



# Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

**ENVIRONMENTAL DETERMINATION NO.** ED16-133

**DATE:** November 13, 2017

**PROJECT/ENTITLEMENT:** Moreno Minor Use Permit/Coastal Development Permit; DRC2016-00036

**APPLICANT NAME:** Cayetano Moreno **Email:**  
**ADDRESS:** 2492 Seahorse Lane, Los Osos, CA 93402  
**CONTACT PERSON:** Matthew Davis **Telephone:** 805-215-0399  
matthewcrazierconstruction@gmail.com

**PROPOSED USES/INTENT:** A request by Cayetano Moreno for a Minor Use Permit /Coastal Development Permit to allow for the construction of a two-story 1,718 square-foot single family residence with attached 1,024 square-foot garage, 254 square-foot of deck space, and a detached 579 square-foot guesthouse. The project will result in site disturbance of approximately 7,000 square feet including 136 cubic yards of cut and fill on a 1.25-acre parcel. The project site is within the Residential Single-Family land use category.

**LOCATION:** The northeast corner of Chumash Lane and Al Sereno Lane, approximately 400 feet north of Bayview Heights Drive in the community of Los Osos. The site is in the Bayview Heights area of Los Osos, within the Estero planning area.

**LEAD AGENCY:** County of San Luis Obispo  
Dept of Planning & Building  
976 Osos Street, Rm. 200  
San Luis Obispo, CA 93408-2040  
Website: <http://www.sloplanning.org>

**STATE CLEARINGHOUSE REVIEW:** YES  NO

**OTHER POTENTIAL PERMITTING AGENCIES:** California Department of Fish and Wildlife,  
California Coastal Commission, Regional Water Quality Control Board

**ADDITIONAL INFORMATION:** Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)**

**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

## Notice of Determination

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as  *Lead Agency*  
 *Responsible Agency* approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Kate Shea (kbshea@co.slo.ca.us)

County of San Luis Obispo

**Signature**

**Project Manager Name**

**Date**

**Public Agency**





# Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.9) [Using Form](#)

## Project Title & No. **Moreno Minor Use Permit/Coastal Development Permit (DRC2016-00036) ED (16-133)**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input checked="" type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water /Hydrology
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

### DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

<u>Kate Shea</u>	<u>Kate Shea</u>		<u>11/02/2017</u>
Prepared by (Print)	Signature		Date
<u>Kerry Brown</u>	<u>Kerry Brown</u>	Ellen Carroll, Environmental Coordinator	<u>11/02/2017</u>
Reviewed by (Print)	Signature	(for)	Date

### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

## **A. PROJECT**

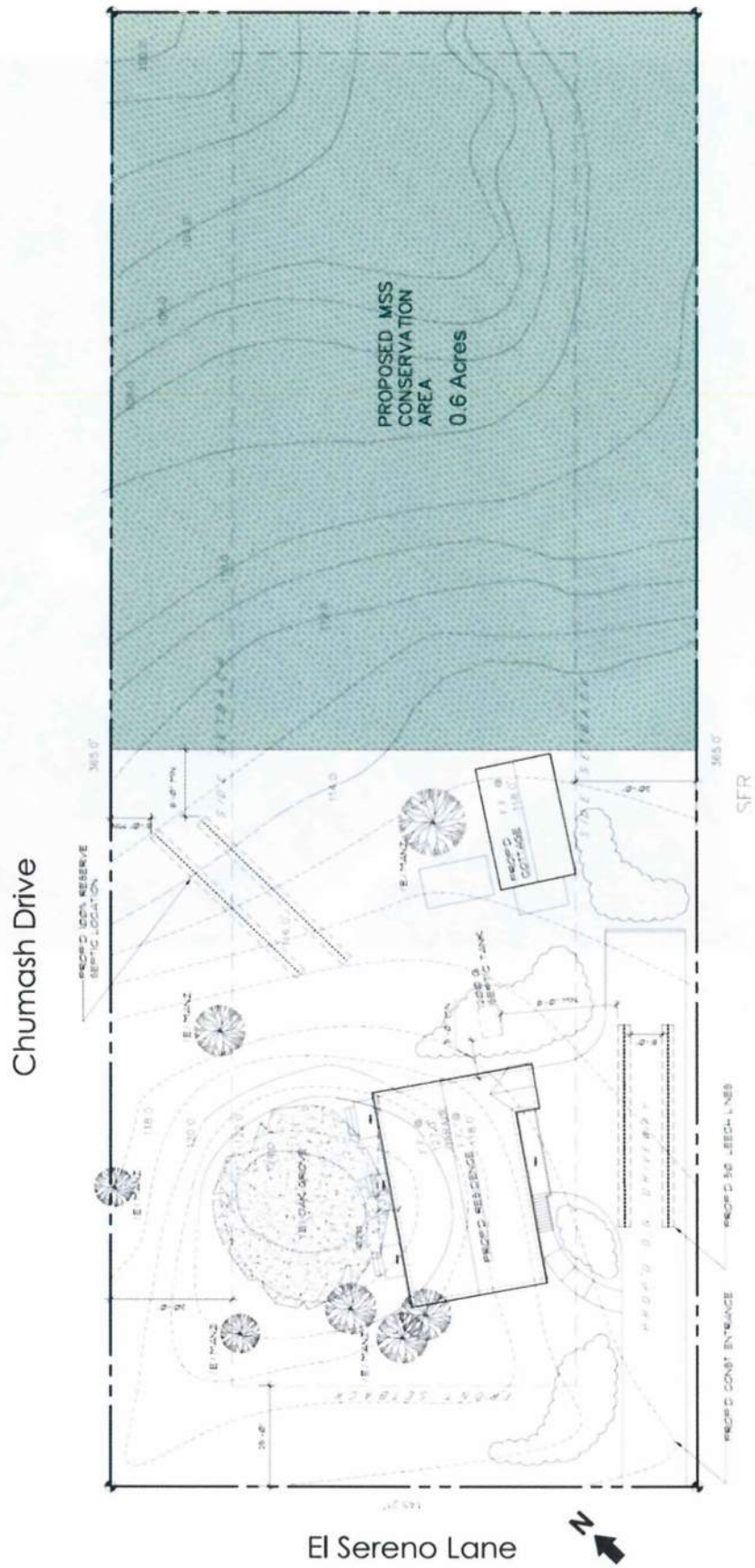
**Description.** A request by Cayetano Moreno for a Minor Use Permit /Coastal Development Permit to allow for the construction of a two-story 1,718 square-foot single family residence with attached 1,024 square-foot garage, 254 square-foot of deck space, and a detached 579 square-foot guesthouse. The project will result in site disturbance of approximately 7,000 square feet including 136 cubic yards of cut and fill on a 1.25-acre parcel. The project site is within the Residential Single-Family land use category and is located at the northeast corner of Chumash Lane and Al Sereno Lane, approximately 400 feet north of Bayview Heights Drive in the community of Los Osos. The site is in the Bayview Heights area of Los Osos, within the Estero planning area.

The project site is vacant and relatively level. Surrounding land uses include single family residences on parcels ranging in size from 0.3 to 2.5 acres. Vegetation consists of coastal dune scrub and a small grove of coast live oaks and scattered Morro Manzanita. There are federally listed species on the project site; accordingly, the project includes a Low Effect Habitat Conservation Plan (HCP) which includes minimization and mitigation measures incorporated into the project design to ensure the protection of listed species and to compensate for the loss of sensitive habitat. To mitigate the incidental taking of Morro shoulderband snail (MSS), the applicant proposes to set aside the northern half of the 1.25-acre property under a County Conservation Easement (Figure 2) to preserve MSS and supporting habitat in perpetuity.

Figure 1 – Project Setting



Figure 2 -- Site Plan



**ASSESSOR PARCEL NUMBER(S):** 074-323-020

Latitude: 35° 18' 16.97" N Longitude: 120° 49' 34.87" W

**SUPERVISORIAL DISTRICT # 2**

**B. EXISTING SETTING**

**PLAN AREA:** Estero

**SUB:** None

**COMM:** Los Osos

**LAND USE CATEGORY:** Residential Single Family

**COMB. DESIGNATION:** Coastal Zone, Coastal Appealable Zone, Local Coastal Plan/Program, Archeologically Sensitive Area

**PARCEL SIZE:** 1.25acres

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Coastal scrub, Central Maritime Chaparral, Morro Manzanita

**EXISTING USES:** Undeveloped

**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Residential Single Family; single family residences(s)	<i>East:</i> Residential Single Family; single family residences(s)
<i>South:</i> Residential Single Family; single family residences(s)	<i>West:</i> Residential Single Family; single family residences(s)

## C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.



## COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project site is located in the Bayview Heights area at the southerly portion of the community of Los Osos. The subject parcel is located within an existing residential neighborhood at the northeast corner of Chumash Lane and Al Sereno Lane, approximately 400 feet north of Bayview Heights Drive. The project site is located approximately ¼-mile southwest from the Los Osos Oaks State Natural Reserve, an 85.75-acre open space parcel owned by the California Department of Parks and Recreation. The site is designated for single family residential development and is surrounded on all sides by occupied single family residences; the project site is one of the few remaining infill sites in the area. The proposed residence and guesthouse will be located on the southern portion of the site near the unimproved access road (Al Sereno Lane). The existing vegetation on the project site consists of a maritime chaparral, coastal dune scrub, and one coast live oak tree cluster.

Elevations submitted for the project show a two-story dwelling with the garage located under the main living space, and a detached guesthouse. Exterior materials include walls of painted cement siding and stucco with wood accents, vinyl windows with wood trim and a pitched roof with composition shingles. The project will not be visible from any major public roadway or silhouette above any ridgelines as viewed from public roadways.

**Impact.** The project will result in the construction of a single family residential structure and a guesthouse within an urban area designated for residential uses. As such, the project would be



aesthetically compatible with existing surroundings and would not significantly alter the visual character of the area. The project is designed to avoid removal of the majority of existing on-site vegetation and will not require the removal of any trees or sensitive plant species. The two-story residence and single-story guesthouse will be of a comparable size, mass, and design as surrounding development. The maximum height of the proposed residence is 25.5 feet at highest roof pitch, and project site will be minimally visible from public rights-of-way due to the gently sloping topography, existing vegetation and the density of surrounding development. Future development of the proposed single-family residence on the project site would not significantly change the visual character of the area however exterior lighting may create lighting and glare when viewed from surrounding areas. The applicant will be required to shield exterior lighting to minimize glare.

### **Conclusion/Mitigation**

The project is surrounded by residential development at a comparable scale and density to the proposed residence and will only be minimally visible to the public.

The preceding discussion supports the following conclusions:

- The project is surrounded by residential development at a comparable scale and density.
- The project site will be only minimally visible to the public.
- The project has been designed to minimize vegetation removal and will result in minimal impacts to native vegetation.
- Standard county regulations require exterior lighting to be shielded to minimize glare. The project will be conditioned to provide an exterior lighting plan prior to building permit issuance to ensure the project will not create off-site glare.

With application of the following mitigation measures, impacts to aesthetic and visual resources will be reduced to less than significant levels.

**AES-1 No-Build Conservation Easement. Prior to issuance of building permit,** the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create a conservation easement over approximately 0.625 acres of the project sites outside of the area of disturbance as shown on the project site plan. The terms of the conservation easement will allow only activities that help the long-term protection of native plant species and is intended to 1) retain existing native vegetation and trees, and 2) restrict development and other uses, and 3) protect sensitive plant and animal habitat. Planting of landscape plants, or other plants not commonly found in local maritime chaparral and coastal dune scrub habitat is prohibited.

**AES-2 At the time of application for construction permits,** the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans, as shown on the approved site plan. All new development (e.g. residence, garage, guesthouse) shall be completely located within the building sites(s) and/or within the building control line(s). Leach lines may be located outside the building envelopes, open space easement areas and driplines of existing/ trees or other sensitive vegetation, as shown on the approved site plan, to the minimal area necessary for such system to function effectively.

**AES-2 Prior to issuance of construction permits,** the applicant shall provide a lighting plan showing shielded exterior street and home lighting in order to screen light sources from neighboring properties and from the street.

**AES-3 Prior to final inspection or occupancy,** whichever occurs first, all exterior lighting shall comply with the lighting condition above. This condition shall be maintained for the life of the project.

**2. AGRICULTURAL RESOURCES**  
**Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The following area-specific elements relate to the property’s importance for agricultural production:

Land Use Category: Residential Single Family      Historic/Existing Commercial Crops: None  
State Classification: Not prime farmland      In Agricultural Preserve? No  
Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Baywood fine sand (2 – 9% slope). This gently rolling sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering. The soil is considered Class VII (non-irrigated) and Class is not rated (irrigated).

**Impact.** The project is located within an existing residential subdivision with a Residential Single-Family land use designation. The project site is located in a predominately non-agricultural area with no agricultural activities occurring on the property or in the area. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** Project impacts are considered less than significant. No mitigation measures are necessary.

**3. AIR QUALITY**  
*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**GREENHOUSE GASES**

f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** In March, 2002 the San Luis Obispo County Air Pollution Control District (APCD) adopted a Clean Air Plan (CAP) which sets forth strategies for achieving and maintaining federal and State air pollution standards. State standards for ozone and fine particulate matter (PM<sub>10</sub>) are currently exceeded within the District, and violation of federal standards may occur in future years without adequate planning and air quality management.

The Air Pollution Control District (APCD) has developed and updated their [CEQA Air Quality Handbook \(2012\)](#) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

The project proposes to disturb soils that have been given a wind erodibility rating of 1, which is considered "low".

**Greenhouse Gas (GHG) Emissions** are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is

associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 Metric Tons CO<sub>2</sub>/year (MT CO<sub>2</sub>e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO<sub>2</sub>e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

**Impact.** As proposed, the project will result in the disturbance of approximately 7,000 square feet. Construction activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance. In addition, the emission of ozone precursors (NO<sub>x</sub> and ROG) associated with these activities would contribute to periodic high ozone levels in the southern portion of the County. Lastly, earth disturbing activities have the potential to release naturally occurring asbestos.

### Construction Phase Impacts

The SLO APCD CEQA Handbook establishes thresholds of significance for various types of development and associated activities (Table 1). The Handbook also includes screening criteria for construction related impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM<sub>10</sub>). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NO<sub>x</sub>) or diesel particulates in excess of 7 lbs per day can result in a significant impact (Table 1). The project is not expected to exceed the daily emissions threshold for ROG and NO<sub>x</sub> combined.

<b>Table 1 – Thresholds of Significance for Construction</b>			
<b>Pollutant</b>	<b>Threshold<sup>1</sup></b>		
	<b>Daily</b>	<b>Quarterly Tier 1</b>	<b>Quarterly Tier 2</b>
ROG+NO <sub>x</sub> (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM <sub>10</sub> ), Dust <sub>2</sub>		2.5 tons	
Greenhouse Gases (CO <sub>2</sub> , CH <sub>4</sub> , N <sub>2</sub> O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

Source: SLO County APCD CEQA Air Quality Handbook, page 2-2.

Notes:

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM<sub>10</sub> quarterly threshold.

Based on the preliminary grading plan submitted with the project, the project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres. Therefore construction related emissions will fall below the general thresholds triggering construction-related mitigation.

Impacts to Sensitive Receptors. Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The project is within 1,000 feet of residences which can be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. This is considered a potentially significant impact.

#### Naturally Occurring Asbestos

According to the APCD CEQA Air Quality Handbook, Naturally Occurring Asbestos (NOA) has been identified as a toxic air contaminant by the California Air Resources Board (CARB). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

The APCD website includes a map of zones throughout SLO County where NOA has been found and a geological evaluation is required prior to any grading. According to the web site map, the project site is located in an area where a geologic study for the presence of NOA is not required.

Development Burning. On February 5, 2000, the SLO APCD prohibited development burning of vegetative material within San Luis Obispo County. However, in under certain circumstances where no technically feasible alternative is available, limited burning may be allowed subject to regulations applied by the SLO APCD. Unregulated burning would result in a potentially significant impact.

#### Operational Phase Impacts

According to the APCD thresholds of significance, a project with less than 68 single family residences in an urban setting is unlikely to exceed to APCD operational thresholds for ozone precursor emissions. This project is a minor use permit for construction of one single-family residence. Therefore, operational phase emissions relating to ozone precursors and particulate matter are considered less than significant.

Consistency With the Clean Air Plan. The project will accommodate a level of development for the site that was anticipated by the Clean Air Plan. As discussed above, motor vehicle trips associated with operation of the project are expected to generate emissions that fall below the APCD threshold for operational impacts.

With regard to greenhouse gas emissions, using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

The Clean Air Plan includes land use management strategies to guide decisionmakers on land use approaches that result in improved air quality. This development is consistent with the "Planning Compact Communities" strategy because it incorporates an increase in development density within an urban area (Templeton URL) which is preferable over increasing densities in rural areas.

**Mitigation/Conclusion.** The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. The project is expected to have a less than significant impact on air quality resulting from construction emissions. No measures beyond those required by ordinance or law are required and impacts to air quality are less than significant.

#### 4. BIOLOGICAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species* or their habitats?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reduce the extent, diversity or quality of native or other important vegetation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Impact wetland or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

**Environmental Setting.** The following are existing elements on or near the proposed project relating to potential biological concerns:

On-site Vegetation: California Coastal Scrub, Morro Manzanita, Coast Live Oak

Name and distance from blue line creek(s): 0.4 miles from Los Osos Creek

Habitat(s): Central Maritime Chaparral, coastal dune scrub

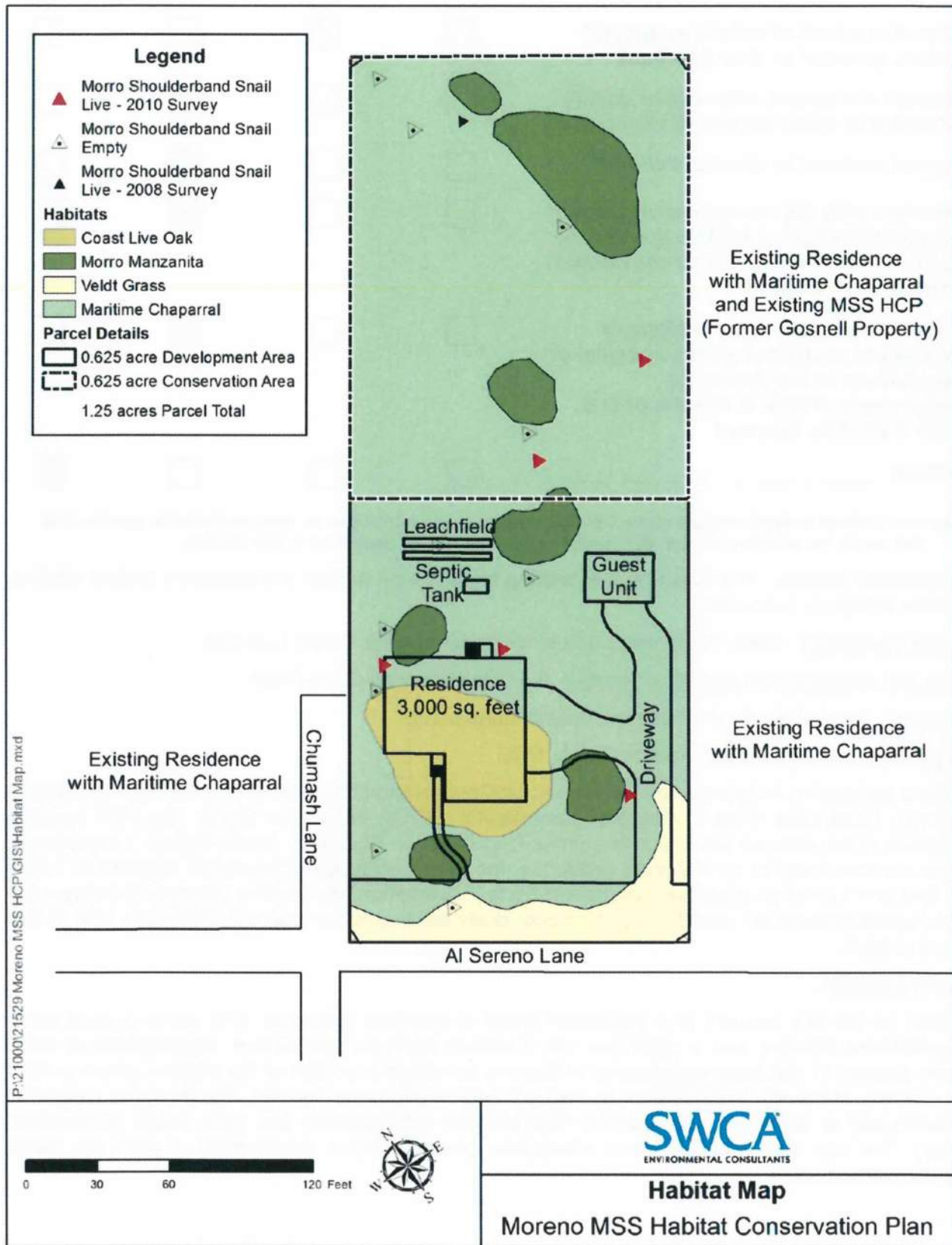
Site's tree canopy coverage: Approximately 15%.

