



CONSISTENCY WITH PREVIOUS NEGATIVE DECLARATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

DATE: April 21, 2014
TO: File
FROM: Michael Conger, Project Manager
SUBJECT: Environmental Determination for Peoples' Self Help Housing Minor Use Permit – County File: DRC2013-00065 / ED13-214

The Negative Declaration prepared and issued for the previously reviewed Weyrick Tract Map (Tract 2710 / SUB2004-00331 / ED05-163 (see attached), is still adequate. Therefore, no new environmental determination is necessary.

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Department of Planning and Building - Environmental Division, County Government Center, Room 200, San Luis Obispo, CA 93408-2040, (805) 781-5600.

STATEMENT OF FINDINGS

The Environmental Coordinator, after review of the previously-prepared Negative Declaration, finds that: there are no substantial changes proposed for the project which would require substantial revisions of the previous Negative Declaration; no substantial changes have occurred with respect to the circumstance under which the project is undertaken; and, no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted. Therefore, use of the previously-prepared Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) is proposed.

<u>Notice of Determination</u>	State Clearinghouse No. _____		
This is to advise that the San Luis Obispo County _____ as <input type="checkbox"/> Lead Agency <input type="checkbox"/> Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:			
<p>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 were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.</p>			
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:			
<p>Department of Planning and Building, County of San Luis Obispo, 976 Osos St., Room 200, San Luis Obispo, CA 93408-2040</p>			
County of San Luis Obispo			
Signature	Title	Date	Public Agency



1-60

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

Promoting the Wise Use of Land • Helping to Build Great Communities

FOR OFFICIAL USE ONLY ()

ENVIRONMENTAL DETERMINATION NO. ED05-163

DATE: December 17, 2009

PROJECT/ENTITLEMENT: Weyrick Tract Map (SUB2004-00331 C05-0163)

APPLICANT NAME: Colin Weyrick
ADDRESS: c/o EDA, 1998 Santa Barbara Street, suite 200, San Luis Obispo, Ca. 93401
CONTACT PERSON: Mike Berticini **Telephone:** 805-549-8658

PROPOSED USES/INTENT: Request by Colin Weyrick for a vesting tract map to subdivide an existing 5.28 acre parcel into 24 residential lots ranging in sizes from approximately 6,025 to 9,668 square feet, for the purpose of sale and/or development. The project includes off-site road improvements to 11th Street and proposed new interior streets. The project will result in the disturbance of the entire 5.28 acre parcel. The division will create two on-site roads.

A previous project description was considered by the Planning Commission for the project site. The project description was a vesting map to subdivide an existing 5.28 acre parcel into 21 residential lots of 6,000 to 10,212 square feet and one 28,965 square feet industrial parcel for the purpose of sale and/or development. The project included off-site road improvements to 11th Street and two interior streets. The project would have resulted in the disturbance of the entire 5.28 acres parcel.

On March 9, 2006 that project was heard before the Planning Commission. At the Planning Commission hearing concerns were expressed about the hazardous material remediation plan and lack of sufficient mitigations. The project was continued off calendar.

The Department of Toxic Substances Control (DTSC) has signed off on the hazardous materials cleanup of the property. DTSC determines that no further action is necessary with respect to investigation and remediation of the hazardous substance at the site. The applicant subsequently revised the project to the project description noted above and the new project is being considered in this Initial Study.

LOCATION: The proposed project is within the Residential Single Family land use category and is located at the southeast corner of 11th Street and the Southern Pacific Railroad tracks in the community of San Miguel. The site is in the Salinas River planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

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 AT4:30 p.m. on December 31, 2009

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



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) 761-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

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 were made a condition of the 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:

Department of Planning and Building, County of San Luis Obispo,
976 Osos Street, Room 300, San Luis Obispo, CA 93408-2040

Elizabeth Kavanaugh

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Weyrick Tract Map SUB2004-00331 ED 05-163

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Elizabeth Kavanaugh *Elizabeth Kavanaugh* 12-10-09
 Prepared by (Print) Signature Date

Stevens McMaster *Stevens McMaster* Ellen Carroll, 12-10-09
 Reviewed by (Print) Signature (for) Environmental Coordinator 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 Environmental Division 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 Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Colin Weyrick for a vesting tract map to subdivide an existing 5.28 acre parcel into 24 residential lots ranging in sizes from approximately 6,025 to 9,668 square feet, for the purpose of sale and/or development. The project includes off-site road improvements to 11th Street and proposed new interior streets. The project will result in the disturbance of the entire 5.28 acre parcel. The division will create two on-site roads. Road names have not yet been proposed. The proposed project is within the Residential Single Family land use category and is located at the southeast corner of 11th Street and the Southern Pacific Railroad tracks in the community of San Miguel. The site is in the Salinas River planning area.

HISTORY SECTION – A previous project description was considered by the Planning Commission for the project site. The project description was a vesting map to subdivide an existing 5.28 acre parcel into 21 residential lots of 6,000 to 10, 212 square feet and one 28,965 square feet industrial parcel for the purpose of sale and/or development. The project included off-site road improvements to 11th Street and two interior streets. The project would have resulted in the disturbance of the entire 5.28 acres parcel.

On March 9, 2006 that project was heard before the Planning Commission. At the Planning Commission hearing concerns were expressed about the hazardous material remediation plan and lack of sufficient mitigations. The project was continued off calendar.

The Department of Toxic Substances Control (DTSC) has signed off on the hazardous materials cleanup of the property. DTSC determines that no further action is necessary with respect to investigation and remediation of the hazardous substance at the site. The applicant subsequently revised the project to the project description noted above and the new project is being considered in this Initial Study.

ASSESSOR PARCEL NUMBER (S): 021-241-021, 022

SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: Salinas River, San Miguel

LAND USE CATEGORY: Residential Single Family

COMBINING DESIGNATION (S): None

EXISTING USES: Undeveloped
 TOPOGRAPHY: Nearly level
 VEGETATION: Grasses , ruderal
 PARCEL SIZE: 5.28 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multi-Family; residential	<i>East:</i> Residential Suburban; residential
<i>South:</i> Residential Single Family; undeveloped	<i>West:</i> Industrial/ Railroad tracts

C. ENVIRONMENTAL ANALYSIS

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

Setting. The project is located in downtown San Miguel. The surrounding land uses currently include industrial, residential multi-family, and residential single-family. The site is located just south of the commercial core of San Miguel and a few blocks north of Mission San Miguel. The proposed site is currently vacant. The project will be visible from Mission, 11th, and surrounding streets. The project will include single-family residences. Streets will include sidewalks and street trees, similar to other new developments on the northern end of the community. A sound wall will be constructed on the eastern edge of the parcel to separate the residential development from the railroad tracks, and reduce railroad noise.

