



COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (ML)

ENVIRONMENTAL DETERMINATION NO. ED02-163**DATE: February 1, 2007****PROJECT/ENTITLEMENT: SLO Land Corporation Minor Use Permit D020030P****APPLICANT NAME: SLO Land Corporation****ADDRESS: 55 Bakersfield, Cayucos, CA 93430****CONTACT PERSON: John Mac Donald****Telephone: 995-1398**

PROPOSED USES/INTENT: A request by SLO Land Corporation for a Minor Use Permit/Coastal Development Permit to allow for the grading and the construction of a three (3) new 2-story residences located on four existing parcels totaling approximately 31,301 square feet. The development includes: a 2656 square foot residence with 550 square foot garage on merged Lots 3 and 4 (totaling approximately 15,937 square feet); a 2965 square foot residence with 528 square foot attached garage on Lot 5 (approximately 7827 square feet); and a 3102 square foot residence with a 540 square foot garage on Lot 6 (approximately 7537 square feet). The total area of disturbance is approximately 15,691 square feet. Lots 4, 5 and 6 are located in the Residential Multi-Family land use category and Lot 3 is in the Recreation land use category. The project includes placement of approximately 15,610 square feet (portions of Lots 3, 4, 5 & 6) into an open space easement for habitat protection.

LOCATION: The project is located on the northwest corner of Birch Avenue and "E" Street, in the community of Cayucos, in the Estero planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Coastal Commission

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on February 15, 2007

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

Notice of Determination**State Clearinghouse No.**

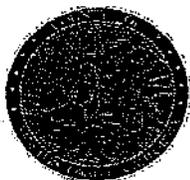
This is to advise that the San Luis Obispo County _____ as *Lead Agency*
 Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures 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,
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

Marsha Lee

County of San Luis Obispo



San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

Lead Agency: County of San Luis Obispo Date: January 17, 2007

County: San Luis Obispo Project No. D020030P

Project Title: SLO Land Corporation Minor Use Permit

Project Applicant

Name: SLO Land Corporation

Address: P.O. Box 228

City, State, Zip Code: Cayucos, CA 93430

Telephone #: 805-570-5152

Action Taken

- Based on Section 711.4 of the California Fish and Game Code, the County has concluded that this project will have no effect on fish and wildlife and therefore, no environmental filing fee will be required for the proposed project. Please note that the California Department of Fish and Game (CDFG) believes that all projects requiring an environmental document have some effect on fish and wildlife and therefore CDFG may subsequently seek to impose a filing fee.
- The CDFG environmental filing fee was collected previously (Enter project name and number) and no additional fee is necessary; or
- During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game, or would result in impacts to sensitive biological resources. Therefore, the applicant will be assessed an environmental filing fee pursuant to section 711.4 of the California Fish and Game Code. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fee is paid.

The applicant shall remit the following amount to the County Clerk-Recorder:

() Environmental Impact Report	\$2500.00
(X) Negative Declaration	\$1800.00
() County Clerk's Fee (check only if not collected with Initial Fee)	<u>\$25.00</u>
Total amount due:	\$1,800

AMOUNT ENCLOSED: _____

Important Filing Notes:

- 1) Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.
- 2) Filing of the Notice of Determination (NOD) for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid when required, the NOD cannot be filed. Filing of the NOD reduces the legal filing period from 180 to 30 days. CEQA requires the Negative Declaration/EIR to be filed within 5 days of project approval.



**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. SLO Land Corporation Minor Use Permit/GDP ED 02-163 (D020030P)

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

MARSHA LEE
Prepared by (Print)

Musla Ke
Signature

1/25/07
Date

Jeff Oliveira
Reviewed by (Print)

Ellen Carroll
Signature

Ellen Carroll,
Environmental Coordinator
(for)

1/25/07
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: A request by SLO Land Corporation for a Minor Use Permit/Coastal Development Permit to allow for the grading and the construction of a three (3) new 2-story residences located on four existing lots totaling approximately 31,301 square feet. The development includes: a 2656 square foot residence with 550 square foot garage on merged Lots 3 and 4 (totaling approximately 15,937 square feet); a 2965 square foot residence with 528 square foot attached garage on Lot 5 (approximately 7827 square feet); and a 3102 square foot residence with a 540 square foot garage on Lot 6 (approximately 7537 square feet). The total area of disturbance is approximately 15,691 square feet. Lots 4, 5 and 6 are located in the Residential Multi-Family land use category and Lot 3 is in the Recreation land use category. The project includes placement of approximately 15,610 square feet (portions of Lots 3, 4, 5 & 6) into an open space easement for habitat protection. The project is located on the northwest corner of Birch Avenue and "E" Street, in the community of Cayucos, in the Estero planning area.