The project application includes a Low-Effect Habitat Conservation Plan (HCP) prepared in accordance with Section 10(a)(1)(B) of the Endangered Species Act (SWCA, November 2013). The HCP includes a description of habitats on site which is summarized below in Figure 3. (While Figure 3 identifies a 3,000 square-foot footprint for the main residence, the proposed footprint has been reduced to 1,900 square feet and moved to avoid any oak tree impacts.) In addition, the Natural Diversity Database (or other biological references) identified species potentially existing within approximately one mile of the proposed project:

#### Habitats/Vegetation

Vegetation on the site consists of a senescent stand of maritime chaparral, with some coastal dune scrub associates present, and a coast live oak (*Quercus agrifolia*) tree cluster. Occurrences of veldt grass are present in disturbed areas along Al Sereno Lane and a portion of the eastern property line, but the majority of the site is dominated by native maritime chaparral species. The maritime chaparral plant community is dominated by chamise (*Adenostoma fasciculatum*) and buck brush (*Ceanothus cuneatus*). The site also includes Morro manzanita (*Arctostaphylos morroensis*), a federally listed threatened plant species.

Figure 3 -- Habitats and Species Identified on the Project Site and Proposed Project





Coastal dune scrub species on the site include mock heather, black sage, and California sagebrush (*Artemisia californica*). Other native plant species observed on the site include Morro manzanita (*Arctostaphylos morroensis*), California croton (*Croton californicus*), and horkelia (*Horkelia cuneata*). The maritime chaparral habitat and associated coastal dune scrub vegetation on the site is senescent and relatively undisturbed. With exception of the northern property boundary, the vegetative structure lacks woody refuse, debris, and duff. The northern property boundary has a significant amount of woody refuse and debris. The vegetative structure found on the remaining portions of the property is characterized by open canopies with minimal contact to the ground surface. The observed vegetative structure provides suitable but marginal habitat for MSS. The adjacent properties to the east and west are composed of similar maritime chaparral communities with associated coastal dune scrub species.

## Vegetation

### Mesa horkelia (*Horkelia cuneata* var. *puberula*) List 1B

Mesa horkelia (*Horkelia cuneata* var. *puberula*) has been identified on the project site. This perennial herb is generally found on sandy or gravelly soils in chaparral, cismontane woodland, and coastal scrub areas between the 70 and 810-meter elevation (230 to 2,660 feet). It has a blooming period of February-September. The mesa horkelia is considered rare by CNPS (List 1B, RED 2-3-3).

### Morro manzanita (*Arctostaphylos morroensis*) Federally Threatened, List 1B

This evergreen shrub is found on sandy loam soils in chaparral (maritime), cismontane woodland, coastal dunes, and coastal scrub habitats between the 5 and 205-meter elevation (15 to 675 feet). The typical blooming period is December-March. The Morro manzanita is considered rare by CNPS (List 1B, RED 2-3-3) and federally threatened.

Botanical surveys were performed on the project site in 2011 (SWCA 2011). Twelve Morro manzanita plants are scattered throughout the parcel. Sizes range from 2 feet tall to approximately 6 feet tall.

## Wildlife

### Coast horned lizard (*Phrynosoma coronatum frontale*) California Species of Special Concern

The potential for the coast horned lizard (*Phrynosoma coronatum frontale*) has been identified about 0.1 miles to the East. The coast horned lizard is a large species, and can reach 10 cm (4 inches) excluding the tail. It is less rounded than other horned lizards. It has two large dark blotches behind its head, followed by three broad bands on its body, with several smaller bands along the tail. Its color can be various shades of brown, with cream 'accents' around the blotches and the outer fringe of its scales. This lizard occurs in a variety of habitats, including scrubland, grassland, coniferous woods, and broadleaf woodlands. Typically it is found in areas with sandy soil, scattered shrubs, and ant colonies, such as along the edges of arroyo bottoms or dirt roads (Grismer 2002, Stebbins 2003). In southern California, *P. coronatum* was most common in areas with native ants and few or no Argentine ants, in areas with native chaparral vegetation, and in sites with porous soils relatively free of organic debris (Fisher et al. 2002). Individuals bury themselves in loose soil. Eggs are laid in a nest dug in the soil or in a burrow. This lizard ranges throughout most of west-central and southwestern California (United States) as well as most of Baja California (Mexico) (except the northeastern portion). In California, it ranges north to Shasta County, though a disjunct population occurs farther north at Grasshopper Flat, Siskiyou County, California (Jennings 1988, Grismer 2002, Stebbins 2003). The elevational range extends from near sea level to around 2,438 m (8,000 feet) (Stebbins 2003).

### Morro Bay blue butterfly (*Plebejus icarioides moroensis*)

The potential for the Morro Bay blue butterfly (*Plebejus icarioides moroensis*) has been identified about 0.4 miles to the South. The Morro Bay blue butterfly is endemic to San Luis Obispo County and northern Santa Barbara County and occupies less than 40-100 square miles. It is recorded to live in sand/dune habitats along the immediate coast from Morro Bay to Mussel Point. It does not migrate but its flight period is April to June.

### Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*) Federally Endangered, State Endangered

The project is potentially within an area known to support the Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*). The Morro Bay kangaroo rat is considered federally and state endangered. The species inhabits coastal sage scrub on the south side of Morro Bay. Needs sandy soil, but not active dunes; prefers early seral stages.

### Morro shoulderband snail (*Helminthoglypta walkeriana*) Federally listed species

The subject site is in the range of the Morro shoulderband snail, a federally listed species. The Morro shoulderband snail is considered federally endangered. There are two forms of the Morro shoulderband snail, the coastal snail and the inland snail. The coastal snail is restricted to the coastal strand and coastal sage scrub habitats in the immediate vicinity of Morro Bay. The coastal form, *H. walkeriana walkeriana*, inhabits the duff beneath mock heather (*Ericameria*), buckwheat (*Eriogonum parvifolium*), mint shrubs (*Salvia* spp.), *Dudleya*, and iceplant (*Mesembryanthemum* spp.). The inland form, *H. walkeriana morroensis*, is found under coastal sage scrub, *Opuntia* cactus, fennel, and grasslands and swales with shrubs that provide canopy and leaf litter.

Surveys for Morro shoulderband snail, consistent with the U.S. Fish and Wildlife Service's protocol, were conducted on the project site in 2008 and 2011 (SWCA, 2008 and SWCA, 2011). Six live MSS were observed on the property during the 10 protocol-level surveys conducted in 2008 and 2011. The observed snails included four juveniles and two adults sporadically located on the property. A total of 18 empty MSS shells were also found in various areas of the property during the two surveys. One live individual and 15 empty shells of common brown garden snail (*Helix aspersa*) were also observed during the surveys. A Low-Effect Habitat Conservation Plan (2014) was completed by the applicant.

### Silvery legless lizard (*Anniella pulchra pulchra*) California Species of Special Concern

The project is potentially within an area known to support the silvery legless lizard (*Anniella pulchra pulchra*). The silvery legless lizard is a federal and California Species of Special Concern. The species inhabits sandy or loose loamy soils under sparse vegetation. The lizard prefers soils with high moisture content.

## Regulatory Setting

### *Federal Endangered Species Act*

Section 9 of the Act and federal regulation pursuant to Section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined by the U.S. Fish and Wildlife Service (Service) to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed

species by annoying them to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Pursuant to Section 11(a) and (b) of the Act, any person who knowingly violates Section 9 of the Act or any permit, certificate, or regulation related to Section 9, may be subject to civil penalties of up to \$25,000 for each violation or criminal penalties up to \$50,000 and/or imprisonment of up to 1 year. Individuals and state and local agencies proposing an action that is expected to result in the take of federally listed species are encouraged to apply for an ITP under Section 10(a)(1)(B) of the Act to be in compliance with the law. Such permits are issued by the Service when take is not the intention of and is incidental to otherwise legal activities. An application for an ITP must be accompanied by an HCP. The regulatory standard under Section 10(a)(1)(B) of the Act is that the effects of authorized incidental take must be minimized and mitigated to the maximum extent practicable. Under Section 10(a)(1)(B) of the Act, a proposed project also must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and adequate funding for a plan to minimize and mitigate impacts must be ensured.

Section 7 of the Act requires federal agencies to ensure that their actions, including issuing permits, do not jeopardize the continued existence of listed species or destroy or adversely modify listed species' critical habitat. "Jeopardize the continued existence of..." pursuant to 50 Code of Federal Regulations (CFR) 402.2, means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. Issuance of an ITP under Section 10(a)(1)(B) of the Act by the Service is a federal action subject to Section 7 of the Act. As a federal agency issuing a discretionary permit, the Service is required to consult with itself (i.e., conduct an internal consultation). Delivery of the HCP and a Section 10(a)(1)(B) permit application initiates the Section 7 consultation process within the Service.

#### *Section 10(a)(1)(B) Process – Habitat Conservation Plan Requirements and Guidelines*

The Section 10(a)(1)(B) process for obtaining an ITP has three primary phases: (1) the HCP development phase; (2) the formal permit processing phase; and (3) the post-issuance phase. During the HCP development phase, the project applicant prepares a plan that integrates the proposed project or activity with the protection of listed species. An HCP submitted in support of an ITP application must include the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested;
- Measures that will be implemented to monitor, minimize, and mitigate impacts; funding that will be made available to ensure such measures are implemented in accordance with permit conditions; and procedures to deal with unforeseen circumstances;
- Alternative actions considered that would not result in take; and,
- Any additional measures the Service may require as necessary or appropriate for purposes of the plan.

The HCP development phase concludes and the permit processing phase begins when a complete application package is submitted to the appropriate permit-issuing office. A complete application package consists of: 1) the draft HCP; 2) an Implementing Agreement (IA), if applicable; 3) a permit application; and 4) a \$100 fee from the applicant. The Service must publish a Notice of Availability of the HCP package in the Federal Register to allow for public comment. The Service also prepares an Intra-Service Section 7 Biological Opinion and a Set of Findings to evaluate the Section 10(a)(1)(B) permit application in the context of permit issuance criteria (see below). An Environmental Action Statement, Environmental Assessment, or Environmental Impact Statement serves as the Service's record of compliance with the National Environmental Policy Act (NEPA). An IA is required for HCPs

unless the HCP qualifies as a low-effect HCP. A Section 10(a)(1)(B) ITP is granted upon a determination by the Service that the following criteria for permit issuance have been met:

- The taking will be incidental;
- The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking;
- The applicant will ensure that adequate funding for the HCP and procedures to deal with unforeseen circumstances will be provided;
- The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild;
- The applicant will ensure that other measures that the Service may require as being necessary or appropriate will be provided; and,
- The Service has received such other assurances as may be required that the HCP will be implemented.

During the post-issuance phase, the permittee (formerly the Applicant) and other responsible entities implement the HCP, and the Service monitors the permittee's compliance with the HCP as well as the long-term progress and success of the HCP. The public is notified of permit issuance by means of the Federal Register.

#### *National Environmental Policy Act*

The purpose of NEPA is two-fold: to ensure that federal agencies examine environmental impacts of their actions (in this case deciding whether to issue an ITP) and to utilize public participation. NEPA serves as an analytical tool on direct, indirect, and cumulative impacts of the proposed project alternatives to help the Service decide whether to issue an ITP (or Section 10(a)(1)(B) permit). NEPA analysis must be done by the Service for each HCP as part of the ITP application process.

#### *National Historic Preservation Act*

All federal agencies are required to examine the cultural impacts of their actions (e.g., issuance of a permit). This may require consultation with the State Historic Preservation Office and appropriate American Indian tribes. All ITP applicants are required to submit a Request for Cultural Resources Compliance form to the Service. To complete compliance, the applicants may be required to contract for cultural resource surveys and possibly to develop and implement mitigation.

#### *California Endangered Species Act*

Sensitive, endangered, and threatened plants and animals of California are listed pursuant to Section 1904 (Native Plant Protection Act of 1977) and Section 2074.2 and 2077.5 (California Endangered Species Act of 1984 [CESA]) of the California Department of Fish and Wildlife (CDFW) Code (California Fish and Game Code [CF&GC]). Under CESA, the CDFW has the responsibility for maintaining a list of threatened and endangered species. The CDFW also maintains lists of "species of special concern" which serve as "watch lists." Pursuant to the requirements of CESA, an agency reviewing a proposed project within its jurisdiction must determine whether any State listed endangered or threatened species may be present in the project area and determine whether the proposed project will have a potentially significant impact on such species. In addition, the CDFW encourages informal consultation on any proposed project which may impact a candidate species.

In addition, it is prohibited to "take" (CF&GC Section 86) species listed as threatened or endangered under CESA (CF&GC 2080) or as fully protected (CF&GC 3511, 4700, and 5050), which is defined as the following:

- Direct mortality;
- Permanent or temporary loss of occupied habitat that would result in mortality to or disruption of reproduction of at least one individual of the species; or,



- Avoidance by individuals of biologically important habitat for substantial periods that would result in the mortality or disruption of reproduction to at least one individual of the species.
- No species covered in this HCP are listed under CESA, and so this HCP will not further address CESA permitting requirements.

### *California Environmental Quality Act*

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 seq.) requires state and local governmental agencies to complete an environmental review of discretionary projects that could impact environmental resources. CEQA applies to projects undertaken, funded, or requiring an issuance of a permit by a public agency. CEQA differs from NEPA in that it requires that significant environmental impacts of proposed projects be reduced to a less than significant level through adoption of feasible avoidance, minimization, or mitigation measures unless overriding considerations are identified and documented.

Local government review consisting of issuance of a Minor Use Permit will be conducted by the County. Prior to the issuance by the County of any permit that would allow an activity that could result in take of MSS (e.g., grading permit, approval of improvement plans, vegetation removal, and/or ground disturbance), the applicant will provide proof that they are in possession of a current, valid ITP for the MSS.

### *California Coastal Act*

The proposed project is located within the Coastal Zone of California, and implementation of the project will likely require a Coastal Development Permit to satisfy provisions of the California Coastal Act of 1976 (CCA). The proposed project falls within the County's Estero Planning Area, and must remain in compliance with the policies of the County's Coastal Zone Land Use Ordinance and Local Coastal Program.

**Impact.** The proposed project has the potential to result in both permanent and temporary impacts to maritime chaparral and coastal dune scrub. As discussed above, this community provides habitat for several special-status species including Morro Shoulderband Snail (MSS). Potential impacts to special-status species are discussed below. Direct impacts of the project will include:

- Permanent loss or fragmentation of 7,000 square feet of maritime chaparral and associated coastal dune scrub, and veldt grass habitat areas suitable for MSS. Impact areas have been designed to reduce fragmentation of suitable habitat where possible.
- Disturbance to MSS that are found in the impact area during capture and moving of individuals out of harm's way into the easement area.

Indirect impacts of the project may include:

- Potential disturbance of MSS in the easement area during restoration and maintenance activities. This type of disturbance is anticipated to be minimal.

### Impacts to Unique or Special-status Plant Species

Field surveys were conducted as part of the preparation of the HCP. Morro manzanita, a federally listed plant species, and Mesa horkelia (*Horkelia cuneata*) (CNPS Rank 1B) were observed on the property. Two Morro manzanita will be trimmed or removed during construction of the primary residence (refer to Figure 3). The impacts to or loss of these two plants will be offset by establishment of the easement that will preserve 0.625 acre of native maritime chaparral habitat, including six mature Morro manzanita.

### Impacts to Unique or Special-status Wildlife Species



*Morro Shoulderband Snail (MSS) (Federal ESA listing – endangered, California ESA – not listed)*

Direct removal of maritime chaparral, associated coastal dune scrub species, and veldt grass could result in harassment, injury, or mortality for MSS present in the development area. Loss of this habitat will also result in a reduction of available habitat for MSS.

The effect of take on MSS that would result from this project is expected to be negligible when considered in terms of the species' overall survival. This is because the percentage of the species' habitat onsite relative to the species' entire range is extremely small and the number of individual MSS that could be taken, even in the form of capture, is also very small. The overall effect of the proposed project will be an increase in the amount of habitat for MSS that is protected from development and other disturbance, and an increase in connectivity between habitat preserves. Neither the mortality of MSS occupying the areas proposed to be disturbed, nor the permanent removal of habitat for MSS due to the construction of this project, are anticipated to affect the persistence of the population of MSS in the south Los Osos region or persistence of the species as a whole.

*Legless Lizards (Federal ESA listing – not listed, California ESA – not listed, CDFW species of special concern) and Coast Horned Lizard (Federal ESA listing – not, California ESA – not listed, CDFW species of special concern)*

Construction of the proposed residence (e.g., site grading, vegetation removal) could directly or indirectly impact legless lizards and coast horned lizard. These species are expected to occur under shrubs in the coastal dune scrub habitats. Numerous known occurrences of legless lizards have been documented within close proximity to the property (CNDDDB 2014). Mitigation Measure BIO-6 has been provided to ensure that project activities avoid impacts to legless lizards and coast horned lizard.

Impacts to Migratory Birds

Construction of the proposed residence (e.g., site grading, vegetation removal) could also impact a variety of nesting migratory bird species, if site disturbance is implemented during the typical nesting bird season (February 15 through September 15). Mitigation Measure BIO-4 has been provided to ensure that project activities avoid impacts to migratory bird species within the project site.

Impacts Effecting the Extent, Diversity, or Quality of Native or Other Important Vegetation

The project site is not within designated critical habitat for MSS. Critical habitat for MSS will not be affected by the proposed project. Critical habitat has not been proposed for Morro manzanita. Critical habitat for MSS was finalized on February 7, 2001 (66 Federal Register 9233). Critical habitat for MSS consists of three units covering 2,566 acres in San Luis Obispo County. Unit 1, Morro Spit and West Pecho covers 1,830 acres and encompasses the length of the Morro Bay sand spit and the foredune areas south to Hazard Canyon, and the area east of the Morro Spit between Pecho Road and the city of Los Osos. Unit 2: South Los Osos covers 320 acres and is located south of Los Osos in the lower slopes of the Irish Hills. Unit 3: Northeast Los Osos covers 416 acres and lies between Los Osos Creek and Baywood Park.

The project site lies to the southeast of the Unit 2 designated critical habitat area.

The applicant has applied for and received a permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service for incidental take of the federally endangered Morro shoulderband snail. The applicant submitted a Habitat Conservation Plan to minimize and mitigate for impacts to the Morro shoulderband snail that may result from the development of the proposed residence. The Habitat Conservation Plan describes measures that will be implemented by the applicant to minimize and mitigate the impacts of the proposed project on the Morro shoulderband snail and its habitat.