Impact. The style of development proposed is consistent with development of the area and that foreseen in the Salinas River Area plan, and other recent developments in San Miguel. Street trees will soften views of the development from public roads. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES
- Will the project:

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

Setting. The soil types include: Hanford and Greenfield fine sandy loams, (0 - 2% slope), Hanford and Greenfield fine sandy loams, (2 - 9% slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV and the "irrigated" soil class is "I to II

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. Potentially prime agricultural soils will be lost due to this development. However, that loss has been considered insignificant during updates to the Salinas River area plan. Therefore, no new significant impacts to agricultural resources are anticipated. The Ag Commissioners Office was contacted regarding the project and had no comment.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook 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). A project referral was submitted to the APCD for a review of the project's consistency with the Clean Air Plan. APCD's referral response (A. Mutziger; August 2009 and May 2005) indicates that the Clean Air Plan and APCD policy support urban infill development, such as the proposed project, and further support the project's proposed integration of pedestrian connectivity and green building techniques.

The California Air Resources Board, the California Environmental Protection Agency, and other governmental agencies with jurisdiction are in the process of developing guidelines and thresholds to address a project's cumulative contribution to greenhouse gas (GHG). Over the last few years, a series of related legislative acts have been made relating to this issue. There are seven greenhouses gases, as follows, and are in order of their global warming potential: Carbon dioxide, Methane, Nitrous oxide, Chlorofluorocarbons, Hydrofluorocarbons, Perfluorocarbons, and Sulfur hexafluoride. The California Air Pollution Control Officer Association (CAPCOA) published a document in January 2008 entitled "CEQA and Climate Change." This document provides methods for analyzing GHG both quantitatively and qualitatively and also provides a list of mitigations. This document is supported by both the Office of Planning and Research and the Attorney General's office.

Impact. As proposed, the project will result in the disturbance of approximately 5.3 acres.

Fugitive Dust - This will result in the creation of construction dust (fugitive dust), as well as short- and long-term vehicle emissions. The APCD has reviewed the project and noted that it has the potential to create fugitive dust during construction.

Diesel Exhaust - They also noted the proximity of the project to the railroad and the impacts train activity will place on residents downwind of diesel exhaust. Diesel exhaust from locomotives, and odors emanating from industrial sources can result in nuisance impacts.

Green House Gas Emissions (GHG)- The proposed development will result in an increase of human activity, including increased use of vehicles and electricity, which will generate small increased amounts of carbon dioxide, nitrous oxides, and hydrofluorocarbons. The APCD considered the operational GHG impacts of the proposed residential infill project by running the URBEMIS2007. This analysis indicated that operation phase impacts of the GHG CO2 emissions will be approximately 485 metric tons.

As an interim effort until such time CARB formalizes a process for development the following is a qualitative discussion of the project's impacts, as well as measures to reduce the project's GHG production.

Although not originally intended to reduce greenhouse gas emissions, California Code of Regulations Title 24 (Energy Efficiency Standards for Residential and Nonresidential Buildings) were first

established in 1978 to reduce California's energy consumption. The standards are updated periodically with the latest amendments in October 2005. The current standards require homes to use half the energy they used only a decade ago. Energy efficient buildings require less electricity; electricity production by fossil fuels results in greenhouse gas emissions (namely CO2, methane, nitrous oxide). The project is subject to these Title 24 energy efficiency requirements resulting in decreased greenhouse gas emissions.

The APCD considered the operational impacts of this development by running the URBEMIS2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts will likely exceed the APCD's CEQA Tier I significance threshold value of 10 lbs of emissions per day for the ozone precursor pollutants, reactive organic gases (ROG) plus nitrogen oxides (NOs); 12.2 pounds of combined ROG and NOx emissions.

Mitigation/Conclusion. The APCD is recommending multiple mitigation measures that will be necessary to reduce air quality impacts to less than significant levels. These include dust control measures such as spraying dirt stockpiles, and keeping vehicle speeds down. In addition, the APCD is encouraging the applicant to work with the railroad to reduce the potential for trains to idle near residences. Implementation of these mitigation measures will reduce impacts to less than significant levels.

Fugitive Dust (PM10)- The applicant will be required to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in Section 6.5 of the Air Quality Handbook, including but not limited to the use of sprayed water to control dust, stabilization of loose soil, restricted vehicle speeds in the construction area, and covered transport truck beds.

Diesel Exhaust - The applicant shall provide evidence of contacting the Union Pacific Railroad to inform them of the pending residential development and to request that train engines not be allowed to idle in the vicinity of the proposed development.

Greenhouse Gas Emissions- GHG mitigation measures have been identified from Appendix B of the CAPCOA (CAPCOA; 2008) document that will reach a 10% improved efficiency over Title 24 requirements, reducing GHG impacts to less than significant.

These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. BIOLOGICAL RESOURCES - Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable
Will the project:

e) *Other:* _____

Setting. The following habitats were observed on the proposed project: Grasses , ruderal. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Kellogg’s horkelia (*Horkelia cuneata* ssp. *sericea*) List 1B; Shining navarretia (*Navarretia nigelliformis* ssp. *radians*) List 1B; Lemmon’s jewelflower (*Caulanthus coulteri lemmonii*) List 1B app. 0.8 miles south of the property

Wildlife: San Joaquin kit fox (*Vulpes macrotis mutica*) FE, ST with a 4:1 mitigation ratio; San Joaquin pocket mouse (*Perognathus inornatus inornatus*) app. 0.8 miles south of the property

KEY: FE-Federally Endangered; PFE-Proposed Listing-Federally Endangered; FT-Federally Threatened; PFT-Proposed listing-Federally Threatened; FC-Federal Candidate; FSC-Federal Species of Concern (no longer used); FD - Federally delisted SE-State Endangered; SCE-State Endangered Candidate for listing; ST-State Threatened; SCT-State Threatened Candidate for listing; SR-State Rare; CSC- CA Special Concern Species; FP-CDFG Fully Protected; List 1A-CNPS Presumed extinct in CA; List 1B-CNPS Rare or Endangered in CA & elsewhere; List 2-CNPS Rare or Endangered in CA, but common elsewhere; List 3-CNPS Plants needing more info (Review List); List 4-CNPS Plants of limited distribution (Watch List).

