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. ED17-098 **DATE:** May 9, 2018

PROJECT/ENTITLEMENT: ROTHMAN Minor Use Permit/Coastal Development Permit DRC2014-00031

APPLICANT NAME: Philip and Pam Rothman **Email:** gr8rok@yahoo.com
ADDRESS: 18200 Andrea Circle South, Unit 2, Northridge A 91325
CONTACT PERSON: Jeff Van Lith, Van Lith Construction **Telephone:** 805 528-1366

PROPOSED USES/INTENT: A Minor Use Permit /Coastal Development Permit request to allow for the construction of a 2,863 square foot single family residence, attached 1,354 square foot garage/workshop, a 700 square foot terrace and 401 square foot deck on a 20,068 square foot (0.46 acre) parcel. The project will result in site disturbance of approximately 12,850 square feet including 203 cubic yards of cut and 160 cy of fill. The project site is within the Residential Single-Family and Coastal Zone land use category and is and within the Estero planning area.

LOCATION: The project site is located at 212 Madera Street in the Cabrillo Estates neighborhood of Los Osos.

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

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.

Signature	Project Manager Name	Date	Public Agency
	Cindy Chambers (cchambers@co.slo.ca.us)		County of San Luis Obispo

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: Rothman Minor Use Permit/Coastal Development Permit ED17-098/DRC2014-00031

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.

☒ Aesthetics	☐ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☐ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☐ Noise	☒ Wastewater
☒ Biological Resources	☒ Population/Housing	☒ Water /Hydrology
☐ Cultural Resources	☒ Public Services/Utilities	☐ 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.

Cindy Chambers (cchambers@co.slo.ca.us) — Signature — 5-3-18

Prepared by (Print) — Signature — Date

Kerry Brown — Kerry Brown — Ellen Carroll, Environmental Coordinator (for)

Reviewed by (Print) — Signature — 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 Robin and Pam Rothman for a Minor Use Permit /Coastal Development Permit to allow for the construction of a 2,863 square foot single family residence, attached 1,354 square foot garage/workshop, a 700 square foot terrace and 401 square foot deck on a 20,068 square foot (0.46 acre) parcel located at 212 Madera Street in the Cabrillo Estates neighborhood of Los Osos. The project will result in site disturbance of approximately 12,850 square feet including 203 cubic yards of cut and 160 cubic yards of fill.

The project site is vacant and slopes moderately to the north. Surrounding land uses include single family residences on parcels ranging in size from 20,000 to 30,000 square feet. On-site vegetation consists of non-native grasses and one cluster of coast live oak trees. The site plan shows the residence and attached garages situated in the center of the site with the second floor living area and outdoor terrace oriented to the west to capture views of the ocean and coastline. Elevations submitted for the project show exterior materials that include stucco, cultured stone, wood accents and a pitched roof with composition shingles.

A federally listed species (Morro shoulderband snail) has been documented to occur on the project site; accordingly, the project includes a Habitat Conservation Plan (HCP) which recommends measures incorporated into the project design to ensure the protection of listed species and to compensate for the loss of sensitive habitat (see Section 3 Biological Resources). An Incidental Take Permit has been issued by the US Fish and Wildlife Service in accordance with Section 10(a)(1)(B) of the Endangered Species Act.

The project site is within the Residential Single-Family land use category of the Coastal Zone and is and within the Estero planning area.