ASSESSOR PARCEL NUMBER(S): 064-112-022 and 064-112-023 **SUPERVISORIAL DISTRICT #** 2

B. EXISTING SETTING

PLANNING AREA: Estero, Cayucos

LAND USE CATEGORY: Residential Multi-Family, Recreation

COMBINING DESIGNATION(S): Flood Hazard, Local Coastal Plan/Program
, Sensitive Resource Area Stream & Riparian Vegetation

EXISTING USES: Undeveloped

TOPOGRAPHY: Nearly level

VEGETATION: Grasses , eucalyptus pine, riparian

PARCEL SIZE: 37,500 square feet

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Multi-Family; residential	<i>East:</i> Public Facilities; accessory structures
<i>South:</i> Residential Multi-Family; accessory structures	<i>West:</i> Residential Multi-Family; residential

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 - Will the project:	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 proposes three single family residences in a residential area. The project will not be visible from any major public roadway or silhouetting against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

Impact. 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"/>

2. AGRICULTURAL RESOURCES

- Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include: Cropley clay, (2 - 9 % slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "III", and the "irrigated" soil class is "II".

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated, based on referral response from the Agricultural Commissioner.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the 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).

Impact. As proposed, the project will result in the disturbance of approximately 15,691 square feet.

This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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 following habitats were observed on the proposed project: Grasses, pines, eucalyptus trees. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Jones's Layia (*Layia jonesii*), and Miles's Milk Vetch (*Astragalus didymocarpus* var. *milesianus*) app. 0.3 miles northwest of the property; San Luis Obispo Serpentine Dudleya (*Dudleya abramsii bettinae*) app. 0.8 miles southeast of the property.

Wildlife: Monarch Butterfly (*Danaus plexippus*); California Red Legged Frog (*Rana aurora draytonii*), Tidewater Goby (*Eucyclogobius newberryi*), and Southwestern Pond Turtle (*Emys (=Clemmys) marmorata pallida*) app. 0.2 miles northwest of the property; Tidewater Goby (*Eucyclogobius newberryi*), and Southwestern Pond Turtle (*Emys (=Clemmys) marmorata pallida*) app. 0.9 miles southeast of the property

Habitats: Potential Red Legged Frog (*Rana aurora draytonii*) habitat app. 0.1 miles east of the property

The property is located in the Coastal Zone and is appealable to the Coastal Commission. The combining designations include Sensitive Resource Area, Environmental Sensitive Habitat Area, and Streams and Riparian Vegetation related to Little Cayucos Creek Habitat. The Estero Area Plan requires setback of development 20 feet from bank for Little Cayucos Creek, as measured from the outer limits of riparian vegetation or the top of the stream bank where no riparian vegetation exists. The minimum riparian setback may be adjusted through adjusted through the Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank/riparian

vegetation, provided the following findings can be made: alternative locations are infeasible; adverse environmental effects are mitigated to the maximum extent feasible through fencing, sedimentation and erosion control measures and monitoring during construction; the adjustment is necessary to allow a principal permitted use of the property and the adjustment is the minimum that would allow for the establishment of a principal permitted use.

Impact. Monarch butterfly habitat - As identified above, the project area has been identified in the past as supporting habitat for large congregations of Monarch butterflies. The project site was evaluated for its potential as important habitat (Richard G. Little, November 2002-2003, and letter dated June 7, 2005). The reports identify that a Monarch Butterfly site had been located in the area of the project along with several adjacent properties. The area may have supported a wintering site in the past, but alterations on other properties have diminished the value of the area to Monarch butterflies. While no longer a wintering site the area, primarily the large Blue Gum Eucalyptus and Monterey Cypress trees occurring along the banks of the creek on the subject property, are still important for butterfly feeding areas. Only a few of the major eucalyptus trees that make up the site are on the subject lots, the rest of the trees are on lots owned by other property owners. These reports concluded that the trees and vegetation on site are important to maintaining the site suitability, even if it is a feeding habitat and not an over-wintering site. The proposed development is sited outside of a 30 foot setback from the trunk of the large on-site eucalyptus tree, maintaining the Monarch butterfly feeding. No vegetation modification and pruning or tree removal is allowed, with the exception of one low hanging later limb that can be pruned per the pruning specifications (as agreed to by Richard Little). Smoke from fireplaces could impact the monarch habitat.