Habitats: Carrizo Vernal Pool Region; Critical Vernal habitat app. 1.0 mile west of the property; Blue Oak Woodland (Scattered <10% Density) app. 0.1 mile east of the property; potential California red-legged frog (*Rana aurora draytonii*) FT habitat app. 0.5 miles south of the property

Impact. A biological report was prepared for the project by a qualified consultant (Althouse and Meade, 2005). The report concluded that a number of species had the potential to utilize the parcel and could be impacted by the proposed proejct. These included sensitive species including the San Joaquin Kit fox, the San Joaquin pocket mouse, and the Salinas Valley pocket mouse. A site specific Kit Fox habitat evaluation form was completed for this project. The site scored a 76 (4:1 ratio). After review by Department of Fish and Game officials, the score was raised to an 81 (based on percentage of grassland habitat). There are a few native and nonnative trees onsite that may provide habitat for bird species. None of the trees onsite (tree of heaven, cottonwood, almond) are considered sensitive. The site was found to be unsuitable as vernal pool/fairy shrimp habitat. The soils allow relatively quick percolation of rainwater. In addition the site is regularly disced, increasing percolation and evening out topographic low points.

Mitigation/Conclusion. Standard Kit fox mitigation measures will be required of the applicant. These include compensatory mitigation for converting habitat, 5.18 acres, and conducting construction crew training prior to disturbance. The applicant is obligated to pay for 20.72 acres of appropriate habitat. The compensatory mitigation will also suffice for potential pocket mice impacts (Stafford, personal comm.) In addition, nesting bird surveys will be required prior to construction if it begins from March 1st to August 31.

5. CULTURAL RESOURCES - Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable
Will the project:

5. CULTURAL RESOURCES -
Will the project:

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

- a) *Disturb pre-historic resources?*
- b) *Disturb historic resources?*
- c) *Disturb paleontological resources?*
- d) *Other: _____*

Setting. The project is located in an area historically occupied by the Salinan. It is approximately 1000' from Mission San Miguel and approximately 500' from significant cultural resources located within the "Mission Gardens" project area to the south. No historic structures are present. The site is a river terrace/fomer floodplain, therefore bedrock will probably not be encountered during construction. No known significant paleontological resources exist in the area.

Impact. Because of the projects proximity to known cultural resources and river terrace location, a Phase I (surface) survey was conducted (CRMS, 2005). No evidence of cultural materials was noted on the property, however the site had been highly disturbed in the past.

Mitigation/Conclusion. Because of the projects proximity to Mission San Miguel and other significant resources, it has been recommended by a qualified archaeologist that the applicant prepare an archaeological monitoring plan, to be implemented before and during construction. Implementation of the plan is expected to reduce any potential cultural resource impacts to less than significant levels.

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"?*
- 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) *Change rates of soil absorption, or amount or direction of surface runoff?*
- e) *Include structures located on expansive soils?*

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. . No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO) section 22.14.070 (c) to evaluate the area's geological stability relating to the proposed use.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Salinas River) from the proposed development is approximately 0.3 miles to the east. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) 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 – The soil types include: Hanford and Greenfield fine sandy loams, (0 - 2% slope), Hanford and Greenfield fine sandy loams, (2 - 9% slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and low shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) 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. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension that monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 5.28 acres. The project is located on river terrace deposits. These sandy soils have the potential to liquefy during an

earthquake.

Mitigation/Conclusion. Because the project will disturb more than one acre the applicant will be required to complete and implement a SWPPP. As required by code, prior to issuance of construction permits, the applicant shall provide a geologic report, completed by a certified engineering geologist that addresses the liquefaction potential and recommends foundation requirements that can be used as mitigation. No mitigation measures above what will already be required by code are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. According to information provided by the applicant in the original project application, the site is located in an area of known hazardous material contamination. Assessments of the depot grounds to the northwest of the project site (Cuesta, 2003) concluded that elevated levels of MTBE, lead, and hydrocarbons are present. A Phase I and limited Phase II Site Assessment were performed on the project site. The Environmental Health Department reviewed the reports and agreed with the conclusions (electronic communication). The Phase I (Tenera, 2003) concluded that, "... there were no documented sources or specific areas of potential hazardous materials released on the parcel." Nor was there specific evidence of petroleum product or chemical release on the parcel. The Phase II Assessment (Enviromanagement, 2004) included subsurface testing for a suite of contaminants including organochlorine pesticides, PCB's, and VOC's, among others. The laboratory results revealed that of the samples analyzed, only cadmium concentrations were above regulatory limits in the southeastern portion of the parcel.

The applicant has proposed a revised project description for a vesting tract map to subdivide an existing 5.28 acre parcel into 24 residential lots ranging in sizes from approximately 6,025 to 9,668 square feet, for the purpose of sale and/or development. The project description regarding the number of lots and sizes of lots have been slightly modified however, the proposed project location and known hazards are the same.

In a Supplemental Site Investigation (SSI) Workplan (October 21, 2008), the site history is stated as follows:

Based on historical aerial photographs and topographic maps reviewed, the site was developed with cattle corrals and various out buildings dating back to 1937. All infrastructure had been removed from the site by early 2000's. A map provided by Union Pacific indicated the parcel as having what was labeled as a "creosote spur" in the past...

...In July of 2008, a Preliminary Environmental Assessment (PEA) Report for SUB2004-00331, San Miguel (site), was prepared by Sierra Delta Corporation on behalf of Mr. Colin Weyrick for site characterization.

The overall objectives of the PEA were to:

- Evaluate historical information for indications of the past use, storage, disposal, or release of hazardous wastes/substances at the site;
- Establish through a field sampling and analysis program the nature of hazardous wastes/substances that may be present at the site, their concentrations and general extent and;
 - Estimate the potential threat to public health and/or the environment posed by hazardous constituents at the site using a residential land-use scenario.
- Potential onsite sources of contamination in the Conceptual Site Model include the former railroad spur, former railroad ties scattered along the site's southern and western boundaries, former grain silos, grain elevators, and truck scale located in the northwestern area, and former debris piles in the south-central and southwestern portions of the site.
- Sampling that was conducted on the site was directed at addressing chemicals of concerns and these potential exposure pathways.