**Mitigation/Conclusion.**

As a result of the anticipated take of MSS, the property owner has applied for, and has been issued, a Section 10(a)(1)(B) Incidental Take Permit (ITP) (attached as Exhibit C) by the US Fish and Wildlife Service (Service) and proposes to implement a Habitat Conservation Plan (HCP) that provides measures for minimizing and mitigating take of MSS and impacts to Morro manzanita. The ITP will remain in effect for a period of 8 years.

The HCP summarizes the project and identifies the responsibilities of the Service and the property owner, as the applicant. The biological goals of the plan include:

- a) To mitigate for the loss of MSS habitat by designating a 0.625-acre Conservation Easement on the 1.25-acre lot and enhancing the MSS habitat in the easement area by increasing native coastal dune scrub cover;
- b) To minimize direct impacts of the proposed project on MSS and Morro manzanita;
- c) To minimize the potential for indirect impacts to the species and ensure that the proposed action does not reduce the potential for survival and recovery of MSS throughout its range; and
- d) To preserve and maintain high-quality native habitat suitable for occupation by the MSS.

The HCP also describes measures that will be implemented to minimize and mitigate the impacts of the project to protected species and their habitat and to further the conservation of these species. These measures include:

- a) Design of project to minimize removal of maritime chaparral and coastal dune scrub habitat and Morro manzanita;
- b) Surveys for and capture of MSS to move them from the development area into the Conservation Easement;
- c) Fencing, worker education/training, and monitoring prior to and during grading and construction activities to protect sensitive habitat and minimize take, in the form of injury or mortality, of MSS;
- d) Removing invasive plants and re-seeding with native coastal dune scrub species; and,
- e) Monitoring and maintenance of the Conservation Easement area for a period of 4 years following construction.

The net effect of these measures will allow a total of 0.625 acre of native habitat to be preserved in perpetuity under a Conservation Easement held by the County. The habitat value of the Conservation Easement area will be enhanced through removal of non-native plant species and annual seeding of native coastal dune scrub species for 4 years post-construction. These measures will benefit both MSS and Morro manzanita on the site. The HCP also describes measures to ensure that the elements of the plan are implemented in a timely manner. Funding sources for implementation of the minimization and mitigation measures, actions to be taken for changed circumstances and unforeseen events, alternatives to the proposed action, and other measures required by the Service are also discussed.

Federal Endangered Species Act. The project site supports primary habitat for listed species and two. Listed species, MSS and Morro manzanita. Project grading, road improvements, and development would remove MSS habitat and could potentially impact MSS (a federally listed endangered species). This is considered a significant but mitigable impact. As discussed above, the applicant has obtained an Incidental Take Permit from the USFWS for the proposed project.

Migratory Bird Treaty Act of 1918. Project grading, driveway improvements, and development may result in impacts to migratory birds. No migratory birds or vacant nests were observed during surveys of the project site; however, the project supports suitable nesting habitat. This is considered a significant but mitigable impact. The project is required to conduct nesting bird surveys prior to project construction.

Clean Water Act. The Clean Water Act regulates the discharge or fill materials into waters of the U.S. No waters of the U.S. or jurisdictional water features were observed during surveys of the project site. The project will not result in an impact to water quality. No mitigation is required.

Section 401 of the Clean Water Act. Section 401 requires that federally permitted activities comply with California water quality laws. No waters of the U.S. or jurisdictional water features were observed during surveys of the project site. The project will not result in an impact to water quality. No mitigation is required.

California Endangered Species Act (CESA). Under the CESA CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence of CESA protected species. The HCP indicates the presence of CESA or SSC listed species on the project site. Potential impacts to coastal dune scrub may adversely impact legless lizard and coast horned lizard which are CDFW species of special concern.

California Fish & Game Code §§ 3511, 3502, 3503.5. Project grading, driveway improvements, and development may result in impacts to migratory birds. No migratory birds or vacant nests were observed during surveys of the project site; however, the site supports suitable nesting habitat. This is considered a significant but mitigable impact. The project is required to conduct nesting bird surveys prior to project construction.

California Fish & Game Code §§1600-1602. No waters of the U.S. or jurisdictional water features were observed during surveys of the site. The project will not result in an impact to water quality. No mitigation is required.

State Water Resources & Regional Water Quality Control Boards. No waters of the U.S. or jurisdictional water features were observed during surveys of the project site. The project will not result in an impact to water quality. No mitigation is required.

California Coastal Act. No jurisdictional water features that met the California Coastal Commissions single-parameter definition were observed during surveys of the project site. Project grading, road improvements, and development will result in impacts to maritime chaparral and coastal. These plant species provide suitable habitat for the federally protected MSS and Morro manzanita. The maritime chaparral and coast dune scrub also have the potential to support legless lizards and coast horned lizards which are species of special concern (SSC). As a result, the maritime chaparral and coastal scrub areas are likely considered Environmentally Sensitive Habitat areas (ESHA) as defined by the Coastal Act. Any proposed impacts to these habitats must conform to the California Coastal Act. This is considered a significant but mitigable impact.

With incorporation of the following mitigation measures, potential impacts to biological resources will be reduced to less than significant:

**BIO-1 Prior to issuance of construction permits, vegetation removal, and/or ground disturbance),** the applicant shall provide proof that issuance of an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service has occurred.

**BIO-2 Prior to issuance of construction permits, vegetation removal, and/or ground disturbance),** the applicant shall provide proof from the U.S. Fish and Wildlife Service (USFWS) to the County that the following has been demonstrated to the Service in compliance with the incidental take permit:

- a. Written verification that the required pre-construction environmental awareness training program has been prepared and will be delivered by the USFWS-authorized biologist to all personnel who will be working onsite during site preparation and construction activities.



This verification shall include a sign-in list of personnel in attendance at all sessions delivered.

- b. Verification that protective and permanent fencing has been installed to establish the limits of the construction and developed areas.
- c. Verification that at least 0.65-acre of land (in substantial conformance with that depicted on Figure 3 of the HCP) has been recorded with the County of San Luis Obispo as a conservation easement dedicated to same.
- d. Verification that the habitat enhancement activities have been implemented in accordance with sections 2.2.4 and 5.5 of the HCP.
- e. Only USFWS-approved biologists may conduct pre- and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails within the 1.25-acre project area. The applicant must request and receive approval of any other biologists they wish to have perform these activities prior to their commencement. The request must be submitted, in writing (inclusive of a facsimile or electronic submission), to the Ventura Fish and Wildlife Office at least 15 working days prior to the proposed commencement of the specified activities. All requested biologists must be approved by the Service prior to their conducting any surveys.
- f. USFWS-approved biologist(s) shall notify the Ventura Fish and Wildlife Office via written correspondence (inclusive of facsimile transmission or electronic submission) of their intent to conduct any monitoring events at least 48 hours of prior to commencing the activity.

**BIO-3 Prior to issuance of construction permits**, pre-construction and construction monitoring surveys for Morro shoulderband snail will be conducted within the impact area and submitted to the County of San Luis Obispo.

**BIO-4** All identified individuals of Morro shoulderband snail will be relocated, by an individual in possession of a current valid recovery permit for the species to a USFWS-approved offsite location, in accordance with incidental take permit and the HCP.

**BIO-5** The applicant shall demonstrate the minimization measures, performance and success criteria, and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively. A USFWS-approved biological monitor shall be present during the installation of construction fencing, initial vegetation clearing and grubbing, and earthwork in the form of initial grading and excavation. Any live Morro shoulderband snails found during these monitoring events will be captured and relocated to the conservation areas by the authorized biological monitor. This monitor shall have the authority to order any reasonable measure necessary to avoid the take of Morro shoulderband snail and to immediately stop any work or activity that is not in compliance with the conditions set forth in the ITP. The USFWS office in Ventura and the County of San Luis Obispo shall be notified of any "stop work" order and the order shall remain in effect until the issue has been resolved. No construction work will be initiated until the biological monitor determines that the work area is clear of Morro shoulderband snails.

**BIO-6** Within 30 days prior to site grading and during site grading, a County-approved biologist shall conduct surveys for silvery legless lizards, coast horned lizard, and other reptiles. The surveyor should utilize hand search or cover board methods in areas of disturbance where legless lizards

are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the parcel but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards and coast horned lizards captured and relocated, and the number of individuals taken during grading activities.

**BIO-7** If possible, to avoid potential impacts to nesting birds, tree trimming associated with project activities shall be limited outside the bird nesting season, which is March 15th to August 15th. However, if tree trimming is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

**BIO-8** The applicant shall demonstrate the minimization measures, performance and success criteria, and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively. Annual reports and a final report will be submitted to the USFWS by December 31 of each year for the duration of the 8year ITP and will include: (1) a brief summary or list of project activities accomplished during the reporting year (e.g., this includes development/construction activities, and other covered activities); (2) project impacts (e.g., number of acres graded, number of buildings constructed, etc.); (3) a description of any take that occurred for the covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); (4) a brief description of conservation strategy implemented; (5) results of monitoring (compliance, effects and effectiveness monitoring) and survey information (if applicable); (6) a description of circumstances that made adaptive management necessary and how it was implemented; (7) a description of any changed or unforeseen circumstances that occurred and how they were addressed; (8) all funding expenditures, balance, and accrual; and (9) a description of any minor or major amendments. Once construction activities are completed, these reports will be brief in nature and are not anticipated to add significant cost to the overall plan implementation costs.

**BIO-9** Individual special status plant species that cannot be avoided by the proposed project shall be salvaged prior to the onset of construction activities, by a qualified botanist. Salvage plant species shall be relocated and re-installed within the existing and non-impacted area of non-native grassland that is located in the eastern portion of the site.

**BIO-10** **Prior to final building inspection**, the applicant shall complete the enhancement of disturbed central maritime chaparral within the conservation easement to increase its value and function for Morro shoulderband snail in accordance with the habitat enhancement measures identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively.

**BIO-11** Prior final building inspection, the applicant shall replace at a 5:1 ratio all Morro Manzanita plants and 2:1 ratio for all Mesa Horkelia removed. No coast live oak shall be removed as a result of the development of the project. No more than 2 Morro Manzanita plants, and 10 individual mesa horkelia plants shall be removed as a result of the development of the project. 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, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

**BIO-12** Prior to issuance of building permits, a restoration and mitigation monitoring plan shall be prepared by a qualified biologist or botanist according to the County of San Luis Obispo Guidelines for Revegetation/Restoration Plans, and shall result in habitat enhancement and the long term viability of the species. The restoration plan shall at a minimum include the following information: baseline information about the impact and restoration, specific goals and objectives, justification for selection of the restoration site, vegetation/restoration work plan, site protection and maintenance, performance standards used to evaluate the status of the plan in attaining the desired objectives, a monitoring plan to be conducted for a minimum of 5 years, adaptive management plan to implement if performance standards are not met, budget for all components of the plan, copies of data sheets to be used, and information on the monitoring reports. Monitoring reports shall be prepared by a qualified biologist or botanist and be submitted annually to the Environmental Division of the County of San Luis Obispo for review and approval.

## 5. CULTURAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Cause a substantial adverse change to a Tribal Cultural Resource?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Cultural Resources

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash and Salinan. No historic structures are present and no paleontological resources are known to exist in the area.

In July, 2015, the legislature added the new requirements to the CEQA process regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

A Phase I archaeological surface survey was conducted for the project site in 2011 and a subsequent record search was conducted in April 2017 (Allison Lober Cultural Resource Management Services). The study was conducted by a qualified archaeologist consistent with County guidelines and includes a cultural resources maps and records search, a Native American sacred Lands File search, an archaeological survey of the project site, and the preparation of a technical report documenting the results of the inventory and providing management recommendations.

A records search from the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara revealed that within an eight-hundred-foot radius of the project area, ten archaeological surveys have taken place, and no archaeological sites have been recorded. The field survey of the project area and the Native American Heritage Commission search of the Native American Sacred Lands File were negative for the presence of cultural resources.

The project's cultural report found no historical resources or unique archaeological resources, as defined by the California Environmental Quality Act, were identified within or adjacent to the project area. Based on the negative results the report recommends no further cultural resource studies be required for this project.

### Impact.

The field survey of the project site was negative for the presence of archaeological, cultural, and/or historical resources. Due to the negative results of the field survey and records search, the project site is considered to have a low sensitivity for the presence of these resources.

In order to meet AB52 Cultural Resources requirements, outreach to four Native American tribes groups

had been conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). The Northern Salinan Tribal Council responded that to recommend a Phase I archaeological surface survey be completed for the site. No further consultations were requested.

No further archaeological study is recommended at this time aside from standard protocols for the unanticipated discovery of cultural resources, including human remains.

Historical and Paleontological Resources. No historical or paleontological resources were identified or associated with this site.

**Mitigation/Conclusion.** No archaeological monitoring is recommended during grading activities unless previously undiscovered cultural materials are unearthed during project grading or construction. Per County of San Luis Obispo Coastal Zone Land Use Ordinance Section 23.05.040, if during any future grading and excavation, buried or isolated cultural materials are unearthed, work in the area should be halted immediately within 10 feet of the find until the find can be examined by a qualified archaeologist and appropriate recommendations made. No significant impacts to cultural resources are expected to occur and no additional mitigation measures are necessary.

## 6. GEOLOGY AND SOILS

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

\* Per Division of Mines and Geology Special Publication #42

**Setting.** The following relates to the project's geologic aspects or conditions:

Topography: Gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? 0.12 miles West of parcel boundary

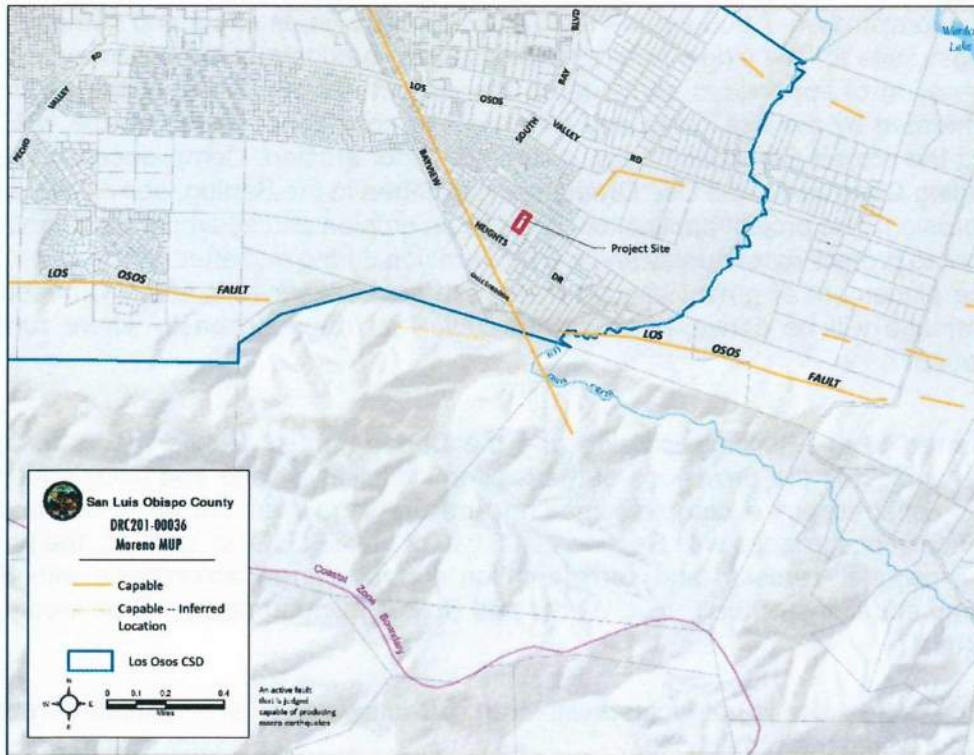
Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

**GEOLOGY** - The project site is not subject to the Geologic Study overlay, nor is it in an area suspected to contain serpentine or ultramafic rock or soils. Landslide and liquefaction risk is considered low. The project site is not within a mapped flood zone and no mineral resources are known to be present. The Los Osos Fault (considered to be capable of surface movement) traverses east to west near the project site (Figure 4).

Figure 4 -- Project Site In Relation to the Los Osos Fault



**DRAINAGE/EROSION** – As described in the Natural Resource Conservation Service Soil Survey, the gently sloping Baywood fine sand consists of deep, somewhat excessively drained soils that have formed in old sand dunes near the coast. As described in the NRCS, the Baywood fine sands with a 2 – 9 which is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to poor filtering.

A sedimentation and erosion control plan is required for all construction and grading projects (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

According to the Department of Public Works (letter of November 15, 2016) the project is located in a Storm Water Management Area (MS4), and is considered a regulated project that is required to submit a Storm Water Control Plan Application and Cover Sheet. For areas where drainage is identified as a potential issue, the CZLUO (Sec. 23.05.040) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

## Impacts

**Geology and Unstable Building Conditions.** Grading and excavation activities, construction of retaining walls, building foundations, parking areas and private roadways are subject to the provisions of the California Building Code and County standards for grading and road construction. Therefore, no significant impacts associated with unstable earth conditions, earthquakes or ground failure are expected to occur.

Soil Erosion, Topographic Changes, Loss of Topsoil or Unstable Soil Conditions. The project will result in the disturbance of approximately 7,000 square feet, with 136 cubic yards of cut and 136 cubic yards of fill to create a building site for the single family residence and to construct the driveway and guest cottage. The intensification of impervious surfaces on the project site will increase the volume and velocity of runoff generated by the site compared with existing conditions. Based on the NRCS soil survey, soils covering the project site exhibit a low susceptibility for erosion. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to erosion. The project application includes an erosion and sedimentation control plan that includes measures to protect water quality and prevent erosion during and after construction. These measures include the placement of gravel bag silt traps, silt fences, fiber rolls and hydroseeding all denuded slopes. Drainage will be conveyed to a 328 cubic foot retention basin where runoff will percolate into the ground.

The project was referred to the Building Division and the Department of Public Works for review. Grading activities are subject to the provisions of the California Building Code and County standards for grading and road construction. A complete grading and drainage plan will be required prior to building permit issuance in accordance with Section 23.05.040 of the CZLUO. In addition, the project is required to provide a complete erosion and sedimentation control plan in accordance with Section 23.52.120. The recommendations of the Public Works and Building Departments will be incorporated as conditions of approval.

Mineral Extraction. The project site is not located within an extractive zone, and no mineral resources are known to be present within the project site.

### **Conclusion/Mitigation Measures.**

The project will be required to submit a complete grading and drainage and erosion prevention plan to demonstrate compliance with County regulations relating to the prevention of erosion and the protection of surface water quality in accordance with relevant State and federal laws including, but not limited to, the Clean Water Act (CWA, 33 USC 1251-1376), the National Pollutant Discharge Elimination System (NPDES), the Basin Plan adopted by the Central Coast Regional Water Quality Control Board, the Porter-Cologne Water Quality Control Act (California Water Code §§ 13000 et seq.) and the California Building Code. No requirements beyond those required by ordinance and law are necessary.



**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Be within a 'very high' fire hazard severity zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The State of California Hazardous Waste and Substances Site List (also known as the “Cortese List”) is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in April, 2017 revealed no active sites in the vicinity, including the project site. The project is not within an Airport Review area.

According to the CalFire map of fire hazard severity zones for San Luis Obispo County, the project site is located in a *Very High Fire Hazard Severity Zone* (Figure 5). Based on the County's fire response time map, it will take approximately 3 - 5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for a further discussion of project impacts on fire protection facilities.