Streams and Riparian Vegetation – A Biological Assessment, prepared by Rincon Consultants, Inc., March 4, 2002, and letter dated January 1, 2004, and Riparian Habitat Setback Evaluation, prepared by Rincon Consultants, Inc., dated April 2, 2004 concluded that the aquatic and riparian habitat associated with Little Cayucos Creek could provide potential movement, foraging, dispersal and aestivation for four special – status animal species, including the Southern/Central Steelhead, Tidewater Goby, California Red-Legged Frog, and Southwestern Pond Turtle. In general, the proposed development in close proximity to Little Cayucos Creek has the potential to impact the riparian habitat and associated species. The report concluded that Little Cayucos Creek within the study area does not appear to support suitable habitat for these species.

The coastal stream and riparian area will not be directly impacted because the structures and driveway are set back from riparian vegetation. The proposed development is setback 20 feet from the dripline of the riparian vegetation and/or top of bank on the western edge of the property and adjusted to a 10 foot setback from riparian vegetation for driveways at the northern boundary, per biology reports and CDFG agreement.

The proposed project will not degrade the coastal habitat and will be compatible with the continuance of the habitat. The CZLUO and Estero Area Plan (for Little Cayucos Creek) requires a setback of 20 feet that can be adjusted to 10 feet through the Minor Use Permit process. An adjustment to the riparian setback for the driveway only is warranted in this instance. All structures will be outside of the 20 foot setback, and an erosion, sedimentation control and drainage plan will be prepared to prevent impacts to streams and riparian vegetation.

Results of USFWS Protocol California Red-Legged Frog Surveys for Cayucos Property, was prepared by Rincon Consultants, Inc. July 15, 2005. The report concluded that no CRLF individuals were observed or heard vocalizing during late May and early June 2005, therefore this species is highly unlikely to occur within the segment of Little Cayucos Creek within the study area. In addition, the reports indicates that the study area does not appear to support suitable habitat for Tidewater Gobe and Southwestern Pond Turtle.

Mitigation/Conclusion. To mitigate for impacts to biological resources to a less than significant level, the applicant agreed to the following mitigation measures:

1. Prior to issuance of grading and/or construction permits, the applicant shall retain an biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. If possible, construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place during the dry season, the qualified biologist shall determine if additional erosion and sedimentation control measures are required. The biologist shall have the authority to halt construction activities if the mitigation measures are not properly implemented. The biologist shall coordinate with the County to resolve any problems or inconsistencies regarding the require mitigation measures.
2. The structures shall be setback a minimum of 20 feet from the edge of riparian vegetation and 30 feet from the trunk of the eucalyptus tree along the south bank of Little Cayucos Creek, and Birch Street extension drive shall be 10 from the dripline of the riparian vegetation. No disturbance shall occur within the setback areas. Prior to the start of construction, the applicant shall stake and fence the setback and call the Department of Planning and Building for a site inspection to verify setback.
3. The applicant shall submit an erosion and sedimentation control plan for review and approval by the Department of Planning and Building. The plan shall utilize sediment control measures to protect Little Cayucos Creek. Installation of erosion/sediment control barricades should be installed around the perimeter of the construction zone.
4. The applicant shall submit a drainage plan for review and approval by the Planning and Building Department. The plan shall direct all potential pollutants from stormwater runoff away from Little Cayucos Creek.
5. Prior to issuance of a construction permit, the applicant shall submit a Landscape Plan for approval by the Department of Planning and Building that includes native, drought tolerant, non-invasive, butterfly friendly landscaping.
6. The proposed development is sited outside of a 30 foot setback from the trunk of the large on-site eucalyptus tree, maintaining the Monarch butterfly feeding . No vegetation modification and pruning or tree removal is allowed, with the exception of one low hanging later limb that can be pruned per the pruning specifications (as agreed to by Richard Little). When possible the occupants should allow trees that die in the vegetation zone to remain for use by cavity-nesting birds and other wildlife, unless the trees are deemed hazardous. No pesticide or herbicide applications of any kind shall be used in the creek/vegetation zone. No fireplaces or wood stoves are allowed in or outside of the proposed residences.
7. Prior to issuance of construction permits, the applicant shall execute and record an open space easement applicable to the individual lots, acceptable to county counsel, for creek and monarch butterfly habitat protection, per the approved site plan (approximately 15,610 acres)