Based on the previous railroad use and past history and testing of the site, this site is contaminated with, arsenic and lead (28 mg/kg and 390 mg/kg), elevated amounts of thallium (9 mg/kg), elevated amounts of cadmium (24 mg/kg), elevated PAH concentrations, and elevated amounts of PCB's. This site falls under Government Code Section 65962.5 (known as the "Cortese List"). This site is subject to the Hazardous Waste Substances Statement required under subsection (f) of this government code.

The Department of Toxic Substances Control (DTSC) staff reviewed the Supplemental Site Investigation – Summary Report that was submitted to them on March of 2009. Previous sampling conducted by Sierra Delta Corporation and other firms indicated that there were three "hot spots" within the property that are contaminated with varying amounts of metals, pesticides, and polynuclear aromatic hydrocarbons (PAHs). As stated in this report, based on the results of the analytical testing, it appears that there is no impact to the groundwater beneath the site. Most of the contamination results from metals and low concentrations of pesticides at a depth of one foot or less. The applicant had approximately 415 tons of contaminated soil excavated from the property.

Impact. Based on DTSC's evaluation of the information submitted by Sierra Delta Corporation, the site does not appear to pose a threat to human health or the environment under a residential land use scenario. Therefore, DTSC determined that no further action is necessary with respect to investigation and remediation of the hazardous substances at the site (April 9, 2009).

The proposed project was referred to San Miguel Fire Department for review. No significant fire hazard impacts were identified. The applicant is required to comply with the California Fire Code, California Building Code, the Public Resources Code, and any other applicable fire laws (San Miguel Fire Department, September 24, 2009.).

Mitigation/Conclusion. The project does not propose the use of hazardous materials. The project is not expected to conflict with any regional evacuation plan.

Based on the impacts discussed above, no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The primary noise source for the proposed project is railway noise from Southern Pacific tracks to the west of the site. The railway tracks lie approximately 160 feet from the west boundary lines of lots 7 -9 and approximately 80 feet from the west boundary line of proposed lot 24. The topography between the railroad and the site to the east is flat and vacant.

A Noise Assessment was prepared for this project by a qualified professional (45dB.com, 2005). The project was later redesigned and a new noise study was conducted to reflect the new site layout of the new proposed parcel sites "Sound Level Assessment for the Proposed Development Tract 2710", David Lord, February 4, 2008 and a final noise assessment was prepared to ensure lot 24 would meet Noise Element standards. "Sound Assessment for the Proposed Development Tract 270, David Lord, April 28, 2008. Mitigations reflect the two most current noise study that was performed by David Lord.

A continuous series of individual on-site sound level measurements were made over a total running time period of twenty four hours. Existing noise levels ranged from 77 dBA to 63 dBA. Peer review performed by Planning Department staff noted that proposed lot 24 lacked adequate mitigations. After peer review additional mitigations to adequately reduce impacts to a less than significant level for the proposed new lots and to adequately address noise impact for lot 24 were proposed.

Union Pacific's operations generate noise that one would expect from an active railway.

Impact. As proposed, future residents of the project site may be exposed to unacceptable levels from nearby railroad-related noise to the west, which is considered a potentially significant effect. Indoor and outdoor activity areas for all lots could exceed the standards of the Noise Element.

Union Pacific Railroad Company suggested (in a referral response dated, August 14, 2009) that appropriate noise mitigation measures, such as sound barrier walls or landscape buffers, and/or use of sound-proofing materials should be used.

Mitigation/Conclusion. To reduce those impacts to a less than significant level, a number of mitigation measures are required. Some of these mitigation include the following: a fully grouted, solid block wall between 8 (western property line) and 10 feet tall (along lot 24) (as measured from finished grade on the interior side of the wall) along the western property, phasing of development of the residences, to noise mitigating construction techniques be employed for the western residences. These construction mitigations would include the use of special windows, sheathing, venting, etc. For a complete list refer to Mitigation Summary Table, Exhibit B. With implementation of the recommended mitigation measures, it is expected that significant noise impacts will be reduced to a level of insignificance.

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

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

Mitigation/Conclusion. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Meridian Station 46) is approximately 14 miles to the southeast. The closest Sheriff substation is in Templeton, which is approximately 14 miles from the proposed project. The project is located in the San Miguel Joint Union Elementary School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police and fire protection, and schools. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail (Salinas River) goes through the proposed project. The project is not proposed in a location that will affect any existing trail, park or other recreational resource. A referral was sent to County Parks Division to review.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a project specific significant need for additional park or recreational resources, but will contribute to the overall cumulative demand for parks and recreational resources. The project is not close enough to the river to be considered part of the proposed Salinas River Trail.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): 11th Street and Mission Street, both are collector roads. The identified roadways are operating at acceptable levels. Referrals were sent to Public Works and Union Pacific Railroad Company. This site is located in the San Miguel East traffic fee area.

Impact. The proposed project is estimated to generate approximately 240 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This amount of additional traffic will not result in a project specific significant change to the existing road service or traffic safety levels. This project, along with the proposed Mission Gardens subdivision, will cumulatively add vehicle and potentially

pedestrian and bicycle trips to the railroad crossing at 11th Street and other areawide intersections including the intersection of Mission and 14th St.

Union Pacific's referral response (August 14, 2009) stated, that new development along Union Pacific rail lines can negatively impact rail services and create unintended consequences that are in neither Union Pacific's or the City's best interest. A large concentration of new residents near the Union Pacific lines raises the likelihood that trespassers will intrude on the right-of-way.

Mitigation/Conclusion. Typical road improvements are being required by the County Public Works Department, including improvements to 11th St., N St., Wimer Way, and B St. Also the applicant will be required to construct a pedestrian barrier along the westerly project boundary and adjacent to the Union Pacific Railroad right-of-way and a sidewalk crossing of Union Pacific Railroad, these and other conditions shall be required prior to map recordation.

Union Pacific Railroad Company stated in their referral (August 14, 2009), that possible mitigation to reduce impacts include the installation of barrier walls or fences, pavement markings, and/or "no trespassing" signs designed to prevent local residents from trespassing onto the right-of-way.

A sound attenuation wall shall be installed as part of the noise mitigations along the western property line that also runs parallel to Union Pacific's railway line, refer to Section 8, Noise. This wall will double as a barrier to help prevent trespassing. "No Trespassing" signs shall also be added on the wall.

