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(nhr/ew)FOR OFFICIAL USE ONLY

COUNTY OF SAN LUIS OBISPO
NOTICE OF DETERMINATION AND
NEGATIVE DECLARATION

ENVIRONMENTAL DETERMINATION NO. ED96-211 DATE: MARCH 15, 1996

PROJECT DESCRIPTION
APPLICANT/ENTITLEMENT: Caruso/Wurtz Development Plan, D940153D
PLANNING AREA: Estero, Cayucos (Coastal Zone)
LAND USE CATEGORY: Commercial Retail
PARCEL SIZE: 9,450 square feet
TOTAL AREA OF DISTURBANCE: Approximately 4,950 square feet
LOCATION: On the northwest corner of Ocean and Cayucos Avenues, in the community of Cayucos
PROPOSED USES/INTENT: A request for a coastal development permit to 1) construct a 9,268-square-foot commercial/office/retail building and 2) improve portions of Ocean Avenue and B Street for off-site parking
APPLICANT: Beverly Wurtz, Cayucos, CA

ENVIRONMENTAL SETTING

TOPOGRAPHY:	Gently sloping
VEGETATION:	Grasses; forbs; one cypress tree
SOIL TYPE:	Crooley clay
SOIL CHARACTERISTICS:	Very poorly drained; moderate erodibility; high shrink-swell potential
GEOLOGIC HAZARDS:	Low landslide potential; moderate to high liquefaction potential
FIRE HAZARD:	Moderate
WATER:	To be provided by Morro Rock Mutual Water Company
SEWAGE DISPOSAL:	To be provided by Cayucos Sanitary District
EXISTING USES:	Real estate office
SURROUNDING USES:	Cass House; commercial uses

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 310, San Luis Obispo, CA 93408-2040, (805) 781-5600.

STATEMENT OF FINDINGS
The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN
On _____ 19____, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denied this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040.

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California Department of Fish and Game

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

PROJECT TITLE & NUMBER: Caruso/Wurtz Development Plan, D7401530

Project Applicant

Name: Neal Caruso + Beverly Wurtz
Address: 690 So. Ocean Ave
City, State, Zip Code: Cayucos, CA 93430
Phone #: (805) 772-4185

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

(✓) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.

( ) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.

( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____

( ) Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Eric N. Wiles
for Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 3-15-96

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COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & Number: Caruso/Warta Development Plan; D940153D

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, surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. 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.

Initial Study Reference and Agency Contacts: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- Project File for the Subject Application
- County General Plan (Inland & Coastal, including all maps & elements)
- County Land Use Ordinance
- Area of Critical Concerns Map
- Fire Hazard Severity Map
- Natural Species Diversity Database
- Areas of Special Biological Importance Map
- Archaeological Resources Map
- Natural Resource Conservation Service, Soil Survey for SLO County
- Flood Hazard Maps
- Airport Land Use Plans
- Other special studies, reports and existing EIRs as appropriate

In addition to the above, the County Planning or Environmental Division has contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted (marked with an "X") or have responded (marked with "XX"):

XX County Engineering Department
___ County Environmental Health Division
___ County Planning Division
___ County Agricultural Commissioner's Office
___ County Airport Manager
___ Airport Land Use Commission
___ Air Pollution Control District
___ County Sheriff's Department
___ CA Department of Fish and Game
___ CA Department of Forestry
___ CA Department of Transportation
___ Regional Water Quality Control Board
___ CA Coastal Commission
___ _____ Community Service District
XX Other Cayucos Citizen Advisory Council, Cayucos Sanitary District, Morro Rock Mutual Water Co., Cayucos Fire Protection District

Checklist Identification of Mitigations for Potential Impacts: The checklist provides the identification and summary of the project's potential environmental impacts. Where potential impacts require mitigation, the following list of mitigations explains how the identified potential environmental impacts can and will be avoided or substantially lessened:

A. The project has been changed to avoid or substantially lessen environmental impacts. Where changes require explanation, the change(s) will be discussed in the Special Environmental Considerations section or attached material following the checklist.

