Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. 15-259 **DATE:** August 05, 2016

PROJECT/ENTITLEMENT: Schmitz Minor Use Permit; DRC015-00109

APPLICANT NAME: David Friedberg **Email:** david.friedberg@simoncre.com
ADDRESS: SimonCRE Alpha III, LLC, 6900 E. 2nd Street Scottsdale, AZ 85251
CONTACT PERSON: David Friedberg; david.friedberg@simoncre.com **Telephone:** 480-745-2477

PROPOSED USES/INTENT: A request by DAVID FRIEDBERG for a Minor Use Permit to allow for the construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage. Construction of the project will necessitate demolition of one unoccupied single family dwelling currently located on-site. The project will result in the disturbance of approximately 34,560 square feet on a 0.79 acre parcel. The proposed project is within the Commercial Retail land use category, within the Salinas River sub-area of the North County planning area.

LOCATION: The project is located at 972 K St., on the northeast corner of the intersection at 9th St., within the community of San Miguel.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Wildlife

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

Signature	Kate Shea (kbshea@co.slo.ca.us) Project Manager Name	Date	County of San Luis Obispo Public Agency

Initial Study Summary – Environmental Checklist

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

(ver 5.9)Using Form

Project Title & No. Schmitz Minor Use Permit ED15-259 (DRC2015-00109)

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kate Shea	Kate Shea	8/05/2016
Prepared by (Print)	Signature	Date
Steve McMasters	Ellen Carroll, Environmental Coordinator (for)	8/05/2016
Reviewed by (Print)	Signature	Date

Project Environmental Analysis

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

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

A. PROJECT

DESCRIPTION: Request by DAVID FRIEDBERG for a Minor Use Permit to allow for the construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage. Construction of the project will necessitate demolition of one unoccupied single family dwelling currently located on-site. The project will result in the disturbance of approximately 34,560 square feet on a 0.79 acre parcel. The proposed project is within the Commercial Retail land use category and is located at 972 K St., on the northeast corner of the intersection at 9th St., within the community of San Miguel. The site is within the Salinas River sub-area of the North County planning area.

ASSESSOR PARCEL NUMBER(S): 021-322-004

Latitude: 35 degrees 44' 48" N Longitude: -120 degrees 41' 57 " W **SUPERVISORIAL DISTRICT #** 1

B. EXISTING SETTING

PLAN AREA: North County **SUB**: Salinas River **COMM:** San Miguel

LAND USE CATEGORY: Commercial Retail

COMB. DESIGNATION: Renewable Energy

PARCEL SIZE: 0.79 acres

TOPOGRAPHY: Nearly level

VEGETATION: Grasses

EXISTING USES: Single family residence; Mostly Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

North: Commercial Retail; single-family residence(s) vacant	*East:* Residential Multi-Family; vacant multi-family residences multi-family residences
South: Commercial Retail; vacant	*West:* Commercial Retail; Park & Ride; State Highway 101

C. ENVIRONMENTAL ANALYSIS

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

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Setting. The project site is located in the urban area of San Miguel at the northeast corner of K Street and 9th Street, immediately east of Highway 101's 10th Street off ramp and Park & Ride Lot. Surrounding properties consist of vacant and underutilized parcels designated for commercial retail and residential development. The project site is a level, rectangular parcel of 34,560 square feet currently developed with one small single family residence (to be removed) and is otherwise vacant. On-site vegetation consists of annual grasses and shrubs. The project site is visible from Highway 101 and adjacent local streets; the section of Highway 101 north of the City of Paso Robles to the County line is not designated as a State scenic highway, but is listed as a "suggested scenic corridor" on Table VR-2 of the General Plan Conservation and Open Space Element.

Development within the San Miguel urban area is subject to the County Design Guidelines which are intended to be used by the public and community advisory groups as a reference document for use in designing land development projects, and individual community design plans.

Impact. The project involves the construction of a 9,100 square foot commercial building with parking, landscaping, and associated supporting infrastructure. Although construction of a commercial building in this area would be visible from Highway 101, project impacts to aesthetic and visual resources is considered a less than significant impact because:

- The building is comparable to the size, massing, scale and character of other small commercial buildings in San Miguel.

- The project is subject to Minor Use Permit approval where project consistency with the County's Design Guidelines will be assessed.
- The building will not silhouette against a ridgeline and will be screened by landscaping;
- No trees or other significant vegetation will be removed to construct the commercial building;
- Traffic levels on K Street and 9th Street are very low and the opportunity for public views to be adversely impacted in San Miguel are correspondingly low.
- The project will be conditioned to require exterior lighting that meets county regulations with regard to off-site glare.

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) Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?	☐	☐	☐	☒
b) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☐	☒
c) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☐	☒
d) Conflict with existing zoning for agricultural use, or Williamson Act program?	☐	☐	☐	☒
e) Other: _____	☐	☐	☐	☒

Setting. The project site is located within the urban area of San Miguel on a 34,560 square foot commercial parcel surrounded by parcels designated for commercial retail and residential development.

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.

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) *Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?*	☐	☐	☒	☐
b) *Expose any sensitive receptor to substantial air pollutant concentrations?*	☐	☒	☐	☐
c) *Create or subject individuals to objectionable odors?*	☐	☐	☒	☐
d) *Be inconsistent with the District's Clean Air Plan?*	☐	☐	☒	☐
e) *Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?*	☐	☐	☒	☐
GREENHOUSE GASES				
f) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*	☐	☐	☒	☐
g) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*	☐	☐	☒	☐
h) *Other:* _____	☐	☐	☐	☐

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

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels.

This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

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

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

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO2/year (MT CO2e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

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

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

Impact.

The project raises the following air quality concerns: the potential for the presence of naturally occurring asbestos on the project site; compliance with relevant regulations associated with the removal of one existing building and associated utility pipes; and potential impacts to sensitive receptors from fugitive dust and emissions associated with idling diesel engines. The project is expected to generate operational emissions that fall below the APCDs thresholds of significance.

Asbestos. According to the APCD web map, the project site is not located in a candidate area with the potential presence of naturally occurring asbestos (NOA). However, the existing residence has not been tested for the presence of asbestos or other hazardous building materials which could be encountered during demolition activities. Accordingly, demolition activities may be required to demonstrate compliance with relevant provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) notification to the APCD, 2) an asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.

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

Construction Impacts. The project would result in the construction of a single 9,100 square foot commercial building, and will result in the disturbance of approximately 34,560 square feet. No cut or fill will be required for grading operations. Street improvements, site preparation, and building construction will result in short-term emission impacts. Construction activities will generate exhaust emissions from construction equipment and vehicles, and particulate matter (fugitive dust) from earth disturbance.

Table 2 compares the estimated construction emissions modeled using the California Emission Estimator Model (CalEEMod) with the APCD thresholds of significance shown in Table 1. Table 2 suggests that construction related emissions will not exceed the APCD 137 lbs/day threshold for ozone precursors and will not exceed the daily thresholds for diesel particulates. The project is not expected to exceed the quarterly Tier 1 or Tier 2 thresholds for all pollutants.

Table 1 – Thresholds of Significance for Construction

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG+NOx (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM10), Dust[2]		2.5 tons	
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions		

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

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM10 quarterly threshold.

Table 2 – Comparison of Project Construction Emissions With Thresholds of Significance

Pollutant	Maximum Daily Emissions		Maximum Quarterly Tier 1 Emissions[2]		Maximum Quarterly Tier 2 Emissions[2]	
	Threshold	Project Emissions[1]	Threshold	Project Emissions[1]	Threshold	Project Emissions[1]
ROG+NOx (combined)	137 lbs	70.4 lbs per day	2.5 tons	0.66 tons	6.3 tons	0.66 tons
Diesel Particulate Matter	7 lbs	3.39 lbs per day	0.13 tons	0.079 tons	0.32 tons	0.079 tons
Fugitive Particulate Matter (PM10 and PM2.5), Dust		1.11 lbs. per day	2.5 tons	0.0017 tons		0.0017 tons
Greenhouse Gases (CO2, CH4, N2O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions					

Source: SLO County 2012 APCD CEQA Air Quality Handbook, page 2-2.
Notes:

1. CalEEMOD v.2013.2.2
2. Model results and calculations are provided in Exhibit A.

Operational Impacts. The APCD CEQA Air Quality Handbook (2012) provides screening criteria for determining the significance of operational impacts. According to Table 1-1 of the Handbook, a free standing discount store of 25,000 square feet or larger would likely result in the emission of ozone precursors that would require further modeling and potential mitigation. In this case the project consists of a single 9,100 square foot commercial building which falls well below the threshold for significance.

Greenhouse Gases The project will accommodate a level of development for the site that was anticipated by the Clean Air Plan. As discussed above, motor vehicle trips associated with operation of the project are expected to generate emissions that fall below the APCD threshold for operational impacts. With regard to greenhouse gas emissions, using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this project's emissions fall under the threshold, no mitigation is required.

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

Cumulative Impacts. With mitigation, the project will not generate emissions exceeding identified thresholds. Therefore, the project will not result in a cumulatively considerable net increase of fugitive dust or ozone precursors.

Odors. Based on the project description, the project is not expected to result in significant odor impacts to surrounding residents.

Mitigation/Conclusion. With incorporation of the following mitigation measures, air quality impacts will be less than significant:

AQ-1 **Prior to issuance of a demolition permit**, the project proponent shall demonstrate compliance with applicable provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

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

a. Reduce the amount of disturbed area where possible,
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
f. All dirt stock-pile areas should be sprayed daily as needed.

AQ-3 **During construction activities**. Construction Equipment. The project proponent shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;

b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for sue off-road);

c. Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-4 To help reduce sensitive receptor emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operations on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

   1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and

   2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-road Diesel regulation.

c. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit.

AQ-5 No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

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

*** Species – as defined in Section15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.**

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

On-site Vegetation: Scrub grass, saltbush scrub

Name and distance from blue line creek(s): None

Habitat(s): Wild oat grassland

Site's tree canopy coverage: Approximately 0%

The Natural Diversity Database identified the following species potentially existing within approximately one mile of the proposed project:

Vegetation:

Kellogg's horkelia (*Horkelia cuneata var. sericea*) List 1B

The project is potentially within an area known to support the Kellogg's horkelia *(Horkelia cuneata var.sericea)*. This perennial herb is found on sandy or gravelly soils in closed cone coniferous forest, chaparral and coastal scrub habitats (Tibor 2001) at elevations between 10 and 200 meters (30 ft to 660 ft). The typical blooming period is April-September. The Kellogg's horkelia is considered extremely rare by CNPS (List 1B, 3-3-3). No suitable habitat exists on the project site.

Lemmon's jewelflower (*Caulanthus lemmonii*) List 1B

The potential for the Lemmon's jewelflower (*Caulanthus lemmonii*) has been identified about 0.80 miles to the south. This annual herb is generally found in pinyon and juniper woodland and valley and foothill grassland areas between the 80 and 1,220-meter elevation (260 to 4,265 feet). It has a blooming period of March-May. The Lemmon's jewelflower is considered

rare by CNPS (List 1B, RED 2-2-3). No suitable habitat exists on the project site.

Shining navarretia (*Navarretia nigelliformis ssp. radians*) List 1B

The project is potentially within an area known to support the shining navarretia (*Navarretia nigelliformis ssp. radians*). This annual herb is found in cismontane woodland, valley and foothill grasslands and vernal pool areas between the 200 and 1000-meter elevations (650 to 3,280 feet). The typical blooming period is May-July. The shining navarretia is considered rare by CNPS (List 1B, RED 2-2-3). No suitable habitat exists on the project site.

