

CHAPTER 7

MITIGATION MONITORING AND REPORTING PROGRAM

7.1 STATUTORY REQUIREMENT

When a Lead Agency makes findings on significant environmental effects identified in an EIR, the agency must also adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment” (Public Resources Code §21081.6(a) and CEQA Guidelines §15091(d) and §15097). The Mitigation Monitoring and Reporting Program (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Therefore, the MMRP must include all changes in the proposed project either adopted by the project proponent or made conditions of approval by the Lead or Responsible Agency.

7.2 ADMINISTRATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

San Luis Obispo County is the Lead Agency responsible for the adoption of the MMRP. The applicant, Mr. Jack Loperena, is responsible for implementation of the MMRP, in coordination with the County and other identified agencies. As the Lead Agency, the County is responsible for verifying and documenting compliance with the MMRP. According to CEQA Guidelines §15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that the implementation of the measure occurs in accordance with the program.

7.3 MITIGATION MEASURES AND REPORTING PROGRAM

Table 7-1 is structured to enable quick reference to mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures correlates with numbering of measures found in the Environmental Impact Analysis chapter of this EIR (refer to Chapter 4).

Table 7-1. Mitigation Monitoring and Reporting Program

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Aesthetic Resources				
AES/mm-1	<p>Prior to issuance of the building permit, the applicant shall submit interior and exterior lighting plans to the Department of Planning and Building for review and approval consistent with the following:</p> <ol style="list-style-type: none"> The point source of all exterior lighting shall be shielded from off-site views, including beach areas. All required security lights shall utilize motion detector activation. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields. Lumination from exterior lights shall be the lowest level allowed by public safety standards. 	Review and approval of plans	Prior to issuance of building permit; during final inspection of building permit	Applicant, Contractor, County Planning and Building Department
Air Quality				
AQ/mm-1	<p>Prior to initiation of construction, the project applicant shall implement the following dust control measures:</p> <ol style="list-style-type: none"> Reduce the amount of the disturbed area where possible; Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible; All dirt stockpile areas should be sprayed daily as needed; and, All roadways, driveways, sidewalks, etc., to be paved should be completed as soon as possible, and building pads should be lain as soon as possible after grading unless seeding or soil binders are used. 	Include measure on grading and construction plans, review and approval of plans, field inspection	Prior to ground disturbance; during grading activities	Applicant, Contractor, County Planning and Building Department, San Luis Obispo APCD
AQ/mm-2	Prior to issuance of construction permits, the applicant shall include the following measures on applicable grading and	Include measure on grading and	Prior to issuance of construction permits,	Applicant, Contractor, County Planning and

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>building plans:</p> <p>Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment</p> <ul style="list-style-type: none"> a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; b. Diesel idling within 1,000 feet of sensitive receptors is not permitted; c. Use of alternative fueled equipment is recommended whenever possible; and, d. Signs that specify the no idling requirements must be posted and enforced at the construction site. <p>Idling Restrictions for On-road Vehicles</p> <ul style="list-style-type: none"> a. Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles: <ul style="list-style-type: none"> 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation. <p>Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.</p> <p>Idling Restrictions for off-Road Equipment</p> <ul style="list-style-type: none"> a. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation: 	<p>construction plans, review and approval of plans, field inspection</p>	<p>during construction</p>	<p>Building Department, San Luis Obispo APCD</p>

