Prior to issuance of grading and construction permits, the applicant shall submit a drainage plan for review and approval by the County Department of Public Works. The drainage plan shall be coordinated with the sedimentation and erosion control plan, be consistent with CZLUO §23.050.036 and 040, and specifically include

engineered energy dissipators and controls that would limit peak runoff to pre-development levels.

33. Prior to issuance of grading permits, the applicant shall retain a certified arborist to conduct any site preparation activities requiring cuts or impacts to the root zone of the existing mature cypress tree. The certified arborist shall monitor work within the root zone, including grading and excavation for the retaining wall, and utility work. The certified arborist shall verify that tree protection fencing shown on the plans and approved by the County is installed prior to ground disturbance within 25 feet of the trunk of the tree. The applicant shall comply with methods identified by the certified arborist to avoid unnecessary damage to the root zone, including use of hand tools within 25 feet of the trunk of the tree, protection and treatment of exposed roots during construction, and use of tunneling under shallow roots for utility installation in lieu of standard trenching.

Lateral Access

34. Prior to issuance of construction permits, the applicant shall execute and record an offer of dedication for lateral access which shall include the area from the western property line adjacent to the public beach to the toe of the bluff to be available at all times during the year (pursuant to the requirements of the Estero Area Plan and Section 23.04.420 of the Coastal Zone Land Use Ordinance).

Deed Restriction/Shoreline Protection Device Prohibition

35. Prior to issuance of any grading or construction permits, the property owner shall record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development, and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235 and the San Luis Obispo [County] certified Local Coastal Program.
36. Prior to issuance of any grading or construction permits, the property owner shall execute and record a deed restriction which acknowledges and assumes the risks of wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

Conditions to be completed during project construction

Biological Resources

37. (BR/mm-2) Prior to the initiation of construction, the environmental monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.
38. (BR/mm-4) Prior to the initiation of construction, the applicant's contractors and the environmental monitor shall coordinate the placement of project delineation fencing throughout the work areas. The environmental monitor shall field fit the placement of the

project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.

Air Quality

39. (AQ/mm-1) Prior to initiation of construction, the project applicant shall implement the following dust control measures:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
 - c. All dirt stockpile areas should be sprayed daily as needed; and,
 - 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 or soil binders are used.

Building Height

40. The maximum height of the project is 15 feet as measured from the centerline of the fronting Street at a point midway between the two side property lines, projected to the street centerline. 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. A licensed surveyor or civil engineer shall prepare this certification.

Archaeology

41. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Conditions to be completed prior to final building inspection

Landscaping

42. Prior to final building inspection, landscaping in accordance with the approved landscaping plan shall be installed or bonded for to ensure the implementation of landscaping. 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

43. Prior to final inspection, the applicant shall obtain final inspection and approval from Cayucos Fire Protection District for all required fire/life safety measures.

Miscellaneous

44. Prior to occupancy of any structure associated with this approval, the applicant shall contact the County Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

45. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone 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.
46. 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 Coastal Zone Land Use Ordinance.
47. The applicant shall, as a condition of approval of this minor use permit/coastal development permit defend, at his or her sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this minor use permit/coastal development or the manner in which the County is interpreting or enforcing the conditions of this minor use permit/coastal development permit, or any other action by a third party relating to approval or implementation of this minor use permit/coastal development permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County incurs as a result of such action, but the County's participation in any such litigation shall not relieve the applicant of his obligation under this condition.