B. The project is subject to standards and requirements of the Land Use Element/Land Use Ordinance and/or other County ordinances that include provisions to avoid or substantially lessen environmental impacts. These provisions are requirements that must be incorporated into the project.

C. The project is subject to state and/or federal regulations, laws and/or requirements that include provisions to avoid or substantially lessen environmental impacts. The project must incorporate the above provisions in order to be in compliance with federal or state law.

D. A special mitigation plan to avoid or lessen environmental impacts has been agreed to by the applicant. This will be noted on the checklist and, if necessary, discussed in an attachment to the checklist.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

		1	2	3	4
I.	BIOLOGICAL RESOURCES				
A.	Wildlife	( )	( )	(✓)	( )
B.	Vegetation	( )	( )	(✓)	( )
C.	Habitat Area	( )	( )	(✓)	( )
D.	Rare and/or Endangered Species	( )	( )	(✓)	( )
E.	Unique or Fragile Biotic Community	( )	( )	( )	(✓)
F.	State Area of Special Biological Importance	( )	( )	( )	(✓)
G.	Riparian/Wetland Area	( )	( )	( )	(✓)
H.	Other: _____	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) Revised Plans; ( ) Designated Building Sites
( ) See Special Environmental Considerations
( ) See Document in file _____

II.	DRAINAGE, EROSION AND SEDIMENTATION				
A.	Increased Storm Water Runoff	( )	( )	(✓)	( )
B.	Erodible Soils/Erosion	( )	( )	(✓)	( )
C.	Poorly Drained Soils	( )	( )	(✓)	( )
D.	Sedimentation	( )	( )	(✓)	( )
E.	Contributes to Existing Drainage Problem	( )	( )	(✓)	( )
F.	Alters Existing Drainage Course or Waterway	( )	( )	(✓)	( )
G.	Other: _____	( )	( )	( )	( )

Mitigation: A ___ B ___ [see LUO sec. 22.05.036 (CZLUO 23.05.036); 22.05.040 (CZLUO 23.05.040)]
C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) Sedimentation & Erosion Control/Drainage Plan
( ) See Special Environmental Considerations
( ) See Document in file _____

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1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

		1	2	3	4
III.	**GEOLOGICAL HAZARDS/SITE ALTERATION**				
A.	Landslide Hazard	( )	( )	( )	(√)
B.	Seismic Hazard	( )	( )	(√)	( )
C.	Topographic Alteration: Grading for Building ___, Driveways ___, Roads ___, Other ___	( )	( )	(√)	( )
D.	Soil Expansion	( )	( )	(√)	( )
E.	Steep Slopes	( )	( )	(√)	( )
F.	Other: _____	( )	( )	( )	( )
		( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) Sed./Erosion Control Plan; ( ) Revised Plans; ( ) Designated Building Sites
( ) See Special Environmental Considerations
( ) See Document in file _____

IV.	**WATER RESOURCES**				
A.	Groundwater Quantity	( )	( )	(√)	( )
B.	Groundwater Quality	( )	( )	(√)	( )
C.	Surface Water Quantity	( )	( )	(√)	( )
D.	Surface Water Quality	( )	( )	(√)	( )
E.	Stream Flow Change	( )	( )	(√)	( )
F.	Change to Estuarine Environment	( )	( )	(√)	( )
G.	Other: _____	( )	( )	( )	( )
		( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) Hydrology Report
( ) See Special Environmental Considerations
( ) See Document in file _____