5. CULTURAL RESOURCES -
Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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5. CULTURAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</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 is located in an area historically occupied by the Obispeno Chumash. Archaeology resources are known to exist in the area. The project is not located in a designated Archaeologically Sensitive combining designation area, however the location on the banks of a creek and in close proximity to the ocean is considered culturally sensitive.

A Cultural Resource Inventory of the M&R Investments Parcel, prepared by Ethan Bertrando (October 21, 2002), identified that a potentially significant prehistoric archaeological site is present in the project. A Phase 2 study was prepared by Central Coast Archaeology (Lee; 2006) that characterized the resource and determined the depth and extent. The results of the study determined that archaeological resources are present across the entire project area.

No historic resources are present and paleontological resources are not expected to occur.

Impact. Due to the distribution of cultural materials across the project area, the proposed structures cannot be re-sited to avoid impacting cultural resources. An evaluation by the applicant of different construction/foundation options was undertaken to determine which method would result in the least disturbance to cultural materials. It was determined that pier footings would result in the least disturbance and the project has been proposed to employ this construction method. Based on the archaeological characterization of the resources and the proposed foundation plan, it is estimated that the project will result in the impact of 12.2 cubic yards of cultural material.

Mitigation/Conclusion. In order to offset the impacts to cultural resources, the project has been sited and designed to minimize the disturbance to the resources. Cultural resources impact are expected to occur and the applicant has agreed to the preparation of Phase III data recovery plan and monitoring plan. The Phase III plan requires that a representative sample (approximately 5%) of the disturbance that will occur as a result of the project, be excavated and evaluated. In addition, monitoring of the rest of the construction ground disturbing activities by a qualified archaeologist and Native American will be required. The monitors will record any materials uncovered during construction and will halt construction in the event that significant cultural materials or human burials are encountered.

Minimizing the area of impact, implementation of the Phase III recovery plan and subsequent monitoring, consistent with standard cultural resource professional practice will mitigate the impacts to cultural resources to a level of insignificance.

6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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6. GEOLOGY AND SOILS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 to high. The liquefaction potential during a ground-shaking event is considered low to high. Active faulting is known to exist near the subject property app. 2.0 mile to the southwest. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE - Portions of the subject property are within the 100-year Flood Hazard designation, however the building site does not appear to be within the 100 year flood hazard area. The closest creek (Little Cayucos Creek) from the proposed development runs along the northwestern portion of the property. As described in the Natural Resource Conservation Service Soil Survey, the soil is

considered very poorly 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: Cropley clay, (2 - 9 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and high shrink-swell characteristics. When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.042 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 who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 8500 square feet. Due to the proximity to Little Cayucos Creek and associated aquatic habitat, the project has the potential to contribute sediment to the waterway. The building site appears to be outside of the 100 year flood hazard area

Mitigation/Conclusion. A drainage, sedimentation and erosion control plan is required per the CZLUO, and additional review and provisions are required as part of the mitigation for biological impacts (see Biological Resources section). The measures will be enforced through the building permit process in addition to being monitored and enforced through the monitoring plan required as part of the Biological Resource mitigations.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:	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 type="checkbox"/>	<input checked="" 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 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 not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and 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 type="checkbox"/>	<input checked="" 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 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 is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

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

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly 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"/>

9. POPULATION/HOUSING - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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.

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

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

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Roads?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Solid Wastes?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other public facilities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Other:</i> _____	<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 the Cayucos Fire Department as the primary emergency responders. The Cayucos Fire Department station is located approximately 0.7 miles to the southeast. The project area is also served by CDF fire station (Cayucos Station 11) located approximately 3.5 miles to the southeast. The closest Sheriff substation is in Los Osos, which is approximately 13 miles from the proposed project. The project is located in the Cayucos Elementary School District.