Figure 5 -- Fire Hazard Severity Zone

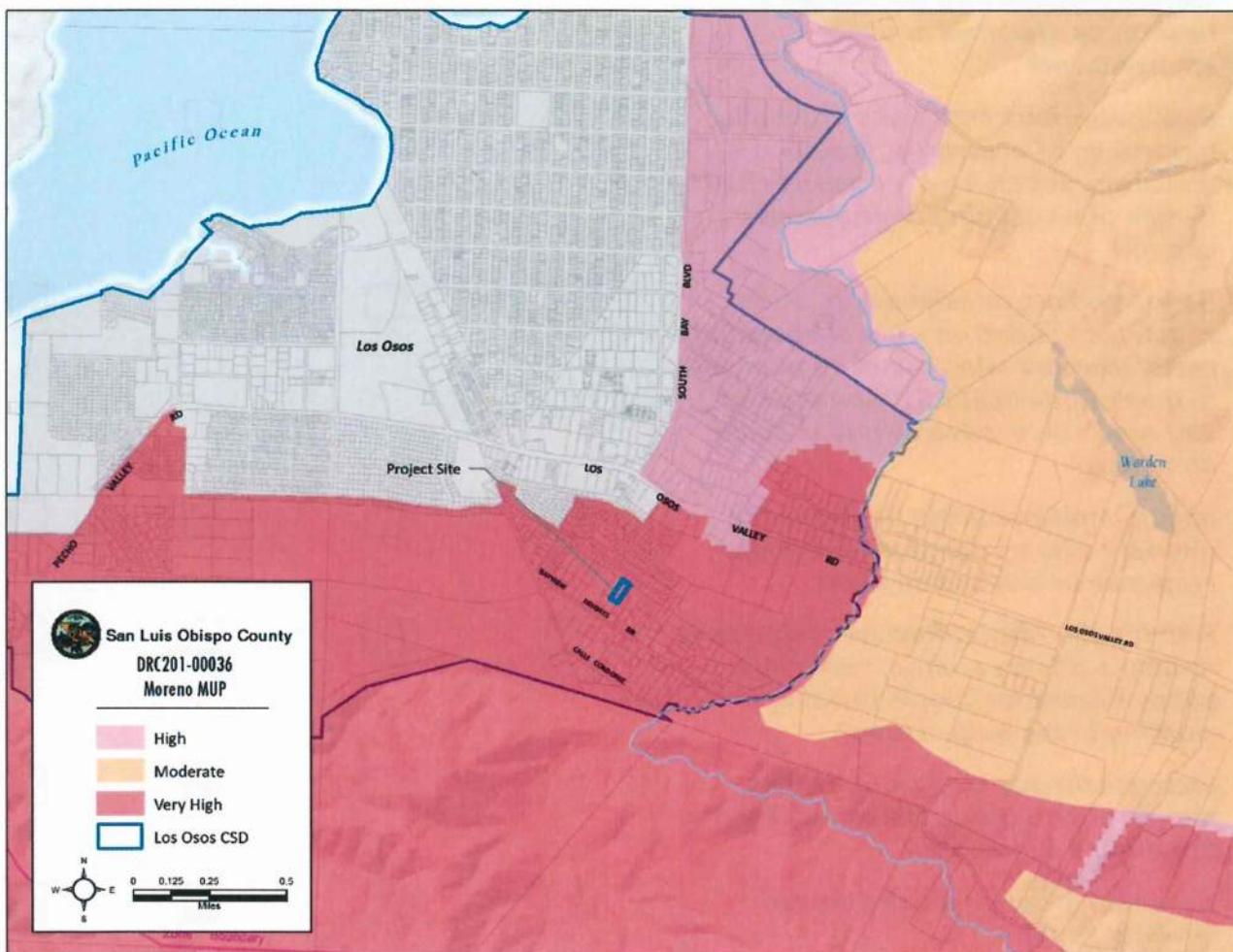
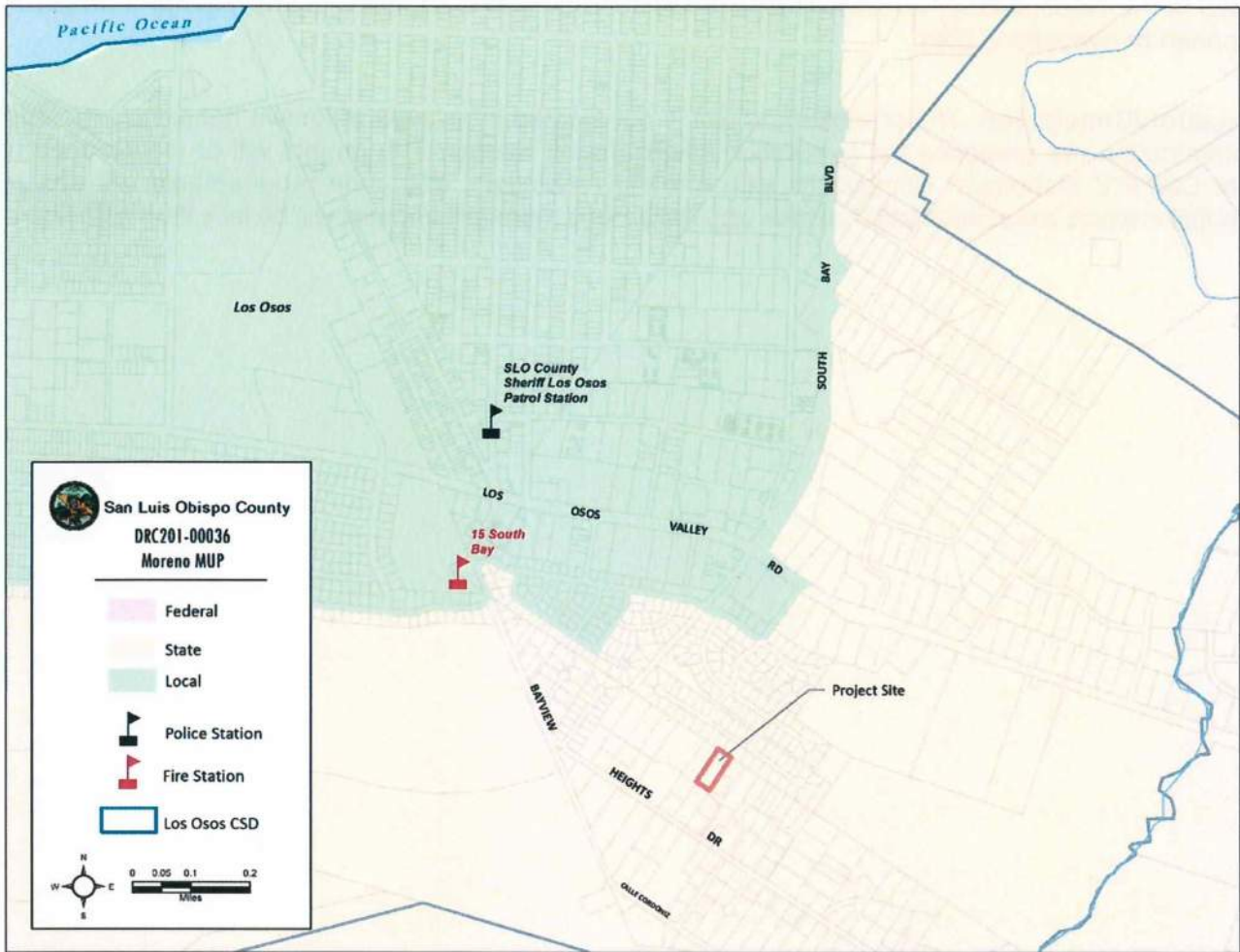


Figure 6 -- Fire Stations and Responsibility Areas, Police Stations



**Impact.** Construction activities may involve the use of oils, fuels and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by the Department of Toxic Substances Control (DTSC) (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with the requirements of a SWPPP and standard best management practices would also address this impact (refer to Section 13 Water).

The project incorporates the following fire protection features:

- Structures are located a minimum 5 feet from all property lines;
- Fire sprinklers;
- An access drive of sufficient width, grade and surface to accommodate emergency vehicles;
- A fire hydrant is required.

The project has been reviewed by CalFIRE (Fire Safety Plan dated December 1, 2016) for code requirements relating to fire protection. CalFire's standards for emergency access and water supply for fire suppression will be incorporated into conditions of project approval. In addition, the project is required to comply with the California Building Code. CalFire will review the construction plans prior to building permit issuance to ensure installation of adequate fire safety measures (e.g., adequate road width and road grade).

Regarding road impacts, the project has been reviewed by County Public Works, which is discussed further in the Transportation section. The project is not expected to conflict with any regional emergency response or evacuation plan.

**Mitigation/Conclusion.** The proposed project is not located in an area of known hazardous material contamination nor proposes the generation of hazardous wastes. The project will be conditioned to meet CalFIRE standards. Compliance with existing regulations and code requirements will ensure potential impacts associated with hazards and hazardous materials impacts will be less than significant.

## 8. NOISE

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project is located within the Los Osos Urban Reserve surrounded by residences on larger parcels. Consequently, noise levels on the project site and in the vicinity are low and there are no sources of loud noises beyond those associated with home ownership and traffic on Bayview Heights Drive. Sensitive receptors in the vicinity of the project site include single family residences on lots ranging in size from 0.3 to 2.5 acres or more. The adjoining roadways are unimproved; Bayview Heights Drive carries low traffic volumes.

The Noise Element establishes a threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels<sup>a</sup> along transportation noise sources and provides an estimate of the distance from certain roadways where noise levels will exceed those levels. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

### Impact.

**Construction Impacts.** Construction activities may involve the use of heavy equipment for grading and for the delivery and movement of materials on the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. The nearest residences are approximately 75 feet on the east and west of the project site. Therefore, construction activities could result in temporary adverse noise impacts to surrounding residences.

<sup>a</sup> The sound level obtained by using the A-weighting filter of a sound level meter, expressed in decibels (dB). All sound levels referred to in this policy document are in A-weighted decibels. A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A-weighting, as it provides a high degree of correlation which human annoyance and health effects.

County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

**Operational Impacts.** With regard to transportation-related noise sources, the single family residence constructed on the project site would contribute about 10 average daily trips to Bayview Heights Drive which carries a low volume of traffic. Following construction, noise generated by the project would be comparable to the background noise generated by surrounding rural residences. Noise exposure to private outdoor areas will be shielded from the road noise by the dwelling and will be below the grade of the roadway.

**Mitigation/Conclusion.** No significant noise impacts are anticipated. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. No additional mitigation measures are recommended.

**9. POPULATION/HOUSING**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated. No mitigation measures are necessary.

## 10. PUBLIC SERVICES/UTILITIES

*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b>Fire protection?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b>Police protection (e.g., Sheriff, CHP)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b>Schools?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b>Roads?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Solid Wastes?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b>Other public facilities?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Los Osos (Approximately 0.9 miles to the North)

Fire: Cal Fire (formerly CDF)  
Station #15

Hazard Severity: Very High

Response Time: 3-5 minutes

Location: Community of Los Osos (Approximately 0.6 miles to the Northwest)

School District: San Luis Coastal Unified School District

Water services will be provided by Golden State Water Company. Wastewater services will be provided by an on-site septic system. Police protection is provided by the County Sheriff which has a sub-station at 2099 10<sup>th</sup> Street in Los Osos and the main office at 1585 Kansas Avenue, about four miles west of the City of San Luis Obispo. The nearest County fire station is Station 15 located at 2315 Bayview Heights Drive in Los Osos, about two miles to the east (Figure 6). Emergency response times to the project site are 3 – 5 minutes. The project is located within the San Luis Coastal Unified School District.

**Impact.** The Golden State Water Company has issued a can-and-will-serve letter (February 21, 2017). See the Water section for more discussion on the projects water consumption.

To mitigate the demand for new or expanded public facilities caused by development, the County has adopted development impact fees in accordance with Government Code Section 66000 et seq.. Under this program private development is required to pay a fee that is proportional to the incremental demand for a particular facility needed to serve such development. The amount of the fees must be justified by a supporting study (fee justification study) which identifies the new or expanded facilities needed to serve expected demand into the future and apportions these costs to new development. New development is required to pay the appropriate fees for new or expanded public facilities commensurate with the type and size of development. The project's direct and cumulative impacts are within the general assumptions for allowable uses for the subject property that was used to estimate the county's impact fees. As discussed in Section 7, Hazards and Hazardous Materials, the project will be required to incorporate required fire protection measures in compliance with existing regulations. Project impacts to local roadways are discussed in Section 12, Transportation/Circulation.

**Mitigation/Conclusion.** Regarding cumulative effects, public facility (County) and school (State

Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels. No mitigation measures beyond what is required by ordinance and code is required.

## 11. RECREATION

		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>					
a)	<i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	<i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The County's Parks and Recreation Element does not show a potential trail corridor through the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

**Impact.** The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

**Mitigation/Conclusion.** No significant recreation impacts are anticipated, and no mitigation measures are necessary.



## 12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** Vehicular access is provided from Bayview Heights Drive (collector) by way of unimproved dirt roads, Chumash Lane and Al Sereno. The project site is located north of Bayview Heights Drive which is a 2-lane collector. Based on counts taken in 2012, Bayview Heights Drive south of Bay Oaks Drive experiences an afternoon peak hour traffic volume of 161, and an average daily traffic volume of 1,632.

Project plans show a single driveway extending south to Al Sereno, and unimproved roadway easement. A referral was sent to Public Works to assess the proposed project's impacts to the roads and compliance with County driveway standards. The project is subject to the County Road Fee for the South Bay (Los Osos) Circulation Fee area, which addresses cumulative impacts to County roads in the area. No additional significant traffic-related concerns were identified.

### Impacts.

**Construction Impacts.** Construction related traffic will increase during the morning and afternoon peak hours on Bayview Heights Drive. Based on the project information, it is expected that as many as 10 workers may be arriving and leaving the project site on a typical construction work day. Assuming 161 PM peak hour trips on Bayview Heights Drive, traffic will increase by less than 1% per day for a

construction timeframe of three to four months. The temporary increase in traffic on Bayview Heights Drive will not reduce the currently-acceptable level of service.

### Operational Impacts

*Roadway Capacity.* The Institute of Traffic Engineer's manual estimates an average of 10 daily trips per residential unit. As proposed, the project will result in one residential unit and a guest house, as allowed for the Single Family Residential land use category. The guesthouse is considered part of the primary residence use, therefore the project is estimated to generate 10 trips per day (or estimated 1.0 trips during the peak hour). Assuming 161 PM peak hour trips on Bayview Heights Drive, traffic will increase less than 1% per day. This amount of additional traffic is not expected to result in a significant change to the existing road service levels.

*Roadway Safety.* The project proposes a single driveway onto Al Sereno which poses no traffic safety concerns.

The project does not conflict with adopted policies, plans and programs on transportation.

### **Mitigation/Conclusion.**

No project specific significant traffic impacts were identified, but the project is located within the South Bay Circulation Study Area and will be subject to its fair share of circulation fees consistent with that study. Payment of the South Bay circulation fee will reduce transportation and circulation impacts to less than significant levels.

### 13. WASTEWATER

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project site is located in the community of Los Osos. In 1988, the California Regional Water Quality Control Board imposed a moratorium on new sources of sewage discharge in most of the community of Los Osos. In 1999, exemptions to the moratorium in the Bayview Heights and Martin Tract areas of Los Osos were allowed provided parcels met certain criteria. This parcel is within the Bayview Heights area.

Soil type for the project site is provided in Section 3., Geology, based on the Natural Resource Conservation Service (NRCS) Soil Survey map. Table 2 provides the main limitation(s) of these soils for wastewater treatment by septic leach fields.

Soil	Rating	Reasons for Rating	Acreage of Project Site
Baywood Fine Sand, 2 – 9% slope	Very Limited	Seepage Filtering capacity	1.21 acres

Source: NRCS Web Soil Survey, 2016

Regulations and guidelines for proper wastewater system design and criteria are found within the County’s Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the “Water Quality Control Plan, Central Coast Basin” (Regional Water Quality Control Board [RWQCB] hereafter referred to as the “Basin Plan”), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems and are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ *Sufficient land area (refer to County’s Land Use Ordinance or Plumbing Code) – The parcel is 1.21 acres, of which approximately) with 0.5 acres is available for construction of a septic leach field;*
- ✓ *The soil’s ability to percolate or “filter” effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal)*
- ✓ *The soil’s depth (there needs to be adequate separation from bottom of leach line to bedrock [at*

least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates])

- ✓ *The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent) – The project site is gently sloping;*
- ✓ *Potential for surface flooding (e.g., within 100-year flood hazard area) – The project site is not within a 100-year flood plain;*
- ✓ *Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances) – There are no wells on the project site or in the vicinity.*
- ✓ *Distance from creeks and water bodies (100-foot minimum) – There are no surface water bodies in the vicinity. Los Osos Creek is approximately ½ mile to the east.*

**Impacts.**

Soils on the project site consist of Baywood fine sands, 2 – 9% slope which have a “very limited” capacity for septic systems based on the following factors:

**Seepage, Bottom Layer** - Saturated hydraulic conductivity (Ksat) governs the leaching and seepage potential of the soil. When this rate is high, transmission of fluids through the soil and underlying materials is unimpeded and leaching and seepage may become environmental, health, and performance concern.

**Filtering** -- the ability of the soil to “filter” effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has “poor filtering” characteristics) or is too slow (slower or more than 120 minutes per inch);

"Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Septic effluent is proposed to be disposed within leach fields situated in the under the driveway along the east side of the parcel; two additional leach field locations have been identified to provide 100% reserve capacity if needed in the future.

**Mitigation /Conclusion**

The project site appears to be large enough to provide a septic leach field in compliance with the RWQCB. With the following mitigation measure, potential impacts to wastewater are considered less than significant.

**WW-1** Prior to issuance of construction permits, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how the future septic systems will comply with the Central Coast Basin Plan.

**14. WATER & HYDROLOGY**

*Will the project:*

**QUALITY**

a) *Violate any water quality standards?*

<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## 14. WATER & HYDROLOGY

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>QUANTITY</b>				
h) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting.** The project proposes to use Golden State Water as its water source. The water source is the Los Osos groundwater basin. The Los Osos Groundwater Basin is a Level III severity. The basin is made up of several aquifer layers, underlying the Los Osos community and surrounding area. The Upper and Lower aquifers are the main sources of municipal and domestic water supplies. Due to water quality degradation of the Upper aquifer from septic systems (nitrates), the water purveyors have been pumping from the lower aquifer. Groundwater extractions have exceeded the sustainable yield of the basin in the lower aquifer in the western area; this has resulted in seawater intrusion. The groundwater issues in Los Osos pre-date the drought and current restrictions.

To address groundwater issues, the water purveyors developed the Los Osos Groundwater Basin Management Plan (BMP). The BMP calls for many infrastructure projects and breaks them into two categories: the first is to fix the existing problem (with no future development) and the second is to allow new development. Funding is also divided into two categories; no future development and buildout of the community. The BMP was approved on October 14, 2015. Some of the programs and projects

outlined in the BMP are underway, however seawater intrusion persists.

The BMP was approved on October 14, 2015.

To offset new water use, the County has established a Water Conservation program in the community of Los Osos. The developer of any new structure that uses water from the Los Osos Groundwater Basin shall retrofit plumbing fixtures in existing structures within the Los Osos Groundwater Basin, but outside the Prohibition Zone, as shown in Figure 7-2 of Title 19 of the County Code. The subject parcel received a Title 19: Retrofit Certificate on August 17, 2011 to satisfy this requirement.

The proposed project would obtain its water from Golden State Water Company who issued a can-and-will-serve letter on February 21, 2017. The letter does note that the can-and-will-serve commitment expires one year from the date of the letter and that an extension will need to be obtained if the project has not started construction within the one-year timeframe. An extension is subject to any governmental requirements in place at the time of the request.

The topography of the project is nearly level. The closest creek from the proposed development is approximately one half mile to the east. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

The area of disturbance for the project is about 7,000 square feet. Projects involving less than one acre of disturbance are not required to prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. However, according to the Department of Public Works (letter of November 15, 2016) the project is located in an a Storm Water Management Area (MS4), and is considered a regulated project that is required to submit a Storm Water Control Plan Application and Cover Sheet.

When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

**DRAINAGE** – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Los Osos Creek Distance? Approximately 1/2 mile

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (CZLUO Sec. 23.05.042) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. As described in the Natural Resource Conservation Service Soil Survey, the moderately to very steeply sloping Baywood fine sand consists of deep, somewhat excessively drained soils that have formed in old sand dunes near the coast. As described in the NRCS Soil Survey, the Baywood fine sands with a 2 – 9 percent slope exhibit low erodibility and shrink-swell characteristics.

