

**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00026**

Approved Development

1. This approval authorizes:
 - a. Demolition of three existing residences, a detached garage and an accessory building;
 - b. The subdivision of two existing parcels totaling approximately 12,000 sq. ft. into seven lots ranging in size from 1,245 sq. ft. to 2,895 sq. ft. as shown on the tentative tract map 3091;
 - c. Construction of eight residential units in four buildings ranging in size from 360 sq. ft. (studio) to 1,235 sq. ft.
 - d. The maximum height of the residences shall be 25 feet as measured from average natural grade to the peak of the roof or top of roof deck railings.
 - e. Parcel size, floor area, parking and setbacks as follows:

Table 1 -- Tract 3091 Project Summary								
Components	Building 1		Building 2		Building 3		Building 4	
Parcel Area (sq.ft.)	1,868	1,437	1,245	1,548	1,578	1,433	2,895	
Unit No.	Unit 1A	Unit 1B	Unit 2A	Unit 2B	Unit 3A	Unit 3B	Unit 4A	Unit 4B
Living Area (sq.ft.)	915	1,154	822	1,031	1,115	1,162	1,235	360
Bedrooms	2	2	2	2	2	2	2	Studio
Garage (sq.ft.)	503	483	547	499	520	483	413	0
Decks (sq.ft.)	200	211	93	172	233	247	339	0
Roof Decks	213	300	258	253	382	47	561	0
Storage (sq.ft.)	0	361	163	0	0	361	0	0
Parking Provided	2 in tandem	2	2 in tandem	2	2	2	2	2

- f. All development shall be consistent with the approved tentative map, development Plan/Coastal Development Permit as conditioned.

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

Exterior Lighting

2. **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.

Roofing Materials

3. **At the time of application for construction permits**, the applicant shall provide samples of roofing materials for review and approval and which comply with the requirements of the Avila Beach Specific Plan.

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.

Services

5. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Revised Plan

6. **At the time of application for construction permits** revised plans shall be submitted that revise the elevations of the buildings to include a pitched roof above 20 feet in compliance with Avila Beach Specific Plan section D.3.b. The flat vertical walls with roof decks above shall have a minimum 2.5 in 12 pitched roof above 20 feet above ANG.

Fees

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

Best Management Practices

8. **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.

Asbestos

9. **Prior to issuance of a grading permit**, the project proponent shall demonstrate compliance with applicable provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHP).

Cultural Resources Monitoring Plan

10. **Cultural Resources - Monitoring Plan. Prior to issuance of construction permit(s) or subdivision public improvement plan**, the Applicant shall submit a Monitoring Plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved Plan. The Monitoring Plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and
 - h. Description of monitoring reporting procedures.

11. **Prior to construction/ground-disturbing activities**, the Applicant shall ensure that any construction-related subsurface excavation in sensitive areas (those with moderate to high potential for buried prehistoric archaeological resources) are tested by a County-approved archaeologist. Should buried resources be identified, further testing or avoidance shall be required; if avoidance is not possible, mitigation through data recovery shall be required (as defined in Mitigation Measure CR-3 - Cultural Resources - Phase III (data recovery) program).

Conditions to be completed during project construction

Air Quality

12. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - f. All dirt stock-pile areas should be sprayed daily as needed.
13. During construction activities. The project proponent shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
 - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

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- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
 - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - i. Electrify equipment when feasible;
 - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
 - k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
14. To help reduce sensitive receptor emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operations 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 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-road Diesel regulation.
 - c. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit.
15. The proposed truck route for the delivery and removal of materials and equipment shall be selected to ensure routing patterns have the least impact to residential and other sensitive receptors such as schools, parks, day care centers, nursing homes and hospitals.

Cultural Resource Protection

16. Crew Education - The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

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The Project Archaeologist shall verify implementation of the Plan during construction of improvements. A final report on compliance shall be submitted by the archaeologist prior to final inspection/occupancy of individual lot construction permits.

17. (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
18. (CR-2) Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
19. (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).
20. (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, reburial).
21. Cultural Resources - Phase III (Data recovery) Program. If, during site disturbance monitoring, cultural resources are discovered on site, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for 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 conducted archaeological investigations and the Phase I Archaeological Survey (CRMS; May 2015). 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 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.
 - 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 construction drawings and implemented during construction. Prior to final inspection, the applicant shall provide to the County a final report on the investigation work conducted during construction.

Building Height

22. The maximum height of the project is 25 feet 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

23. Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
24. **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.
25. **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.

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

26. *Permit Vesting*

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. 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. This DP/CDP will remain valid and run concurrently with the approved map.

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27. 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.