

**EXHIBIT B - CONDITIONS OF APPROVAL  
DRC2014-00071 McKellop**

**Authorized Use**

1. This Minor Use Permit/ Coastal Development Permit authorizes the following:
  - a. The construction of a new 1,460 square foot, single story covered patio, to be used as the new dining area for the existing restaurant at the historic Cass House;
  - b. The conversion of an existing 649 square foot cottage into a bakery kitchen and storage building; and
  - c. Temporary events with up to 100 attendees;

**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.
3. **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.

***Fire Safety***

4. **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.

***Access***

5. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance, the Cayucos Urban Standards, and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
  - a. Street plan and profile for widening **North Ocean Avenue and Cayucos Drive** to complete the project side of an A-2 urban street section fronting the property.
  - b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

6. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

***Drainage***

7. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance.
8. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

***Stormwater Control 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 BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
10. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.
11. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

***Cultural Resources***

12. **Prior to issuance of construction permit**, the applicant shall retain a qualified archeologist, approved by the Environmental Coordinator, to prepare an updated Mitigation Monitoring Plan. No vegetation removal shall occur until after issuance of the proper permits. The consulting archeologist shall be provided with a copy of the previous archeological investigations (Bertrando and Bertrando, 1995; Parker and Associates, 1993). Should any resources be encountered, adequate measures shall be proposed by the archaeologist to reduce impacts to a less than significant level in an updated Mitigation Monitoring Plan. Recommended mitigation measures shall account for the much smaller project scope, reduced site disturbance and deep excavations compared to the previously approved commercial building on the subject site. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator.
  - a. **If the proposed development cannot avoid impacts to cultural resources identified onsite and required by the updated Mitigation Monitoring Plan**, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a Phase III (data recovery) archaeological investigation, **prior to issuance of construction permit**. The Phase III program

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shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The Phase III program shall include at least the following:

- i. standard archaeological data recovery practices;
- ii. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size typically is 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.
- iii. identification of location of sample sites/test units;
- iv. 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);
- v. disposition of collected materials;
- vi. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- vii. list of personnel involved in sampling and analysis.

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

b. **If required by the updated Mitigation Monitoring Plan**, the applicant shall submit a Construction Monitoring Plan, prepared by a qualified archaeologist, for the review and approval by the Environmental Coordinator, **prior to issuance of construction permit**. The monitoring plan shall include at a minimum:

- i. List of personnel involved in the monitoring activities;
- ii. Description of how the monitoring shall occur;
- iii. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- iv. Description of what resources are expected to be encountered;
- v. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- vi. Description of procedures for halting work on the site and notification procedures;
- vii. Description of monitoring reporting procedures.

The archaeologist shall verify implementation of the Monitoring Plan during any ground disturbing activities. A final report on compliance shall be submitted by the archaeologist **prior to final inspection**.

13. **Prior to issuance of construction permit**, the applicant shall submit to the Environmental Coordinator, a Fieldwork Closure Report from the consulting archaeologist indicating that all necessary field work as identified in the updated Mitigation Plan has been completed.

**Conditions to be completed during project construction**

***Cultural Resources***

14. **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.
17. **During all ground disturbing construction activities**, the cypress tree shall be marked for protection (e.g. flagging ) and tree protection fencing installed and maintained until construction activity is complete. If root is encountered during the construction, excavation and root cutting shall be done by hand.

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

18. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire / life safety measures.
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.
20. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

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21. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first)**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. If the analysis included in the Data Recovery plan (as required) 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)**

22. The 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

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proof of Transient Occupancy Tax payment to the County Tax Collector is submitted to the Department of Planning and Building within 24 months of approval.

23. 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.
24. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
25. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.
26. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).