Figure 1 – Project Location

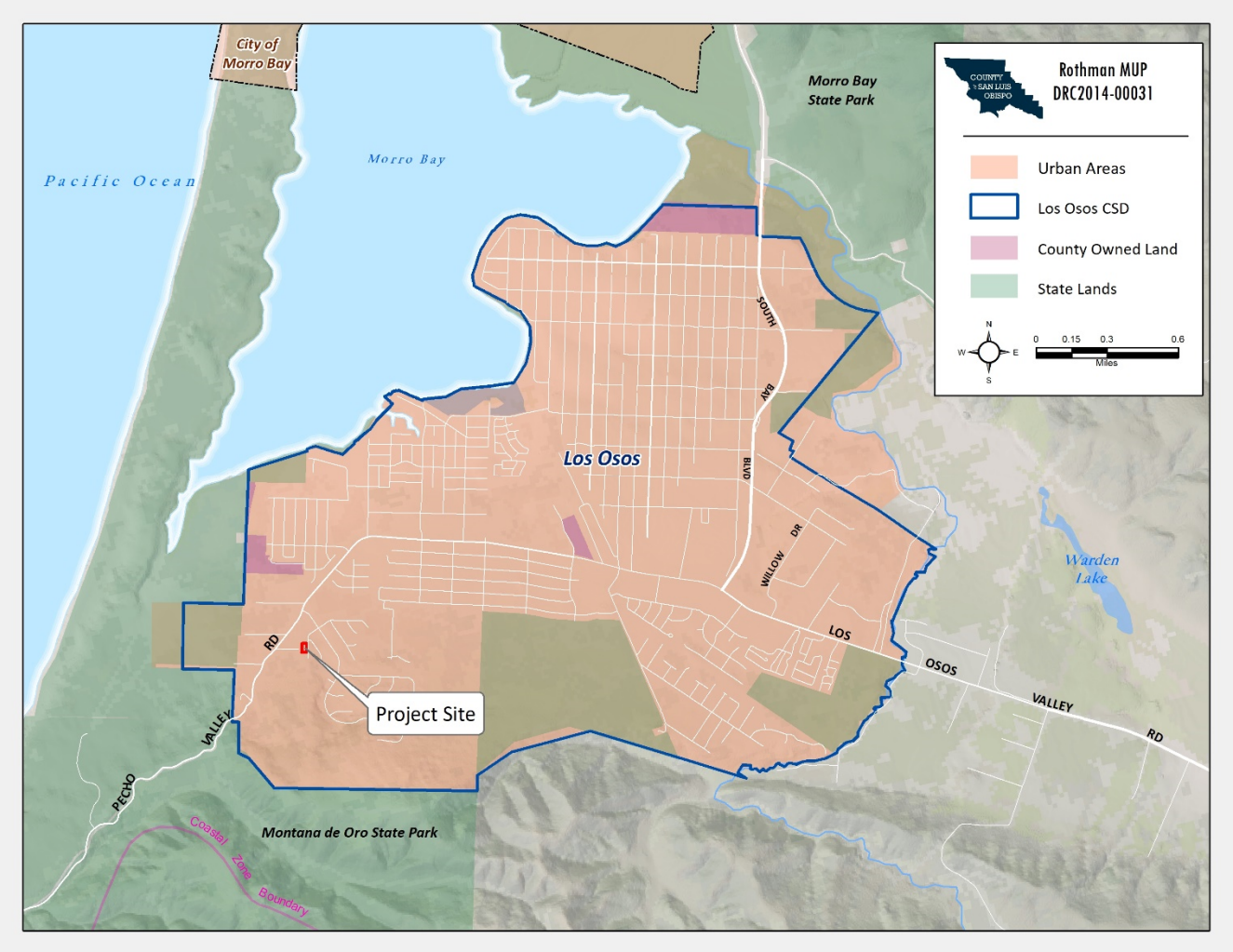


Figure 2 -- Project Setting

Figure 3 -- Site Plan

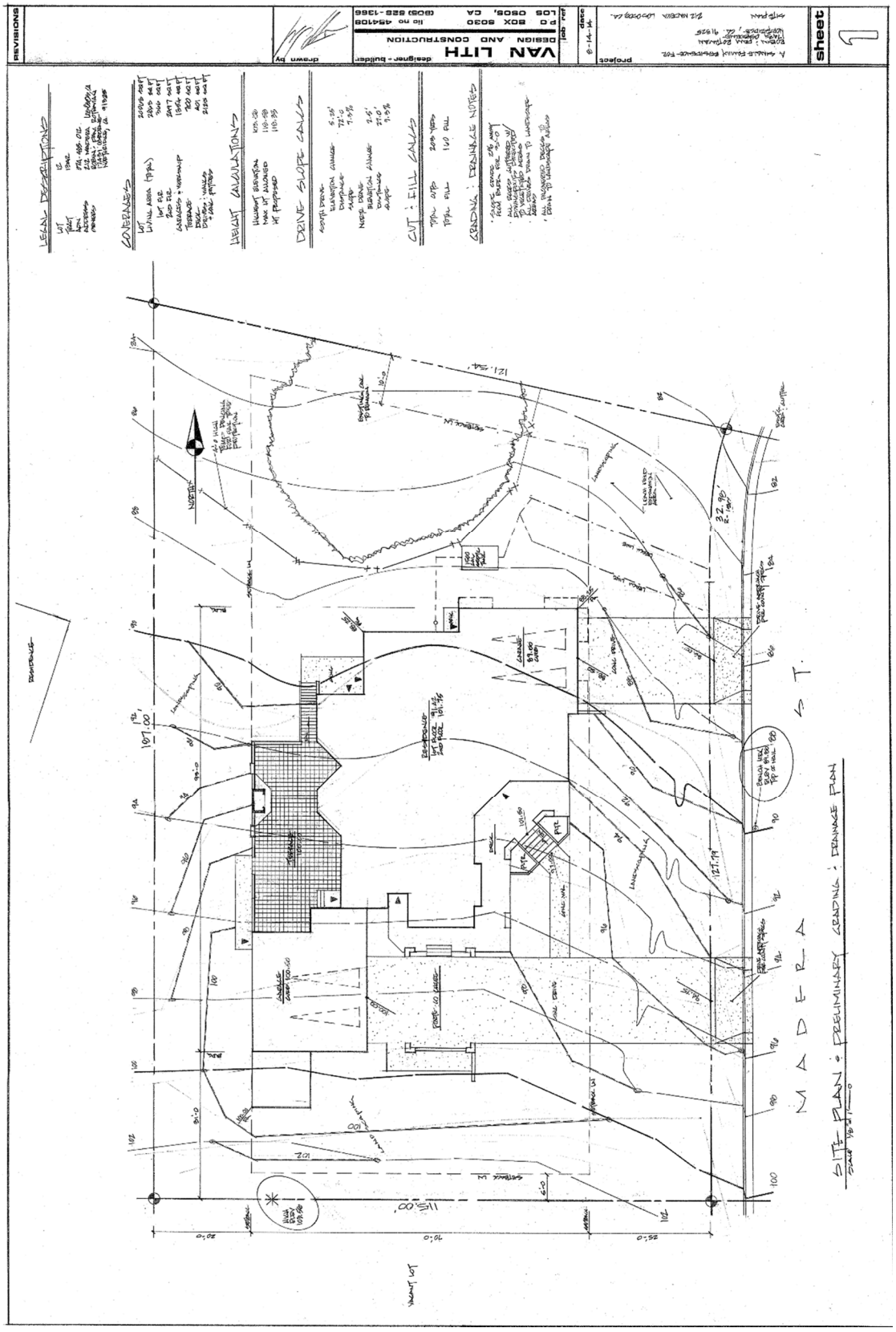


Figure 4 – Elevations

ASSESSOR PARCEL NUMBER(S): 074-483-012

Latitude: 35 degrees 18' 23.16" N Longitude: 120 degrees 51' 23.66" 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,

PARCEL SIZE: 20,068 square feet

TOPOGRAPHY: Moderately sloping

VEGETATION: Scattered Oaks, grasses

EXISTING USES: Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Single Family; single family residences	*East:* Residential Single Family; single family residences
South: Residential Single Family; vacant	*West:* Residential Single Family; single family residences

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 *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Create an aesthetically incompatible site open to public view?	☐	☐	☒	☐
b) Introduce a use within a scenic view open to public view?	☐	☐	☒	☐
c) Change the visual character of an area?	☐	☐	☒	☐
d) Create glare or night lighting, which may affect surrounding areas?	☐	☒	☐	☐
e) Impact unique geological or physical features?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project site is located in the Cabrillo Estates area in the southwesterly portion of the community of Los Osos. The subject parcel is located within an existing residential neighborhood at the intersection of Madera Street and San Ricardo Lane, approximately 300 feet west of Rodman Avenue and about 300 feet east of Pecho Valley Road.

Impact. The project will result in the construction of a single family residence within an urban area largely developed with residential uses. The form, mass and scale of the dwelling is compatible with existing residences and would not significantly alter the visual character of the area. The project is designed to avoid removal of the small oak cluster on the project site and will not require the removal of any trees or sensitive plant species.

The maximum height of the proposed residence is 26 feet at highest roof pitch above the natural grade. The project will not be visible from any major public roadway or silhouette above any ridgelines as viewed from public roadways. The dwelling will not be visible from Pecho Valley Road due to the sloping topography, existing vegetation and the intervening residences. Exterior lighting may create lighting and glare when viewed from surrounding areas. The applicant will be required to shield exterior lighting to minimize glare in compliance with County ordinance.

Conclusion/Mitigation

The preceding discussion supports the following conclusions:

- The project is in an urban area developed with residences of 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.
- 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 recommended mitigation measure to provide a lighting plan, impacts to aesthetic and visual resources will be reduced to less than significant levels.

2. AGRICULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☐	☒
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☐	☒
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☐	☒
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☐	☒
e) Other: _____	☐	☐	☐	☒

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

Land Use Category: Residential Single Family

State Classification: Not prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

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

Baywood fine sand (9% – 15% slope). This moderatelysloping 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 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) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) 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?	☐	☐	☒	☐
GREENHOUSE GASES				
f) ***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***	☐	☐	☒	☐
g) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐
h) Other: _____	☐	☐	☐	☒

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_{10}) 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 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 CO2/year (MT CO2e/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 CO2e/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.

Impacts. The project will result in the disturbance of approximately 12,850 square feet, including 203 cubic yards of cut and 160 cubic yards of fill. 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 (NOx 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_{10}). In addition, a project with the potential to generate 137 lbs per day of ozone precursors (ROG + NOx) 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 NOx combined.

Table 1 – Thresholds of Significance for Construction

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust2		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, 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 PM10 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 unless mitigated.