Impact. 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. Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will

reduce the impacts to less than significant levels.

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

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

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

12. TRANSPORTATION/ CIRCULATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

12. TRANSPORTATION/ CIRCULATION - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
h)	Result in a change in air traffic patterns that may result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Birch Avenue (access Drive) and E Street are operating at acceptable levels. Birch Avenue will be the access driveway to all lots, therefore an easement will be required over the adjacent parcel for the benefit of the subject three parcels. A Curb, Gutter and Sidewalk waiver has been approved by Public Works for Birch Avenue. The project also has access from the alley located along the southern boundary. As a result of a court settlement, the alley can be used for utilities only. No significant traffic-related concerns were identified.

Impact. The proposed project is 3 single family residences. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. Birch Avenue will be a dead end street because of the location of Little Cayucos Creek, which could impede fire/emergency access.

Mitigation/Conclusion. The site plan had been reviewed and approved by Cayucos Fire Department. The project has been conditioned for no parking on Birch Avenue and for installation of no parking signs.

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

Setting. The project is located within the service area of the Cayucos Sanitary District.

Impact. The project proposes to use a community system (Cayucos Sanitary District) as its means to dispose wastewater. The District has sufficient capacity to serve the project.

Mitigations/Conclusions. Therefore, no special measures are needed and potential impacts are considered less than significant

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 checked="" type="checkbox"/>	<input 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"/>

Water Usage Setting. The project proposes to use a community system (Morro Rock Mutual Water Company) as its water source. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

Water Quality Setting.

The topography of the project is gently sloping. The closest creek (Little Cayucos Creek) from the proposed development runs along the northern edge of the property. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

The topography of the site is gently sloping to steep creek banks. The area of disturbance is approximately 8500 square foot area. Features of the project that will have potential impacts to water quality include: grading, additional runoff from new impermeable surfaces, work during the rainy season.

Water Usage Impact/ Conclusion. As proposed, the project will result in the disturbance of approximately 8500 square feet. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 3.5 acre feet/year (AFY). Drought tolerant landscaping is proposed.

$3 \text{ residential lots (w/primary (0.85 afy))} \times 3 \text{ lots} = 2.5 \text{ afy}$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Water Quality Drainage Plan - will direct surface flows in a non-erosive manner through the site. Incorporation and implementation of these standard mitigation measures at the time specific development occurs and compliance with the Central Coast Basin Plan will reduce potential surface water quality impacts to a less than significant level. In addition the following mitigation measure will also reduce impacts to water quality: Installation of filtration devices, designed to remove oil, grease, and other potential pollutants from stormwater runoff shall be required for all storm drains leading to Little Cayucos Creek.

Mitigation/Conclusion. The mitigation measures are agreed to in the Developers Statement to address the above conditions include: Fencing, mitigation monitoring and 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 checked="" type="checkbox"/>	<input 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., Cayucos Fire, APCD for Clean Air Plan, etc.).

The property is located in the Coastal Zone and is appealable to the Coastal Commission. The combining designations include Sensitive Resource Area, Environmental Sensitive Habitat Area, and Streams and Riparian Vegetation related to Little Cayucos Creek Habitat. The Estero Area Plan requires setback of development 20 feet from bank for Little Cayucos Creek, as measured from the outer limits of riparian vegetation or the top of the stream bank where no riparian vegetation exists. The minimum riparian setback may be adjusted through adjusted through the Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank/riparian vegetation, provided the following findings can be made: alternative locations are infeasible; adverse environmental effects are mitigated to the maximum extent feasible through fencing, sedimentation and erosion control measures and monitoring during construction; the adjustment is necessary to allow a principal permitted use of the property and the adjustment is the minimum that would allow for the establishment of a principal permitted use.