Regarding cumulative impacts, San Miguel East Road fees will be collect at the time of building permit issuance.

It is expected that implementation of these measures will reduce impacts to a less than significant level.

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

Setting. The project will be served by San Miguel Community Service District.(SMCSD) for wastewater disposal. This system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

Impact. The project proposes to use the community system as its means to dispose of wastewater. Based on referral responses from the provider the proposed community system has the capacity to

handle the project's additional effluent.

Mitigation/Conclusion. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use a community system as its water source. The Environmental Health Division has reviewed the project (April 4, 2005, Laurie Salo and August 11, 2009, Leslie Terry). No concerns were identified. The Environmental Office is in receipt of a preliminary Will Serve Letter for water and sewer from San Miguel Community Services District dated March 4, 2004 and September 8, 2009. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The topography of the project is nearly level. The closest creek (Salinas River) from the proposed development is approximately 0.3 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

- Indoor: 4.27 acre feet/year (AFY);
- Outdoor: 3.75 AFY
- Total Use: 8.027 AFY

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 5.28 acres.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

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

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

The project is not within or adjacent to a Habitat Conservation Plan area. 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 was 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 prehistory?*

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*

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human beings, either directly or indirectly?

Exhibit A - Initial Study References and Agency Contacts

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

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input checked="" type="checkbox"/>	County Environmental Health Division	In File**
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	None
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Game	In File**
<input checked="" type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	San Miguel Community Service District	In File
<input checked="" type="checkbox"/>	Other Telephone, cable, etc. _____	In File**
<input type="checkbox"/>	Other _____	

** "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
- Solid Waste Management Plan
- County documents
- Airport Land Use Plans
- Annual Resource Summary Report
- Building and Construction Ordinance
- Coastal Policies
- Framework for Planning (Coastal & Inland)
- General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
 - Agriculture & Open Space Element
 - Energy Element
 - Environment Plan (Conservation, Historic and Esthetic Elements)
 - Housing Element
 - Noise Element
 - Parks & Recreation Element
 - Safety Element
- Land Use Ordinance
- Real Property Division Ordinance
- Trails Plan

- | | | | |
|-------------------------------------|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Salinas River Area Plan
and Update EIR | <input checked="" type="checkbox"/> | Flood Hazard Maps |
| <input type="checkbox"/> | Circulation Study | <input checked="" type="checkbox"/> | Natural Resources Conservation
Service Soil Survey for SLO County |
| | <u>Other documents</u> | <input checked="" type="checkbox"/> | Regional Transportation Plan |
| <input checked="" type="checkbox"/> | Archaeological Resources Map | <input checked="" type="checkbox"/> | Uniform Fire Code |
| <input checked="" type="checkbox"/> | Area of Critical Concerns Map | <input checked="" type="checkbox"/> | Water Quality Control Plan (Central
Coast Basin – Region 3) |
| <input checked="" type="checkbox"/> | Areas of Special Biological
Importance Map | <input checked="" type="checkbox"/> | GIS mapping layers (e.g., habitat,
streams, contours, etc.) |
| <input checked="" type="checkbox"/> | California Natural Species Diversity
Database | <input checked="" type="checkbox"/> | <input type="checkbox"/> Other <u>San Miguel Urban Area Design Plan</u> |
| <input checked="" type="checkbox"/> | Clean Air Plan | | |
| <input checked="" type="checkbox"/> | Fire Hazard Severity Map | | |

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

"Phase I Archaeological Survey" CRMS, February 2005.

"Union Pacific Railroad Property, Preliminary Assessment Report", Cuesta Geotechnical, October 2003.

"Phase I Environmental Site Assessment, Parcel "A" San Miguel" Tenera Environmental, July 2003.

"Limited Phase II Site Assessment Report" Enviromanagement, July 2004.

"Supplemental Site Investigation Workplan", Sierra Delta Corporation, October 21, 2008

"Former San Miguel Railroad Spur, 525, 11th St. Voluntary Cleanup Agreement:, Department of Toxic Substances Control, April 9, 2009.

"Noise Assessment" 45dba.com, June 2005.

"Sound Level Assessment for the Proposed Development Tract 2710", David Lord, February 4, 2008.

"Biological Report " Althouse and Meade, August 2005.

Exhibit B - Mitigation Summary Table**Air Quality**

AQ-1 Prior to issuance of construction permits or tract improvements plans, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall 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 shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall 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 shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall 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. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;
- l. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. 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 prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

AQ-2 Prior to issuance of building permits or tract improvement plans, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters

AQ-3 Prior to issuance of construction permits or tract improvement plans, the applicant shall provide evidence of contacting the Union Pacific Railroad to inform them of the pending residential development and to request that train engines not be allowed to idle in the vicinity of the proposed development.

AQ-4 In order to reduce GHG emissions, the project shall include measures that demonstrate a resulting development that is 10 percent more energy efficient than a standard Title 24 construction. The following measure shall be incorporated into the project and shown on all applicable plans **prior to construction permit issuance**:

In addition, a combination of additional measures from the following list shall be incorporated into the project and shown on all applicable plans. **Prior to construction permit issuance**, the applicant shall provide evidence that all of the combined measures result in 10 percent improved energy efficiency than Title 24 requirements.

Site Design Mitigation for this Residential Project

1. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to the project.
2. Increase street shade tree planting.
3. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
4. Provide on-site bicycle parking for multi-family residential developments.
5. Increase number of bicycle routes/lanes.
6. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing and telelearning to occur simultaneously in at least three locations throughout the home.
7. Provide pedestrian signalization and signage to improve pedestrian safety.

Energy Efficiency Measures

8. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
9. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
10. Install outdoor electrical outlets to encourage the use of electric appliances and tools.
11. Increase walls and attic insulation beyond Title 24 requirements.
12. Use high efficiency gas or solar water heaters.
13. Use built-in energy efficient appliances.
14. Use double-paned windows.
15. Use low energy street lights (i.e. sodium).
16. Use energy efficient interior lighting.
17. Use low energy traffic signals (i.e. light emitting diode).
18. Install door sweeps and weather stripping if more efficient doors and windows are not available.
19. Install high efficiency or gas space heating.

Other measures may be proposed as replacements by contacting the APCD Planning Division at 781-5912.