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	<p>www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.</p> <p>b. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5 minute idling limit.</p>			
Biological Resources				
BR/mm-1	<p>Prior to issuance of construction permits, the applicant shall submit documentation verifying designation of a qualified environmental monitor for all measures requiring environmental mitigation to ensure compliance with Conditions of Approval and EIR mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly compliance reporting; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be at a frequency and duration determined by the affected natural resource agencies (e.g., USACE, CDFW, RWQCB, California Coastal Commission, USFWS, and the County).</p>	<p>Review and approval of documentation, submittal of monitoring reports</p>	<p>Prior to issuance of construction permits; prior to and during construction</p>	<p>Applicant, Biological Monitor, County Planning and Building Department</p>
BR/mm-2	<p>Prior to the initiation of construction, the environmental monitor shall conduct environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of sensitive habitats and animal species in the immediate area. Topics of discussion shall include: general provisions and protections afforded by the Endangered Species Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communications; and procedures to be implemented in the event a special-status species is observed in the work area.</p>	<p>Submittal of awareness training sign-in sheet</p>	<p>Prior to initiation of construction; during construction as necessary with new crew members</p>	<p>Applicant, Biological Monitor, County Planning and Building Department</p>
BR/mm-3	<p>At the time of application for construction permits all grading plans shall clearly show the location of project delineation fencing, including protection fencing surrounding the Monterey cypress tree on the southern property boundary.</p>	<p>Review and approval of plans</p>	<p>Upon application for construction permits</p>	<p>Applicant, County Planning and Building Department</p>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
BR/mm-4	Prior to the initiation of construction, the applicant's contractors and the environmental monitor shall coordinate the placement of project delineation fencing throughout the work areas. The environmental monitor shall field fit the placement of the project delineation fencing to minimize impacts to sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project. During construction, no project related work activities shall occur outside of the delineated work area.	Submittal of monitoring reports	Prior to and during construction	Applicant, Contractor, Biological Monitor, County Department of Planning and Building
BR/mm-5	At the time of application for grading permits, all applicable plans shall clearly show stockpile and staging areas. Stockpiles and staging areas shall not be placed in areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of storm water runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Maintenance, cleaning, and refueling of equipment and vehicles shall not be permitted onsite, within adjacent beach areas, or on Studio Drive.	Review and approval of plan, submittal of monitoring reports	Upon application for grading permits, prior to and during construction	Applicant, Contractor, Biological Monitor, County Department of Planning and Building
BR/mm-6	Prior to issuance of construction permits, the applicant shall submit a detailed sediment and erosion control plan for approval, which shall address both temporary and permanent measures to control erosion and reduce sedimentation. Erosion and soil protection shall be provided on all cut and fill slopes. Revegetation shall be facilitated by mulching, hydro-seeding or other methods, and shall be initiated as soon as possible after completion of grading, and prior to the onset of the rainy season (October 15). Permanent revegetation and landscaping shall emphasize native shrubs, and trees, to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration and long-term root development. All plans shall show that sedimentation and erosion control measures are installed prior to any other ground	Review and approval of plan, submittal of monitoring reports	Prior to issuance of construction permits, prior to and during construction	Applicant, Contractor, Biological Monitor, County Department of Planning and Building

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	disturbing work.			
BR/mm-7	<p>Upon application for construction permits, the following measure shall be included on all applicable plans: The applicant shall avoid ground disturbing activities conducted during the snowy plover nesting season to the extent feasible. If work activities must occur during the nesting season the following measures shall be taken:</p> <ol style="list-style-type: none"> Prior to installation of the project delineation fencing and the commencement of site grading, a qualified biologist shall conduct a series of pre-construction nesting bird surveys for western snowy plover. Surveys shall be conducted every other day for two weeks prior to any project related disturbances. Surveys for snowy plovers shall include walking through all potential nesting and foraging habitat within 300 feet of the site on each survey day. The survey area shall include all available snowy plover nesting habitat within 300 feet of anticipated project activities. The number of snowy plover individuals observed and their activities (e.g. nesting, foraging, resting, etc.) shall be documented. All documented occurrences would be reported to USFWS and documented on the CNDDDB. If nesting activity is identified, all project activities within 300 feet of the nest shall be delayed until the nesting activity has ceased. During construction, the environmental monitor shall conduct snowy plover surveys twice a week (preferably two to three days apart). 	Review and approval of plan, submittal of monitoring reports	Upon application for construction permits, prior to and during construction	Applicant, Contractor, Biological Monitor, County Department of Planning and Building
BR/mm-8	<p>Upon application for construction permits, the following measure shall be included on all applicable plans: If commencement of construction begins between March and September, the environmental monitor shall conduct pre-construction nesting bird surveys. If nesting activity is identified, the following measures shall be implemented:</p> <ol style="list-style-type: none"> If active nest of common passerine or shorebird species' are observed in the work area or within 100 feet of the work area, construction activities shall be modified and or 	Review and approval of plan, submittal of monitoring reports	Upon application for construction permits, prior to ground disturbance and construction as specified	Applicant, Biological Monitor, County Department of Planning and Building