Wildlife:

San Joaquin pocket mouse (*Perognathus inornatus*)

The potential for the San Joaquin pocket mouse *(Perognathus inornatus)* has been identified about 0.80 miles to the south. The San Joaquin pocket mouse is a California species of special concern. It is a small buff-orange colored mouse, with darker hairs on the back. It also has short ears with a patch of lighter hair at their base, a hind foot with hair on the sole, and a long tail covered with hair. The pocket mouse eats grass, forbs, and shrub seeds and soft bodied insects, such as cutworms and grasshoppers. Breeding season occurs from March to July.

Pallid bat (*Antrozous pallidus)*

The potential for the pallid bat *(Antrozous pallidus)* has been identified about 0.54 miles to the northeast. Due to their rarity in California, these bats are a California Species of Special Concern. The pallid bat is a large-eared, light colored bat of western North America. This species roosts colonially in caves, mines, crevices, and abandoned buildings. The pallid bat is usually found in rocky, mountainous areas, and near water. They are also found over more open, sparsely vegetated grasslands, and they seem to prefer to forage in the open. They rarely catch flying insects; instead, they usually capture their prey on foliage or the ground. The pallid bat has three different roosts. The day roost is usually in a warm, horizontal opening such as in attics or rock cracks; the night roost is usually in the open, near foliage; and the hibernation roost, which is often in buildings, caves, or cracks in rocks (Miller,2002). No native suitable habitat exists on the project site, however, the site includes one unoccupied residential structure that will be demolished prior to construction of the project.

San Joaquin kit fox *(Vulpes macrotis mutica)* FE, ST

The area is designated as San Joaquin kit fox habitat. The San Joaquin kit fox is Federal Endangered and California Threatened. They reside in arid regions of the southern half of the state (Grinnell et al. 1937, Wilson and Ruff 1999:150). This usually nocturnal mammal lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Kit foxes primarily are carnivorous, subsisting on black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, and some birds, bird eggs, and vegetation (Egoscue 1962, Laughrin 1970, Morrell 1971, 1972, Orloff et al. 1986). Their cover is provided by dens they dig in open, level areas with loose-textured, sandy and loamy soils (Laughrin 1970, Morrell 1972). Pups are born in these dens in February through April. Pups are weaned at about 4-5 months and may not require a source of drinking water. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much of their habitat. Kit foxes are vulnerable to many human activities, such as hunting, use of rodenticides and other poisons, off-road vehicles, and trapping.

Impact. The project site consists of a combination of one existing residence, a previously graded pad and undeveloped, regularly mowed grasses. There is no indication of habitat suitable for supporting

sensitive plant or animal species. However, development of the project site could result in a cumulatively considerable impact related to the loss of habitat for San Joaquin Kit Fox. Based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the San Miguel area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 4:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 4 acres conserved for each acre impacted (4:1). The project will result in the permanent disturbance of 0.79 acres of kit fox habitat.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. A Kit Fox Habitat Evaluation was prepared for the project site (Dudek, May 13, 2016) and was reviewed by the California Department of Fish and Wildlife(CDF&W) environmental scientist Brandon Sanderon. CDF&W adjusted the Evaluation's score, which resulted in a 2:1 mitigation ratio determination, and offered concurrence (June 16, 2016). The Evaluation, as adjusted and approved by CDF&W, concluded that the project site qualifies for reduced mitigation ratio of 2:1, which requires that a total compensatory acreage of 1.58 (0.79 acres multiplied by a 2:1 ratio) be mitigated.

Construction of the project will necessitate demolition of one unoccupied single family dwelling currently located on-site, which could potentially be used for roosting pallid bats.

The project site does not support any other sensitive native vegetation, significant wildlife habitats, or special status species.

Mitigation/Conclusion. No significant biological impacts are expected to occur to Kellogg's horkelia, Lemmon's jewelflower, Shining navarretia, San Joaquin pocket mouse, or pallid bat, and no mitigation measures are necessary.

With regards to the San Joaquin Kit Fox, the applicant will be required to mitigate the loss of **1.58** acres of kit fox habitat by one of the following ways:

- ✓ Deposit of funds to an approved in-lieu fee program;
- ✓ provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or
- ✓ purchase credits in an approved conservation bank.

To prevent inadvertent harm to kit fox and/or pallid bat, the applicant has agreed to retain a biologist for pre-construction surveys, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures.

These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table. Implementation of the above measures will mitigate biological impacts to a level of insignificance.

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

Cultural Resources

Setting. The project is located in an area historically occupied by the Salinan Tribe. The project site is located witin a culturally-sensitive area based on proximity to the Mission San Miguel Arcangel. No historic structures are present on the project site and no paleontological resources are known to exist in the area.

The project is not located in a designated Archaeologically Sensitive combining designation area. However the location is in close proximity to the Mission San Miguel Arcangel; is considered culturally sensitive; and archaeological resources are known to exist in the area. Accordingly, a Phase I archaeological survey of the project site was prepared in April 2016 (Dudek, April 13, 2016). The study includes a records search and an archaeological field survey of the project area with participation of a Native American monitor (Manual Segobia, Salinan Tribe of Monterey) & San Luis Obispo Counties).

In order to meet AB52 Cultural Resources requirements, outreach to four Native American tribes groups has been conducted (Salinan Tribe of Monterey & San Luis Obispo Counties, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). Comments were received from Xolon Salinan Tribe on May 5, 2016, which recommended a Phase I archaeological survey be conducted for the project site.

Impact. An archaeological field survey of the project site was conducted on April 6, 2016 with participation of a Native American monitor in preparation of the Phase I archaeological survey (Dudek, April 13, 2016). No evidence of cultural resources was noted on the property. However, the survey notes that four previously recorded cultural resources were identified within one-half mile of the project. Given the proximity of the Mission San Miguel Arcangel to the project site, the survey concluded that there is a moderate-to-high potential for cultural resources within the vicinity. Ground disturbing activities associated with project construction may result in the exposure of previously undiscovered cultural resources.

Mitigation/Conclusion. The Phase I study recommends that archaeological and Native American monitors be present for ground disturbing activities. With incorporation of the following mitigation measures, potential impacts to cultural resources can be minimized or mitigated to a level less than significant:

CR-1 **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing

activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Inclusion of involvement of the Native American community, as appropriate;

c. Description of how the monitoring shall occur;

d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);

e. Description of what resources are expected to be encountered;

f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);

g. Description of procedures for halting work on the site and notification procedures; and

h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan **during construction**. A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy.**

CR-2

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-3 **Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/ mitigation activities, and prior to final inspection/ occupancy,** the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended measures have been met.

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

* Per Division of Mines and Geology Special Publication #42

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

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Low

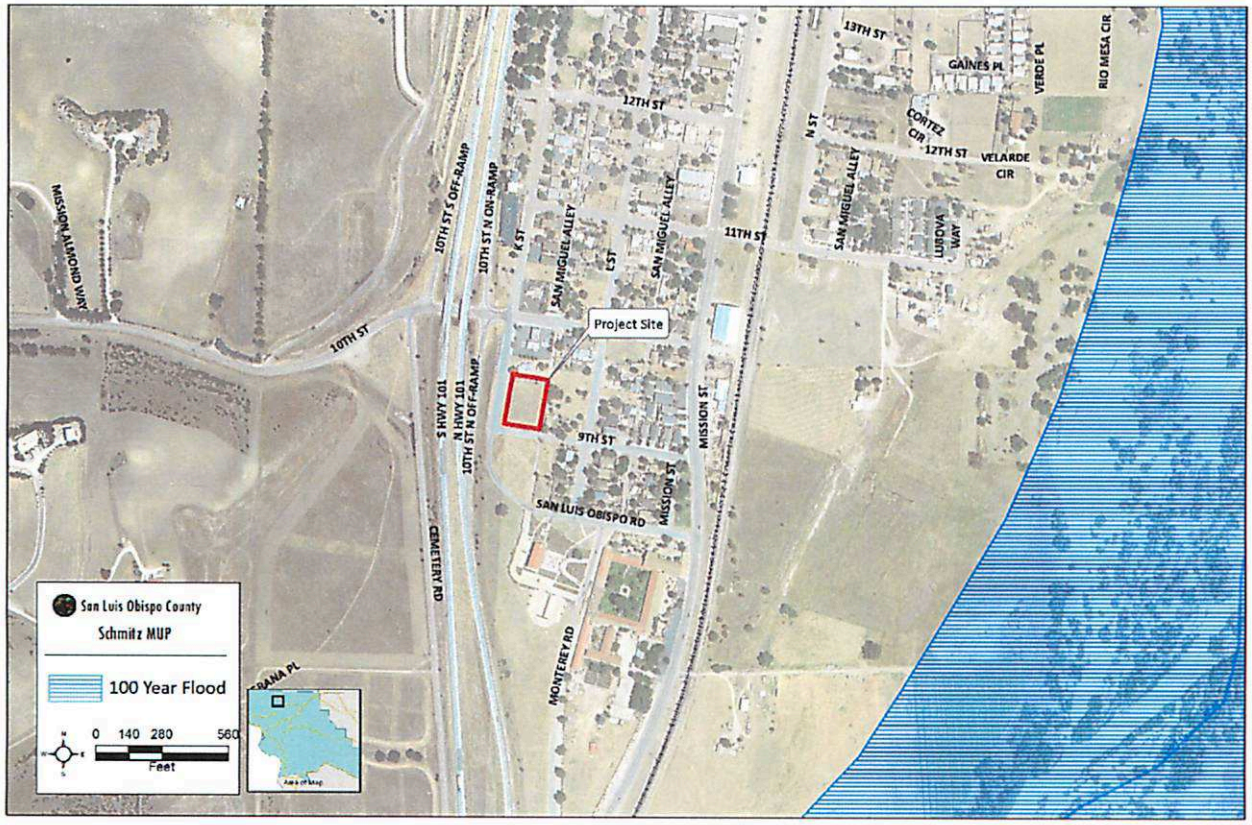
Other notable geologic features? None The soil type(s) and characteristics on the subject property include:

Arbuckle fine sandy loam (2 - 9% slope) - This gently sloping coarse loamy soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

Geology - The topography of the project site is level. The project site lies outside of the Geologic Study Area designation. Liquefaction potential during a ground-shaking event is considered moderate. The project is not within an area known to contain serpentine or ultramafic rock or soils.

Drainage – No part of the project is within the 100-year Flood Hazard designation (Figure 1). As described in the Natural Resource Conservation Service (NRCS) Soil Survey, the soil is considered very poorly drained. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO) Section 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.

Figure 1 -- Project In Relation to 100-Year Flood Plain



Sedimentation and Erosion - As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and low shrink-swell characteristics. 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. The project site is just under one acre.

Impact. The intensification of impervious surfaces on the project site will increase the volume and velocity of runoff generated by the site compared with existing conditions. As discussed in the project description, the project will result in the disturbance of approximately 34,560 square feet. Based on the NRCS soil survey, soils covering the project site exhibit a low susceptibility for erosion. Compliance with relevant provisions of the Building Code and Land Use Ordinance (described in the Setting, above) will address potential impacts to erosion. The project includes a grading and drainage

plan which shows project runoff will be detained on-site and meted to the street in accordance with County regulations.

Mitigation/Conclusion. Preparation of grading and drainage plan and compliance with relevant provisions of the California Building Code will prevent offsite erosion. There is no evidence that measures above what will already be required by ordinance or codes are needed.

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

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
j) Other: _____	☐	☐	☐	☒

Setting. The State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with the siting requirements prescribed by federal, State, and local regulations relating to hazardous materials sites. A search of the Cortese database conducted in May, 2016 revealed no active sites in the vicinity, including the project site. Two sites have been remediated in the general proximity: 998 K Street, and 101 K Street. The project is not within an Airport Review area.