Cultural Resources

CR 1 Prior to issuance of construction permits or tract improvement plans, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures.

Biological Resources

San Joaquin Kit Fox

At the time for tract improvements the applicant will be required to mitigated for impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the project Weyrick Tract Map 2710, SUB2004-00331 on 7-28-05 by Dan Meade, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of **76** on the evaluation (this was raised to **81** after Department of Fish and Game review, which requires that all impacts to kit fox habitat be mitigated at a ratio of **4** acres conserved for each acre impacted (**4:1**). The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement, suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project

proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total mitigation acreage required multiplied by the cost per mitigation acre. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; therefore, your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC), pursuant to the Voluntary Fee-based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would be based on the total area of disturbance from project activities multiplied by \$2500 per acre. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would be based on the total area of mitigation acreage required multiplied by the cost per credit (one mitigation acre equals one credit). Currently, the cost per credit is \$2500. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, or conducting any grading associated with map recordation, the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or

the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation, the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (or lower) shall be posted for all construction traffic, to minimize the probability of road mortality of the San Joaquin kit fox."* Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities, or any grading associated with map recordation**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

- BR-4** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5** Prior to issuance of grading and/or construction permit, and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9** Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species

found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-12 Prior to commencement of any tree removal, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March 1 to August 31), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Noise

NS-1 At the time of application for subdivision public improvement plan or grading permits, the applicant shall clearly show on the project plans the installation of an masonry wall in the locations and heights as shown on the attached Exhibit A. The masonry wall shall be consistent with the recommendations contained in the noise report prepared for the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008).

- NS-2 Prior to map recordation**, a second map sheet shall be created to identify building envelopes for all proposed lots of Tract 2710 as shown Figure 8 of the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008).
- NS-3 Prior to map recordation**, fully grouted, attractive solid block walls of 8 feet to 10 feet tall (for lot 24) (as measured from finished grade on the interior side of the wall) shall be installed, as specified on Figure 8 of the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008).
- NS-4** Map recordation of tract 2710 shall be done in two phases. Phase one shall include lots 7, 8, 9, 21, 22, 23, and 24. Once residences on these lots are developed in accordance with Figure 8 of the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008), then phase two of tract 2710 can be recorded and may include all remaining lots.
- NS-5 At the time of application for construction permit of individual lot development**, the applicant shall complete the following to achieve acceptable exterior noise levels:
- a. Clearly delineate the approved building envelope, as shown on the approved second map sheet;
 - b. Construct all new residential development within the building envelope;
 - c. For each side yard, construct a fully grouted solid block wall of 6 feet (as measured from finished grade) that is perpendicularly connected to the house and extends to the property line. Any gates constructed into this wall shall be 6 feet tall and solid (no cracks or openings). If such a block wall already exists on adjacent properties, the proposed wall shall connect with existing wall.
 - d. For Lot 24, house design shall be a "U" shape, where no useable outdoor activity areas will be proposed/designed for the north, west and south sides of the proposed residence. House design/layout will direct all outdoor activity to the area within the "U". A fully grouted solid block wall of 6 feet (as measured from finished grade) shall encompass this exterior area within the "U" and connect to the house. Any gates constructed into this wall shall be 6 feet tall and solid (no cracks or openings).
 - e. For Lots 7-9 and Lots 21-23, house design shall direct all useable outdoor activity areas to the east side of the proposed residence.
 - f. For Lots 3-6 and Lots 18-20, house design shall direct all useable outdoor activity areas to the south side of the proposed residence.
 - g. For Lots 10-13, house design shall direct all useable outdoor activity areas to the north side of the proposed residence.
 - h. For Lot 23, residence shall extend as far west and south as practical along with south side yard wall design to be able to easily connect with side wall on Lot 9.
 - i. The structure is provided with air conditioning or mechanical ventilation.
 - j. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the project has adhered to these measures.

NS-6 At the time of application for construction permit, the applicant shall show the following on the project plans:

- a. Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source (located on the north, east, and south elevation) wherever possible. If kitchens or bathrooms are located on the west side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90 degree bend shall be incorporated in the design of the ductwork or venting opening.
- b. Walls: Only west-facing exterior walls closest to the noise sources require mitigations. Any walls enclosing habitable spaces nearest the noise source shall be constructed with a sound transmission class rating of 30 or greater. Construction of the west-facing walls shall include the liberal use of non-hardening acoustic sealant at all construction joints.
- c. Acoustic leaks. All construction openings and joints through the gypsum board on west-facing walls shall be insulated, sealed and caulked with expanding foam and a resilient, non-hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.
- d. Windows shall meet the interior of LDN = 45 dBA requirements, windows for habitable spaces on all floors of affected elevation facing the noise source. The windows shall be of double-glazed construction. The windows shall be fully gasketed, with an S.T.C. rating of 30 or better.
- e. Doors directly facing the noise source shall be solid core with sound dampening and fully gasketed, sealed jambs and grouted frames, with an overall S.T.C. rating of 30 or better.
- f. All exterior doors are solid core with perimeter weather stripping and threshold seals.
- g. Double door construction shall have a minimum:
 - required space of not less than three inches between the double doors.
 - Side-hinged doors, at least one shall be a solid-core wood, or insulated hollow metal door, that is not less than one and three-quarters inch thick at its thinnest point. The second door may be storm door.
 - Glass installed in a solid-core wood door, that has a total area of more than two square feet, shall be not less than three-sixteenths inch thick.
 - All glass and glazing used in doors shall be sealed in an airtight manner with a non-hardening acoustical sealant or in a soft elastomer gasket or glazing tape.
 - Exterior sliding glass doors shall be weather-stripped with an efficient airtight gasket system.
 - For sliding glass doors, the interior sliding glass door assembly shall be double-glazed with a separation between glass panels of not less than one-half inch. The glass used in the double-glazed glass panels shall be of unequal thickness to avoid harmonic resonance. The second, exterior sliding glass door may be storm door, separated by three inches from the interior door.
 - If interior allowable noise levels are met by requiring that windows and doors be unopenable or closed, the design for the structure must also specify means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.