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. To mitigate for impacts to biological resources, and to allow the findings to be made to allow a setback from Little Cayucos Creek of less than 20 feet, the applicant agreed to the following mitigation measures:

1. Prior to issuance of grading and/or construction permits, the applicant shall retain an biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. If possible, construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place during the dry season, the qualified biologist shall determine if additional erosion and sedimentation control measures are required. The biologist shall have the authority to halt construction activities if the mitigation measures are not properly implemented. The biologist shall coordinate with the County to resolve any problems or inconsistencies regarding the required mitigation measures.
2. The structures shall be setback a minimum of 20 feet from the edge of riparian vegetation and 30 feet from the trunk of the eucalyptus tree along the south bank of Little Cayucos Creek, and Birch Street extension drive shall be 10 feet from the dripline of the riparian vegetation. No disturbance shall occur within the setback areas. Prior to the start of construction, the applicant shall stake and fence the setback and call the Department of Planning and Building for a site inspection to verify setback.
3. The applicant shall submit an erosion and sedimentation control plan for review and approval by the Department of Planning and Building. The plan shall utilize sediment control measures to protect Little Cayucos Creek. Installation of erosion/sediment control barricades should be installed around the perimeter of the construction zone.
4. The applicant shall submit a drainage plan for review and approval by the Planning and Building Department. The plan shall direct all potential pollutants from stormwater runoff away from Little Cayucos Creek.
5. Prior to issuance of a construction permit, the applicant shall submit a Landscape Plan for approval by the Department of Planning and Building that includes native, drought tolerant, non-invasive, butterfly friendly landscaping.
6. The proposed development is sited outside of a 30 foot setback from the trunk of the large on-site eucalyptus tree, maintaining the Monarch butterfly feeding. No vegetation modification and pruning or tree removal is allowed, with the exception of one low hanging later limb that can be pruned per the pruning specifications (as agreed to by Richard Little). When possible the occupants should allow trees that die in the vegetation zone to remain for use by cavity-nesting birds and other wildlife, unless the trees are deemed hazardous. No pesticide or herbicide applications of any kind shall be used in the creek/vegetation zone. No fireplaces or wood stoves are allowed in or outside of the proposed residences.
7. Prior to issuance of construction permits, the applicant shall execute and record an open space easement applicable to the individual lots, acceptable to county counsel, for creek and monarch butterfly habitat protection, per the approved site plan (approximately 15,610 acres)

The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used) with the above mitigation measures.

16. MANDATORY FINDINGS OF SIGNIFICANCE - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>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?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>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)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

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

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Game	In File**
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Cayucos Fire Protection District</u>	In File**
<input checked="" type="checkbox"/>	Other <u>Cayucos Sanitary Dist and Morro Rock Mutual Water Co</u>	In File**

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

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

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application County documents <input type="checkbox"/> Airport Land Use Plans <input checked="" type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Coastal Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture & Open Space Element <input checked="" type="checkbox"/> Energy Element <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) <input checked="" type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input type="checkbox"/> Parks & Recreation Element <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance <input type="checkbox"/> Real Property Division Ordinance <input type="checkbox"/> Trails Plan <input type="checkbox"/> Solid Waste Management Plan | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Area Plan and Update EIR <input type="checkbox"/> Circulation Study Other documents <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Areas of Special Biological Importance Map <input checked="" type="checkbox"/> California Natural Species Diversity Database <input checked="" type="checkbox"/> Clean Air Plan <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> Regional Transportation Plan <input checked="" type="checkbox"/> Uniform Fire Code <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other _____ |
|--|---|

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

1. Report on the proposed development of Lots 3, 4, 5 & 6 of Block 3 of Cayucos, for Herfurth & Miller (Monarch butterfly), prepared by Richard G. Little, November 2002-2003, and letter dated June 7, 2005.
2. A Biological Assessment, prepared by Rincon Consultants, Inc., March 4, 2002, and letter dated January 1, 2004, and Riparian Habitat Setback Evaluation, prepared by Rincon Consultants, Inc., dated April 2, 2004.
3. Results of USFWS Protocol California Red-Legged Frog Surveys for Cayucos Property, was prepared by Rincon Consultants, Inc. July 15, 2005.
4. Bertando Phase 1, 2002
5. Central Coast Arch. Phase 2, Lee 2006
6. Central Coast Arch. Mitigation and Monitoring Plan, Draft (Lee 2006)