The project site is within the urban area of San Miguel and is therefore in an area that is not mapped for fire hazard by CalFIRE. It will take approximately 5 minutes to respond to a call regarding fire or life safety from San Miguel Fire Station located at 1150 Mission Street in San Miguel. Refer to the Public Services section for further discussion of fire safety impacts.

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

The project is required to comply with the California Building Code and Fire Code. Regarding road safety impacts, the project has been reviewed by County Public Works, which is discussed further in the Transportation section.

Mitigation/Conclusion. The project is not expected to conflict with any regional emergency response or evacuation plan. 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) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☐	☒
f) Other: _____	☐	☐	☐	☒

Setting. The project site is located in an urban area where general commercial uses and single-family residences on individual lots are the prevailing land uses. Sensitive noise receptors in the vicinity include single family residences on lots ranging in size from 2,500 to 6,000 square feet. The project site is immediately east of: the Highway 101 corridor, the 10th Street off ramp, and a Park & Ride Lot area, which are sources of transportation noise. The Noise Element includes projections for future noise levels from known stationary and vehicle-generated noise sources. According to the Noise Element, the project lies within an area where future noise levels are expected to increase as a result of highway noise.

The Noise Element does not establish thresholds for acceptable exterior noise levels for commercial land uses. According to the Noise Element Appendix A, the project site lies within an area exposed to 65 dB.

Impact.

Construction Impacts. Construction activities may involve the use of heavy equipment for grading, and for the delivery and removal of materials to and from the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. The nearest dwellings are adjacent to the project site on K Street and 9th Street. Therefore, construction activities could result in temporary adverse noise impacts to surrounding residences. County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

Operational Impacts. With regard to transportation-related noise sources, all roads serving the project site are expected to continue to carry low traffic volumes. Although the project site lies within the projected 65 decibel contour for US Highway 101, a retail business is not considered a sensitive land use. Therefore, potential impacts of noise exposure from transportation sources are considered less

than significant.

Following construction, noise generated by the project would be comparable to the background noise generated by surrounding residences.

Mitigation/Conclusion. Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. No additional mitigation measures are recommended.

9. POPULATION/HOUSING *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

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

Impact. Based on the project description (a 9,100 square foot retail commercial building), the project will not result in a need for a significant amount of new housing. The project will necessitate the removal of one existing single family dwelling.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project is required to off-set the loss of affordable housing stock by payment of the housing impact fee applicable to commercial projects. No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES *Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	☐	☐	☒	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☐	☒
g) Other: _____	☐	☐	☐	☒

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

Police: County Sheriff Location: Templeton (Approximately 13 miles to the south)

Fire: Community Service District San Miguel Hazard Severity: low Response Time: 5-10 minutes

Location: San Miguel Local Response Area; less than one mile.

School District: San Miguel Joint Union Elementary School District.

Setting. Water and wastewater services will be provided by the San Miguel Community Services District (CSD). Police protection is provided by the County Sheriff station at 356 Main Street in Templeton, about ten miles to the south. The nearest fire station is located at 1159 Mission Street in San Miguel. Emergency response times to the project site for fire protection are about 5 minutes; response times for police protection can be up to 15 minutes. The project is located within the San Miguel Joint Union Elementary School District.

Impact. According to the 2012-2014 Resource Summary Report, there are no levels of severity recommended for wastewater collection and treatment, or schools for the project area. However, the San Miguel CSD derives its water supply from the Paso Robles groundwater basin which has been assigned a Level of Severity III. Accordingly, the project is subject to the adopted water conservation requirements of the Countywide Water Conservation Program which requires all new development in the Paso Robles Groundwater Basin Area to be water neutral (see Section 14 below, Water and Hydrology). The project received a will-serve letter from the San Miguel CSD for water supply and wastewater treatment on April 12, 2016.

To alleviate the demand for new or expanded public facilities caused by development, the County has adopted development impact fees in accordance with Government Code Section 66000 et seq.. Under this program private development is required to pay a fee that is proportional to the incremental demand for a particular facility needed to serve such development. The amount of the fees must be justified by a supporting study (fee justification study) which identifies the new or expanded facilities needed to serve expected demand into the future and apportions these costs to new development. New development is required to pay the appropriate fees for new or expanded public facilities commensurate with the type and size of development. The project's direct and cumulative impacts are within the general assumptions for allowable uses for the subject property that was used to estimate

the county's impact fees. The project will be required to incorporate required fire protection measures in compliance with existing regulations. Project impacts to area roadways is discussed in Section 12, Transportation/Circulation.

Mitigation/Conclusion. Regarding cumulative effects, public facility (County) and school (State Government Code 65995 et seq.) fee programs have been adopted which will reduce the cumulative impacts to less than significant levels.

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

Setting. Community parks and open space serving the project site include San Miguel Park and the Wolf Natural Area. Schools also provide recreation amenities to the community. The County has adopted a Trails Plan for the purpose of establishing a trail system serving the unincorporated areas of the County. The Trails Plan does not show any trails affecting the project site.

Impact. As discussed in Section 9, Population and Housing, no significant additional population is expected to be attracted to the County as a result of the project. The project will not create a significant additional demand for park, natural area, and/or recreational resources.

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

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

Setting. The County has established the acceptable Level of Service (LOS) on roads serving urban areas of the unincorporated county as LOS "D". The existing road network serving the project and surrounding neighborhood include K Street, 9th Street, and Mission Street all of which are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance for roads serving the project is considered acceptable.

Impact.

Construction Impacts. Construction related traffic will increase during the morning and afternoon peak hours on surrounding roads serving the project site. Based on the project application materials, it is expected that as many as 10 workers may be arriving and leaving the project site on a typical construction work day. The temporary increase in traffic is not expected to reduce the currently-acceptable level of service.

Operational Impacts. Project plans show a single driveway entrance on K Street providing access to parking stalls arranged in front of the building and along the north side of the project site where the a loading area is provided. Parking is provided for 28 vehicles which is two more than the LUO requirement; two of the spaces are ADA accessible.

The project is estimated to generate a net increase of about 521 trips per day (about 52 during the peak hour) based on the Institute of Traffic Engineer's manual for a 9100-square-foot stand-alone general retail store. Given the small size and remote location of the project, this estimate likely overstates the actual trip generation. However, this amount of additional traffic is not expected to result in a significant change to the existing road service levels. The proposed project is not located within the San Miguel Road Fee Area.

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

Mitigation/Conclusion. No traffic-related concerns were identified. The project will be required to construct frontage improvements on K Street and 9th Street. Construction of roadway improvements included in the project plans will ensure traffic impacts remain less than significant.

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

Setting. The project will be served by San Miguel Community Services District for wastewater collection and disposal.

Impact. According to the 2012-2014 Resource Summary Report, the District is currently (2014) operating at about 21% of treatment capacity. The collection system is currently operating at acceptable levels.

Mitigation/Conclusion. The project received a will-serve letter from the San Miguel CSD in April, 2016 for wastewater. Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary. Potential wastewater impacts are considered less than significant.

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

Setting. The project is within the service area of the San Miguel Community Services District (CSD) which provides water service for approximately 2,400 people from groundwater derived from the Paso Robles groundwater basin. According to the 2012-2014 Resource Summary Report a Level of Severity III exists for water supply within the Paso Robles groundwater basin. The project is subject to the adopted water conservation requirements of the Countywide Water Conservation Program adopted by the County Board of Supervisors in October 2015 (Resolution 2015-288). This program requires all new development in the Paso Robles Groundwater Basin Area to be water neutral through water use offset requirements. . The project received a will-serve letter for water from the San Miguel CSD in April, 2016.

The topography of the project is nearly level. The closest creek from the proposed development is

approximately 1 mile away (Salinas River). As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

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

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

Within the 100-year Flood Hazard designation? No

Closest creek? Salinas River Distance? Approximately 1 mile

Soil drainage characteristics: Moderately drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance Section 22.52.110 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. According to the Public Works Department, a complete drainage plan is required.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. As described in the NRCS Soil Survey, the project's soil erodibility is as follows:

Soil erodibility: Low

Impact – Water Quality/Hydrology

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

- ✓ Approximately 34,560 square feet of site disturbance is proposed;
- ✓ The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ The project is not on highly erodible soils;
- ✓ The project is not within a 100-year Flood Hazard designation;
- ✓ The project is more than 100 feet from the closest creek or surface water body;
- ✓ All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- ✓ Parking area drainage inlets will be fitted with hydrocarbon filters;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]);
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

The project incorporates a stormwater retention system in the parking area where runoff will be collected, stored and discharged to the curb. The system has been sized to accommodate the runoff volume produced by the 50-year, 2-hour storm event and to bleed off at a discharge rate equal to the 10-year, 2-hour storm event peak flow.

The project was referred to the Public Works Department. According to their comments, the project

meets the applicability criteria outlined in the Land Use Ordinance for Storm Water Management; therefore, the project was required to submit a Storm Water Control Plan Application and Coversheet.

Impact -- Water Quantity

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

Indoor:	0.55 acre feet/year (AFY);
Outdoor:	0.42 AFY for outdoor landscaping
Total Use:	0.97 AFY

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

The project is subject to the water conservation requirements of the Countywide Water Conservation Program which requires all new development in the Paso Robles Groundwater Basin Area to be water neutral through water use offset requirements for new building construction. The Building and Construction Ordinance Title 19 Section 19.07.042 includes water conservation provisions that will require the applicant to obtain water offset clearance with building permit issuance that verifies new water use has been offset a 1:1 ratio. The project received a will-serve letter for water from the CSD in April, 2016.

Mitigation/Conclusion. As specified above for water quality, existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. Based on the proposed amount of water to be used and the water source, impacts to water supply are considered less than significant with implementation of existing plumbing code requirements, ordinances, and the following mitigation measures:

W-1 At the time of application for construction permits, the applicant shall submit a landscape and irrigation plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. All landscaping shall be drought tolerant and use drip irrigation for watering purposes.

W-2 Prior to occupancy or final inspection whichever occurs first, the applicant shall implement the final approved landscape plan.

W-3 Prior to issuance of a construction permit, the applicant shall obtain an Offset Clearance from the Department of Planning and Building verifying that new net water use has been offset at a 1:1 ratio. Water savings must come from the Paso Robles groundwater basin, and in compliance with the Water Conservation Provisions of Title 19.07.042.

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

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

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

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

16. MANDATORY FINDINGS OF SIGNIFICANCE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.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 Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

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

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

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

☒ Project File for the Subject Application

County documents

☐ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☐ Agriculture Element
  - ☐ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element

☒ Land Use Ordinance (Inland)
☐ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☐ Energy Wise Plan
☒ North County Area Plan/Salinas River SA and Update EIR
☐ Design Plan
☐ Specific Plan
☒ Annual Resource Summary Report
☐ Circulation Study

Other documents

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

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

TTG Engineers, May 2016. *Preliminary Drainage Report for the Commercial/Retail Development 972 K Street, San Miguel CA.*

Dudek, April 2016. *Cultural Resources Report for 972 K Street, San Miguel CA.*

Dudek, May 2016. *San Joaquin Kit Fox Evalutation for 972 K Street, San Miguel CA.*

Cortese List. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

Exhibit B - Mitigation Summary Table

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

Air Quality

AQ-1 **Prior to issuance of a demolition permit**, the project proponent shall demonstrate compliance with applicable provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

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

a. Reduce the amount of disturbed area where possible,
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
f. All dirt stock-pile areas should be sprayed daily as needed.

AQ-3 **During construction activities**. Construction Equipment. The project proponent shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for sue off-road);
c. Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
i. Electrify equipment when feasible;
j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-4 To help reduce sensitive receptor emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operations on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

    1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
    2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-road Diesel regulation.
c. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit.

