

ATTACHMENT 2

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes Temporary Events within a single family residence or within a barn on a 29.02 acre project site. The Temporary Events program will include: 10 events with up to 400 guests; 20 events with up to 350 guests; 10 events with up to 250 guests. No more than 40 events (including non-profits) are proposed onsite during one calendar year. The project also includes the phased construction of an approximate 4,000 sf barn.

Conditions to be completed prior to issuance of a construction permit

Fees

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

Hazards and Hazardous Materials

3. (HAZ-1) Prior to Fire Department Review, proposed event area must first complete all requirements pursuant to Title 22, the San Luis Obispo County Land Use Ordinance. This includes receiving any necessary land use permit approval and issuance of construction and Conditional Use Permit requirements.

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

Site Development

4. At the time of application for construction permits plans submitted shall show all development consistent with the approved site plan, and floor plan.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that existing septic system is adequate to serve the proposal'

Fire Safety

6. 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.

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

Biological

7. (BIO-5) Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio, all *oak* trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. 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, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

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CAL FIRE

8. **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.

Department of Planning and Building

9. **Prior to occupancy of any structure associated with this approval or holding any temporary events**, the applicant shall contact the 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)

Time Frames

10. 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.
11. 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 22.74.160 of the Land Use Ordinance.

Access

12. **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.

Recycling

13. **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).

Prior to Holding Events

Hazards and Hazardous Materials

14. (HAZ-2) A fire safety review is required to ensure public safety in a place of assembly, or any other place where people congregate, including but not limited to; amusement buildings, carnivals and fairs, exhibits and trade shows, open burning, flames and torches, candles, places of assembly, temporary membranes structures and tents, pyrotechnics and special effects, live audiences and any event with public attendance over 250. The Fire Code Official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

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15. (HAZ-3) A written plan must be submitted to the Fire Code Official 30 days prior to the event. Written submittal requirements will be in accordance with Section 404 Fire Safety and evacuation plans. A **field inspection verifying compliance of fire and life safety conditions must be conducted prior to public occupancy of the event.** If modifications or additions to the event areas are made, an updated permit & inspection must be completed. Local Ordinance and California Fire Code (CFC) section 105.
16. (HAZ-4) Any time a tent, canopy or membrane structure in excess of 400 square feet is erected; it must be placed and utilized in accordance with California Fire Code - Chapter 24. The applicant shall be required to notify County Fire a minimum of 48-hours in advance of any tent or membrane structure being placed on site. Submittal requirements can be found on line at www.calfreslo.org.
17. (HAZ-5) The existing secondary access route providing access from the event parking site directly to West Ormonde Road must be improved to provide an all-weather surface. The primary and secondary access routes must provide adequate width of 20' to function as a two- way means of exiting vehicles from the project site in the event of an emergency. All gates, cables or chains located along this secondary access road shall be open or removed during all events.

Biological

18. (BIO-3) Pismo Clarkia Avoidance. Prior to any Temporary Events authorized by this permit, a focused, appropriately timed botanical survey for Pismo clarkia shall be conducted during the spring by a qualified botanist to determine its presence or absence on site. In order for the survey to be valid and satisfy this measure/condition, no vegetation clearing or mowing shall occur within the previously documented occurrence area of Pismo clarkia along the frontage of West Ormonde Road before the botanical survey. If Pismo clarkia is found, soil disturbance and vegetation trimming shall be avoided in that area and no mowing in the area shall occur between April 1 and July 31 each year.

Health Department

19. (W-1) Prior to holding any events, the applicant shall contact the Environmental Health Department to verify water supply adequacy and potability as for the proposed project. The applicant shall contact Brad Prior of the Environmental Division to determine if an annual permit will be required for the water supply at this facility.
20. (W-2) Prior to holding any temporary events, the applicant shall obtain all the appropriate Health Department permits. The Health Department will require the following information:
 - a. If water is made available to 25 or more employees at any one time, or to members of the public then the applicant shall be required to have domestic water supply system.
 - b. Any service or sale of food or beverages for on-site consumption shall have all necessary approvals from the County Environmental Health Department.
 - c. Comply with all County Environmental Health Department approved pest and solid waste control plans.