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. Where mapping excludes the geologic study requirement for NOA, an exemption request 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 (Los Osos 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. With the recommended mitigation measures for construction-related dust and emissions control, impacts to air quality are considered 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?*	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☐	☒	☐
c) Impact wetland or riparian habitat?	☐	☐	☒	☐
d) Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☐	☒	☐
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?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☒

* **Species – as defined in Section15380 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: Non-native grasses, (1) Morro Manzanita, Coast Live Oak

Name and distance from blue line creek(s): 2.0 miles from Islay Creek

Habitat(s): Ruderal, coast live oak cluster

Site's tree canopy coverage: Approximately 2%.

The project application includes a Habitat Conservation Plan (HCP) prepared in accordance with Section 10(a)(1)(B) of the Endangered Species Act (EcoVision, February 2017). The HCP allows for the incidental take of the Morro shoulderband snail (*Helminthoglypta walkeriana***)** associated with the construction of the residence and related improvements. The proposed project site is located 300 feet (0.06 miles) from Pecho Valley Road, which delineates the eastern border of the area designated as Critical Habitat Unit 1 (Morro Spit and West Pecho) for the Morro shoulderband snail (USFWS 2001).

Habitats/Vegetation

Soils on the site consist of well-drained sandy loam described on the county soils survey as Baywood fine sand (9 to 15 percent slopes). These soils support a degraded plant community that has been altered by past human activities including mowing for fire abatement. Approximately 93 percent of the lot (0.43 acres) is currently occupied by a ruderal plant community dominated by invasive veldt grass (*Ehrharta calycina*). The remaining seven percent (0.03 acres) of the lot is occupied by a small stand of coast live oak trees (*Quercus agrifolia*) that are present near the northwest property corner.

The diversity of the plant community on the site is low, particularly on the central part of the lot where veldt grass density is somewhat sparse and few other plant species are present. An approximate 25 foot strip along Madera Street supports a higher density of veldt grass along with an abundance of four native plants, telegraph weed (*Heterotheca grandiflora*), deerweed (*Lotus scoparius*), Heermann's bird's

foot trefoil (*Lotus heermannii*), and California croton (*Croton californicus*). Two native shrubs, coyote brush (three plants) (*Baccharis pilularis*) and bush lupine (one plant) (*Lupinus* sp.) were also present along the eastern part of the property. Non-native plants in the area include bur clover (*Medicago polymorpha*) and one small patch of hottentot fig (*Carpobrotus edulis*) that is present in the southern part of this strip. A path used by pedestrians/equestrians cuts through the ruderal community across the southeastern part of the lot.

The areas adjacent to the southwestern property corner and along the western fence also support a higher density of veldt grass than the central part of the property. These areas support scattered patches of non-native/invasive narrow-leaved iceplant (*Conicosia pugioniformis*), German ivy (*Senecio mikanioides*), and fig marigold (*Carpobrotus chiliensis*). The higher vegetation density in these areas offers increased sheltering opportunities and habitat values than the central part of the lot.

The stand of coast live oak trees present near the northwest property corner is the most notable remnant of central dune scrub habitat remaining on any of the four parcels that front along west side of Madera Street. Few other native plant species are present within or adjacent to the oak stand. However, a single Morro manzanita (*Arctostaphylos morroensis*) shrub, a federally listed endangered plant species, was noted during the 2007 survey just outside the northwestern part of the stand. The shrub is still present on the site, however, it currently appears to be in poor condition and may no longer be alive.

The Morro manzanita shrub was not vigorous in 2007 and its condition has clearly declined, possibly due to the loss of light resulting from the continued expansion of the oak tree canopy. The nearest stand of relatively intact central dune scrub habitat is located approximately 40 feet from the southwestern property corner. This central dune scrub habitat occupies vacant land that extends westward to Pecho Valley Road.

Figure 5 -- Plant Communities (Green is Coast Live Oak and the Remainder is Ruderal)

Wildlife

According to the Natural Diversity Database, the following wildlife species have been found within five miles of the project site.

Morro shoulderband snail (*Helminthoglypta walkeriana*) 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.

The project site has been the subject of three Morro shoulderband snail surveys, a protocol survey (five surveys) conducted between 4 January 2007 and 20 March 2007 (Tenera 2007), a supplemental habitat assessment (two surveys) conducted in 2011-2012 (Tenera 2012), and a single survey conducted in 1999 (Morro Group 1999). A single live MSS was found on the site during both the 2007 protocol survey and the 2011-2012 habitat assessment surveys. A single vacant MSS shell was also found on site during the 2011- 2012 habitat assessment. The results of the 1999 survey effort yielded a single vacant MSS shell.

The live MSS found during the 2007 protocol survey was living beneath pressboard dumped near the southeastern corner of the lot, within the County road easement along Madera Street. The live MSS found during the 2011 habitat assessment was located in the patch of sea fig (*Carpobrotus chiliensis*) near the northwest property corner. The vacant MSS shell found in 2012 was located near the southeastern property corner and the MSS shell found during the 1999 survey was near the northeastern property corner. One other snail species, the non-native European brown garden snail (*Helix aspersa*), was found on the site during all survey efforts.

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

The coast horned lizard *(Phrynosoma coronatum frontale)* 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 Morro Bay blue butterfly (*Plebejus icarioides moroensis*) 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. It needs sandy soil, but not active dunes; prefers early seral stages.

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). 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. Construction and maintenance of a single-family residence would result in temporary and permanent impacts to up to 20,068 square feet (0.46 acre) of habitat considered to be of limited value to the Morro shoulderband snail. The existing stand of coast live oak will be preserved.

Impacts to Unique or Special-status Plant Species

One morro manzanita is present on the project site in an area outside of the footprint of disturbance. However, in 2017, this plant appeared to be dead. Because of ongoing disturbance and the presence of invasive ruderal plant species, no other listed species are expected to occur on the project site.

Impacts to Unique or Special-status Wildlife Species

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

Project implementation will result in the conversion of 14,860 square feet of ruderal, nonnative grassland habitat to residential use. Approximately 5,208 square feet of habitat on the lot would not be converted to residential use but would be subject to periodic hazard abatement and other site maintenance activities. This area includes the stand of native pygmy coast live oaks and patch of invasive sea fig near the northwest property corner.

Habitat on the site is considered to be suitable but of limited value for MSS. Direct impacts to, or incidental take of, the MSS may occur during relocation of MSS and initial vegetation clearing, grubbing, and earthwork in the form of initial grading and excavation for the utilities and foundation. Indirect impacts (*i.e.*, those impacts that may occur at a different time than the direct impacts but still as a result of project implementation) to the Morro shoulderband snail may include modification of local movement corridors, potential for trampling due to increased foot traffic, and an increased potential for herbicide/pesticide overspray. Vegetation maintenance for hazard abatement within the required defensible space could also result in take of Morro shoulderband snail.

Take of Morro shoulderband snail anticipated to result from implementation of those actions necessary to implement the proposed project is negligible in terms of the species' overall survival and recovery. Information from past surveys about species presence indicates that the number of individuals subject to incidental take would be very low. Take would be predominantly in the form of capture and moving of individuals out of harm's way; species detection will be aided by the relative lack of habitat existing on the parcel. The capture and moving of individuals out of harm's way, along with other avoidance and minimization measures that will be implemented, is expected to result in very low mortality and would not contribute to the loss of viability of the species.