AQ-5 No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Biological Resources

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

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **1.58** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the

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

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

   Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total **$3,950.00.** This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase **1.58** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

   At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **1.58** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

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

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

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

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

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

   1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
      a) Potential kit fox den: 50 feet
      b) Known or active kit fox den: 100 feet
      c) Kit fox pupping den: 150 feet

   2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

   3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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

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

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

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

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

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

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

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

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

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

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-12 Prior to issuance of demolition permit and within 15 days prior to initiation of demolition of the existing structure, the applicant shall retain a County-qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct a pre-demolition survey for sensitive bat species, including pallid bat, within the existing structure and project site. The biologist shall submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any sensitive bat activity within the project limits.

Cultural Resources

CR-1 Prior to issuance of construction permits, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

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

h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan **during construction**. A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy.**

CR-2 **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. 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.

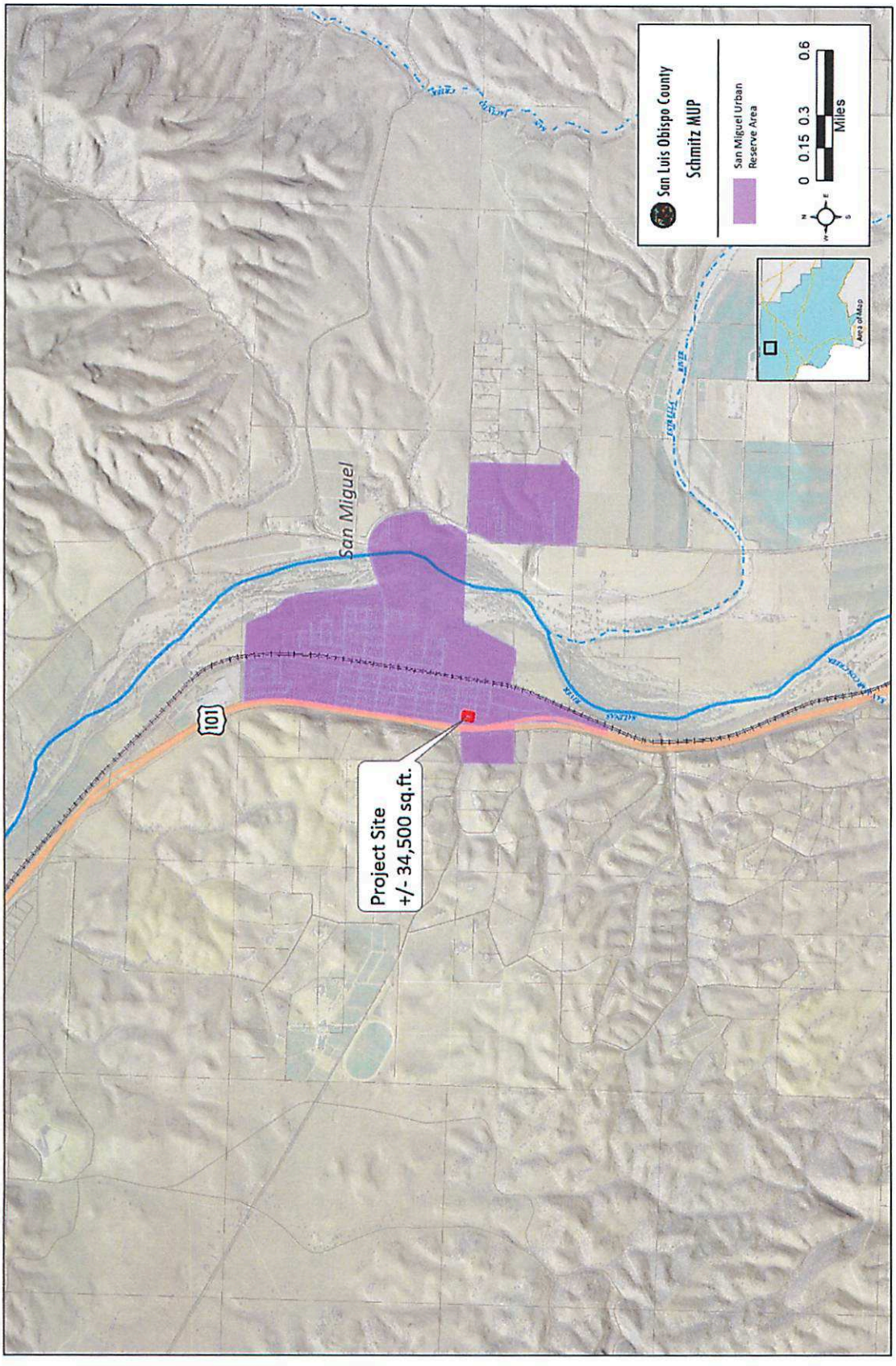
CR-3 **Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/ mitigation activities, and prior to final inspection/ occupancy**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended measures have been met.

Water Supply

W-1 **At the time of application for construction permits**, the applicant shall submit a landscape and irrigation plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. All landscaping shall be drought tolerant and use drip irrigation for watering purposes.

W-2 **Prior to occupancy or final inspection** whichever occurs first, the applicant shall implement the final approved landscape plan.

W-3 **Prior to issuance of a construction permit,** the applicant shall obtain an Offset Clearance from the Department of Planning and Building verifying that new net water use has been offset at a 1:1 ratio. Water savings must come from the Paso Robles groundwater basin, and in compliance with the Water Conservation Provisions of Title 19.07.042.


San Luis Obispo County
Schmitz MUP
San Miguel Urban Reserve Area
0 0.15 0.3 0.6
Miles
Area of Map
San Miguel
101
Project Site
+/- 34,500 sq.ft.

DATE: July 29, 2016

DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR SCHMITZ MINOR USE PERMIT ED15-022 (DRC2015-00109)

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

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

Project Description: Request by DAVID FRIEDBERG for a Minor Use Permit to allow for the construction of a 9,100 square-foot (sf) general retail store and related site infrastructure, including associated parking, landscaping, lighting, and storm drainage. The project will result in the disturbance of approximately 34,560 square feet on a 0.79 acre parcel. The proposed project is within the Commercial Retail land use category and is located at 972 K St., within the community of San Miguel. The site is within the Salinas River sub-area of the North County planning area.

Air Quality

AQ-1 **Prior to issuance of a demolition permit** for the existing structure, the project proponent shall demonstrate compliance with applicable provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

Monitoring (Mitigation Measure AQ-1): Required prior to issuance of a demolition permit. Compliance will be verified by the County Department of Planning and Building.

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

a. Reduce the amount of disturbed area where possible,
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.

c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
f. All dirt stock-pile areas should be sprayed daily as needed.

AQ-3 **During construction activities**. Construction Equipment. The project proponent shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.

a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for sue off-road);
c. Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
i. Electrify equipment when feasible;
j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

AQ-4 To help reduce sensitive receptor emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

<u>California Diesel Idling Regulations</u>

a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operations on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-road Diesel regulation.

c. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit.

AQ-5 No developmental burning is allowed unless an application is filed and a burn permit is issued by the Air Pollution Control District (APCD). The application shall include the justification for burning greenwaste material on the project site as well as two written estimates for chipping, grinding, or hauling the greenwaste.

Monitoring: (Mitigation Measures AQ-1 to AQ-5) Required to be included on construction plans prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

Biological Resources

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

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **1.58** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects if this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.
Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement

between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total **$3,950.00.** This fee is calculated based on the current cost-per-unit of $2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase **1.58** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.
At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **1.58** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

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

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction,** the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly

monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities,** if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.
If incidental take of kit fox during project activities is possible, **before project activities commence,** the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

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

1. **Within 30 days prior to initiation of site disturbance and/or construction,** fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
   a) Potential kit fox den: 50 feet
   b) Known or active kit fox den: 100 feet
   c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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

project site **within 30 days prior to initiation of site disturbance and/or construction.**

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

Monitoring (San Joaquin Kit Fox Measures BR-1 to BR-3): Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building in consultation with the California Department of Fish and Wildlife. As applicable, each of these measures shall be included on construction plans.

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

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

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

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

BR-8 **During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such

animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

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

BR-10 **During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.

Monitoring (San Joaquin Kit Fox Measures BR-4 – BR-10): Compliance will be verified by the County Department of Planning and Building in consultation with the California Department of Fish and Wildlife. As applicable, each of these measures shall be included on construction plans.

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

a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
c. Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

Monitoring (Mitigation Measure BR-11): Required prior to final inspection. Compliance will be verified by the County Department of Planning and Building.

BR-12 **Prior to issuance of demolition permit and within 15 days prior to initiation of demolition** of the existing structure, the applicant shall retain a County-qualified biologist, holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct a pre-demolition survey for sensitive bat species, including pallid bat, within the existing structure and project site. The biologist shall submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any sensitive bat activity within the project

limits.

Monitoring (Pallid Bat Measure BR-12): Required prior to issuance of a demolition permit. Compliance will be verified by the County Department of Planning and Building in consultation with the California Department of Fish and Wildlife. As applicable, this measure shall be included on construction plans.

Cultural Resources

CR-1 **Prior to issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Inclusion of involvement of the Native American community, as appropriate;

c. Description of how the monitoring shall occur;

d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);

e. Description of what resources are expected to be encountered;

f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);

g. Description of procedures for halting work on the site and notification procedures; and

h. Description of monitoring reporting procedures.

Crew Education. The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The archaeologist shall verify implementation of the Plan **during construction**. A final report on compliance shall be submitted by the archaeologist **prior to final inspection/occupancy.**

DATE: July 29, 2016

Monitoring (Mitigation Measure CR-1): Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

CR-2 **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. 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-3 **Cultural Resource Monitoring – Completion Report. Upon completion of all monitoring/ mitigation activities, and prior to final inspection/ occupancy**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended measures have been met.

Monitoring (Mitigation Measure CR-2): Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

Water Supply

W-1 **At the time of application for construction permits**, the applicant shall submit a landscape and irrigation plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. All landscaping shall be drought tolerant and use drip irrigation for watering purposes.

Monitoring: (Mitigation Measure W-1) Required prior to issuance of a construction permit. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

W-2 **Prior to occupancy or final inspection** whichever occurs first, the applicant shall implement the final approved landscape plan.

Monitoring (Mitigation Measure W-2): Required prior to final inspection. Compliance will be verified by the County Department of Planning and Building.

W-3 **Prior to issuance of a construction permit,** the applicant shall obtain an Offset

DATE: July 29, 2016

Clearance from the Department of Planning and Building verifying that new net water use has been offset at a 1:1 ratio. Water savings must come from the Paso Robles groundwater basin, and in compliance with the Water Conservation Provisions of Title 19.07.042.

Monitoring: (Mitigation Measure W-3) Required prior to issuance of a construction permit. Compliance will be verified by the County Department of Planning and Building, in consultation with the Environmental Coordinator.