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Air Quality

21. (AQ-1) Prior to holding any events and for the life of the project, the applicant shall implement the following measures:
- a. Designated parking locations shall be:
 1. Paved when possible;
 2. Plant fast germinating non-invasive grass or low cut dense vegetation; or,
 3. Treated with a dust suppressant (see Technical Appendix 4.3 of the APCD's CEQA Handbook) such that fugitive dust emissions do not exceed the APCD 20% opacity limit and do not impact off-site areas prompting nuisance violations.
 - b. Any unpaved roads/driveways that will be used for the special event shall be maintained with an APCD-approved dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit and do not impact offsite areas.
 - c. The applicant may propose alternative measures of equal effectiveness by contacting the APCD's Planning Division at 781-5912.
22. (AQ-2) Prior to establishment of the temporary event program, the applicant shall contact the APCD for specific information regarding operation equipment registration and APCD permits. The applicant shall submit to the Planning Department a copy of a letter of exemption for the above or a copy of any required APCD permits.

Life of the Project

Biological Resources

23. (BIO-1) Avoid Impacts to Aquatic Species. Vegetation management, amplified music, and nighttime lighting within 250 feet of aquatic features shall not occur during the CRLF breeding season (November 1 to April 30).
24. (BIO-2) Avoid Impacts to Nesting Birds. The Applicant is bound by the Migratory Bird Treaty Act and the California Department of Fish and Game Code (i.e., they must protect migratory nesting species). As such, the Applicant shall ensure they do not cause a nest to fail as a result of events. Events should avoid the prime nesting season (February 15 to August 31) to the extent feasible.
25. (BIO-4) Santa Margarita Manzanita Avoidance. No further Santa Margarita manzanitas shall be removed and impacts to any individuals of this species shall be avoided in the future. If it is determined at a later date that further construction activities will impact manzanitas, the Applicant shall acquire prior approval from the County. Any manzanitas removed in the future shall be mitigated at a 2:1 ratio on site within a location that will be protected in perpetuity. A restoration plan approved by the County will be developed in order to document the survival of the replacement manzanitas.

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26. (HAZ-6) As mitigation for the extended response time from the nearest CAL FIRE/County Fire station, an individual trained and certified as an Emergency Medical Technician (E.M.T.) within the county of San Luis Obispo shall be required at all events exceeding 150 attendees. This person shall not be a "guest" or an attendee of the event and must also function as a Fire Watch throughout the event(s). Two (E.M.T's) will be required for events over 300 attendees.

Temporary Events - Notification

27. The applicant shall provide notification to owners of property within a minimum of 1,000 feet of the exterior boundaries of the proposed site, through an email or letter. If a letter is used, it shall be delivered within 30 days prior to but not less than 3 days before each event occurrence. The following information shall be provided:
- a. A complete listing of all scheduled events including dates, times and number of attendees;
 - b. 24-hour contact information for the on-site operator (cell phone), including e-mail and phone number, to be used to notify the operator of issues with the operation;
 - c. Contact information for County Code Enforcement to be used if members of the public have complaints about the operation;
 - d. Any identified problems shall be responded to and addressed as soon as possible.

As an alternative to providing the annual listing of the events in a letter, a website may be used. If a web-site is used, notification shall first be provided by mail and contain the website address, the 24 hour local contact information and the approved number of events and attendee numbers. The website shall be maintained and kept current at all times.

Temporary Events - Hours

28. Temporary Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.
29. Temporary Events shall last no more than one day each.

Temporary Events – Noise

30. The project shall comply with the noise limits in the County Noise Element. From 7 a.m. to 10 p.m. (daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10 p.m. to 7 a.m. (nighttime), noise levels at the property line shall not exceed an hourly average of 45 dB, with a maximum level of 65 dB, and an impulsive noise level of 60 dB. To help ensure compliance with these standards, the project shall do the following:
- a. No outdoor amplified music allowed.

Violation

31. It is unlawful for any person to use or allow the use of property in violation of the provisions of this Section. The penalties for violation of this Section are set forth in Chapter 22.74 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the land use permit. A land use permit, including any Zoning Clearance, may not be issued if there is an active violation on the site or if 3 substantiated complaints have been received by the Department in any consecutive six month period. If substantiated complaints have been received by the Department more than three times in any consecutive

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six month period, this shall be grounds for revocation of the Land Use Permit consistent with this Title.