Section 10 of the Act analyzes cumulative impacts as those incremental impacts of the action on the environment added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or entity undertakes the action. The geographic area for analysis should be defined by where direct or indirect impacts of the covered activities could occur. Cumulative impacts under Section 10 of the Act can result from individually minor but collectively significant actions that take place over a period of time.

The effects of project implementation on the persistence of the Morro shoulderband snail are considered to be very low owing to the relatively small size of the project area and the isolated and degraded nature of the habitat. Construction, maintenance, and occupation of a new single-family residence will result in minor cumulative effects to the Morro shoulderband snail. Even though habitat on the entire 20,068 square-foot parcel could be permanently lost, this is not expected to negatively affect the long-term, range-wide survival of the species due to its occurrence in suitable habitat at nearby locations, as well as elsewhere throughout its geographic range.

Morro shoulderband snails have been observed inhabiting landscaping and other ruderal habitat in residential yards; therefore, due to the parcel's location in an existing neighborhood, it is anticipated that individuals of the species will recolonize portions of the project site post-development.

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 is not within designated critical habitat for MSS.

Other Listed Species

Because of the ongoing disturbance of the project site and the pervasive ruderal plant species, the project site does not provide suitable habitat for other listed wildlife species.

Impacts to Migratory Birds. No migratory birds or vacant nests were observed on the project site; however, the stand of coast live oak provides suitable nesting habitat. Construction of the proposed residence (e.g., site grading, vegetation removal) could impact a variety of nesting migratory bird species, if site disturbance is implemented during the typical nesting bird season (February 15 through September 15). This impact is considered significant unless mitigated.

Impacts Effecting the Extent, Diversity, or Quality of Native or Other Important Vegetation. Although coast live oaks are not a state or federally listed botanical species, the evaluation of impacts to oak woodlands is required by Senate Bill 1334 and the addition of Section 21083.4 to the California Public Resources Code (PRC). PRC Section 21083.4 requires that California lead agencies certify completion of project environmental review under the California Environmental Quality Act (CEQA).

The County's CEQA review process requires the evaluation of potential significant effects to oaks greater than 5 inches DBH, as measured at a height of four feet six inches above ground. Impacts include any ground disturbance within the critical root zone (i.e., 1.5 times the edge of canopy/drip line), trunk damage, or any pruning of branches that are three inches in diameter or greater. Mitigation ratios for removed and impacted trees are 4:1 and 2:1, respectively.

The project has been designed to preserve all existing coast live oak trees.

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. As conditioned, 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. No CESA listed species or their habitats are present on the project site. No mitigation is required.

California Coastal Act. No jurisdictional water features that met the California Coastal Commissions single-parameter definition are present on the project site. Project grading, road improvements, and development will result in impacts to marginal habitat suitable habitat for the federally protected MSS and Morro manzanita. As a result, the ruderal vegetation present on the project site may be 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 impact is considered significant unless mitigated.

Mitigation/Conclusion.

As a result of the anticipated take of MSS, the property owner has prepared a Habitat Conservation Plan (HCP) 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). The ITP will remain in effect for a period of 10 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) Minimize take, in the form of injury or mortality, of Morro shoulderband snail;
b) To mitigate unavoidable take of Morro shoulderband snail by effecting recovery actions as identified in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California*;

The HCP also describes minimization and mitigation 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. Avoidance of take is not considered feasible for the proposed project because conservation of onsite areas on a parcel of this size and in this location would not contribute to the recovery of the Morro shoulderband snail. As such, take avoidance through maintenance of onsite habitat for the species is not considered to be biologically meaningful and has not been further considered. Minimization and mitigation measures include:

a) Pre-activity surveys;
b) Capture and moving of individual MSS;
c) Environmental awareness training;
d) Construction monitoring;
e) Payment of an in-lieu fee to fund recovery task actions for Morro shoulderband snail on conserved lands within the known range of the species through deposit of $10,034 into the Impact Directed Environmental Account administered by the National Fish and Wildlife Foundation.

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.

Take of individual Morro shoulderband snails will be minimized during construction activities and mitigated by a contribution of $10,034 as an in-lieu fee into an Impact-Directed Environmental Account held by the National Fish and Wildlife Foundation. This fee will be used to effect recovery actions for Morro shoulderband snail that have been identified in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California* (USFWS 1998).

A priority task entails determining the status of populations of the species present on these conserved lands. Currently there are minimal data available for estimating Morro shoulderband snail population levels on these lands. *The Recovery Plan* specifies that downlisting of the Morro shoulderband snail can be considered when sufficient populations and suitable occupied habitats from all four Conservation Planning Areas (Morro Spit, West Pecho, South Los Osos, and Northeast Los Osos) are secured and protected. The five-year status review for the Morro shoulderband snail (USFWS 2006) concludes that sufficient habitat blocks have been secured and protected in order to satisfy this criterion for downlisting. This is primarily based upon existing Morro shoulderband snail population information from presence/absence surveys prompted by applications for changes in land use (*e.g.*, residential development) or anecdotal information; neither of which provide the type of data suitable for population estimates. Activities on conserved lands do not generally trigger Morro shoulderband snail surveys; no systematic surveys have been conducted in recent years. As such, species presence, abundance, and distribution are currently unknown. On those conserved parcels where Morro shoulderband snail presence has been confirmed, little or no information exists regarding population size or long-term viability. To consider downlisting, the Recovery Plan also specifies that Morro shoulderband snail populations must be large enough to minimize the short-term (*i.e.*, next 50 years) risk of extirpation in any of the four Conservation Planning Areas. Additional data suitable for population estimation would greatly improve the Service's ability to assess whether or not sufficiently large populations exist to meet this recovery criterion.

The primary objective of this mitigation strategy is to facilitate the collection of data that will address recovery task needs for downlisting (and future de-listing) of the Morro shoulderband snail. Data collected will also be useful in the development of habitat management strategies necessary to consider delisting of the species. The mitigation funding provided in this HCP is expected to facilitate (1) implementation of population surveys on conserved lands within the range of the Morro shoulderband snail; (2) the compilation and analysis of the data collected; and (3) the preparation of a final report presenting study results and Morro shoulderband snail population estimates.

With incorporation of the recommended mitigation measures (a) through (e) as described above, potential impacts to biological resources will be reduced to less than significant.

5. CULTURAL RESOURCES *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb archaeological resources?	☐	☐	☒	☐
b) Disturb historical resources?	☐	☐	☐	☒
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Cause a substantial adverse change to a Tribal Cultural Resource?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

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.

Impact. The project site is within the Cabrillo Estates neighborhood which was surveyed extensively for archaeological resources in 1973 as part of the EIR certified for Tract 308. Accordingly, impacts to archaeological resources associated with the creation of the parcel associated with the project have been previously assessed. No further archaeological study is recommended at this time aside from standard protocols for the unanticipated discovery of cultural resources, including human remains.

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 (e-mail of October 19, 2017) recommending that a biological resources survey be completed for the site. No further consultations were requested.