Exhibit B - Mitigation Summary Table

BIOLOGICAL RESOURCES

- BR-1. Prior to issuance of grading and/or construction permits**, the applicant shall retain an biological consultant approved by the County Planning and Building Department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and at a minimum, monitor the construction activities once per week and provide a summary report to the County Planning Department at the close of construction activities. If possible, construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place during the dry season, the qualified biologist shall determine if additional erosion and sedimentation control measures are required. The biologist shall have the authority to halt construction activities if the mitigation measures are not properly implemented. The biologist shall coordinate with the County to resolve any problems or inconsistencies regarding the require mitigation measures.
- BR-2** The structures shall be setback a minimum of 20 feet from the edge of riparian vegetation and 30 feet from the trunk of the eucalyptus tree along the south bank of Little Cayucos Creek, and Birch Avenue extension driveway along the northern boundary of the property shall be setback 10 feet from the dripline of the riparian vegetation. No disturbance shall occur within the setback areas.
- BR-3 Prior to issuance of construction permits**, the applicant shall submit an erosion and sedimentation control plan for review and approval by the department of planning and building. The plan shall utilize sediment control measures to protect Little Cayucos Creek. Installation of erosion/sediment control devices shall be installed around the perimeter of the construction zone.
- BR-4 During construction**, the applicant shall apply the erosion and sedimentation control measures.
- BR-5 Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the planning and building department. The plan shall direct all potential pollutants from stormwater runoff away from Little Cayucos Creek.
- BR-6 Prior to final inspection**, the drainage plan shall be implemented and verified by The Department of Planning and Building..
- BR-7 At the time of building permit application and prior to final inspection**, since smoke from fireplaces interfere with monarch butterfly habitat, the department of planning and building shall verify that no fireplaces are allowed and installed.
- BR-8 Prior to issuance of construction permits**, the applicant shall submit a landscaping plan including drought tolerance, native, and butterfly friendly landscaping for review and approval by the Department of Planning and Building.

BR-9 Prior to final inspection, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.

BR-10 For the life of the project, occupants shall allow trees that die in the vegetation zone to remain for use by cavity-nesting birds and other wildlife, unless the trees are deemed hazardous. No pesticide or herbicide applications of any kind shall be used in the creek/vegetation zone.

CULTURAL RESOURCES

CR-1 At the time of submittal of construction permit application, the applicant shall demonstrate that the project foundation design will minimize site disturbance. "Side-by-side" comparisons of disturbance and calculations of volume of cultural materials affected shall be submitted for the review and approval by the Planning Director, to support the foundation design that results in the least disturbance.

CR-2 Prior to issuance of construction permit, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of the previous archaeological investigations (Bertrando; 2002, Lee; 2006), and shall be consistent with Phase III Mitigation & Monitoring Plan (Lee; 2006). The Phase III program shall include at least the following:

- A. standard archaeological data recovery practices;
- B. recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be between 2-7% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
- C. identification of location of sample sites/test units;
- D. detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- E. disposition of collected materials;
- F. proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- G. list of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable plans and implemented during construction.

CR-3 Prior to issuance of construction permit, the applicant shall submit to the Environmental Coordinator, a letter from the consulting archaeologist indicating that all necessary field work as identified in the Phase III program has been completed.

CR-4 Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

- 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.

CR-5 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

CR-6 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. [If the analysis included in the Phase III program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the Environmental Coordinator, proof of obligation to complete the required analysis].

**DEVELOPER'S STATEMENT FOR
SLO LAND CORPORATION MINOR USE PERMIT/CDP; ED02-163 (D020030P)**

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 construction/grading 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.

BIOLOGICAL RESOURCES

- BR-1. Prior to issuance of grading and/or construction permits,** the applicant shall retain an biological consultant approved by the county planning and building department to monitor the implementation of the biological mitigation measures and erosion and sedimentation control measures during grading and construction activities. The biologist shall monitor the installation of fencing as per the approved construction plans and at a minimum, monitor the construction activities once per week and provide a summary report to the county planning department at the close of construction activities. If possible, construction activities shall be limited to the dry season (April 15 through October 15). If construction activities cannot take place during the dry season, the qualified biologist shall determine if additional erosion and sedimentation control measures are required. The biologist shall have the authority to halt construction activities if the mitigation measures are not properly implemented. The biologist shall coordinate with the county to resolve any problems or inconsistencies regarding the require mitigation measures.
- BR-2** the structures shall be setback a minimum of 20 feet from the edge of riparian vegetation and 30 feet from the trunk of the eucalyptus tree along the south bank of Little Cayucos Creek, and birch avenue extension driveway along the northern boundary of the property shall be setback 10 feet from the dripline of the riparian vegetation. No disturbance shall occur within the setback areas.
- BR-3 Prior to issuance of construction permits,** the applicant shall submit an erosion and sedimentation control plan for review and approval by the Department of Planning and Building. The plan shall utilize sediment control measures to protect Little Cayucos Creek. Installation of erosion/sediment control devices shall be installed around the perimeter of the construction zone.
- BR-4 During construction,** the applicant shall apply the erosion and sedimentation control measures.