NS-7 Prior to final inspection of individual lot development for Lots 7-9, and 21-24, the applicant shall provide certification from an engineer qualified in noise analysis that is on the county list of acoustical consultants that a noise level of 45 dbA or less can be maintained inside the residence with the windows and doors closed when railroad buildout conditions are considered. In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

Traffic

- TR-1 Prior to map recordation** the applicant agrees to construct roads (11th, "Wimer Way, "B", and N Streets) and drainage improvements as required by the Department of Public Works.
- TR-2 Prior to map recordation**, "No Trespassing" signs shall be placed at appropriate distances along the sound attenuation wall that will be located along the western property line to help prohibit the future residents from the proposed development from entering Union Pacific Railway's easement. \
- TR-3 Prior to issuance of building permits**, the applicant shall pay the San Miguel East Road Fees.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



EXHIBIT Site Plan



PROJECT Weyrick Tract 2710/Sub 2004-0331

Date: October 5, 2009

**DEVELOPER'S STATEMENT FOR
Tract 2710 /SUB 2004-00331**

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.

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1 Prior to issuance of construction permits or tract improvements plans, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall 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 shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation shall 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 shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speeds for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall 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. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment leaving the site shall be washed off;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads, and water sweepers with reclaimed water shall be used where feasible;

- I. All PM10 mitigation measures required shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. 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 prior to land use clearance for map recordation and land use clearance for finish grading of the structure.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning and Building Department

AQ-2 Prior to issuance of building permits or tract improvement plans, in the instance wood burning stoves are proposed, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- c. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- d. Pellet-fueled woodheaters

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning and Building Department

AQ-3 Prior to approval of tract improvement plans, the applicant shall provide evidence of contacting the Union Pacific Railroad to inform them of the pending residential development and to request that train engines not be allowed to idle in the vicinity of the proposed development.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning and Building Department

AQ-4 Prior to construction permit issuance, in order to reduce GHG emissions, the project shall include measures that demonstrate a resulting development that is 10 percent more energy efficient than a standard Title 24 construction. The following measure shall be incorporated into the project and shown on all applicable plans

AQ-5 In addition, a combination of additional measures from the following list shall be incorporated into the project and shown on all applicable plans. **Prior to construction permit issuance**, the applicant shall provide evidence that all of the combined measures result in 10 percent improved energy efficiency than Title 24 requirements.

Site Design Mitigation for this Residential Project

1. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to the project.
2. Increase street shade tree planting.
3. Provide outdoor electrical outlets to encourage the use of electric appliances and tools.
4. Provide on-site bicycle parking for multi-family residential developments.
5. Increase number of bicycle routes/lanes.
6. Build new homes with internal wiring/cabling that allows telecommuting, teleconferencing and telelearning to occur simultaneously in at least three locations throughout the home.
7. Provide pedestrian signalization and signage to improve pedestrian safety.

Energy Efficiency Measures

8. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
9. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
10. Install outdoor electrical outlets to encourage the use of electric appliances and tools.
11. Increase walls and attic insulation beyond Title 24 requirements.
12. Use high efficiency gas or solar water heaters.
13. Use built-in energy efficient appliances.
14. Use double-paned windows.
15. Use low energy street lights (i.e. sodium).
16. Use energy efficient interior lighting.
17. Use low energy traffic signals (i.e. light emitting diode).
18. Install door sweeps and weather stripping if more efficient doors and windows are not available.
19. Install high efficiency or gas space heating.

Other measures may be proposed as replacements by contacting the APCD Planning Division at 781-5912.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Planning and Building Department.

Cultural Resources

CR 1 Prior to issuance of construction permits or tract improvement plans, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:

- a. List of personnel involved in the monitoring activities;
- b. Description of how the monitoring shall occur;
- c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- d. Description of what resources are expected to be encountered;

- e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- f. Description of procedures for halting work on the site and notification procedures;
- g. Description of monitoring reporting procedures.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by County Division of Environmental and Resource Management

San Joaquin Kit Fox

The Kit Fox Evaluation, which was completed for project Weyrick tract 2710, SUB 2004-00331 The Kit Fox Evaluation, which was completed for the project Weyrick Tract Map 2710, SUB 2004-00331 on 7-28-05 by Dan Meade, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 76 on the evaluation (this was raised to 81 after Department of Fish and Game review which requires that all impacts to kit fox habitat be mitigated at a ratio of four (4) acres conserved for each acre impacted [(4:1)]. Total compensatory mitigation required for the project is 21.12 acres, based on [4] times 5.28 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 21.12 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy", would total \$52,800.00. This fee is

calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification about your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **21.12** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total **\$52,800.00**. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-2 Prior to Issuance of tract improvements and lot grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR10. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department (see contact information below) for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

- d. In addition, the qualified biologist shall implement the following measures:
1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a) Potential kit fox den: 50 feet
 - b) Known or active kit fox den: 100 feet
 - c) Kit fox pupping den: 150 feet
 2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
 3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

- BR-3 **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-10 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 **Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

BR-9 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to

the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-10): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

County of San Luis Obispo
 Department of Planning and Building
 Division of Environmental & Resource
 Mgmt
 County Government Center, Room 300
 San Luis Obispo, CA 93408
 ATTN: Ms. Julie Eliason
 (805) 781-5029
 E-mail: jeliason@co.slo.ca.us

U.S. Fish and Wildlife Service
 Ventura Field Office
 P.O. Box 47
 Ventura, CA 93003
 (805) 644-1766

California Department of Fish and Game
 Central Region
 1234 East Shaw Avenue
 Fresno, CA 93710
 (559) 243-4005
 FAX (559) 243-4022
 (805) 772-4318

The Nature Conservancy
 ATTN: Tonja Glenn
 201 Mission Street, 4th Floor
 San Francisco, CA 94105
 (415) 281-0483

Palo Prieto Conservation Bank
 c/o Dan Meade
 Althouse & Meade, Inc.
 1875 Wellsona Road
 Paso Robles, CA 93446
 (805) 467-1041
 FAX (805) 467-1021
 E-mail: dan@ait-me.com

Noise

- NS-1** At the time of application for subdivision public improvement plan, the applicant shall clearly show on the project plans the installation of an masonry wall in the locations and heights as shown on the attached Exhibit A. The masonry wall shall be consistent with the recommendations contained in the noise report prepared for the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008). This wall shall be constructed before final of the subdivision improvements.
- NS-2** Prior to map recordation, a second map sheet shall be created to identify building envelopes for all proposed lots of Tract 2710 as shown Figure 8 of the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San

Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008). If building envelopes change a new "sound level assessment" shall be prepared that meets the county's Noise Element.