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) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	☐	☐	☒	☐
c) 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?	☐	☐	☒	☐
d) Include structures located on expansive soils?	☐	☐	☒	☐
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	☐	☐	☒	☐
f) Preclude the future extraction of valuable mineral resources?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☒

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

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

Topography: Moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? 0.2 miles north of parcel boundary

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

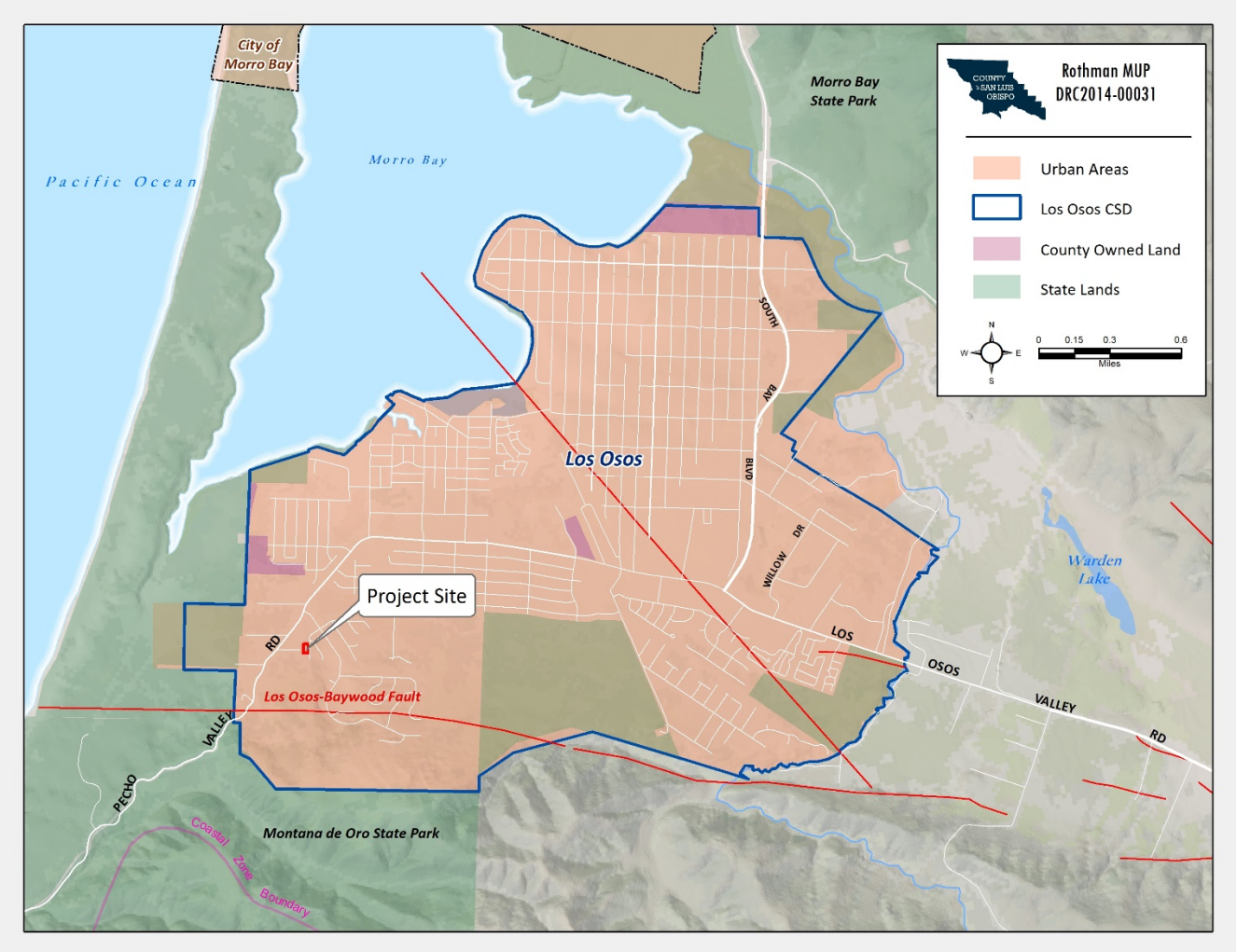
Shrink/Swell potential of soil: Low

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 6).

Figure 6 -- 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 9 – 15% slope which is considered well drained. The soil has low erodibility and low 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.

According to the Department of Public Works (letter of October 31, 2014) 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 12,850 square feet, with 203 cubic yards of cut and 160 cubic yards of fill to create a building site for the single family residence and to construct the two driveways. 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.

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.

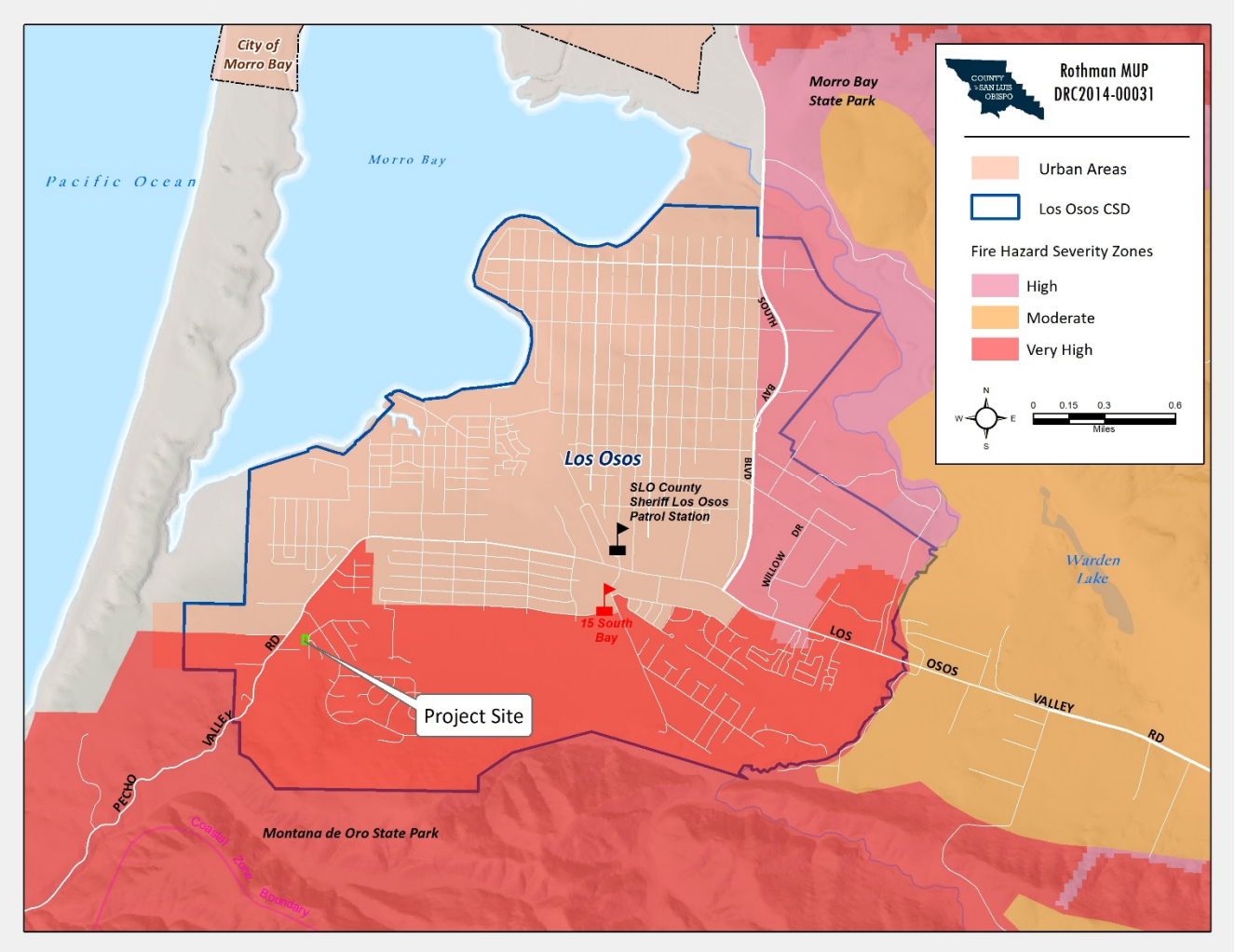
The project will be required to submit a complete grading and drainage and erosion prevention plan to demonstrate compliance with County regulations relating to the prevention of erosion and the protection of surface water quality in accordance with relevant State and federal laws including, but not 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Impair implementation or physically interfere with an adopted emergency response or evacuation plan?	☐	☐	☒	☐
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?	☐	☐	☐	☒
g) Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?	☐	☐	☒	☐
h) Be within a 'very high' fire hazard severity zone?	☐	☐	☒	☐
i) Be within an area classified as a 'state responsibility' area as defined by CalFire?	☐	☐	☒	☐
j) Other: _____	☐	☐	☐	☒