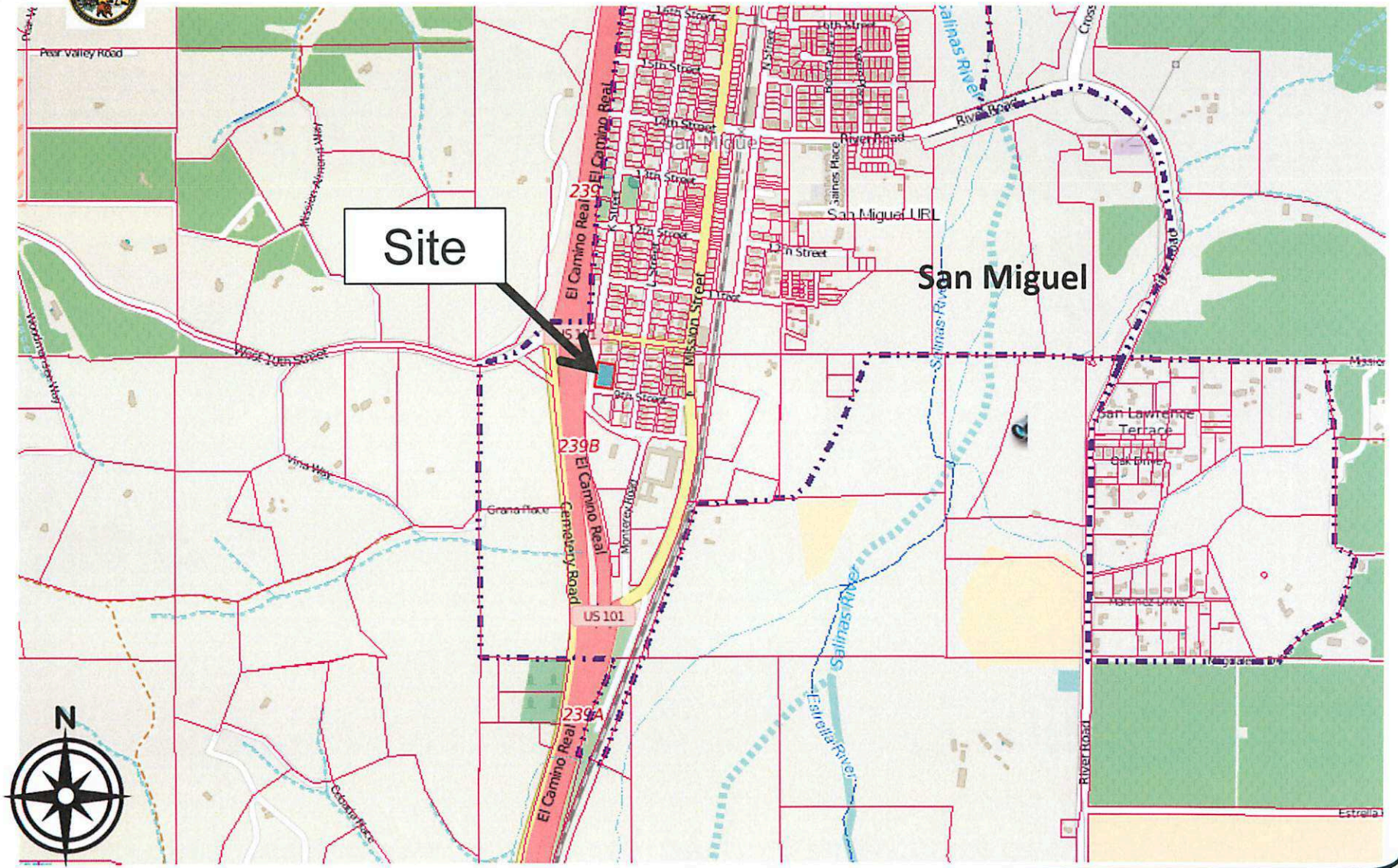
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts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

Lynne B. Schmitz — Lynne B. Schmitz — 08/04/16

Signature of Owner(s) **Name (Print)** **Date**

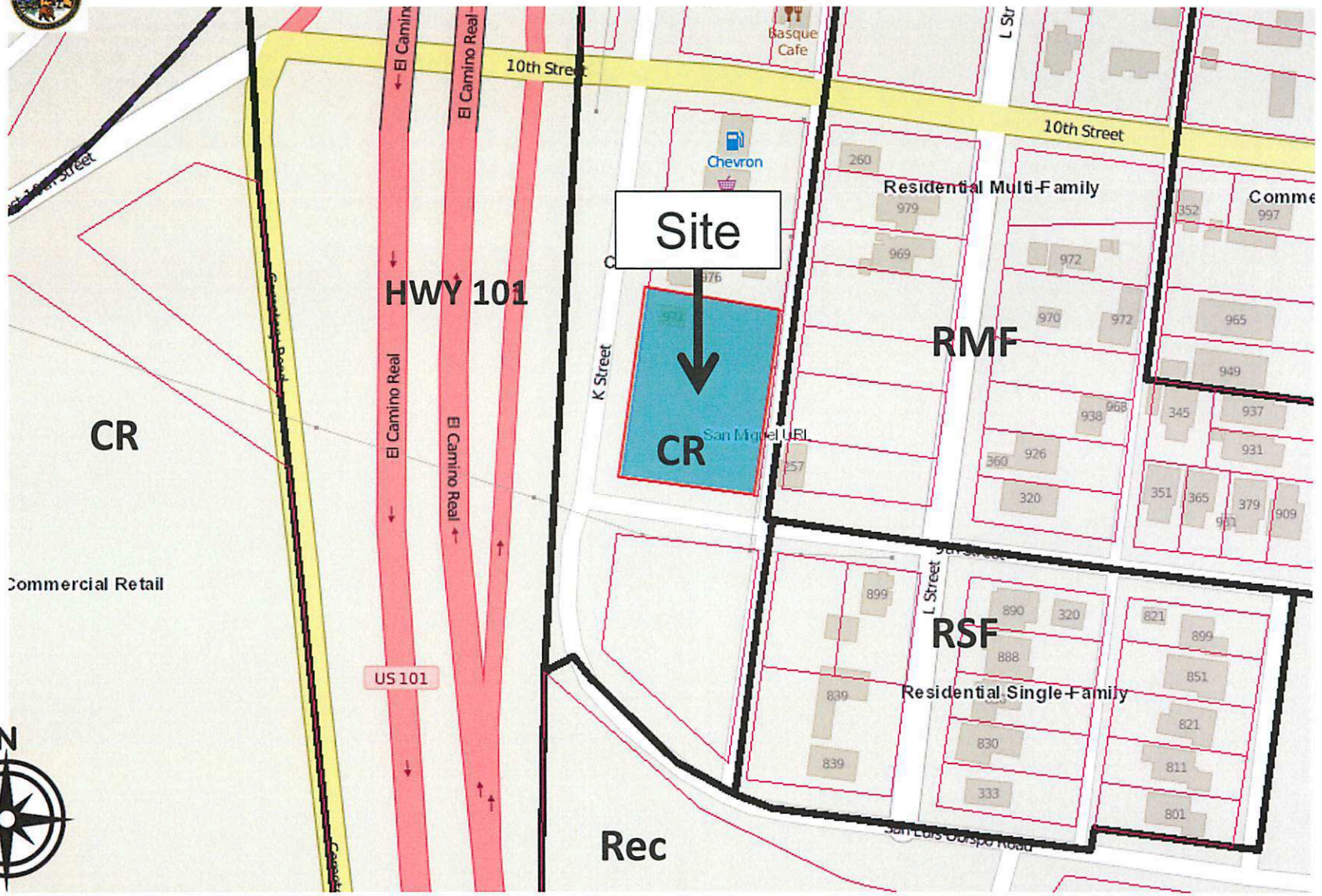
Joshua Simon — 8/3/16

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



Minor Use Permit
New General Retail / DRC2015-00109

Vicinity Map



Minor Use Permit
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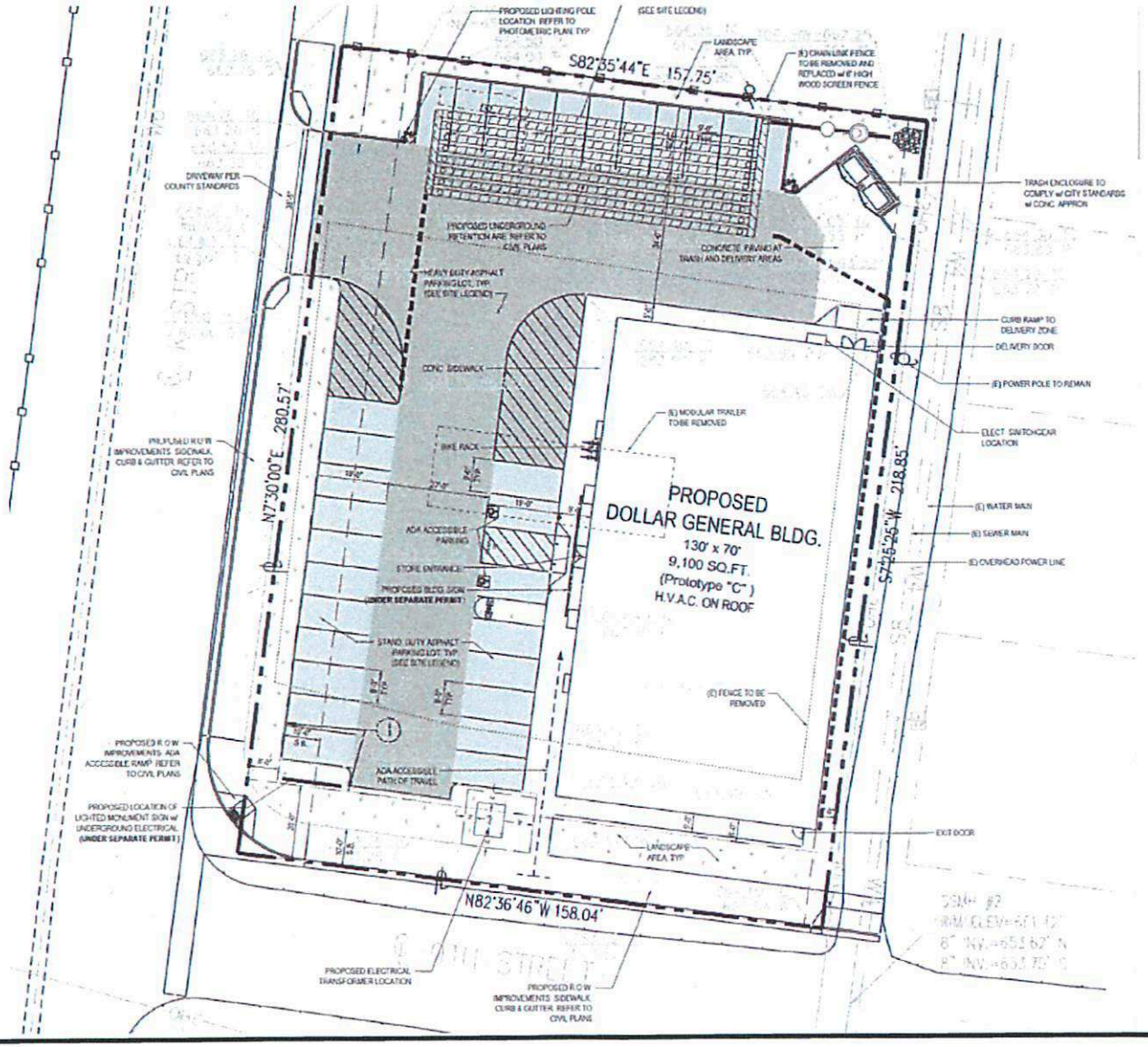
Land Use Category Map