- BR-5** Prior to issuance of construction permits, the applicant shall submit a drainage plan for review and approval by the planning and building department. Installation of filtration devices, designed to remove oil, grease, and other potential pollutants from stormwater runoff shall be required for all storm drains leading to Little Cayucos Creek.
- BR-6** Prior to final inspection, the drainage plan shall be implemented and verified by the department of planning and building.
- BR-7** At the time of building permit application and prior to final inspection, since smoke from fireplaces interfere with monarch butterfly habitat, the department of planning and building shall verify that no fireplaces are allowed and installed.
- BR-8** Prior to issuance of construction permits, the applicant shall submit a landscaping plan including drought tolerance, native, and butterfly friendly landscaping for review and approval by the department of planning and building.
- BR-9** Prior to final inspection, the landscape shall be installed in accordance with the approved landscaping plan shall be installed. All landscaping shall be maintained in a viable condition in perpetuity.
- BR-10** For the life of the project, occupants shall allow trees that die in the vegetation zone to remain for use by cavity-nesting birds and other wildlife, unless the trees are deemed hazardous. No pesticide or herbicide applications of any kind shall be used in the creek/vegetation zone.
- BR-11** Prior to issuance of construction permits, the applicant shall record an open space easement applicable to the individual lots, acceptable to County Counsel, for creek and monarch butterfly habitat protection, per the approved site plan (approximately 15,610 ~~sq~~ *sq ft*).

Monitoring: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Review Section.

Cultural Resources

- CR-1** At the time of submittal of construction permit application, the applicant shall demonstrate that the project foundation design will minimize site disturbance. "side-by-side" comparisons of disturbance and calculations of volume of cultural materials affected shall be submitted for the review and approval by the planning director, to support the foundation design that results in the least disturbance.
- CR-2** Prior to issuance of construction permit, the applicant shall submit to the environmental coordinator (and possibly subject to peer review) for the review and approval, a detailed research design for a phase iii (data recovery)

archaeological investigation. The phase iii program shall be prepared by a subsurface qualified archaeologist approved by the environmental coordinator. The consulting archaeologist responsible for the phase iii program shall be provided with a copy of the previous archaeological investigations (Bertrando; 2002, Lee; 2006), and shall be consistent with phase iii mitigation & monitoring plan (Lee; 2006). The phase iii program shall include at least the following:

- A. Standard archaeological data recovery practices;
- B. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size should be between 2-7% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
- C. Identification of location of sample sites/test units;
- D. Detailed description of sampling techniques and material recovery procedures (e.g. How sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- E. Disposition of collected materials;
- F. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- G. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable plans and implemented during construction.

CR-3 Prior to issuance of construction permit, the applicant shall submit to the environmental coordinator, a letter from the consulting archaeologist indicating that all necessary field work as identified in the phase iii program has been completed.

CR-4 Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the environmental coordinator. The monitoring plan shall include at a minimum:

- 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.

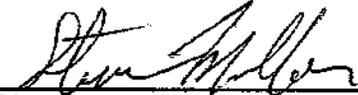
CR-5 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the environmental coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found

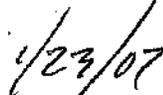
during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the environmental coordinator.

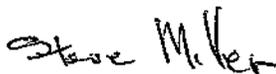
CR-6 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the environmental coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met. [if the analysis included in the phase iii program is not complete by the time final inspection or occupancy will occur, the applicant shall provide to the environmental coordinator, proof of obligation to complete the required analysis].

Monitoring: Compliance will be verified by the Department of Planning and Building in consultation with the Environmental Review Section.

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


Name of Owner - Print