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 March, 2018 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 7). 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 7 -- Fire Hazard Severity Zone



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.

The project incorporates the following fire protection features:

- Structures are located a minimum 5 feet from all property lines;
- Fire sprinklers;
- Access drives of sufficient width, grade and surface to accommodate emergency vehicles;

The project has been reviewed by CalFire (Fire Safety Plan dated November 7, 2014) for code requirements relating to fire protection. CalFire's standards requiring fire sprinklers, hydrants, driveway access and smoke and CO detectors 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 (letter of October 31, 2014), 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 *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) 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?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project is located within the Los Osos Urban Reserve in an area largely developed with single family residences. 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. Sensitive receptors in the vicinity of the project site include single family residences on lots ranging in size from 20,000 – 30,000 square feet. The adjoining roadways are full improved; Madera Street carries low traffic volumes.

The Noise Element establishes a threshold for acceptable exterior noise levels for sensitive uses (such as residences) of 60 decibels[a] 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 100 feet to the south and west of the project site. 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.

[a] 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 Aweighted 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.

Operational Impacts. With regard to transportation-related noise sources, a single family residence constructed on the project site would contribute about 10 average daily trips to Madera Street, Rodman Drive and Pecho Valley Road. Following construction, noise generated by the project would be comparable to the background noise generated by surrounding residences and traffic noise. Noise exposure to private outdoor areas will be shielded from road noise on Pecho Valley Road by the intervening dwelling and topography.

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) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

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.

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) Fire protection?	☐	☐	☒	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☐	☒	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☒	☐	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

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

Police: County Sheriff Location: Los Osos (Approximately 1.5 miles to the Northeast)

Fire: Cal Fire (formerly CDF) Hazard Severity: Very High Response Time: 3-5 minutes
Station #15

Location: Community of Los Osos (Approximately 1.5 miles to the Northeast)

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 10th 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/CalFire station is Station 15 located at 2315 Bayview Heights Drive in Los Osos, about 1.5 miles to the northeast (Figure 7). 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 (March 15, 2017). See the Water section for more discussion on the project's 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.

11. RECREATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☐	☒
c) Other _____	☐	☐	☐	☒

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

Setting. Vehicular access is provided from Madera Street, a local street, and Rodman Drive, a collector street, respectively. Based on counts taken in 2012, Rodman Drive east of Pecho Valley Road experiences an afternoon peak hour traffic volume of 145, and an average daily traffic volume of 1,317.

Project plans show two driveways extending east to Madera Street. 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 Los Osos Area Road Improvement Fee which addresses cumulative impacts to County roads in the area.

Impacts.

Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on Madera Street and Rodman 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 145 existing PM peak hour trips on Rodman 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 Madera Street and Rodman 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 as allowed in the Single Family Residential land use category. Therefore the project is estimated to generate 10 trips per day (or estimated 1.0 trips during the peak hour). Assuming 145 PM peak hour trips on Rodman 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 two driveways onto Madera Street 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 subject to the Los Osos Area Road Improvement Fee. Payment of the required fee will reduce transportation and circulation impacts to less than significant levels.

13. WASTEWATER *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☒	☐	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

Setting. 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.

Table 2 -- Soil Suitability for Septic Leach Fields

Soil	Rating	Reasons for Rating	Acreage of Project Site
Baywood Fine Sand, 9 – 15% slope	Very Limited	Seepage Filtering capacity	0.46 (100%)

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* – The parcel is 0.46 acres, of which approximately 0.2 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. Islay Creek is approximately 2 mile to the south.

Impacts.

Soils on the project site consist of Baywood fine sands, 9% – 15% 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 northeast corner of the project site; a leach expansion area is shown which appears 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 recommended mitigation measure that requires submittal of percolation and soil testing prior to issuance of construction permits, potential impacts to wastewater are considered less than significant.

14. WATER & HYDROLOGY

Will the project:

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

Setting. The water source for the community is derived from the Los Osos groundwater basin which is made up of several aquifer layers underlying Los Osos and the 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 which has resulted in seawater intrusion. As a result, the Los Osos Groundwater Basin has been assigned a Level of Severity III by the 2014-2016 Resource Summary Report.

To address groundwater management issues, the three water purveyors serving the community developed the Los Osos Groundwater Basin Management Plan (BMP) which was adopted on October

12, 2015. The BMP recommends implementation of a number of infrastructure projects which are divided into two general categories based on assumptions for future development. The first category is aimed at solving the water quality and supply issues with no future development. The second category assumes new development proceeds in accordance with the updated Los Osos Community Plan. Some of the recommended programs and projects outlined in the BMP are underway; however seawater intrusion persists.

The proposed project would obtain its water from Golden State Water Company who issued a can-and-will-serve letter on March 15, 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 moderately sloping The closest creek from the proposed development is approximately 2 miles to the south. 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 12,068 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 October 31, 2014) 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.

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? Islay Creek Distance? Approximately 2 miles

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 9% – 15% 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 12,000 square feet of site disturbance is proposed and the movement of

approximately 203 cy of cut and 160 cy of fill;

- ✓ 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 one acre and will not be required to prepare a SWPPP;
- ✓ The project is not on highly erodible soils;
- ✓ The project is located on moderate 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 2014-2016 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 are to continue to support efforts to implement the Basin Management Plan described above and to continue to complete the Los Osos Wastewater Project (LOWWP). As of March 2018, the LOWWP was accepted as complete by the County and about 99% of the community has 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.

To offset new water use, the County has established a Water Conservation program in the community of Los Osos (County Code Section 19.07.042). The developer of any new structure that uses water from the Los Osos Groundwater Basin is required to 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 is required to obtain a Title 19: Retrofit Certificate prior to issuance of building

Mitigation/Conclusion. Existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. With the recommended mitigation measures, potentially significant impacts associated with water supply can be mitigated to a less than significant.

