

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2014-00140**

Authorized Use

1. This permit authorizes:
 - a. Expand restaurant use into the adjacent undeveloped portion of the site by 1800 sq ft. for a total restaurant size of 2,550 square feet.
 - b. The existing capacity of the restaurant remains unchanged at 100 people.
 - c. 40 of the 100 allowable seats may be in the expansion area.
 - d. A garden area at the rear of the expansion area.
 - e. Outdoor amplified music until 10:00 p.m.
 - f. Amend hours of operation from 10:30 p.m. close to 11:00 p.m.
 - g. Clean up time (after closure) for 90 minutes after close. Clean up activities must end by 12:30 a.m.
 - h. Allow temporary rain covers over solar panels from October 15 to April 15.
2. This project shall be consistent with the approved site plan, floor plan, and elevations.

Access

3. **At the time of application for construction permits**, and in accordance with 23.05.106 (Curb Gutter and Sidewalk) the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit to reconstruct, if necessary, all deteriorated or non-compliant parent parcel frontage improvements.

Fees

4. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Beach Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.

Drainage

5. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section or 23.05.040 (Drainage) of the Land Use Ordinance.
6. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Title 23.

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7. **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.
8. **On-going condition of approval (valid for the life of the project)**, 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.

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. **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.

Fire Safety

11. The applicant shall provide the county Department of Planning and Building with a fire safety plan approved by Cal Fire.

Landscape Plan

12. The applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project activities with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Noise

13. Outdoor amplified music is allowed from 9:00 a.m. to 10:00 p.m. At no time may noise levels exceed 65 dBA at the rear (northerly) property line.
14. The final design of the project shall be consistent with the Avila Beach Specific Plan.

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Hours of Operation

15. The business may operate on the following schedule:
 - a. November 1 – April 30 – Inside 7 a.m. to 11:00 p.m.
Patio – 7:00 a.m. to 8:30 p.m.
 - b. May 1 – October 30 – Inside – 7:00 a.m. to 11:00 p.m.
Patio – 7:00 a.m. to 9:30 p.m.
 - c. During the first 30 days of operation of the expanded outdoor area, the applicant shall retain a noise consultant approved by the County to conduct noise analysis of the restaurant operation and amplified outdoor music on two Fridays and two Saturdays in the initial 30 days of operation. The noise consultant shall prepare and submit a report to the County within the second 30 days of operation identifying noise levels recorded throughout the restaurant's operational hours including set up and post closure clean up. Any aspect of the outdoor area that violates the noise element noise levels shall be discontinued immediately. Outdoor amplified music shall cease after 60 days unless the Department allows the outdoor music to continue based on the results of the noise analysis.
16. All clean up and maintenance activities must be completed within 90 minutes of closing time. Kitchen operations shall commence no earlier than 6:30 a.m. daily. Outside setup is to start no earlier than 6:45 a.m. All noise associated with the interior kitchen activities shall be confined to the structure. Doors and windows are to be kept closed during prep times.

Lighting

17. **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

Miscellaneous

18. This 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. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
19. 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

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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.

Building Division

20. The County Building Division has the following requirements:
- a. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
 - b. Prior to issuance of the building permit the expired permit for PMT2013-01237 needs to be finalized and /or reactivated.
 - c. Please clarify if the seating area is to be covered or uncovered.
 - d. Please provide a building tabulation on the cover sheet of the plans showing the floor area(s) for the existing building /exterior seating and the new seating area.
 - e. If the occupant load for the seating area and garden is greater than 49 or more a secondary exit /path of travel will be required. Please clarify the occupant load for the new seating area to verify compliance with CBC Chapter 10.
 - f. The accessibility elements throughout will need to be shown on the plans to comply with CBC, including Chapter 11B.
 - g. The accessible path of travel to the seating area and garden will need to be accessible to comply with CBC Chapter 11B.
 - h. The accessible seating will need to be dispersed throughout for each type of seating functional area per CBC Chapter 11B, including 11B-226.
 - i. Provide a plumbing fixture analysis on the plans to verify the existing number of plumbing fixtures is sufficient for the increased occupant load to verify compliance with CPC Section 422, Table 422.1, and Table-A.
 - j. It appears there maybe retaining walls for the site. Provide plans which clearly show the structural design to verify compliance with the 2013 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.