A sedimentation and erosion control plan is required for all construction and grading projects (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts.

### **Impact – Water Quality/Hydrology**

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 7,000 square feet of site disturbance is proposed and the movement of

approximately 136 cubic yards of material;

- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project will not be disturbing over an acre and will not be required to prepare a SWPPP;
- ✓ The project is not on highly erodible soils;
- ✓ The project is located on gently rolling slopes;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

### **Water Quantity**

Based on the project description, the project's water usage is estimated to be about 0.83 acre-feet per year (AFY) and will be served by Golden State Water Company.

According to the 2012-2014 Resource Summary Report, water supplied by the Golden State Water Company from the Los Osos Groundwater Basin has been assigned a Level of Severity III. The recommended actions include:

- Continue to support efforts to complete and implement a Basin Management Plan.

The three local water purveyors (Golden State Water Company, S&T Mutual, the Los Osos Community Services District), along with the County of San Luis Obispo, prepared an updated Basin Management Plan (BMP) under a court-approved Interlocutory Stipulated Judgment (ISJ Working Group) which was certified by the court in October, 2015. Implementation of the draft Basin Management Plan is expected to ensure a sustainable water supply for the community. As of December 2016, the Los Osos Wastewater Project was accepted as complete by the County and as of October 2017 about 90% of the community had successfully connected to the system.

As discussed in the Setting, the Golden State Water Company has issued a can-and-will-serve letter. Water from the Golden State Water Company meets safe drinking water standards.

**Mitigation/Conclusion.** Existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. The subject parcel received a Title 19: Retrofit Certificate on August 17, 2011 to satisfy the plumbing retrofit requirement. Based on the proposed amount of water to be use and the water source, potentially significant impacts from water use can be mitigated to a less than significant.

**WR-1 Prior issuance of building permits,** the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance and the attached mitigation measures. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas (except turf areas) installed

for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. The maximum amount of turf (lawn) area may not exceed 400 square feet.

**WR-2 Prior occupancy or final inspection**, one of the following shall be installed as a part of the water supply system: 1) A "Point-of-use" supplemental water heater system in all bathrooms and kitchen, or 2) a circulating hot water system.

**15. LAND USE**

*Will the project:*

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project site is within the area covered by the Los Osos Habitat Conservation Plan (HCP) currently being prepared by the County. The HCP is part of an application by the County of San Luis Obispo (County) to obtain incidental take permits from the United States Fish and Wildlife Service (USFWS): As the permittee, the County can issue Certificates of Inclusion to landowners and other project proponents, that will confer take coverage for projects that impact one or more of the listed species. The HCP identifies the suite of activities that will be covered by the permits, their anticipated impacts to the listed species covered by the permits, and the steps that the County and other plan participants will take to avoid, minimize, and mitigate the impacts of the covered activities on the covered species which includes four narrowly endemic species:

- Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*);
- Morro shoulderband snail (*Helminthoglypta walkeriana*);
- Morro Manzanita (*Arctostaphylos morroensis*); and
- Indian Knob mountainbalm (*Eriodictyon altissimum*).



As discussed in Section 4. Biology, the project site supports stands of Morro manzanita and may provide habitat for the Morro shoulderband snail.

Participation in the LOHCP is voluntary; landowners who are not conducting activities that cause ground disturbance need not participate in the Plan. Moreover, landowners and other proponents of projects causing ground disturbance have other options for compliance with the local, state, and federal permitting requirements that are addressed through this plan. However, the HCP is designed to streamline the permitting process, reducing both the timeline and costs for permitting, while also contributing to a more cohesive conservation strategy for the covered species. The project is consistent with the goals and objectives of the HCP because:

- Participation in the HCP is voluntary; and
- The project proposes mitigation for impacts to listed species on-site which consists of a site-specific Habitat Conservation Plan.

The proposed project is subject to the following Planning Area Standard(s) as found in the County's Coastal Zone Land Use Ordinance (CZLUO):

- Estero Plan T23 (Bayview Heights Area)
- Sensitive Resource Area Section 22.14.100
- Terrestrial Habitat 23.070.176
- Coastal Zone
- Coastal LUO Section 23.04.027 Residential Suburban Category
- Coastal LUO Section 23.04.108 (a) Residential Front Setbacks

The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE**

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

*Will the project:*

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?*

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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For further information on CEQA or the County's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: <http://resources.ca.gov/ceqa/> for information about the California Environmental Quality Act.

## Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	<b>In File**</b>
<input type="checkbox"/>	County Environmental Health Services	<b>Not Applicable</b>
<input type="checkbox"/>	County Agricultural Commissioner's Office	<b>Not Applicable</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>In File**</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Coastal Commission	<b>In File**</b>
<input type="checkbox"/>	CA Department of Fish and Wildlife	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	<b>In File**</b>
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input type="checkbox"/>	Community Services District	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Other <u>Golden State Water Company</u>	<b>In File**</b>
<input checked="" type="checkbox"/>	Other <u>Los Osos Community Advisory Council</u>	<b>In File**</b>

\*\* "No comment" or "No concerns"-type responses are usually not attached

The following checked () reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
<u>County documents</u>	<input type="checkbox"/> Specific Plan
<input checked="" type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input checked="" type="checkbox"/> Los Osos Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<u>Other documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> Estero Area Plan and updated EIR	

Attachment 1 - Proposed Schedule of Work

The following schedule of work is proposed for the project. It is subject to change based on the availability of resources and the progress of the project.

Task	Start Date	End Date	Duration
Project Kick-off	10/1/2024	10/15/2024	15 days
Phase 1: Data Collection	10/15/2024	11/15/2024	31 days
Phase 2: Data Analysis	11/15/2024	12/15/2024	31 days
Phase 3: Report Writing	12/15/2024	1/15/2025	31 days
Final Review and Approval	1/15/2025	1/31/2025	16 days

This schedule is a preliminary estimate and is subject to change based on the progress of the project and the availability of resources.

Task	Start Date	End Date	Duration
Phase 4: Data Collection	10/15/2024	11/15/2024	31 days
Phase 5: Data Analysis	11/15/2024	12/15/2024	31 days
Phase 6: Report Writing	12/15/2024	1/15/2025	31 days
Final Review and Approval	1/15/2025	1/31/2025	16 days

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Application materials submitted by Bob Crizer

### **Review By Other Agencies and Organizations**

Referral from County of San Luis Obispo Public Works dated November 15, 2016

Referral from County of San Luis Obispo Building Department, November 15, 2016

Fire Safety Plan from CalFIRE dated December 1, 2016

Incidental Take Permit letter from United States Department of the Interior dated January 8, 2015 re: Low Effect Habitat Conservation Plan and Incidental Take Permit for APN 074-323-020, Community of Los Osos, San Luis Obispo County California

Letter from Golden State Water Company dated February 21, 2017

County of San Luis Obispo Title 19 Retrofit Certificate

### **Reports and Studies**

SWCA Environmental Consultants November 2013, *Low-Effect Habitat Conservation Plan for the Federally Endangered Morro Shoulderband Snail on the Moreno Property, Los Osos, San Luis Obispo County, California*

Allison Lober. Cultural Resource Management Services, November 8, 2011, *Archaeological Inventory Of The Moreno Residence Project, Chumash Lane, Los Osos, San Luis Obispo County, California*

April 4, 2017 letter from Cultural Resource Management Services, re" subsequent records search for 1190 Chumash Drive



## Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

### Aesthetics

**AES-1 No-Build Conservation Easement. Prior to issuance of building permit,** the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create a conservation easement over approximately 0.625 acres of the project sites outside of the area of disturbance as shown on the project site plan. The terms of the conservation easement will allow only activities that help the long-term protection of native plant species and is intended to 1) retain existing native vegetation and trees, and 2) restrict development and other uses, and 3) protect sensitive plant and animal habitat. Planting of landscape plants, or other plants not commonly found in local maritime chaparral and coastal dune scrub habitat is prohibited.

**AES-2 At the time of application for construction permits,** the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans, as shown on the approved site plan. All new development (e.g. residence, garage, guesthouse) shall be completely located within the building sites(s) and/or within the building control line(s). Leach lines may be located outside the building envelopes, open space easement areas and driplines of existing/ trees or other sensitive vegetation, as shown on the approved site plan, to the minimal area necessary for such system to function effectively.

**AES-2 Prior to issuance of construction permits,** the applicant shall provide a lighting plan showing shielded exterior street and home lighting in order to screen light sources from neighboring properties and from the street.

**AES-3 Prior to final inspection or occupancy,** whichever occurs first, all exterior lighting shall comply with the lighting condition above. This condition shall be maintained for the life of the project.

### Biological Resources

**BIO-1 Prior to issuance of construction permits, vegetation removal, and/or ground disturbance),** the applicant shall provide proof that issuance of an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service has occurred.

**BIO-2 Prior to issuance of construction permits, vegetation removal, and/or ground disturbance),** the applicant shall provide proof from the U.S. Fish and Wildlife Service (USFWS) to the County that the following has been demonstrated to the Service in compliance with the incidental take permit:

- g. Written verification that the required pre-construction environmental awareness training program has been prepared and will be delivered by the USFWS-authorized biologist to all personnel who will be working onsite during site preparation and construction activities. This verification shall include a sign-in list of personnel in attendance at all sessions delivered.

- h. Verification that protective and permanent fencing has been installed to establish the limits of the construction and developed areas.
- i. Verification that at least 0.65-acre of land (in substantial conformance with that depicted on Figure 3 of the HCP) has been recorded with the County of San Luis Obispo as a conservation easement dedicated to same.
- j. Verification that the habitat enhancement activities have been implemented in accordance with sections 2.2.4 and 5.5 of the HCP.
- k. Only USFWS-approved biologists may conduct pre- and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails within the 1.25-acre project area. The applicant must request and receive approval of any other biologists they wish to have perform these activities prior to their commencement. The request must be submitted, in writing (inclusive of a facsimile or electronic submission), to the Ventura Fish and Wildlife Office at least 15 working days prior to the proposed commencement of the specified activities. All requested biologists must be approved by the Service prior to their conducting any surveys.
- l. USFWS-approved biologist(s) shall notify the Ventura Fish and Wildlife Office via written correspondence (inclusive of facsimile transmission or electronic submission) of their intent to conduct any monitoring events at least 48 hours of prior to commencing the activity.

**BIO-3 Prior to issuance of construction permits**, pre-construction and construction monitoring surveys for Morro shoulderband snail will be conducted within the impact area and submitted to the County of San Luis Obispo.

**BIO-4** All identified individuals of Morro shoulderband snail will be relocated, by an individual in possession of a current valid recovery permit for the species to a USFWS-approved offsite location, in accordance with incidental take permit and the HCP.

**BIO-5** The applicant shall demonstrate the minimization measures, performance and success criteria, and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively. A USFWS-approved biological monitor shall be present during the installation of construction fencing, initial vegetation clearing and grubbing, and earthwork in the form of initial grading and excavation. Any live Morro shoulderband snails found during these monitoring events will be captured and relocated to the conservation areas by the authorized biological monitor. This monitor shall have the authority to order any reasonable measure necessary to avoid the take of Morro shoulderband snail and to immediately stop any work or activity that is not in compliance with the conditions set forth in the ITP. The USFWS office in Ventura and the County of San Luis Obispo shall be notified of any "stop work" order and the order shall remain in effect until the issue has been resolved. No construction work will be initiated until the biological monitor determines that the work area is clear of Morro shoulderband snails.

**BIO-6** Within 30 days prior to site grading and during site grading, a County-approved biologist shall conduct surveys for silvery legless lizards, coast horned lizard, and other reptiles. The surveyor should utilize hand search or cover board methods in areas of disturbance where legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During



grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the parcel but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of silvery legless lizards and coast horned lizards captured and relocated, and the number of individuals taken during grading activities.

- BIO-7** If possible, to avoid potential impacts to nesting birds, tree trimming associated with project activities shall be limited outside the bird nesting season, which is March 15th to August 15th. However, if tree trimming is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.
- BIO-8** The applicant shall demonstrate the minimization measures, performance and success criteria, and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively. Annual reports and a final report will be submitted to the USFWS by December 31 of each year for the duration of the 8year ITP and will include: (1) a brief summary or list of project activities accomplished during the reporting year (e.g., this includes development/construction activities, and other covered activities); (2) project impacts (e.g., number of acres graded, number of buildings constructed, etc.); (3) a description of any take that occurred for the covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); (4) a brief description of conservation strategy implemented; (5) results of monitoring (compliance, effects and effectiveness monitoring) and survey information (if applicable); (6) a description of circumstances that made adaptive management necessary and how it was implemented; (7) a description of any changed or unforeseen circumstances that occurred and how they were addressed; (8) all funding expenditures, balance, and accrual; and (9) a description of any minor or major amendments. Once construction activities are completed, these reports will be brief in nature and are not anticipated to add significant cost to the overall plan implementation costs.
- BIO-9** Individual special status plant species that cannot be avoided by the proposed project shall be salvaged prior to the onset of construction activities, by a qualified botanist. Salvage plant species shall be relocated and re-installed within the existing and non-impacted area of non-native grassland that is located in the eastern portion of the site.
- BIO-10** **Prior to final building inspection**, the applicant shall complete the enhancement of disturbed central maritime chaparral within the conservation easement to increase its value and function for Morro shoulderband snail in accordance with the habitat enhancement measures identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively.
- BIO-11** **Prior final building inspection**, the applicant shall replace at a 5:1 ratio all Morro Manzanita plants and 2:1 ratio for all Mesa Horkelia removed. No coast live oak shall be removed as a

result of the development of the project. No more than 2 Morro Manzanita plants, and 10 individual mesa horkelia plants shall be removed as a result of the development of the project. 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, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

**BIO-12** **Prior to issuance of building permits**, a restoration and mitigation monitoring plan shall be prepared by a qualified biologist or botanist according to the County of San Luis Obispo Guidelines for Revegetation/Restoration Plans, and shall result in habitat enhancement and the long term viability of the species. The restoration plan shall at a minimum include the following information: baseline information about the impact and restoration, specific goals and objectives, justification for selection of the restoration site, vegetation/restoration work plan, site protection and maintenance, performance standards used to evaluate the status of the plan in attaining the desired objectives, a monitoring plan to be conducted for a minimum of 5 years, adaptive management plan to implement if performance standards are not met, budget for all components of the plan, copies of data sheets to be used, and information on the monitoring reports. Monitoring reports shall be prepared by a qualified biologist or botanist and be submitted annually to the Environmental Division of the County of San Luis Obispo for review and approval.

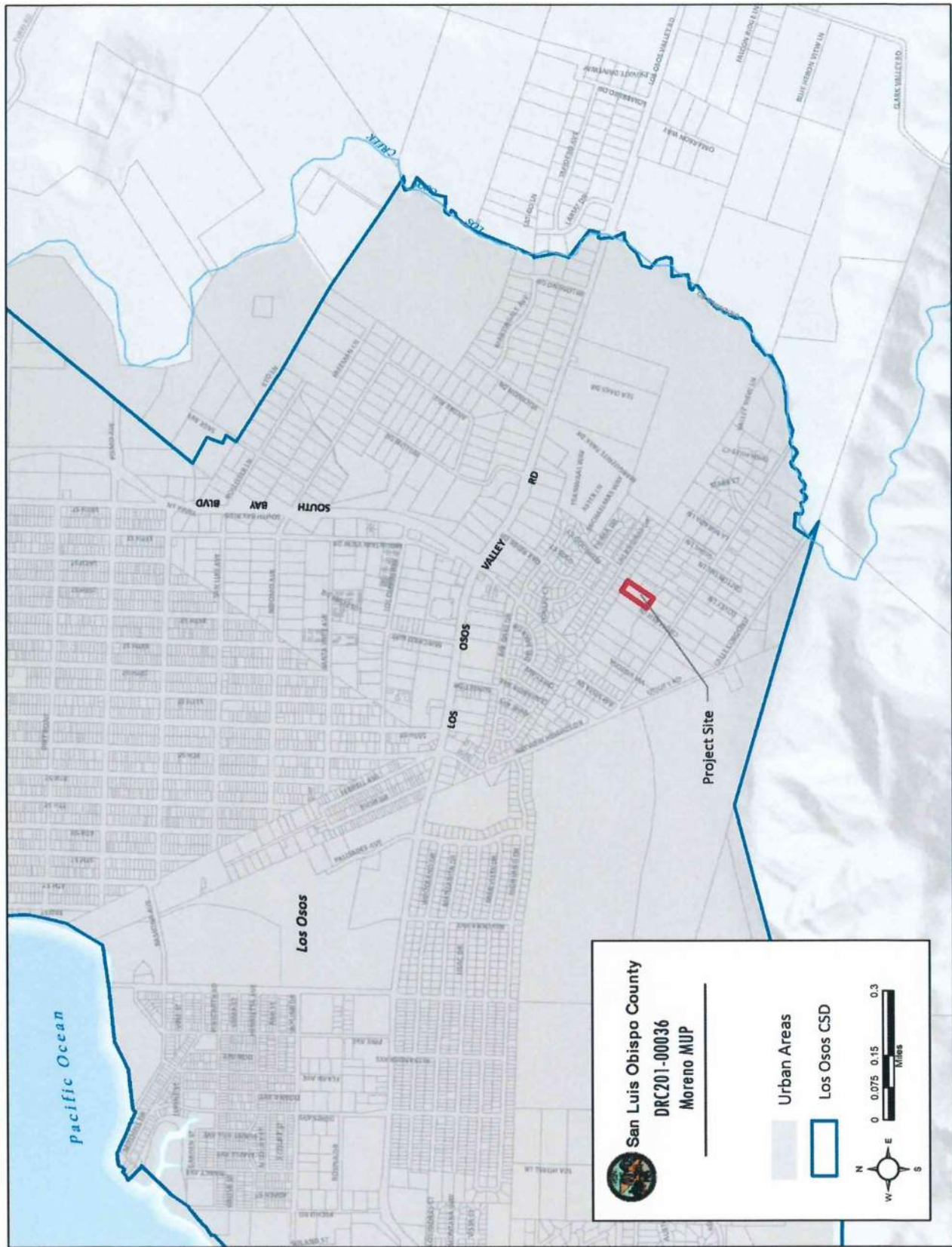
#### *Wastewater*


**WW-1** **Prior to issuance of construction permits**, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how the future septic systems will comply with the Central Coast Basin Plan.

#### *Water*



**WR-1** **Prior issuance of building permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance and the attached mitigation measures. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. The maximum amount of turf (lawn) area may not exceed 400 square feet.


**WR-2** **Prior occupancy or final inspection**, one of the following shall be installed as a part of the water supply system: 1) A "Point-of-use" supplemental water heater system in all bathrooms and kitchen, or 2) a circulating hot water system.




**San Luis Obispo County**  
**DRC201-00036**  
**Moreno MUP**

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 Urban Areas  
 Los Osos CSD


  
 0 0.075 0.15 0.3  
 Miles



**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR MORENO MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT  
ED16-133 (DRC2016-00036)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Per Public Resources Code Section 21081.6 the following measures also constitute the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. These measures will become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, is responsible to verify compliance with these COAs.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

**AESTHETICS (AES)**

**AES-1 No-Build Conservation Easement.** Prior to issuance of building permit, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create a conservation easement over approximately 0.625 acres of the project sites outside of the area of disturbance as shown on the project site plan. The terms of the conservation easement will allow only activities that help the long-term protection of native plant species and is intended to 1) retain existing native vegetation and trees, and 2) restrict development and other uses, and 3) protect sensitive plant and animal habitat. Planting of landscape plants, or other plants not commonly found in local maritime chaparral and coastal dune scrub habitat is prohibited.

**AES-2 At the time of application for construction permits,** the applicant shall clearly delineate the building site(s) and/or building control line(s) on the project plans, as shown on the approved site plan. All new development (e.g. residence, garage, guesthouse) shall be completely located within the building sites(s) and/or within the building control line(s). Leach lines may be located outside the building envelopes, open space easement areas and driplines of existing/ trees or other sensitive vegetation, as shown on the approved site plan, to the minimal area necessary for such system to function effectively.