V.	**POLLUTION**				
A.	Hazardous Materials	( )	( )	(√)	( )
B.	Groundwater Pollution	( )	( )	(√)	( )
C.	Surface Water Pollution	( )	( )	(√)	( )
D.	Increase in Existing Noise Levels	( )	( )	(√)	( )
E.	Exposure of People to Severe Noise Levels	( )	( )	( )	(√)
F.	Substantial Air Emissions	( )	( )	( )	(√)
G.	Deterioration of Ambient Air Quality	( )	( )	(√)	( )
H.	Creation of Objectionable Odors	( )	( )	(√)	( )
I.	Other: _____	( )	( )	( )	( )
		( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) Hydrology/Noise Study
( ) See Special Environmental Considerations
( ) See Document in file _____

1=Potentially Significant Impact
2=Impact Can & Will be Mitigated
3=Insignificant Impact
4=Not Applicable

		1	2	3	4
VI.	**TRAFFIC**				
A.	Increase in Vehicle Trips	( )	( )	(√)	( )
B.	Reduced Levels of Service on Existing Public Roadways	( )	( )	(√)	( )
C.	Limited or Unsafe Access	( )	( )	(√)	( )
D.	Creates Unsafe Conditions on Public Roadways	( )	( )	(√)	( )
*E.	Areawide Traffic Circulation	( )	( )	(√)	( )
*F.	Internal Traffic Circulation	( )	( )	(√)	( )
G.	Other: _____	( )	( )	( )	( )

Mitigation: A ___ B ___ [see Co. Code Title 13.01.010-060; _____ Circulation Fee]
C ___ D ___

*(√) See attached exhibit(s): ( ) Developer's Statement; (√) Agency Response Co. Engineering, Cayucos C.A.C., " Fire.
( ) Traffic Study
( ) See Special Environmental Considerations
( ) See Document in file _____

VII.	**PUBLIC SERVICES**				
*A.	Fire Protection Services	( )	(√)	( )	( )
B.	Police/Sheriff Services	( )	( )	(√)	( )
*C.	Schools	( )	(√)	( )	( )
D.	Community Wastewater	( )	( )	(√)	( )
E.	Community Water Supply	( )	( )	(√)	( )
F.	Solid Waste Disposal	( )	( )	(√)	( )
G.	On-site Wastewater	( )	( )	( )	(√)
H.	On-site Water	( )	( )	( )	(√)
I.	Other: _____	( )	( )	( )	( )

* Mitigation: A ___ B √* (School Fee, Countywide Fee) C √ D ___
(√) See attached exhibit(s): ( ) Developer's Statement; (√) Agency Response Cayucos Fire, Cayucos Sanitary, Morro Rock Mutual Water Co.
( ) Hydrology Report
( ) See Special Environmental Considerations
( ) See Document in file _____

VIII.	**AESTHETIC/CULTURAL RESOURCES**				
A.	Visual Impact from Public Roadway	( )	( )	(√)	( )
B.	Increased Light or Glare	( )	( )	(√)	( )
C.	Alters Important Scenic Vista	( )	( )	(√)	( )
*D.	Archaeological Resources	( )	(√)	( )	( )
*E.	Historic Resources	( )	(√)	( )	( )
F.	Other: _____	( )	( )	( )	( )

* Mitigation: A ___ B √ C ___ D √
(√) See attached exhibit(s): (√) Developer's Statement; ( ) Agency Response _____
( ) Visual Analysis; ( ) Revised Plans; ( ) Landscape Plan; ( ) Designated Building Sites
( ) See Special Environmental Considerations
(√) See Document in file Archaeological reports (need to know basis)

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1=Potentially Significant Impact
2=Impact Can & Will Be Mitigated
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4=Not Applicable

		1	2	3	4
IX.	**HOUSING AND ENERGY**				
A.	Creates Substantial Demand for Housing	( )	( )	(√)	( )
B.	Uses Substantial Amount of Fuel or Energy	( )	( )	(√)	( )
C.	Encourages Growth Beyond Resource Capacities	( )	( )	(√)	( )
D.	Other: _____	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) See Special Environmental Considerations
( ) See Document in file _____