Minor Use Permit
New General Retail / DRC2015-00109

Aerial Photograph

COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT

COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT



Minor Use Permit
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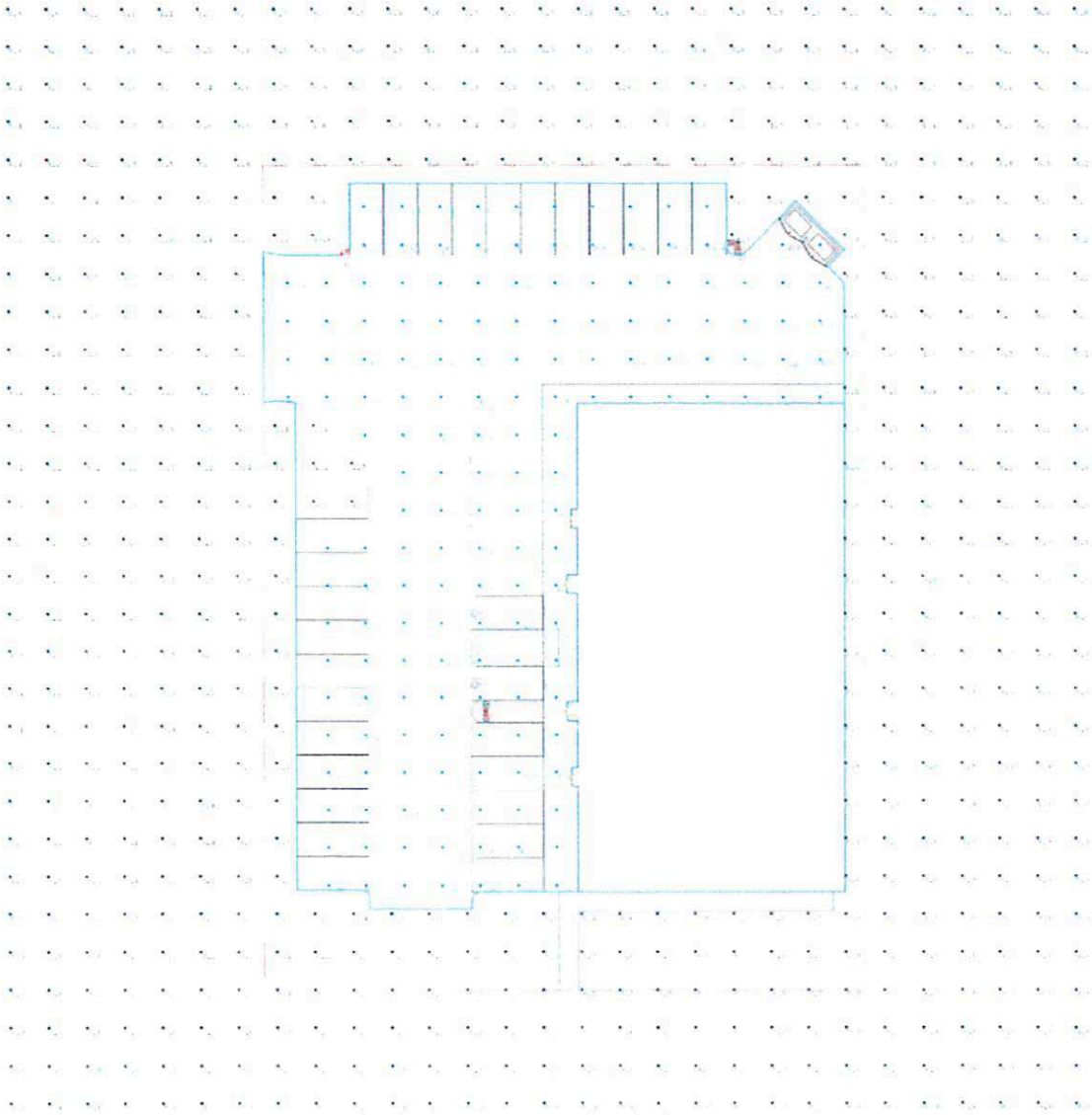
Site Plan



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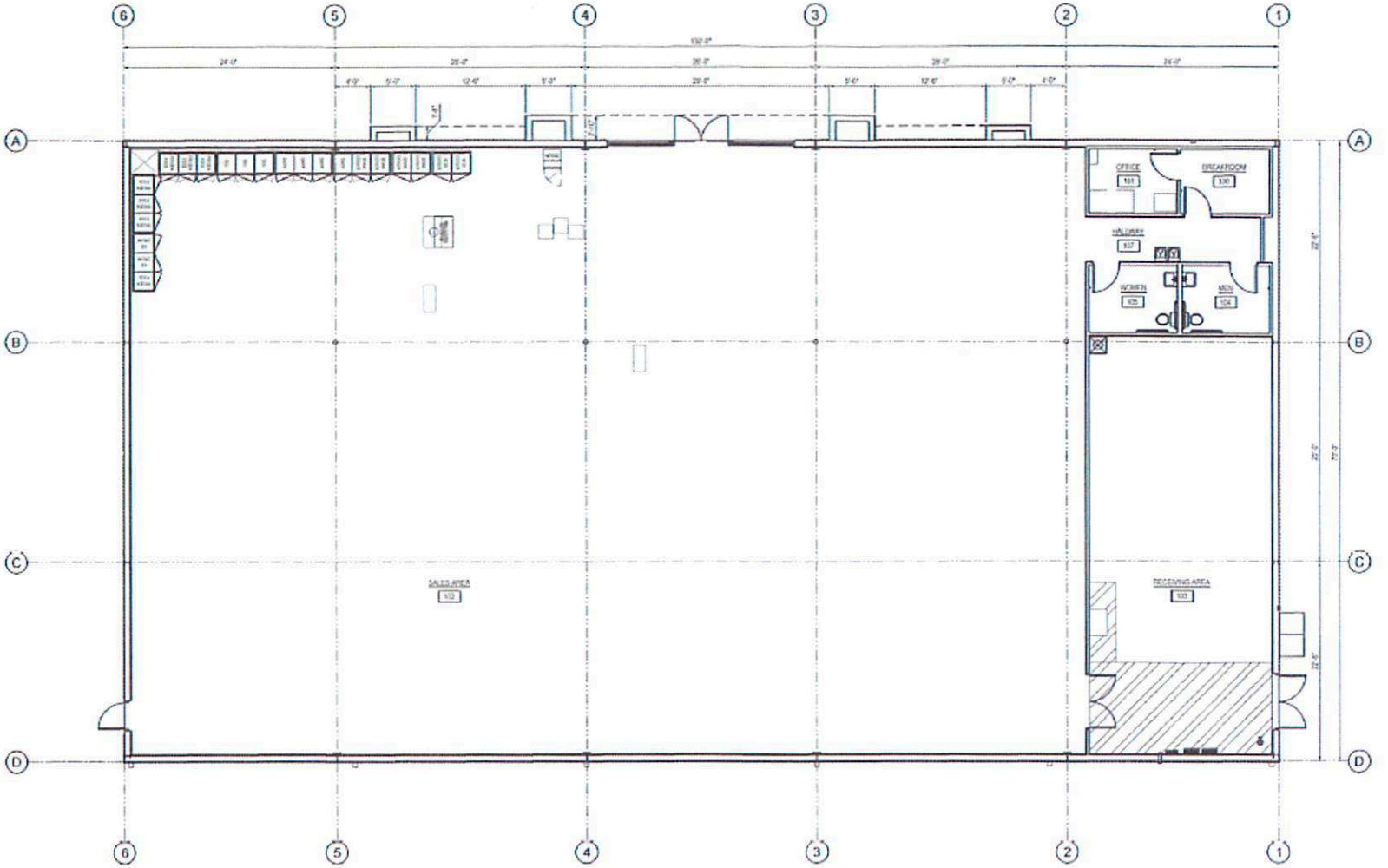
Site Photometric Plan



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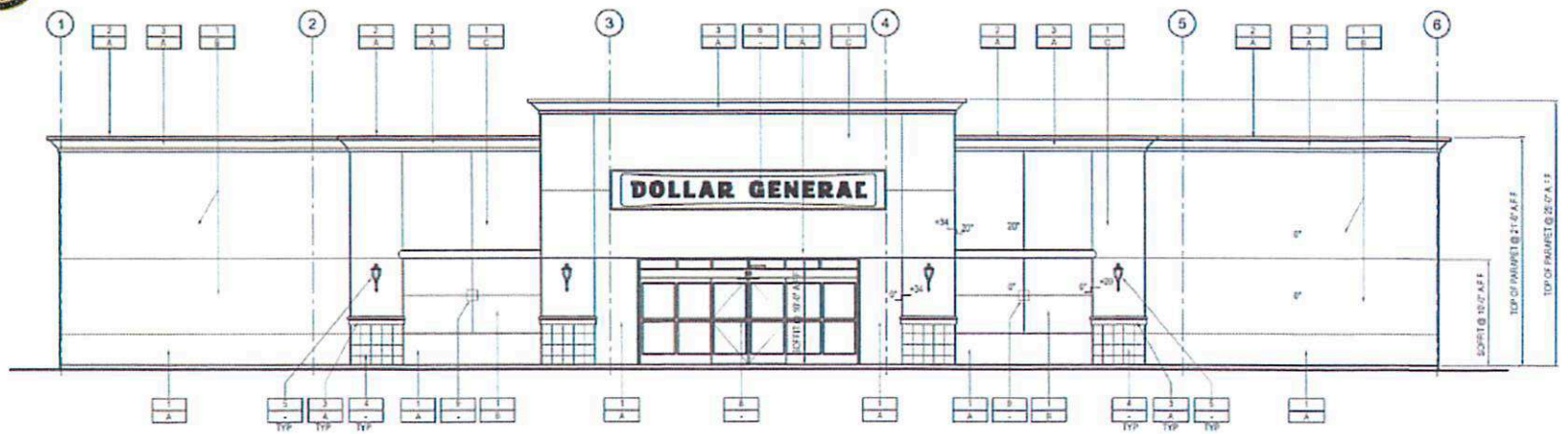
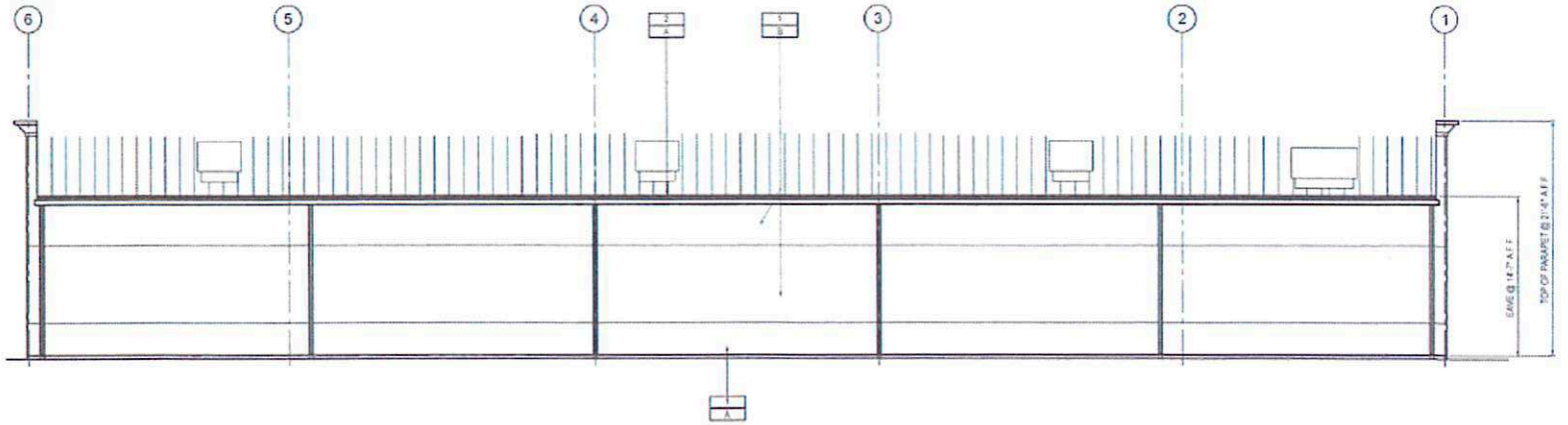
Floor Plan

COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT



WEST ELEVATION A



EAST ELEVATION B

Minor Use Permit
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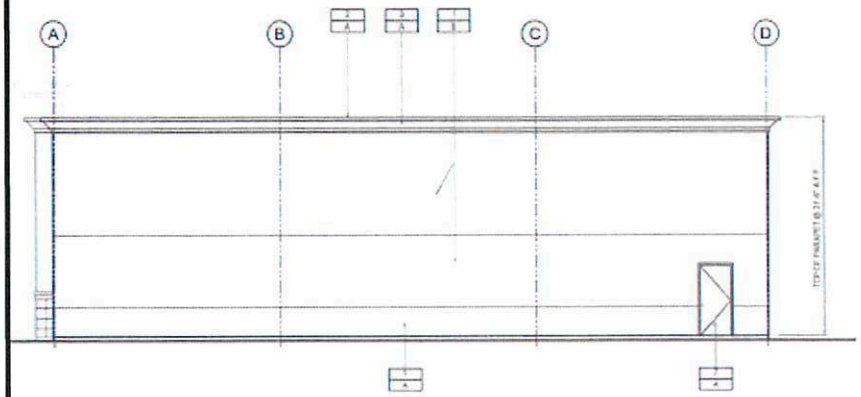
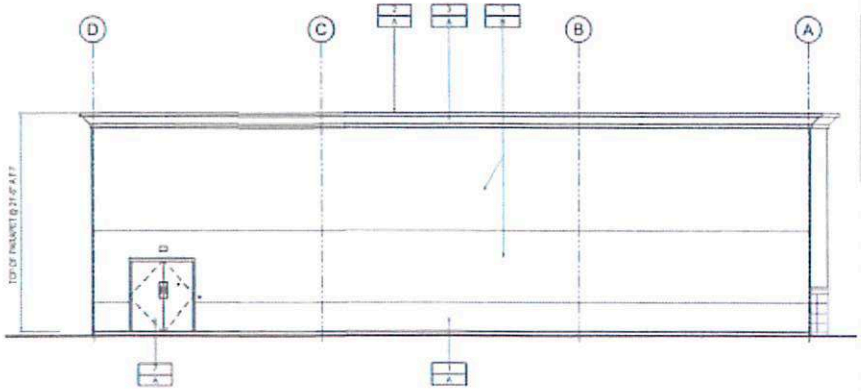
West and East Elevations



SOUTH ELEVATION C



NORTH ELEVATION D

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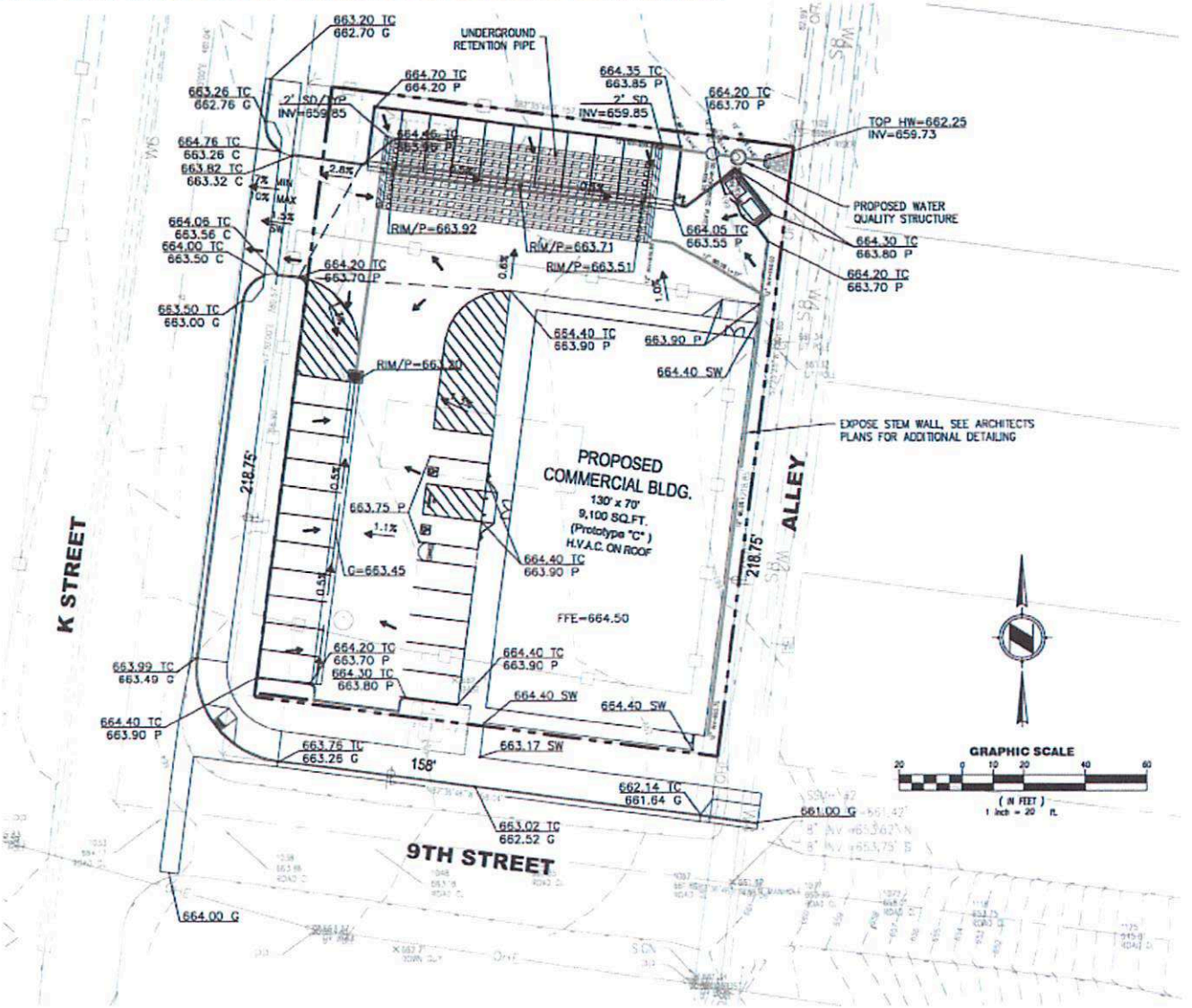
South and North Elevations

COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT



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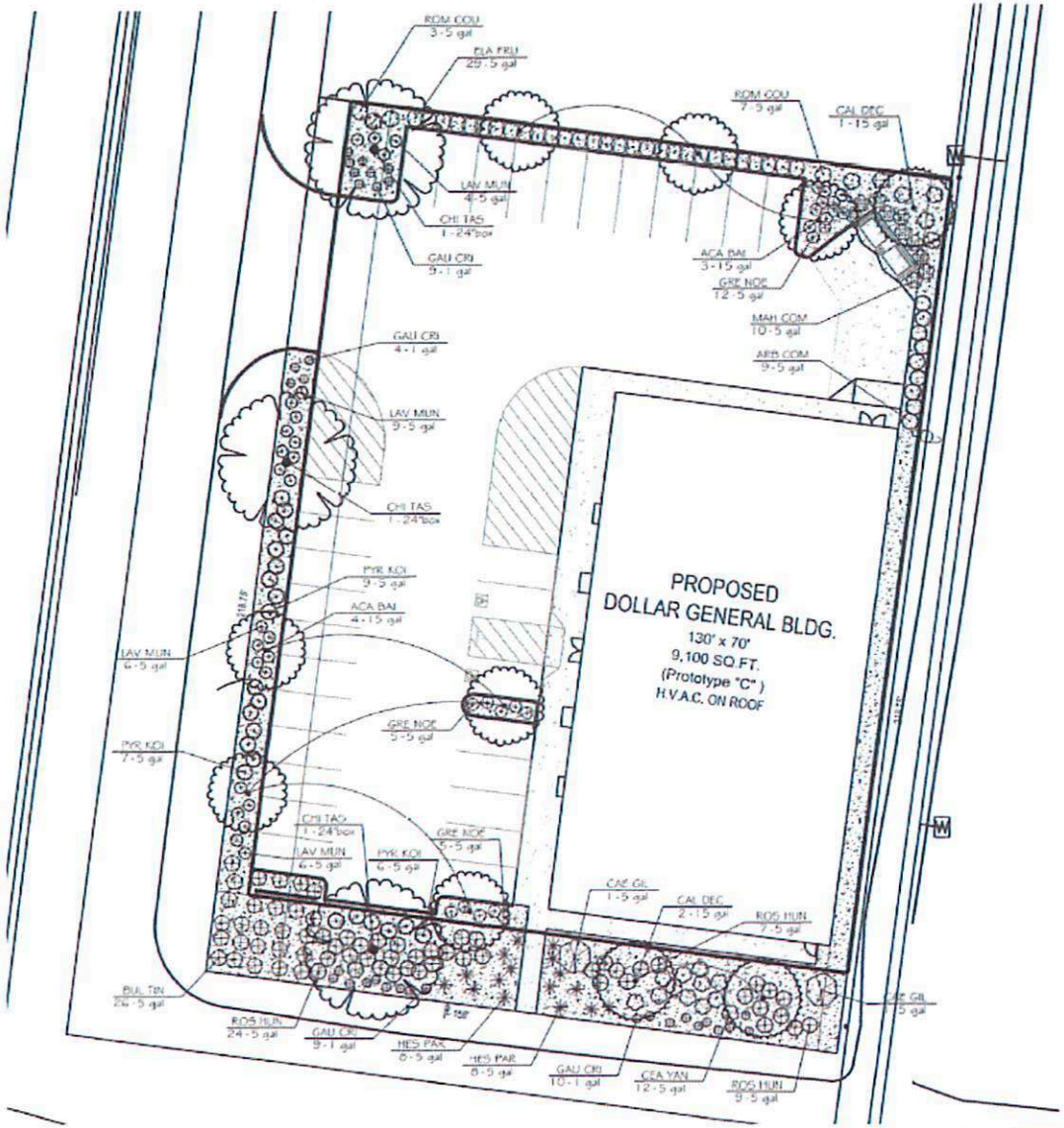
Preliminary Grading and Drainage Plans

COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT



Minor Use Permit
New General Retail / DRC2015-00109

Landscaping Plan

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Wade Horton, Director
County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

Date: April 1, 2016

To: Schani Siong, Project Planner

From: Tim Tomlinson, Development Services

Subject: Public Works Comments on DRC2015-00109 Schmitz MUP, K St., San Miguel, APN 021-322-004

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

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

✓ 1. Drainage or Flood Hazard information. Submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage).

✓ 2. In accordance with the Land Use Ordinance, as the project is located in a Storm Water Management (MS4) Area, it is considered a regulated project and required to submit a Storm Water Control Plan Application and Coversheet.

Public Works Comments:

A. The project is located within the Paso Robles Groundwater Basin and must follow the adopted water conservation requirements of the Paso Robles Groundwater Basin Plan.

B. The proposed project triggers Curb Gutter and Sidewalk requirements per 22.54.030. Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the Ordinance. The applicant may apply for a waiver through the Planning and Building Department in accordance with 22.54.030 D. However, there is no guarantee that a waiver will be granted.

C. The proposed project is within a drainage review area. Drainage plan is required to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 or 23.05.040 of the Land Use Ordinance prior to future submittal of development permits.

D. The project meets the applicability criteria for Storm Water Management. Therefore, the project is required to submit a Storm Water Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at: http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Construction+Permit+Documents/Grading+and+Drainage+Documents/SWCP+Application+Pkg.pdf

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

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.030/23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:

   a. Street plan and profile for widening **K Street and 9th Street** to complete the project side of an A-2 urban street section fronting the property. 9th Street improvements shall include a cross gutter and an alley driveway approach.

   b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

   c. Drainage ditches, culverts, and other structures (if drainage calculations require).

   d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.

   e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.

   f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).

2. **Prior to occupancy or final inspection,** all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

3. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree

planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

4. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Drainage

5. **At the time of application for construction permits,** the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.

6. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

7. **At the time of application for construction permits,** the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.

8. **On-going condition of approval (valid for the life of the project),** the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Storm Water Control Plan

9. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.

10. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

11. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Offers

12. **Prior to issuance of construction permits,** the applicant shall offer for dedication to the public right-of-way easements by separate document for a 20-foot radius property line return at the intersection of **K Street** and **9th Street**. Submit the document/s to Public Works for review and approval prior to recordation with the County Clerk.

13. **Prior to issuance of construction permits,** the applicant shall offer for dedication to the public right-of-way easements by separate document for **K Street and 9th Street** road widening purposes a sufficient width as necessary to contain all elements of the roadway prism including slopes, sidewalks, driveway aprons, curb returns and other improvements. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Attachment 5

Fw: Kit Fox Evaluation for 972 K Street, San Miguel

Kate B. Shea

Mon 8/8/2016 9:35 AM

To:Kate B. Shea <kbshea@co.slo.ca.us>;

2 attachments (3 MB)

973 K Street_San Miguel_SJ Kit Fox Habitat Evaluation_cdfw.pdf; Kit fox habitat evaluation-guidelines.doc;

From: Sanderson, Brandon@Wildlife <Brandon.Sanderson@wildlife.ca.gov>
Sent: Thursday, June 16, 2016 9:47 AM
To: Schani Siong
Cc: John Davis
Subject: RE: Kit Fox Evaluation for 972 K Street, San Miguel

Schani,
Attached is the corrected kit fox evaluation. Item 1. Is to be answered at the 50,000 foot view for the general area. San Miguel is within the corridor between the Carrizo Core Population and the Salinas Valley Subpopulation. See guidelines for completing the kit evaluation attached. So that changes the score to 68 for a 2:1 mitigation ratio.

-Brandon

Brandon Sanderson
Environmental Scientist
Habitat Conservation Planning
California Department of Fish & Wildlife
3196 S. Higuera St., Suite A
San Luis Obispo, CA 93401
805-594-6141
Brandon.Sanderson@wildlife.ca.gov
http://www.wildlife.ca.gov/

From: Schani Siong
Sent: Thursday, May 19, 2016 2:29 PM
To: sanderson@wildlife.ca.gov
Cc: Brock Ortega; John Davis; Dan Biswas; David Friedberg
Subject: Kit Fox Evaluation for 972 K Street, San Miguel

Hi Brandon
The applicant is requesting a Kit Fox evaluation for this proposed development in San Miguel. I am the project manager for this County file DRC2015-000109 Schmitz. This site is in the mapped 4:1 mitigation ratio area. The kit fox evaluation was conducted by Dudek's biologist, John Davis who previously reached out to you regarding this project.

Please find attached the biologist's kit fox evaluation form with supplemental information and the County's kit fox project tracking form. If you have any questions , please do no hesitate to contact me.

Sincerely,

Schani Siong
Department of Planning and Building
County of San Luis Obispo
976 Osos Street, Rm. 300
San Luis Obispo, CA 93408
Direct. 805.781.4374
Email. ssiong@co.slo.ca.us

Kit Fox Habitat Evaluation Form

(guidelines)

Cover Sheet

Project Name UNNAMED COMMERCIAL DEVELOPMENT **Date** 4/14/16

Project Location* 972 K STREET, COMMUNITY of SAN MIGUEL

*Include project vicinity map and project boundary on copy of U.S.G.S. 7.5 minute map (size may be reduced)

U.S.G.S. Quad Map Name PASO ROBLES, CALIF.

Lat/Long or UTM coordinates (if available)

UTM 10S 708019.61mE, 3958311.20mN

Project Description:

Project Size 0.79 **Acres** **Amount of Kit Fox Habitat Affected** 0.79 **Acres**

Quantity of WHR Habitat Types Impacted (i.e. - 2 acres annual grassland, 3 acres blue oak woodland)

WHR type ANNUAL GRASSLAND 0.79 Acres

WHR type _____ _____ Acres

WHR type _____ _____ Acres

WHR type _____ _____ Acres

Comments: THE PROJECT SITE IS COMPRISED OF [mowed] WILD OAT GRASSLAND AT THE TIME of THE HABITAT ASSESSMENT. NO SUITABLE OR POTENTIAL SAN JOAQUIN KIT FOX OR OTHER CANID OR AMERICAN BADGER BURROWS WERE OBSERVED. RESIDENTIAL DEVELOPMENT OCCUR DIRECTLY TO THE NORTH AND EAST. RESIDENTIAL AND COMMERCIAL DEVELOPMENT IS found FURTHER NORTH, EAST, AND SOUTH. SR 101 EXTENDS PAST THE SITE IN A NORTH-SOUTH DIRECTION - TO THE WEST. A PARKING AREA ACROSS (AND WEST) FROM K STREET IS FENCED. CONTINUED ON LAST PAGE...

Form Completed By: JOHN H. DAVIS IV
SENIOR ECOLOGIST
DUDEK

Rev 3/02
G:envdiv/forms/kit fox habitat

San Joaquin Kit Fox Habitat Evaluation form

Is the project area within 10 miles of a recorded San Joaquin kit fox observation or within contiguous suitable habitat as defined in question 2 (A-E)

Yes - Continue with evaluation form
No - Evaluation form/surveys are not necessary

1. Importance of the project area relative to Recovery Plan for Upland Species of the San Joaquin Valley, California (Williams et al., 1998)

A. Project would block or degrade an existing corridor linking core populations or isolate a subpopulation (20)
B. Project is within core population (15)
C. Project area is identified within satellite populations (12)
D. Project area is within a corridor linking satellite populations (10)
E. Project area is not within any of the previously described areas but is within known kit fox range (5)

2. Habitat characteristics of project area.

A. Annual grassland or saltbush scrub present >50% of site (15)
B. Grassland or saltbush scrub present but comprises<50% of project area (10)
C. Oak savannah present on >50% of site (8)
D. Fallow ag fields or grain/alfalfa crops (7)
E. Orchards/vineyards (5)
F. Intensively maintained row crops or suitable vegetation absent (0)

3. Isolation of project area.

A. Project area surrounded by contiguous kit fox habitat as described in Question 2a-e (15)
B. Project area adjacent to at least 40 acres of contiguous habitat or part of an existing corridor (10)
C. Project area adjacent to <40 acres of habitat but linked by existing corridor (i.e., river, canal, aqueduct) (7)
D. Project area surrounded by ag but less than 200 yards from habitat (5)

E. Project area completely isolated by row crops or development and is greater than 200 yards from potential habitat (0)

4. Potential for increased mortality as a result of project implementation. Mortality may come from direct (e.g., - construction related) or indirect (e.g., - vehicle strikes due to increases in post development traffic) sources.

A. Increased mortality likely (10)
B. Unknown mortality effects (5)
C. No long term effect on mortality (0)

Revised 03-02

5. Amount of potential kit fox habitat affected.

A. >320 acres (10)
B. 160 - 319 acres (7)
C. 80 - 159 acres (5)
D. 40 - 79 acres (3)
E. < 40 acres (1)

6. Results of project implementation.

A. Project site will be permanently converted and will no longer support foxes (10)
B. Project area will be temporarily impacted but will require periodic disturbance for ongoing maintenance (7)
C. Project area will be temporarily impacted and no maintenance necessary (5)
D. Project will result in changes to agricultural crops (2)
E. No habitat impacts (0)

7. Project Shape

A. Large Block (10)
B. Linear with > 40 foot right-of-way (5)
C. Linear with < 40 foot right-of-way (3)

8. Have San Joaquin kit foxes been observed within 3 miles of the project area within the last 10 years?

A. Yes (10)
B. No (0)

Scoring

1. Recovery importance ~~5~~ 20
2. Habitat condition 15

3.	Isolation	7
4.	Mortality	5
5.	Quantity of habitat impacted	1
6.	Project results	10
7.	Project shape	10
8.	Recent observations	Ø

TOTAL ~~53~~ 68

Revised 03/02-lpd

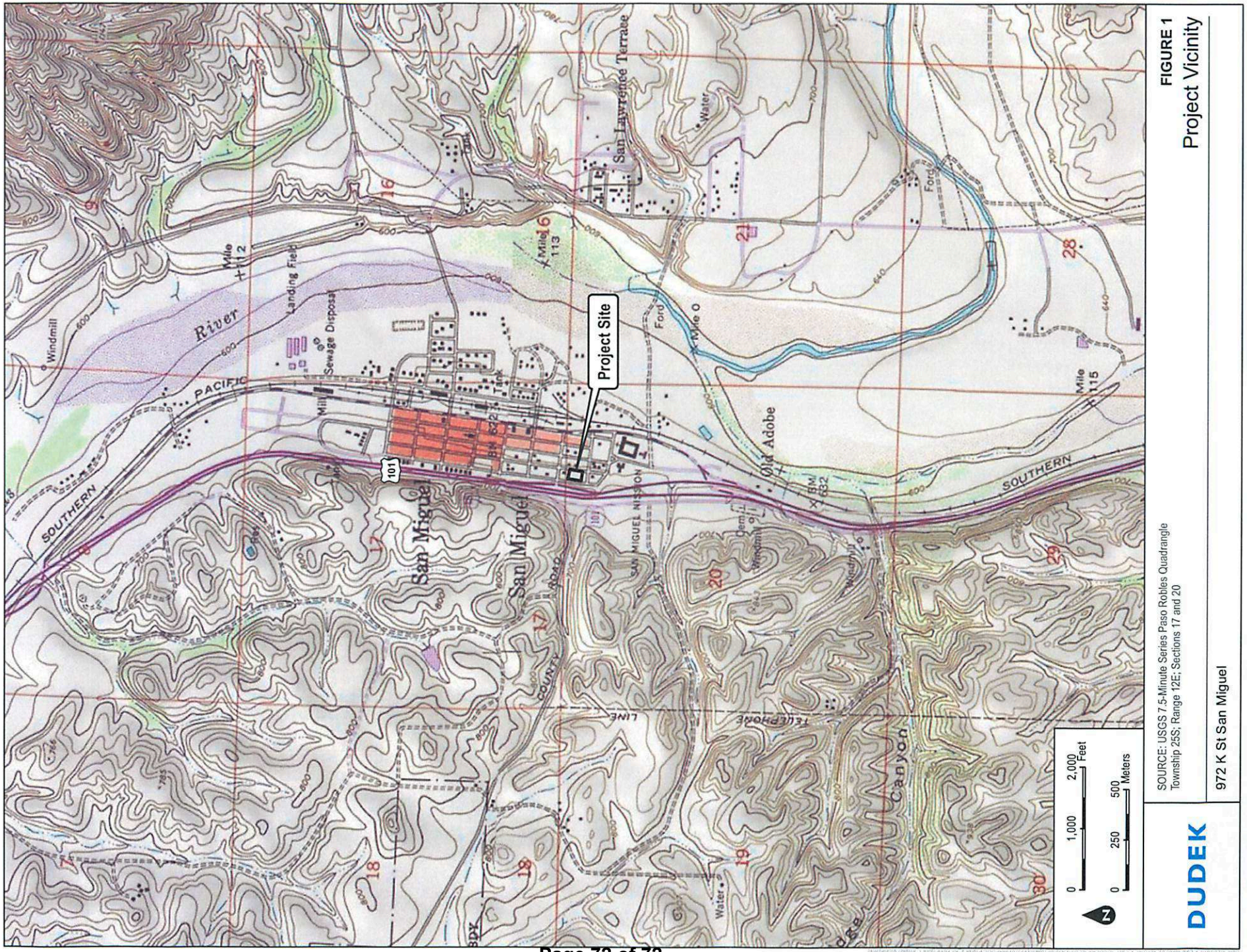


FIGURE 1
Project Vicinity

SOURCE: USGS 7.5-Minute Series Paso Robles Quadrangle
Township 25S; Range 12E; Sections 17 and 20

DUDEK

972 K St San Miguel