**AES-2 Prior to issuance of construction permits,** the applicant shall provide a lighting plan showing shielded exterior street and home lighting in order to screen light sources from neighboring properties and from the street.

**Monitoring:** Required at time of application to, or prior to issuance of, construction permits. Compliance will be verified by the County Department of Planning and Building.

**BIOLOGICAL RESOURCES (BIO)**

**BIO-1 Prior to issuance of construction permits, vegetation removal, and/or ground disturbance),** the applicant shall provide proof that issuance of an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service has occurred.

**BIO-2 Prior to issuance of construction permits, vegetation removal, and/or ground disturbance),** the applicant shall provide proof from the U.S. Fish and Wildlife Service (USFWS) to the County that the following has been demonstrated to the Service in compliance with the incidental take permit:

- a. Written verification that the required pre-construction environmental awareness training program has been prepared and will be delivered by the USFWS-authorized biologist to all personnel who will be working onsite during site preparation and construction activities. This verification shall include a sign-in list of personnel in attendance at all sessions delivered.
- b. Verification that protective and permanent fencing has been installed to establish the limits of the construction and developed areas.
- c. Verification that at least 0.65-acre of land (in substantial conformance with that depicted on Figure 3 of the HCP) has been recorded with the County of San Luis Obispo as a conservation easement dedicated to same.
- d. Verification that the habitat enhancement activities have been implemented in accordance with sections 2.2.4 and 5.5 of the HCP.
- e. Only USFWS-approved biologists may conduct pre- and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails within the 1.25-acre project area. The applicant must request and receive approval of any other biologists they wish to have perform these activities prior to their commencement. The request must be submitted, in writing (inclusive of a facsimile or electronic submission), to the Ventura Fish and Wildlife Office at least 15 working days prior to the proposed commencement of the specified activities. All requested biologists must be approved by the Service prior to their conducting any surveys.
- f. USFWS-approved biologist(s) shall notify the Ventura Fish and Wildlife Office via written correspondence (inclusive of facsimile transmission or electronic submission) of their intent to conduct any monitoring events at least 48 hours of prior to commencing the activity.

**BIO-3 Prior to issuance of construction permits,** pre-construction and construction monitoring surveys for Morro shoulderband snail will be conducted within the impact area and submitted to the County of San Luis Obispo.

October 19, 2017

- BIO-4** All identified individuals of Morro shoulderband snail will be relocated, by an individual in possession of a current valid recovery permit for the species to a USFWS-approved offsite location, in accordance with incidental take permit and the HCP.
- BIO-5** The applicant shall demonstrate the minimization measures, performance and success criteria, and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively. A USFWS-approved biological monitor shall be present during the installation of construction fencing, initial vegetation clearing and grubbing, and earthwork in the form of initial grading and excavation. Any live Morro shoulderband snails found during these monitoring events will be captured and relocated to the conservation areas by the authorized biological monitor. This monitor shall have the authority to order any reasonable measure necessary to avoid the take of Morro shoulderband snail and to immediately stop any work or activity that is not in compliance with the conditions set forth in the ITP. The USFWS office in Ventura and the County of San Luis Obispo shall be notified of any "stop work" order and the order shall remain in effect until the issue has been resolved. No construction work will be initiated until the biological monitor determines that the work area is clear of Morro shoulderband snails.
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**Monitoring:** Required at time of application of construction permits. Compliance will be verified by the County Department of Planning and Building.



**WASTEWATER (WW)**

**WW-1** Prior to issuance of construction permits, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how the future septic systems will comply with the Central Coast Basin Plan.

**Monitoring:** Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

**WATER (WR)**

**WR-1** Prior issuance of building permits, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance and the attached mitigation measures. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. The maximum amount of turf (lawn) area may not exceed 400 square feet.

**Monitoring:** Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

**AES-3** Prior to final inspection or occupancy, whichever occurs first, all exterior lighting shall comply with the lighting condition above. This condition shall be maintained for the life of the project.

**BIO-10** Prior to final building inspection, the applicant shall complete the enhancement of disturbed central maritime chaparral within the conservation easement to increase its value and function for Morro shoulderband snail in accordance with the habitat enhancement measures identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively.


**BIO-11** Prior final building inspection, the applicant shall replace at a 5:1 ratio all Morro Manzanita plants and 2:1 ratio for all Mesa Horkelia removed. No coast live oak shall be removed as a result of the development of the project. No more than 2 Morro Manzanita plants, and 10 individual mesa horkelia plants shall be removed as a result of the development of the project. 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, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

October 19, 2017

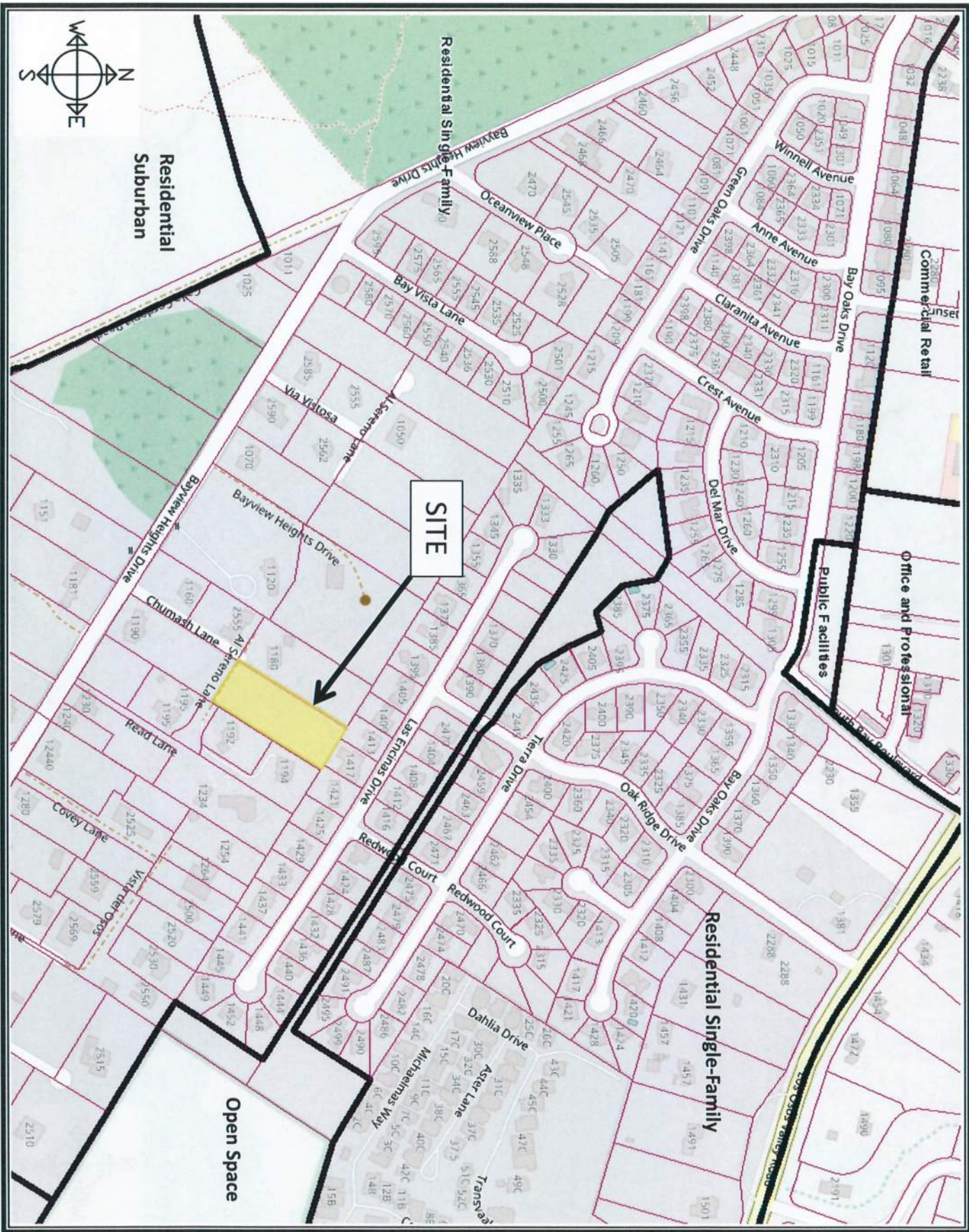
**WR-2 Prior occupancy or final inspection**, one of the following shall be installed as a part of the water supply system: 1) A "Point-of-use" supplemental water heater system in all bathrooms and kitchen, or 2) a circulating hot water system.

**Monitoring:** Required prior to occupancy or final inspection. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

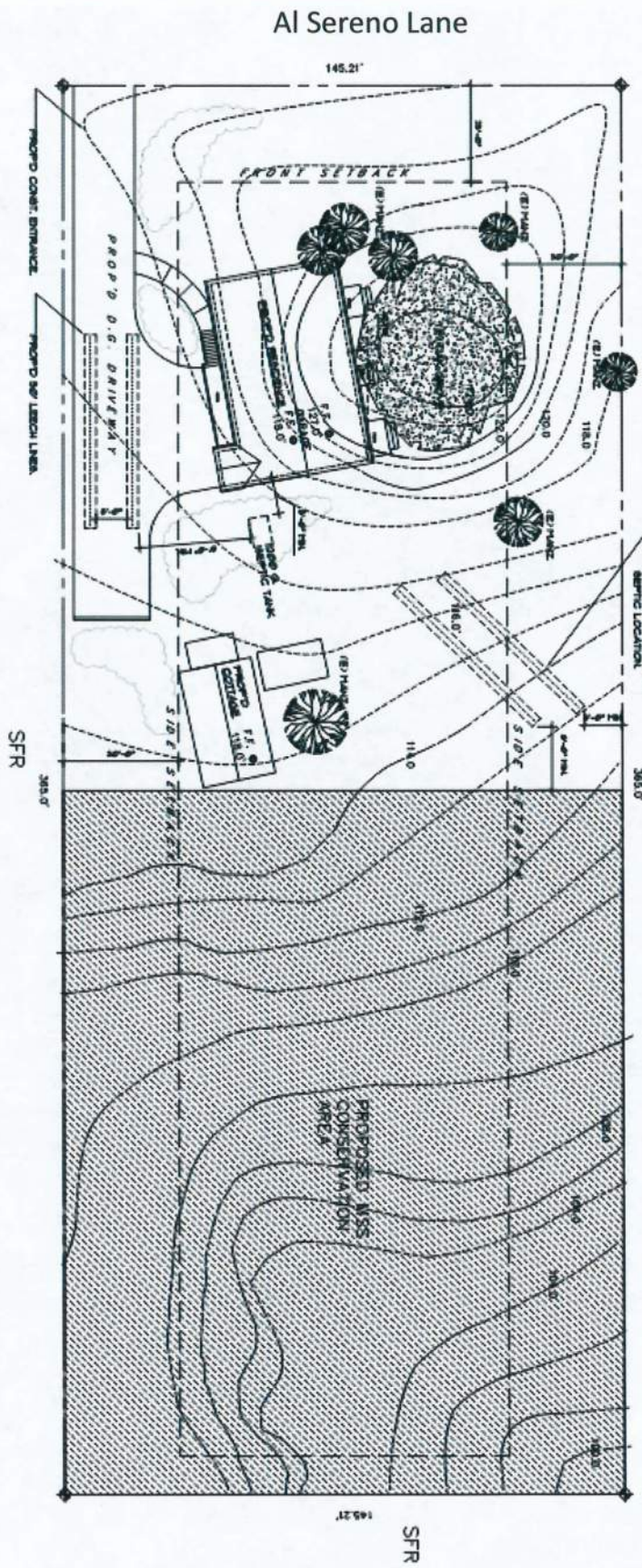
 CAYETANO D. MORENO OCT-20-2017  
Signature of Applicant Name (Print) Date