		1	2	3	4
X.	**AGRICULTURAL/MINERAL RESOURCES**				
A.	Eliminates Valuable Mineral Resources	( )	( )	(√)	( )
B.	Prime Agricultural Soils	( )	( )	( )	(√)
C.	Conflicts with Existing Agricultural Area	( )	( )	( )	(√)
D.	Change from Agriculture to Other Uses	( )	( )	( )	(√)
E.	Other: _____	( )	( )	( )	( )

Mitigation: A ___ B ___ C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) See Special Environmental Considerations
( ) See Document in file _____

		1	2	3	4
XI.	**GROWTH INDUCING/CUMULATIVE EFFECTS**				
A.	Growth Inducing Effects	( )	( )	(√)	( )
B.	Precedent for Change in Area Land Use	( )	( )	(√)	( )
C.	Cumulative Effects: _____	( )	( )	(√)	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
	_____	( )	( )	( )	( )
D.	Other: _____	( )	( )	( )	( )

Mitigation: A ___ B ___ (School Fee, Countywide Fee) C ___ D ___
( ) See attached exhibit(s): ( ) Developer's Statement; ( ) Agency Response _____
( ) See Special Environmental Considerations
( ) See Document in file _____

wp51/document/forms/checklist.96
rev. 1/96
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DATE: December 14, 1995
REVISED: March 1, 1996

DEVELOPER'S STATEMENT FOR CARUSO DEVELOPMENT PLAN; D940153D

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. Those 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.

Archaeological Resources

1. **Prior to any ground disturbing activities,** the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to develop a data recovery program. The program shall be designed to recover cultural material and information which will be disturbed and lost as a result of the development of the site. As a minimum, a fifteen percent (15%) sample of all ground disturbance areas shall be hand excavated and analyzed by qualified archaeologists in an effort to obtain a statistically valid sample of historic features and materials. The archaeologist shall document on a map and with photographs the location of the historic vegetation, i.e. geraniums and cypress trees. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first,** the consulting archaeologist shall submit one copy of the archaeologist's final report to the Environmental Coordinator summarizing all monitoring/mitigation activities, describing the artifacts which were unearthed and confirming that all recommended mitigation measures have been met.

> **Monitoring:** A report shall be submitted by the consulting archaeologist. Compliance will be verified by the Environmental Coordinator in consultation with the Department of Planning and Building.

2. **During construction activities,** the applicant shall implement the archaeological mitigation plan (Parker, 1993), attached as Exhibit A, including:

   - Hand excavation of a 15% sample of all ground disturbance areas
   - Monitoring by an archaeologist of all trenching and grading
   - Screening of all soils moved by mechanical grading and trenching

Monitoring: Compliance will be verified by the Department of Planing and Building in consultation with the Environmental Coordinator.

3. **During construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities on the subject property. If any archaeological resources are found during monitoring work shall stop within 150 feet of the resource until such time as the resource can be evaluated by an archaeologist. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first**, the consulting archaeologist shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: A letter shall be submitted by the consulting archaeologist. Compliance will be verified by the Environmental Coordinator in consultation with the Department of Planning and Building.

4. The applicant shall not remove the on-site cypress tree. Construction plans shall clearly delineate the tree and note that it is to remain.

Monitoring: Department of Planning and Building will verify inclusion of required elements on plans. Building inspector will verify compliance with approved plans.

5. The cypress tree to remain on-site shall be marked for protection (e.g., with flagging) and tree protection fencing installed prior to any grading and maintained until construction activity is complete. All recommendations of Art Tonneson, Certified Arborist #199 shall be strictly followed (Exhibit B).

Monitoring: Department of Planning and Building staff will verify compliance.

The applicant understands that any changes made to the project 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

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CARUSO DEVELOPMENT PLAN; D940153D
March 1, 1996
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owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Neal S. Caruso Beverly Wurtz 3-7-96 3-6-96
Signature of Owner(s) Date

NEAL S. CARUSO Beverly Wurtz
Name (Print)