15. LAND USE

Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) 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?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

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., CalFire for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A regarding 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 provides marginal habitat for the Morro shoulderband snail. The applicant has prepared a project-specific HCP.

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):

- Sensitive Resource Area Section 23.07.160
- Terrestrial Habitat 23.070.176
- Coastal Zone
- Coastal LUO Section 23.04.027 Residential Suburban Category

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

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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?	☐	☒	☐	☐
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)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the County's environmental review process, please visit the County's web site at "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:

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☐	County Environmental Health Services	**Not Applicable**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**In File****
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☒	CA Coastal Commission	**None**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☒	Los Osos Community Services District	**In File****
☒	Other Golden State Water Company	**In File****
☒	Other Los Osos Community Advisory Council	**In File****

*** "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.

☒ Project File for the Subject Application

County documents

☒ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  ☒ Agriculture Element
  ☒ Conservation & Open Space Element
  ☐ Economic Element
  ☒ Housing Element
  ☒ Noise Element
  ☒ Parks & Recreation Element/Project List
  ☒ Safety Element
☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☐ Energy Wise Plan
☒ Estero Area Plan
☐ Design Plan
☐ Specific Plan
☒ Annual Resource Summary Report
☒ Los Osos Circulation Study

Other documents

☒ Clean Air Plan/APCD Handbook
☒ Regional Transportation Plan
☒ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Archaeological Resources Map
☒ Area of Critical Concerns Map
☒ Special Biological Importance Map
☒ CA Natural Species Diversity Database
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
☐ Other

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

Application materials

Review By Other Agencies and Organizations

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 March 15, 2017

Reports and Studies

EcoVision, February 2017, Morro Shoulderband Snail Habitat Conservation Plan Rothman Parcel

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 **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, in compliance with County ordinance 23.04.320.

Air Quality

AQ-1 **Developmental burning**. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

AQ-2 **Dust Mitigation. During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. The contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants. see Section 4.3 of the CEQA Air Quality Handbook;
c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible. following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating. non-invasive grass seed and watered until vegetation is established;

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders. jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with evc Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
l. All PM10 mitigation measures required should be shown on grading and building plans;
m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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:

a. Written verification that the applicant has paid an in-lieu fee to fund recovery task actions for Morro shoulderband snail on conserved lands within the known range of the species through deposit of $10,034 into the Impact Directed Environmental Account administered by the National Fish and Wildlife Foundation.

b. 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.

c. Verification that protective and permanent fencing has been installed to establish the limits of the construction and developed areas.

d. Only USFWS-approved biologists may conduct pre- and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails within the 0.46-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.

e. 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 construction activities**, a Service-approved biologist knowledgeable of the Morro shoulderband snail and the diversity of habitats in which they can be found will conduct a pre-activity training session for all construction personnel who will be involved in site disturbance activities. The intent of this session is to inform construction crews, field supervisors, and equipment operators, about the status and presence of the species, grading and construction-activity restrictions, and those avoidance and minimization measures specified in the HCP.

BIO-4 **Prior to issuance of construction permits**, a Service-approved biologist, whose recovery permit includes authorization to capture and move the species, shall conduct pre-activity surveys prior to the initiation of each project phase that could result in take. This measure will minimize take (in the form of injury or mortality) of Morro shoulderband snail. The objective of these surveys is to locate as many Morro shoulderband snails as possible so that they may be captured and moved out of harm's way. These surveys shall include a detailed, systematic search of all vegetation and objects onsite that could provide suitable shelter for Morro shoulderband snail; the results will be presented as part of HCP (EcoVision, February 2017) and ITP reporting requirements.

BIO-5 **Prior to construction and during construction**, 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 the incidental take permit and the HCP.

BIO-6 **During construction,** the applicant shall demonstrate that the minimization, mitigation and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.2, 5.3, 5.4 and 5.5 of the HCP (EcoVision, February 2017). 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 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-7 The applicant shall demonstrate the reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in section 5.5 of the HCP (EcoVision, February 2017). Annual reports and a final report will be submitted to the USFWS by December 31 of each year for the duration of the 10 year 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-8 **Prior to construction and during construction**, to minimize impacts to nesting bird species protected by the Migratory Bird Treaty Act, all initial vegetation removal and site disturbance shall be limited to the time period between September 1 and November 1 if feasible. If initial site disturbance cannot be conducted during this time period, pre-construction surveys for active bird nests and bat roosts within 250 feet of the project disturbance footprint shall be conducted by a qualified biologist. Visual surveys for bats should be conducted in the vicinity of trees that have cavities, broken limbs resulting in hanging woody debris, and large patches of loose bark that are within 100 feet of the proposed grading footprint.

Surveys shall be conducted a minimum two weeks prior to any construction activities. If no active nests or roosts are located, ground disturbing/construction activities can proceed. If active nests or roosts are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed by the qualified biologist based on the species (i.e., 50 feet for common species and upwards of 250 feet for special status raptor species should they be present), slope aspect and surrounding vegetation. No direct disturbance within this buffer shall occur, and the biologist shall monitor the site until the young have fledged and are no longer reliant on the nest site as determined by the qualified biologist.