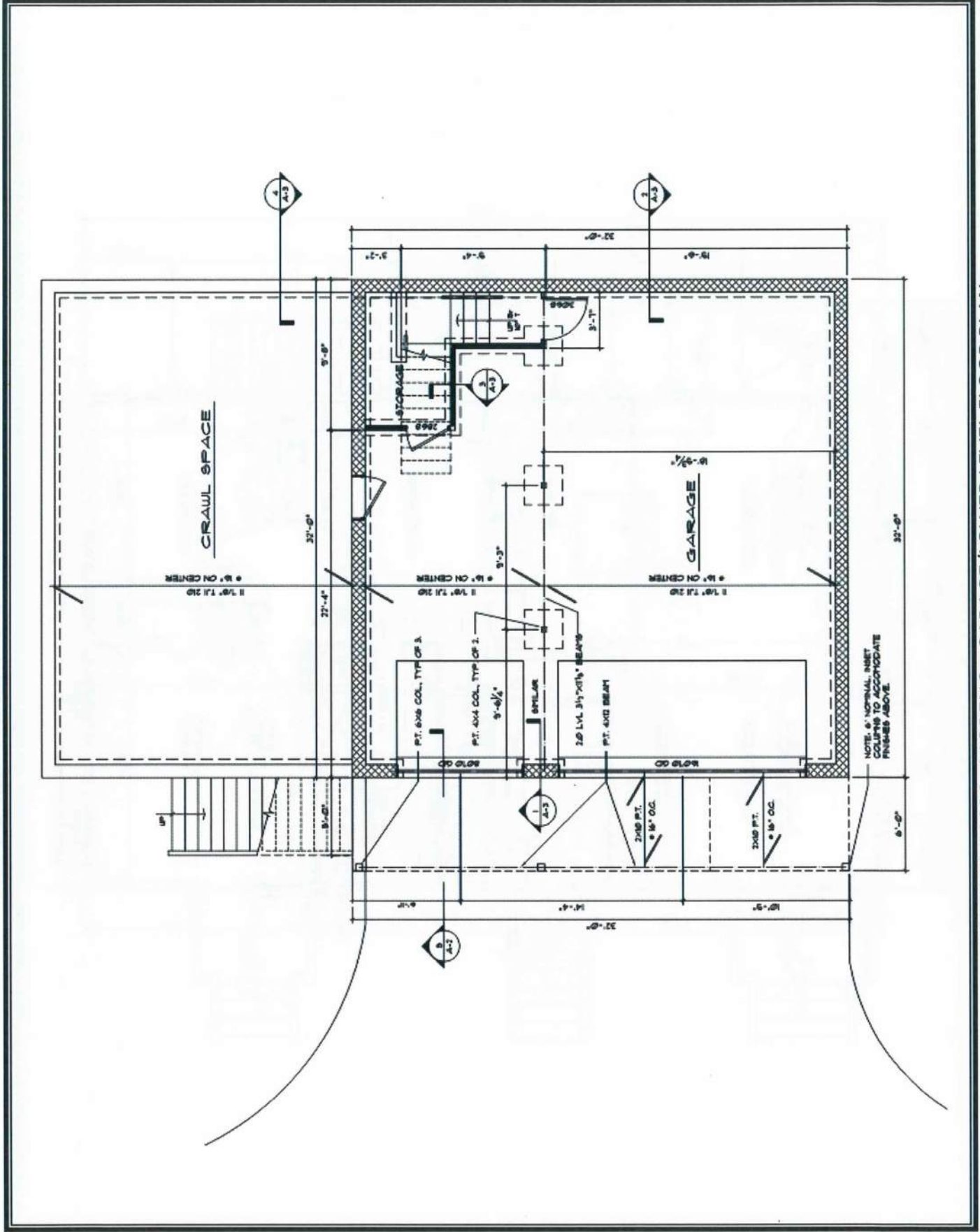


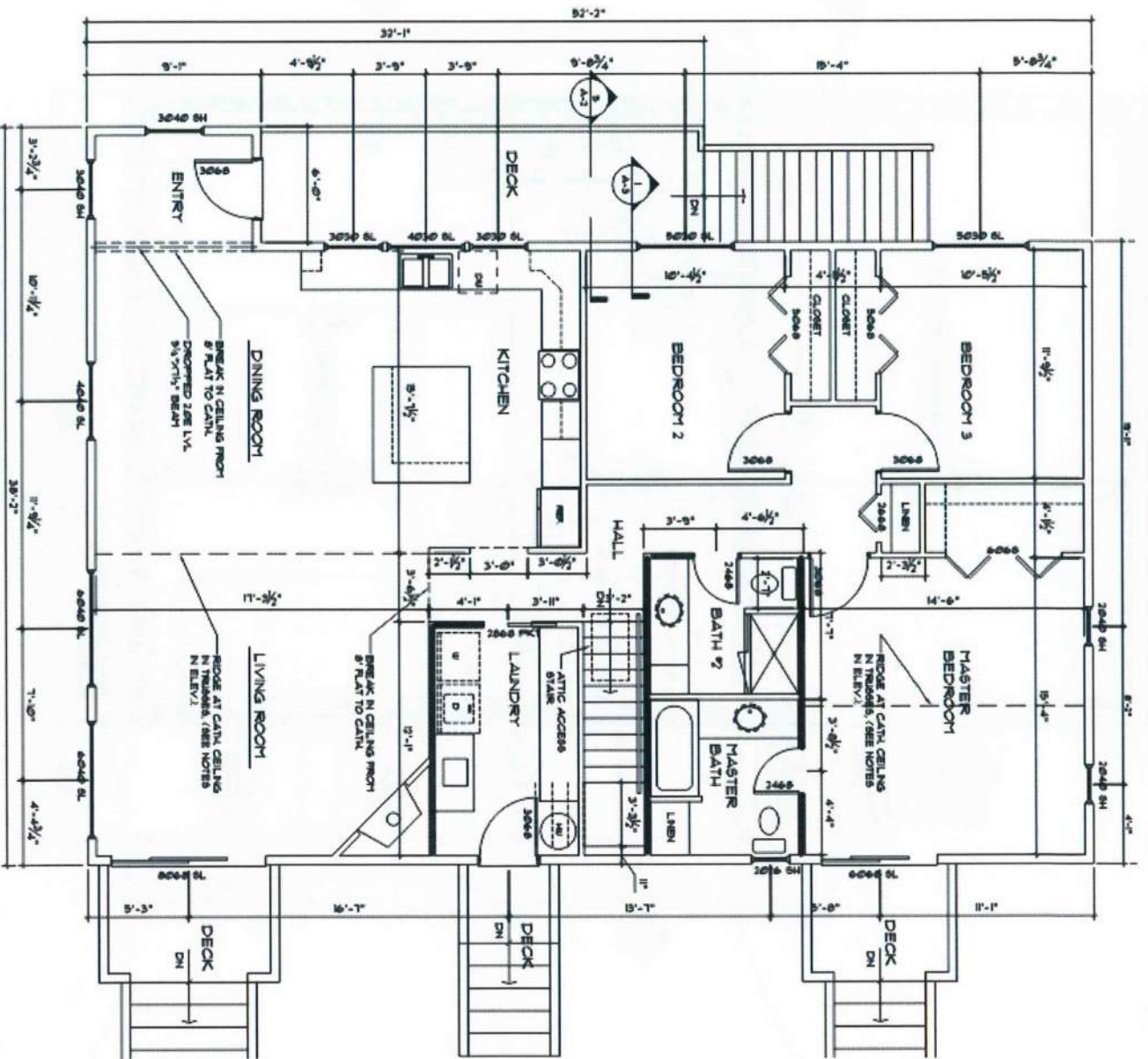




Chumash Drive

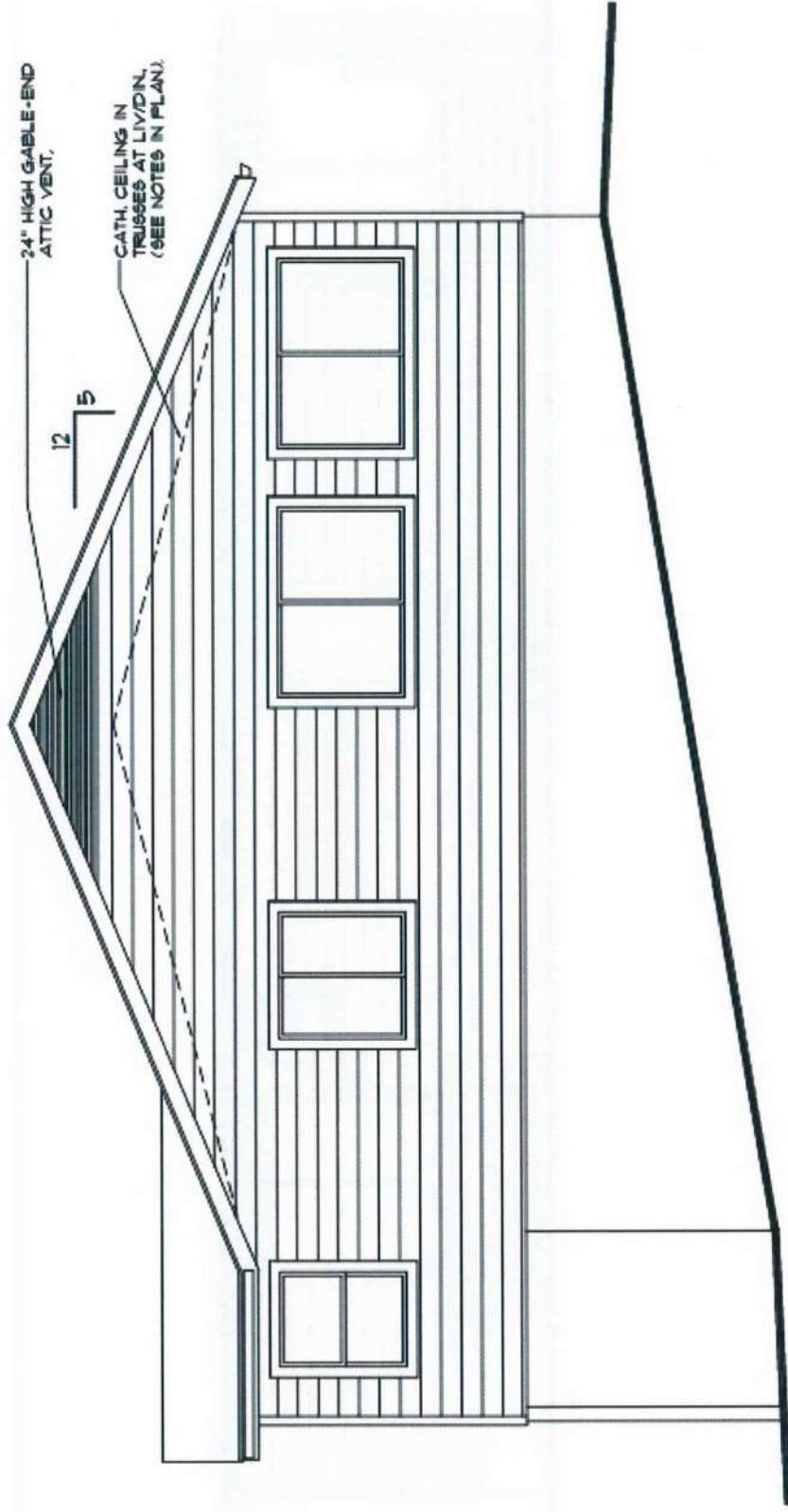


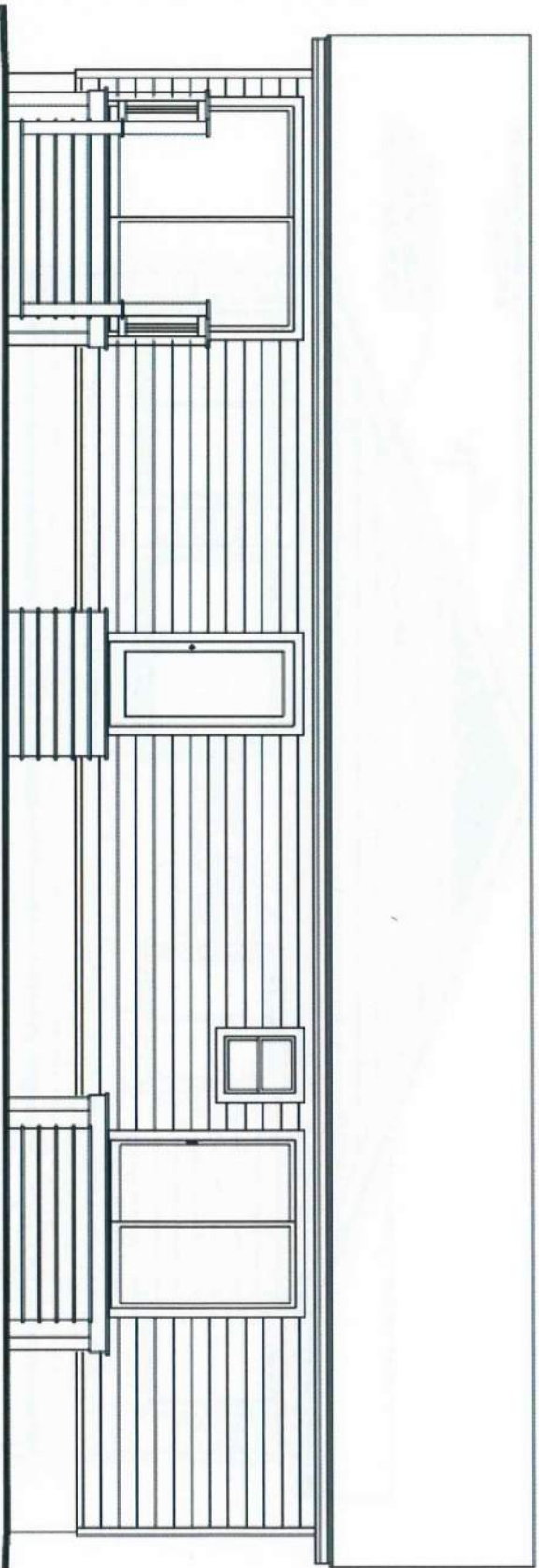


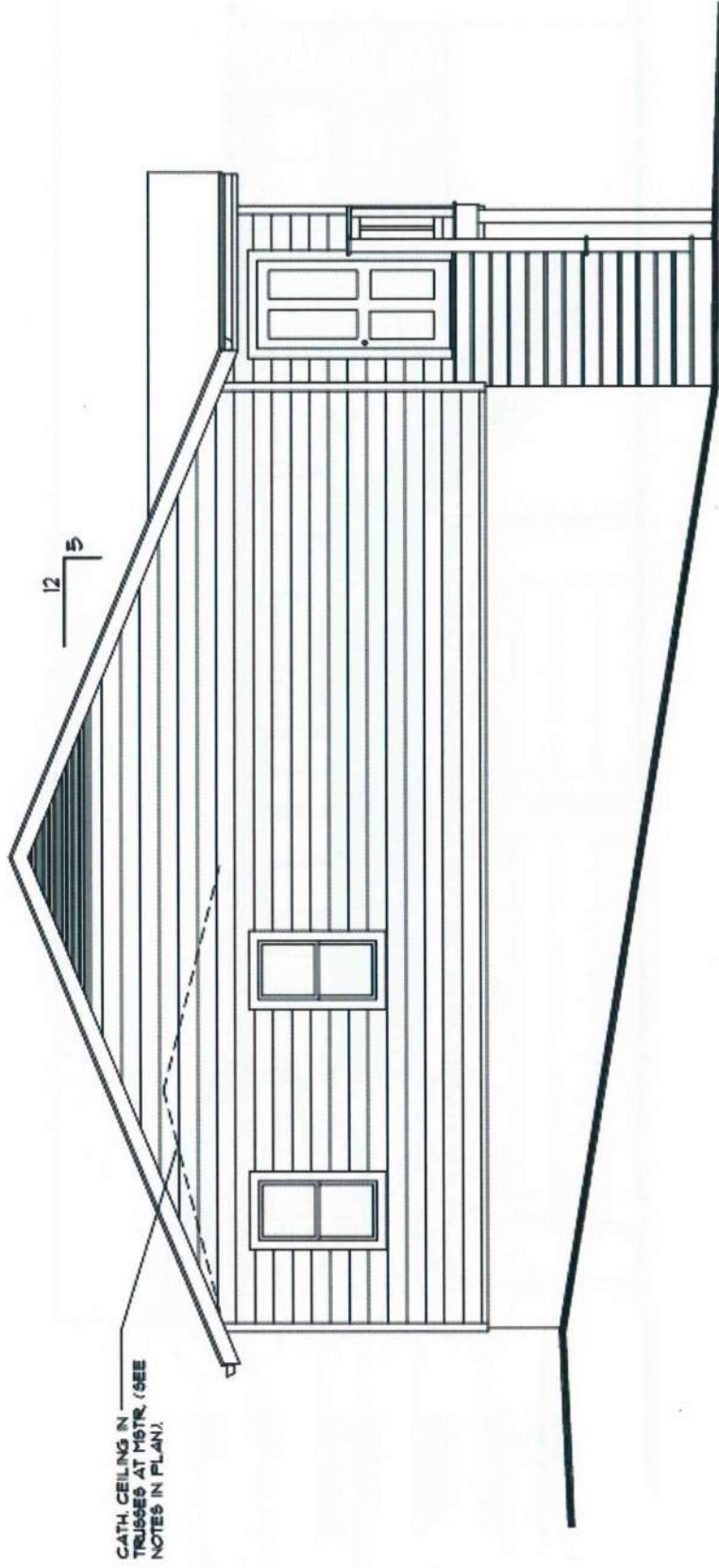


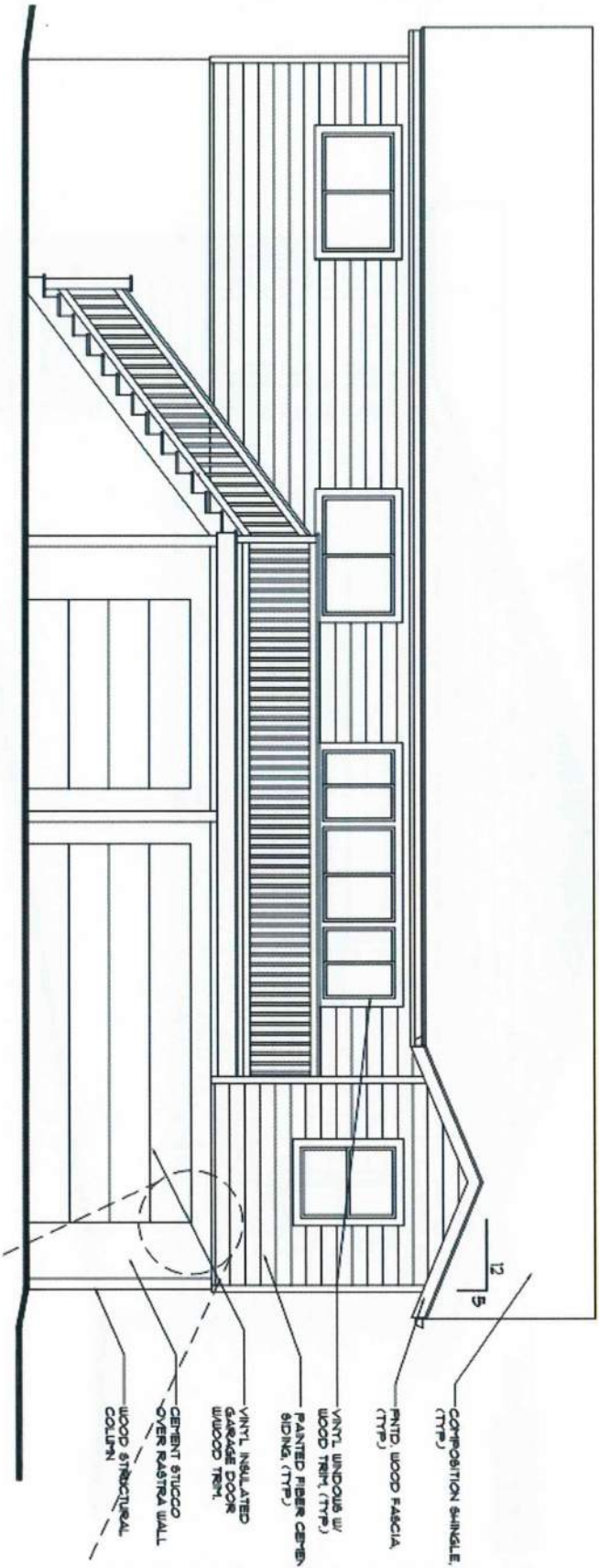
DRC2016-00036—MORENO—FIRST LEVEL FLOOR PLAN











DRC2016-00036- MORENO- EAST ELEVATION



Los Osos Community Advisory Council

December 7, 2016

Los Osos Community Advisory Council Comments on **DRC2016-00036 MORENO MUP** request for construction of a new single family residence, garage and guesthouse.

To: Ms. Kate Shea, Planner, Planning & Building

On December 5, 2016 the LOCAC members met and reviewed DRC2016-00036 and recommended approval of the requested minor use permit with no concerns expressed.

Thank you for your attention to our request.

Sincerely,

Jeffrey H. Weir/s

Chairperson  
Los Osos Community Advisory Council

Cc: Bruce Gibson, Supervisor



**Golden State**  
Water Company  
A Subsidiary of American States Water Company

SLO COUNTY  
PLANNING/BUILDING  
DEPT

2017 APR 11 AM 11:23

February 21, 2017

Matt Davis  
Crizer Design Co,  
P.O. Box 6952  
Los Osos, CA 93412

**Re: CAN AND WILL SERVE LETTER**  
**1180 Bayview Heights, Los Osos**  
**New 1,718 sq. ft. Single-Family Residence**

This letter is to inform you that Golden State Water Company (GSWC) can and will be able to provide domestic water and fire protection water service for the proposed 1,718 sq. ft. single-family residence at 1180 Bayview Heights located in GSWC's Los Osos customer service area (Project). GSWC ability to provide this service is subject to General Order 103-A and approved rules of the California Public Utilities Commission.

GSWC currently serves the property through a 1-inch service line and 1-inch water meter. It is my understanding that the Project includes 7 water fixtures. Low-flow water fixtures must be used indoors and drip and micro spray systems be used for irrigation outside of new constructed homes and buildings.

California Governor Jerry Brown issued on April 1, 2015 an Executive Order that included a directive to implement mandatory water reduction across California. In response to this directive and regulations approved by the CPUC, GSWC has implemented water conservation measures. This project will be subject to these measures.

This can and will serve commitment expires one year from the date of this letter. If construction of this project has not started within one year, an extension will need to be requested. Such time extension will be subject to any governmental requirements in place at the time of the request.

Sincerely,

 Date: 2017.02.21  
08:28:19 -08'00'

Larry Dees, P.E.  
Operations Engineer

cc: Anthony Lindstrom, GSWC  
Melissa Ruiz, GSWC

2330 A Street Suite A Santa Maria, Ca. 93455  
Tel: (805) 349-7407 Fax: (805) 349-7617

# *Title 19: Retrofit Certificate*

Pursuant to the San Luis Obispo County Title 19 Retrofit Ordinance

This certifies that **Cayetano Moreno** hereby has at least 900 retrofit credits (sufficient to construct one single family residence) pursuant to Title 19 of the County Code and may use this certificate at the following property address and assessor number

No address

074-323-020

Cert No. 2

James Caruso

For Dept of Planning and Building

August 17, 2011

Date

\*This certificate does not expire and may not be transferred to another property\*



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003



IN REPLY REFER TO:  
08EVEN00-2014-CPA-0161

January 8, 2015

Cayetano Moreno  
2482 Seahorse Lane  
Los Osos, California 93402

Subject: Low Effect Habitat Conservation Plan and Incidental Take Permit for APN 074-323-020,  
Community of Los Osos, San Luis Obispo County, California

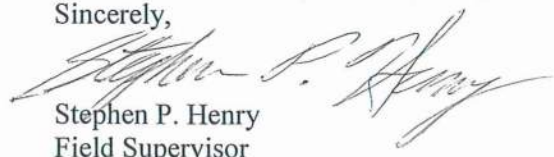
Dear Mr. Moreno:

We have reviewed the incidental take permit application and habitat conservation plan (HCP) submitted for the subject parcel located at the corner of Chumash Lane and Al Sereno in the community of Los Osos. You have requested a permit term of 8 years to authorize take of the Morro shoulderband snail (*Helminthoglypta walkeriana*) that is likely to result from the construction of a single-family residence and associated guest unit on this 1.25-acre parcel. The HCP includes minimization and mitigation measures that you commit to fund and implement. Minimization measures include the preparation and delivery of an environmental awareness training program for all personnel working onsite during site preparation and construction activities, retention of a Service-approved biologist to conduct pre-construction and construction monitoring surveys, capture and moving of all live Morro shoulderband snails out of harm's way into suitable habitat within the dedicated conservation easement. Mitigation for unavoidable take is the recordation of a conservation easement over 0.625 acre of maritime chaparral occupied by Morro shoulderband snail with the County of San Luis Obispo and enhancement of said habitat to increase its value to the species.

Based on our evaluation of your application and HCP, we determine that all permit issuance criteria established pursuant to Fish and Wildlife Regulation 50 CFR 17.22 are met. Under the authority of section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, you are hereby authorized to take those Morro shoulderband snails located only within the 1.25-acre permit area for a period of up to 8 years and in conjunction with those activities identified in the HCP. Enclosed please find permit TE-32201B-0; we encourage you to review its terms and conditions.

We thank you for your cooperation and patience during this process. Should you have any questions regarding your permit or the contents of this letter, please contact Julie M. Vanderwier at (805) 644-1766, extension 222.

Sincerely,



Stephen P. Henry  
Field Supervisor

Enclosure: Federal Fish and Wildlife Permit TE70055A-0





DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

CAYETANO D MORENO  
2482 SEAHORSE LANE  
LOS OSOS, CA 93402  
U.S.A.

2. AUTHORITY-STATUTES  
16 USC 1539(a)

REGULATIONS  
50 CFR 17.22

50 CFR 13

3. NUMBER  
TE32201B-0

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
01-08-2015

7. EXPIRES  
01-08-2023

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

9. TYPE OF PERMIT

NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E  
WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

The Moreno property is located on Chumash Lane at its intersection with Al Sereno, north of Bayview Heights Road, in the southern portion of the unincorporated community of Los Osos, San Luis Obispo County, California. The County of San Luis Obispo assessor parcel number is 074-323-020.

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Further conditions of authorization are contained below.

E. All sections of Title 50 Code of Federal Regulations, parts 13 and 17.32, are conditions of this permit.

F. The authorization granted by this permit is subject to compliance with, and implementation of, the *Low-Effect Habitat Conservation Plan for the Federally Endangered Morro Shoulderband Snail on the Moreno Property, Los Osos, San Luis Obispo County, California* (SWCA Environmental Consultants 2013; HCP). This permit and the HCP are binding upon the permittee and any authorized officer, employee, contractor, or agent conducting permitted activities.

G. The permittee and/or his designated agent are authorized under the Federal Endangered Species Act of 1973, as amended, to incidentally take (capture, harm, injure, and/or kill) the federally endangered Morro shoulderband snail (*Helminthoglypta walkeriana*) within the 1.25-acre project area described and depicted in the HCP and legally known as County of San Luis Obispo Assessor Parcel Number 074-323-020 to the extent that the take of this species would otherwise be prohibited under section 9 of the Act and its implementing regulations or pursuant to a rule promulgated under section 4 (d) of the Act. Take of Morro shoulderband snail is authorized in the form of capture for all individuals identified within permit area and up to five individuals in the form of injury or mortality. All take must be incidental to otherwise lawful activities associated with the development activities described in the HCP and conditioned herein.