- NS-3** At the time of application for subdivision public improvement plan, the applicant shall clearly show on the project plans, fully grouted, attractive solid block walls of 8 feet to 10 feet tall (for lot 24) (as measured from finished grade on the interior side of the wall) shall be installed, as specified on Figure 8 of the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008). This wall shall be constructed before final of the subdivision improvements.
- NS-4** Map recordation of tract 2710 shall be done in two phases. Phase one shall include lots 7, 8, 9, 21, 22, 23, and 24, as shown on the tentative map. Once residences on these lots are developed in accordance with Figure 8 of the "Sound Level Assessment for the Proposed Residential Development, Tentative Tract 2710, San Miguel, County of San Luis Obispo, CA" (David Lord, February 4, 2008), then phase two of tract 2710 can be recorded and may include all remaining lots.

Monitoring: Required prior to issuance of tract improvements. Compliance will be verified by the County Public Works Department and County Planning and Building Department.

- NS-5** At the time of application for construction permit of individual lot development, the applicant shall complete the following to achieve acceptable exterior noise levels:
- a. Clearly delineate the approved building envelope, as shown on the approved second map sheet;
 - b. Construct all new residential development within the building envelope;
 - c. For each side yard, construct a fully grouted solid block wall of 6 feet (as measured from finished grade) that is perpendicularly connected to the house and extends to the property line. Any gates constructed into this wall shall be 6 feet tall and solid (no cracks or openings). If such a block wall already exists on adjacent properties, the proposed wall shall connect with existing wall.
 - d. For Lot 24, as shown on the tentative map, house design shall be a "U" shape, where no useable outdoor activity areas will be proposed/ designed for the north, west and south sides of the proposed residence. House design/layout will direct all outdoor activity to the area within the "U". A fully grouted solid block wall of 6 feet (as measured from finished grade) shall encompass this exterior area within the "U" and connect to the house. Any gates constructed into this wall shall be 6 feet tall and solid (no cracks or openings).
 - e. For Lots 7-9 and Lots 21-23, as shown on the tentative map, house design shall direct all useable outdoor activity areas to the east side of the proposed residence.
 - f. For Lots 3-6 and Lots 18-20, as shown on the tentative map, house design shall direct all useable outdoor activity areas to the south side of the proposed residence.
 - g. For Lots 10-13, as shown on the tentative map, house design shall direct all useable outdoor activity areas to the north side of the proposed residence.

- h. For Lot 23, as shown on the tentative map, residence shall extend as far west and south as practical along with south side yard wall design to be able to easily connect with side wall on Lot 9, as shown on the tentative map, .
- i. The structure is provided with air conditioning or mechanical ventilation.
- j. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the project has adhered to these measures.

NS-6 At the time of application for construction permit, the applicant shall show the following on the project plans:

- a. Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be located on the walls and roofs facing away from the noise source (located on the north, east, and south elevation) wherever possible. If kitchens or bathrooms are located on the west side, remote venting to other elevations is required. If vents are required to be located facing the noise source, a 90 degree bend shall be incorporated in the design of the ductwork or venting opening.
- b. Walls: Only west-facing exterior walls closest to the noise sources require mitigations. Any walls enclosing habitable spaces nearest the noise source shall be constructed with an sound transmission class rating of 30 or greater. Construction of the west-facing walls shall include the liberal use of non-hardening acoustic sealant at all construction joints.
- c. Acoustic leaks. All construction openings and joints through the gypsum board on west-facing walls shall be insulated, sealed and caulked with expanding foam and a resilient, non-hardening caulking material, as appropriate. All such openings and joints shall be airtight to maintain sound isolation.
- d. Windows shall meet the interior of LDN = 45 dBA requirements, windows for habitable spaces on all floors of affected elevation facing the noise source. The windows shall be of double-glazed construction. The windows shall be fully gasketed, with an S.T.C. rating of 30 or better.
- e. Doors directly facing the noise source shall be solid core with sound dampening and fully gasketed, sealed jambs and grouted frames, with an overall S.T.C. rating or 30 or better.
- f. All exterior doors are solid core with perimeter weather stripping and threshold seals.
- g. Double door construction shall have a minimum:
 - required space of not less than three inches between the double doors.
 - Side-hinged doors, at least one shall be a solid-core wood, or insulated hollow metal door, that is not less than one and three-quarters inch thick at its thinnest point. The second door may be storm door.
 - Glass installed in a solid-core wood door, that has a total area of more than two square feet, shall be not less than three-sixteenths inch thick.
 - All glass and glazing used in doors shall be sealed in an airtight manner with a non-hardening acoustical sealant or in a soft elastomer gasket or glazing tape.
 - Exterior sliding glass doors shall be weather-stripped with an efficient airtight gasket system.

- For sliding glass doors, the interior sliding glass door assembly shall be double-glazed with a separation between glass panels of not less than one-half inch. The glass used in the double-glazed glass panels shall be of unequal thickness to avoid harmonic resonance. The second, exterior sliding glass door may be storm door, separated by three inches from the interior door.
- If interior allowable noise levels are met by requiring that windows and doors be unopenable or closed, the design for the structure must also specify means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.

NS-7 Prior to final inspection of individual lot development for Lots 7-9, and 21-24, as shown on the tentative map, the applicant shall provide certification from an engineer qualified in noise analysis that is on the county list of acoustical consultants that a noise level of 45 dbA or less can be maintained inside the residence with the windows and doors closed when railroad buildout conditions are considered. In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

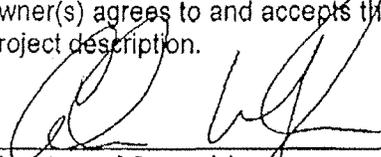
Monitoring: Required prior to issuance construction permits. Compliance will be verified by the County Public Works Department and County Planning and Building Department.

Traffic

- TR-1** Prior to map recordation the applicant agrees to construct roads (11th, "Wimer Way, "B", and N Streets) and drainage improvements as required by the Department of Public Works.
- TR-2** Prior to map recordation, "No Trespassing" signs shall be placed at appropriate distances along the sound attenuation wall that will be located along the western property line to help prohibit the future residents from the proposed development from entering Union Pacific Railway's easement.
- TR-3** Prior to issuance of building permits, the applicant shall pay the San Miguel East Road Fees.

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

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.


Signature of Owner(s) _____ Date 11-18-09

COLIN WEYRICK
Name (Print) _____