Wastewater

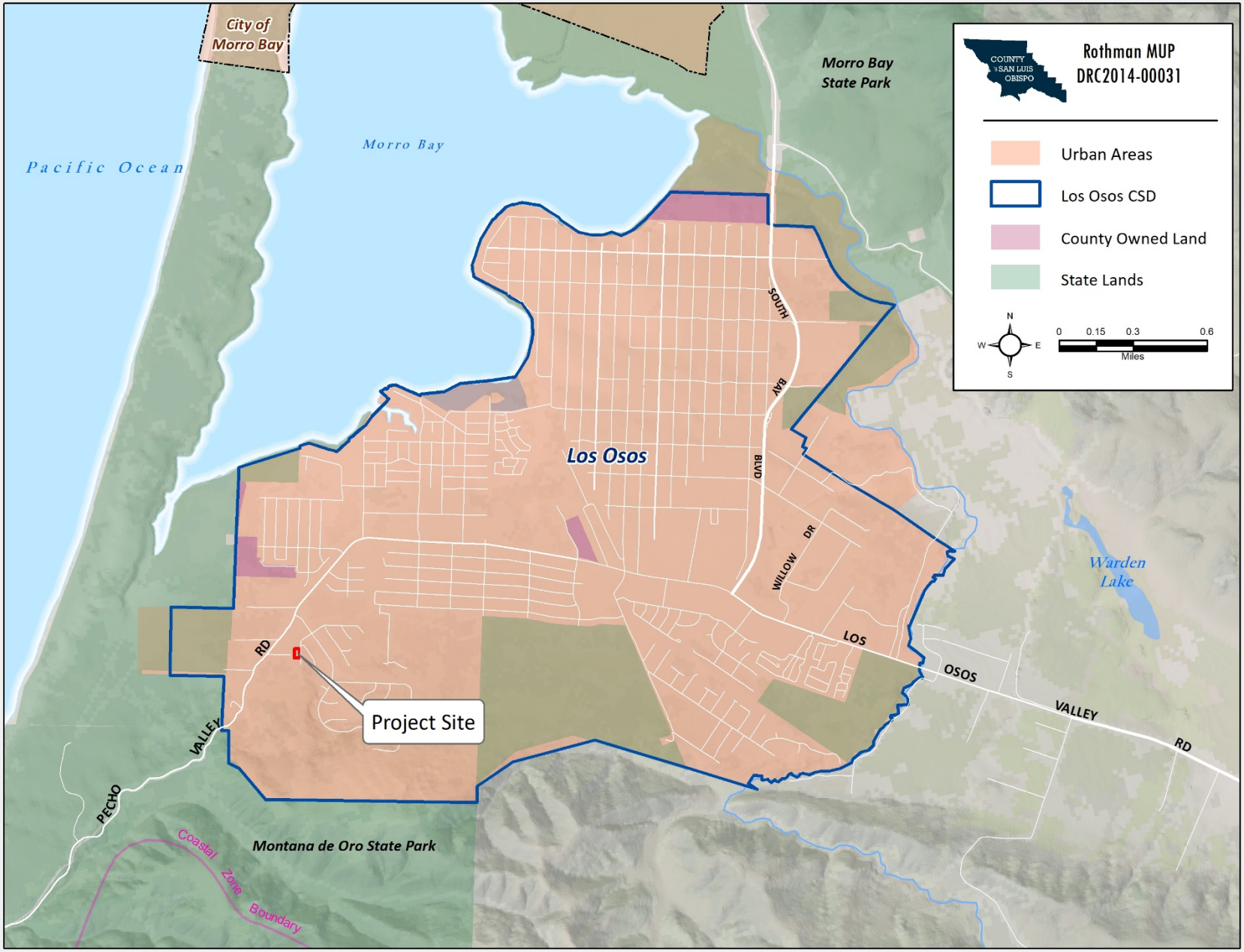
WW-1 **Prior to issuance of construction permits**, the applicant shall be required to submit sufficient soil percolation and soil boring information to show how the future septic systems will comply with the Central Coast Basin Plan.

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.

WR-3 **Prior to issuance of building permits**, the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the applicant has retrofitted enough existing homes and businesses to save twice the amount of water the new residence will use in compliance with Section 19.07.042.


City of Morro Bay
Morro Bay State Park
Pacific Ocean
Morro Bay
Los Osos
Warden Lake
Project Site
Montana de Oro State Park
Coastal Zone Boundary
Rothman MUP
DRC2014-00031
COUNTY of SAN LUIS OBISPO
Urban Areas
Los Osos CSD
County Owned Land
State Lands
N
W
E
S
0 0.15 0.3 0.6
Miles
SOUTH BAY BLVD
WILLOW DR
LOS OSOS VALLEY RD
VALLEY RD
PECHO

DATE: May 2, 2018
(Revised from April 23, 2018)

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR PHILIP AND PAM ROTHMAN MINOR USE PERMIT/ COASTAL DEVELOPMENT PERMIT (DRC2014-00031)

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 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, in compliance with County ordinance 23.04.320.

Monitoring: Required at time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1 Developmental burning. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

May 2, 2018

Monitoring: Required during construction. Compliance will be verified by the County Department of Planning and Building.

AQ-2 **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
l. All PM10 mitigation measures required should be shown on grading and building plans; and,

m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

Monitoring: Required on plans prior to permit issuance, and throughout time of construction. 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 applicant has paid an in-lieu fee to fund recovery task actions for Morro shoulderband snail on conserved lands within the known range of the species through deposit of $10,034 into the Impact Directed Environmental Account administered by the National Fish and Wildlife Foundation.

b. 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.

c. Verification that protective and permanent fencing has been installed to establish the limits of the construction and developed areas.

d. Only USFWS-approved biologists may conduct pre- and concurrent construction surveys, monitor for, and capture and relocate Morro shoulderband snails within the 0.46-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.

e. 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 prior to commencing the activity.

BIO-3 **Prior to construction activities**, a Service-approved biologist knowledgeable of the Morro shoulderband snail and the diversity of habitats in which they can be found will conduct a pre-activity training session for all construction personnel who will be involved in site disturbance activities. The intent of this session is to inform construction crews, field supervisors, and equipment operators, about the status and presence of the species, grading and construction-activity restrictions, and those avoidance and minimization measures specified in the HCP.

BIO-4 **Prior to issuance of construction permits**, a Service-approved biologist, whose recovery permit includes authorization to capture and move the species, shall conduct pre-activity surveys prior to the initiation of each project phase that could result in take. This measure will minimize take (in the form of injury or mortality) of Morro shoulderband snail. The objective of these surveys is to locate as many Morro shoulderband snails as possible so that they may be captured and moved out of harm's way. These surveys shall include a detailed, systematic search of all vegetation and objects onsite that could provide suitable shelter for Morro shoulderband snail; the results will be presented as part of HCP (EcoVision, February 2017) and ITP reporting requirements.

BIO-5 **Prior to construction and during construction**, 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 the incidental take permit and the HCP.

BIO-6 **During construction,** the applicant shall demonstrate that the minimization, mitigation and reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in sections 5.2, 5.3, 5.4 and 5.5 of the HCP (EcoVision, February 2017). 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 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-7 The applicant shall demonstrate the reporting obligations are in accordance with the incidental take permit, and are consistent with those identified in section 5.5 of the HCP (EcoVision, February 2017). Annual reports and a final report will be submitted to the USFWS by December 31 of each year for the duration of the 10 year 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-8 **Prior to construction and during construction**, to minimize impacts to nesting bird species protected by the Migratory Bird Treaty Act, all initial vegetation removal and site disturbance shall be limited to the time period between September 1 and November 1 if feasible. If initial site disturbance cannot be conducted during this time period, pre-construction surveys for active bird nests and bat roosts within 250 feet of the project disturbance footprint shall be conducted by a qualified biologist. Visual surveys for bats should be conducted in the vicinity of trees that have cavities, broken limbs resulting in hanging woody debris, and large patches of loose bark that are within 100 feet of the proposed grading footprint.

Surveys shall be conducted a minimum two weeks prior to any construction activities. If no active nests or roosts are located, ground disturbing/construction activities can proceed. If active nests or roosts are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed by the qualified biologist based on the species (i.e., 50 feet for common species and upwards of 250 feet for special status raptor species should they be present), slope aspect and surrounding vegetation. No direct disturbance within this buffer shall occur, and the biologist shall monitor the site until the young have fledged and are no longer reliant on the nest site as determined by the qualified biologist.

Monitoring: Required at time of application for construction permits and during construction. 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

May 2, 2018

septic systems will comply with the Central Coast Basin Plan.

Monitoring: Required at time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

WATER RESOURCES (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.

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.

WR-3 **Prior to issuance of building permits**, the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the applicant has retrofitted enough existing homes and businesses to save twice the amount of water the new residence will use in compliance with Section 19.07.042.

Monitoring: Required at the time of application for construction permits. Implementation required prior to 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.

Philip R. Rothman PHILIP R. ROTHMAN 5/8/18

Signature of Applicant **Name (Print)** **Date**