H. Only Service-approved biologists may conduct pre- and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails within the 1.25-acre project area. The applicant must request and receive approval of any other biologists they wish to have perform these activities prior to their commencement. The request must be submitted, in writing (inclusive of a facsimile or electronic submission), to the Ventura Fish and Wildlife Office at least 15 working days prior to the proposed commencement of the specified activities. All requested biologists must be approved by the Service prior to their conducting any surveys associated with this permit.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

TITLE

DATE

FIELD OFFICE SUPERVISOR

1/8/15

I. The Service-approved biologist(s) shall notify the Ventura Fish and Wildlife Office via written correspondence (inclusive of facsimile transmission or electronic submission) of their intent to conduct any monitoring events at least 48 hours of prior to commencing the activity.

J. Minimization measures, performance and success criteria, and reporting obligations must be consistent with those identified in sections 5.3, 5.4, and 5.5 of the HCP, respectively.

K. Prior to the commencement of any activity that could result in take of Morro shoulderband snail (e.g., required hazard abatement, clearing of vegetation within the development area) and/or use and reliance on any permits issued by the County of San Luis Obispo (e.g., grading, coastal development) that could result in such take, the following must be demonstrated to the Service:

- a. Written verification that the required pre-construction environmental awareness training program has been prepared and will be delivered by the Service-authorized biologist to all personnel who will be working onsite during site preparation and construction activities. This verification shall include a sign-in list of personnel in attendance at all sessions delivered.
- b. Verification that protective and permanent fencing has been installed to establish the limits of the construction and developed areas.
- c. Verification that at least 0.65-acre of land (in substantial conformance with that depicted on Figure 3 of the HCP) has been recorded with the County of San Luis Obispo as a conservation easement dedicated to same.
- d. Verification that the habitat enhancement activities have been implemented in accordance with sections 2.2.4 and 5.5 of the HCP.

L. Any remains of dead Morro shoulderband snails shall be repositied at a professionally maintained facility widely accessible for scientific study, such as the California Academy of Sciences [Entomology Department] or the Santa Barbara Museum of Natural History [Department of Invertebrates]. Arrangements regarding the disposition of potential museum specimens must be made with the intended receiving institution prior to the commencement of any survey work or monitoring events. Other arrangements regarding the disposition of specimens may be made with prior written approval from the Ventura Fish and Wildlife Office.

M. A copy of permit TE-32201B-0 must be in the possession of the permittee or his designated agent(s) at all times while conducting any activities that could result in take of Morro shoulderband snail. Please refer to permit number TE32201B-0 in all correspondence with the Service that concerns permitted activities. Direct any questions you may have about this permit to the Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California.

Reply | v Delete Junk | v ...

## RE: DRC2016-00036 MORENO, Coastal E-Referral, Minor Use Permit, Los Osos

RD

Robinson, Daniel@Coastal &lt;Daniel.Robinson@coastal.ca.gov&gt;

Tue 11/22/2016, 2:08 PM

Kate B. Shea; Kerry Brown v

Reply | v

Inbox

Hi Kate and Kerry –

Just looking over this new project referral and based on some ground photos, the subject site looks to be 100% ESHA (without reviewing a biological habitat report) and thus would require a “takings” analysis to be undertaken to approve anything on the property, per the CZLUO. If not 100% ESHA, would want to make sure development is limited to that portion outside of ESHA and also required ESHA buffer setbacks.

In addition, if 100% ESHA, a “takings approval” would allow for the minimum allowed use of the property necessary to avoid a takings (limited home with the least amount of impact on the ESHA as possible, etc.), which generally does not entail approval of accessory or other structures on the property like a “cottage.” We are pleased to see a large conservation area proposed.

Let me know if you have any questions,

Cheers,  
Daniel

---

**From:** Mail for PL\_Referrals Group [mailto:plreferrals@co.slo.ca.us]

**Sent:** Thursday, November 10, 2016 10:14 AM

**To:** Kate B. Shea

**Cc:** Kerry Brown

**Subject:** DRC2016-00036 MORENO, Coastal E-Referral, Minor Use Permit, Los Osos

San Luis Obispo County

Planning & Building Department

**DRC2016-00036 MORENO, Coastal E-Referral, Minor Use Permit, Los Osos**

**APN(s): 074-323-020**

This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

**Community Advisory Groups:** You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant/agent are provided in the link below.

[Direct Link to MORENO Referral Package](#)

Link to webpage for all referral packages: <http://www.slocounty.ca.gov/planning/referrals.htm>

Reply | ▾ Delete Junk | ▾ ...

## Re: DRC2016-00036 MORENO, Coastal E-Referral, Minor Use Permit, Los Osos

MS

Michael Stoker

Tue 11/15, 1:07 PM

Kate B. Shea; Cheryl Journey; Martin Mofield ▾

👍 Reply | ▾

Inbox

Kate,

Please find building comments for DRC2016-00036 below. Please let me know if you have any questions.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of the construction of a replacement single family dwelling. The project shall comply with current codes adopted by the County of San Luis Obispo (2013 California Building Standards Codes and Title 19 of the SLO County Codes).

While a thorough plan review will be conducted at time of building permit application, the following items are noted to assist design review;

- 1) Construction shall comply with the 2013 California Residential Code.
- 2) The design of the openings, projections, wall rating based on fire separation distance will need to be shown on the plans to comply with CRC Section 302, including Table 302.1(2) for buildings with sprinklers.
- 3) Provide plans which clearly show the structural design to verify compliance with the prescriptive requirements of the 2013 California Residential Code or any structural element not complying with the prescriptive requirements will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design
- 4) Provide details on the plans for the design of the stairs, handrails, and guards to verify compliance with the California Residential Code.
- 5) Label all egress windows on the plans to verify compliance with size and height per the California Residential Code.
- 6) Provide electrical plans with notes to show the location of the main electrical panel, sub-panels, receptacles, lights, switches, and smoke detectors and Co alarms to verify compliance with the 2013 California Electrical Code.
- 7) Provide notes and information on the plans for the plumbing fixtures requirements, design of the waste lines, vents, and water lines will all need to comply with the 2013 California Plumbing Code.
- 8) Energy calculation will need to be submitted to verify compliance with the 2013 California Energy Code.
- 9) The plans will need show compliance with the 2013 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.
- 10) Fire sprinklers will be required under a separate permit application. Provide plans showing the design and layout for the sprinkler system.
- 11) A grading plan may be required depending on the total area of disturbance.

Reply | Delete | Junk | ...

documentation will need to be submitted before December 31, 2016 in order to comply with the 2013 California Building Standard Codes. All application accepted on or after January 1, 2017 will need to comply with the 2016 California Building Standard Codes.

thanks

Michael Stoker, CASp  
Building Division Supervisor  
805.781.1543



**From:** Mail for PL\_Referrals Group  
**Sent:** Thursday, November 10, 2016 10:14 AM  
**To:** Kate B. Shea  
**Cc:** Kerry Brown  
**Subject:** DRC2016-00036 MORENO, Coastal E-Referral, Minor Use Permit, Los Osos

**San Luis Obispo County**  
**Planning & Building Department**

**DRC2016-00036 MORENO, Coastal E-Referral, Minor Use Permit, Los Osos**  
**APN(s): 074-323-020**

This application was recently filed with the Planning Department for review and approval. Because the proposal may be of interest or concern to your agency or community group, we are notifying you of the availability of a referral on the project.

**Community Advisory Groups:** You will want to contact the applicant and/or agent for the project to request a presentation to your group, or simply to answer questions about the project. The telephone number and address for the applicant/agent are provided in the link below.

[Direct Link to MORENO Referral Package](#)

Link to webpage for all referral packages: <http://www.slocounty.ca.gov/planning/referrals.htm>

\*\*\*\*\*

**Please comment** on all issues associated with this project **within 14 days** of receiving this e-mail.

**Community Advisory Groups:** please respond within **60 days**.

Reply | ▾ Delete Junk | ▾ ...

**Referral Response:**

*As part of your response to this referral, please answer the following questions:*

Are there significant concerns, problems or impacts in your area of review?

If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.

If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.

What does the community like or dislike about the project or proposal?

Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?

Does the community believe the road(s) that provide access to the site is(are) already overcrowded?

Does the community wish to have a trail in this location?

If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

Regards,

Hilary Brown  
AAIII - Current & Environmental Planning  
County of San Luis Obispo - Planning and Building  
Direct: (805) 788-2009  
[hbrown@co.slo.ca.us](mailto:hbrown@co.slo.ca.us)

Connect with us online:

<http://sloplanning.org>

<http://www.facebook.com/SLOplanning>

<http://twitter.com/SLOCoPlanning>



SAN LUIS OBISPO COUNTY

## DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

### THIS IS A NEW PROJECT REFERRAL

DATE: 11/10/2016

TO: CAL FIRE

RECEIVED NO. 16 2016

FROM: Kate Shea (805-781-4097 or kbshea@co.slo.ca.us)  
Coastal Team / Development Review

**PROJECT DESCRIPTION:** DRC2016-00036 MORENO – Proposed minor use permit for the construction of a new single family residence, garage, and guesthouse. Project location is 1180 Bayview Heights in Los Osos.  
APN: 074-323-020

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)  
 NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)  
 NO (Please go on to PART III.)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

See attached fire Plan

12/1/16  
Date

Tony Gomes  
Name

543-4244  
Phone



# CAL FIRE – SAN LUIS OBISPO FIRE SAFETY PLAN



Date: December 1, 2016

Project Number: DRC2016-00036

Project City: Los Osos

Owner Name: Cayetano Moreno

City, State, Zip: Los Osos, Ca. 93402

Agent Name: Matthew Davis

City, State, Zip: Los Osos, Ca. 93402

Project Description: New SFD. with detached cottage

Project Location: 1180 Bayview Heights

Cross Street:

Owner Address: 2492 Seahorse Ln.

Owner Phone(s): 805-801-3101

Agent Address: P.O. Box 6952

Agent Phone(s): 805-215-0399

- The following checked items are required to be completed prior to final inspection of this project.
- Fire department final inspection can be scheduled by calling (805) 543-4244, extension #3490.
- Inspections will be completed on **Tuesday** for South County areas and **Thursday** for North County areas.
- Please have your County issued permit card on site and visible.
- Visit our website at [www.calfireslo.org](http://www.calfireslo.org) for more information.

This project is located approximately 5 minutes from the closest CAL FIRE/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires, and is designated as a **Very High** Fire Hazard Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following CHECKED standards are required:	
<input checked="" type="checkbox"/>	<b>SETBACK</b> 30-foot building setback from property line required for parcels 1 acre in size or larger <b>**Note:</b> All setbacks are subject to S.L.O County Planning Department approval.
<input checked="" type="checkbox"/>	<b>FIRE SPRINKLERS</b> A fire sprinkler system is required for this project per local Fire Code.
<input checked="" type="checkbox"/>	Fire alarm bell must be installed and working at final inspection (If required by NFPA 13D).
<input checked="" type="checkbox"/>	Mount spare heads & wrench box in garage or near riser. (1 of each type)
<input type="checkbox"/>	<b>TANK</b> A water storage tank is required that gravity feeds a residential fire connection
<input type="checkbox"/>	5000 gallons of <b>minimum</b> water storage is required for fire protection
<input type="checkbox"/>	<b>Note:</b> 2500 Gallon minimum. Structures within 50 feet of project are calculated as part of the tank capacity requirement. C-16 or FPE will calculate capacity of tank if project is sprinklered.
<input type="checkbox"/>	Tanks must be steel or concrete in High and Very High Fire Hazard Severity zones
<input type="checkbox"/>	Automatic Fill, Sight Gauge & Venting System required
<input type="checkbox"/>	Minimum 4-inch plumbing: Schedule 40 PVC or Iron Pipe
<input type="checkbox"/>	System must gravity drain to the Fire Department Connection
<input type="checkbox"/>	Fire connection shall be located on the approach to the structure(s)
<input type="checkbox"/>	Fire connection must be located not less than 50 feet & no more than 150 feet from the structure
<input type="checkbox"/>	Fire connection must be located 10-12 feet from the edge of the driveway/road & 24-36" above finished grade
<input type="checkbox"/>	Fire connection outlet valve must be a 2-1/2" brass National Standard male thread with brass or plastic cap. The outlet must face toward the driveway at a 90° angle.
<input type="checkbox"/>	If fire connection has less than 20 psi, then the word "DRAFT" will be clearly and permanently marked on the fire connection
<input type="checkbox"/>	Must maintain a 3 foot clear space around the circumference of the connection at all times
<input type="checkbox"/>	Blue dot reflector must be located near fire connection, visible to approaching vehicles
<input checked="" type="checkbox"/>	<b>HYDRANT</b> A fire hydrant is required that can deliver 750 gallons per minute for 2 hours.
<input checked="" type="checkbox"/>	****Must submit a completed Community Water System Verification Form
<input checked="" type="checkbox"/>	Must have two 2 1/2" outlets and one 4" outlet with National Standard threads
<input checked="" type="checkbox"/>	Must be located within 8 feet of the roadway
<input checked="" type="checkbox"/>	Place a blue dot road reflector on roadway, just off center, on the side of the hydrant
<input checked="" type="checkbox"/>	Hydrant must be located within 250 feet of the residence.
<input checked="" type="checkbox"/>	Must maintain a 3 foot clear space around the hydrant at all times



<input type="checkbox"/>	<b>ACCESS ROAD</b> A 20-foot wide access road is required
<input type="checkbox"/>	All weather surface capable of supporting 20 tons
<input type="checkbox"/>	10 feet of fuel modification is required on both sides of road
<input type="checkbox"/>	Must provide an unobstructed vertical clearance of not less than 13'6"
<input type="checkbox"/>	Where road exceeds a 12% grade, it must be a nonskid surface
<input type="checkbox"/>	If road exceeds a 16% grade, it must be certified by an engineer
<input type="checkbox"/>	Road must be named & posted using the County standard signage
<input checked="" type="checkbox"/>	<b>DRIVEWAY</b> must be 16 feet wide
<input checked="" type="checkbox"/>	All weather surface capable of supporting 20 tons
<input checked="" type="checkbox"/>	Where driveway exceeds a 12% grade, it must be a paved nonskid surface
<input checked="" type="checkbox"/>	10 feet of fuel modification is required on both sides of the driveway
<input checked="" type="checkbox"/>	Must provide an unobstructed vertical clearance of not less than 13'6"
<input type="checkbox"/>	Driveways exceeding 300 feet require a fire engine turnaround within 50 feet of residence/structure
<input type="checkbox"/>	Driveways exceeding 800 feet require a turnout(s) at midpoint and no more than 400 feet apart (Exception: 16' wide driveways)
<input type="checkbox"/>	<b>BRIDGE</b> is required to support a fire engine load weight of 20 tons
<input type="checkbox"/>	Bridge must have a sign indicating load & vertical clearance limits at entrances
<input type="checkbox"/>	One-lane bridge: minimum 10', turnouts at both ends, one-way signs, clear visibility
<input checked="" type="checkbox"/>	<b>GATE</b> entrance shall be 2 feet wider than width of traffic lane & located 30 feet from roadway.
<input checked="" type="checkbox"/>	Center line of lane turning radius must be at least 25 feet
<input checked="" type="checkbox"/>	Electric gates shall be maintained <u>operational at all times</u> and shall provide Fire Department emergency access via a "Knox" switch. A Knox application must be requested from the Prevention Bureau. Manual gates may be secured by a padlock.
<input checked="" type="checkbox"/>	Must be setback a minimum of 30 feet from the SLO County maintained road
<input checked="" type="checkbox"/>	<b>100' FLAMMABLE VEGETATION MANAGEMENT</b> around structures required.
<input checked="" type="checkbox"/>	Maintain a fire clearance of 30 feet around all buildings & structures
<input checked="" type="checkbox"/>	Within the area of 30'-100' from structures, additional fire reduction measures shall be required.
<input checked="" type="checkbox"/>	Remove limbs located within 10 feet of chimney & trim dead/dying limbs that overhang the roof. Leaves, needles, or dead growth shall be removed from the roof
<input type="checkbox"/>	<b>LPG TANKS</b> Minimum separation from buildings & property lines for LPG above ground tanks is: 10 feet for 125-500 gallon container; 25 feet for 501-2,000 gallon container
<input type="checkbox"/>	Maintain a minimum vegetation clearance of 10 feet around LPG tanks or containers
<input checked="" type="checkbox"/>	<b>IGNITION RESISTANT CONSTRUCTION REQUIREMENTS</b> This project must meet all requirements of Chapter 7A of the 2013 California Building Code for Fire-Resistance-Rated Construction. Please contact the San Luis Obispo County Department of Planning & Building for more information at (805) 781-5600.
<input checked="" type="checkbox"/>	A Class A non-combustible roof is required that meets all requirements of Chapter 7A of the 2013 California Building Code.
<input checked="" type="checkbox"/>	<b>ADDRESS</b> Each residence requires separate address numbers, assigned by the San Luis Obispo County Department of Planning and Building. Please contact (805) 781-5157 for more information.
<input checked="" type="checkbox"/>	Highly visible with contrasting background permanent address numbers shall be placed at the driveway entrance <u>and</u> directional signs at each T or Y intersection (minimum 6" letter/number height, 1/2 inch stroke). Reflective numbers are highly recommended!
<input checked="" type="checkbox"/>	Highly visible address numbers shall be placed on the residence(s). (Minimum 6" letter/number height with 1/2 inch stroke).
<input checked="" type="checkbox"/>	<b>SMOKE &amp; CARBON MONOXIDE DETECTOR</b> Smoke detectors are required in all sleeping areas and in hallways leading to sleeping areas.
<b>Comments:</b>	

**Please note:** Any changes made to this project shall cancel the Fire Safety Plan and require new plans to be submitted to CAL FIRE for review and the issuance of a new fire plan. If this project is not completed within the time allotted by the Building Permit; it will be required to meet all applicable fire codes in effect at the time a new permit is issued and before final inspection of the structure. Any future change of occupancy will also require compliance with all codes in effect at that time.

**Tony Gomes**

**Inspector  
Fire Captain**



SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Wade Horton, Director

County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)



Date: November 15, 2016  
To: Kate Shea, Project Planner  
From: Glenn Marshall, Development Services  
Subject: **Public Works Comments on DRC2016-00036 Moreno MUP, Bayview Heights Rd, Los Osos, APN 074-323-020**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

---

**PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:**

1. Drainage information. Provide a drainage plan showing retention of all development run-off on site.
2. In accordance with the Land Use Ordinance, as the project is in a Storm Water Management (MS4) Area, it is considered a regulated project and required to submit a Storm Water Control Plan Application and Coversheet.

---

**Public Works Comments:**

- A. The proposed project is within the Los Osos Road Fee Area. Payment of Road Improvement Fees is required prior to building permit issuance.
- B. The proposed project is within a drainage review area. Drainage plan is required and it will be reviewed in detail at the time of Building Permit submittal by Public Works. The applicant should review Chapter 23.05.040 of the Land Use Ordinance prior to future submittal of development permits. Retention of all development run-off on site is required.
- C. The project meets the applicability criteria for Storm Water Management. Therefore, the project is required to submit a Storm Water Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:  
<http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Construction+Permit+Documents/Grading+and+Drainage+Documents/SWCP+Application+Pkg.pdf>

The Post Construction Requirement (PCR) Handbook can be found at:  
[http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new\\_stormwater/PCR+Handbook+1.1.pdf](http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/PCR+Handbook+1.1.pdf)

D. You may claim exemption from these requirements on the application as you will be required to retain of all development run-off on site.

### **Recommended Project Conditions of Approval:**

#### **Access**

1. **At the time of application for construction permits**, the applicant shall improve Chumash Lane and Al Sereno Lane, and construct the onsite driveway to the satisfaction of Cal Fire.

#### **Fees**

2. **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 Los Osos Road Improvement 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**

3. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and calculations for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance. All drainage must be retained on-site and the design of the basin shall be approved by the Department of Public Works.
4. **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 22.52.120.
5. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.
6. **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.

#### **Storm Water Control Plan**

7. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water 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 Storm Water 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.

8. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.
9. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

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