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>delayed as necessary to avoid direct take or indirect disturbance of the nests, eggs, or young.</p> <p>b. If active nest sites of raptors or other special-status species are observed within the work area or 300 feet of the work area, the environmental monitor shall establish a suitable buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence.</p> <p>c. Active raptor or special-status species nests should be documented by a qualified biologist and a letter report should be submitted to the County, USFWS, and CDFW, documenting project compliance with the MBTA and applicable project mitigation measures.</p>			
BR/mm-9	<p>Upon application for construction permits, the following measure shall be included on all applicable plans: Prior to site grading, the environmental monitor shall conduct a survey for coast horned lizard and other reptiles. The surveyor shall utilize hand search methods in areas of disturbance where coast horned-lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). Any lizards located during this survey should be safely removed from the construction area and placed in suitable habitat.</p>	<p>Review and approval of plans, submittal of monitoring report</p>	<p>Upon application for construction permits, prior to ground disturbance</p>	<p>Applicant, Contractor, Biological Monitor, County Department of Planning and Building</p>
Geology and Soils				
GS/mm-1	<p>Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the recommendations identified in the Engineering Evaluation (Shoreline Engineering 2012) and Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of the Building Pad, Section 5.3 – Structural Fill, Section 5.4 – Drilled Piers, Section 5.5 – Conventional Deepened Foundation, Section 5.6 – Slab Construction, and Section 5.9 – Surface and Subsurface Drainage.</p>	<p>Review and approval of plans, building inspections</p>	<p>Prior to issuance of construction permits, during building inspections</p>	<p>Applicant, Contractor, Engineer of Record, County Department of Planning and Building</p>
GS/mm-2	<p>Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the</p>	<p>Review and approval of plans, building</p>	<p>Prior to issuance of construction permits,</p>	<p>Applicant, Contractor, Engineer of Record,</p>

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	<p>recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.) dated December 27, 2011, and specifically the following:</p> <ul style="list-style-type: none"> a. All surface and subsurface deleterious materials shall be removed from the proposed building area and disposed of offsite. This includes, but is not limited to, any buried utility lines, loose fills, debris, building materials, and any other surface and subsurface structures. b. Voids left from site clearing shall be cleaned and backfilled as recommended for structural fill. c. Once the site has been cleared, the exposed ground surface shall be stripped to remove surface vegetation and organic soil. 	inspections	during building inspections	County Department of Planning and Building
GS/mm-3	<p>Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which incorporate the following: recommendations for slope stability identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.10 – Temporary Excavations and Slopes; and Shoring Detail prepared by Shoreline Engineering (January 2012, updated September 20, 2012). <u>Plans shall demonstrate how construction would be conducted such that no activity would compromise the neighboring structure. Construction of all site preparation and shoring activities shall be monitored by the project Engineer of Record, and daily monitoring reports shall be prepared and submitted to the County Department of Planning and Building on a weekly basis.</u></p>	Review and approval of plans, building inspections, <u>submittal of weekly monitoring reports</u>	Prior to issuance of construction permits, during construction, during building inspections	Applicant, Contractor, Engineer of Record, County Department of Planning and Building
GS/mm-4	<p>Prior to issuance of a construction permit, the applicant shall submit grading and construction plans, which include the use of deepened pier foundations identified in the Engineering Evaluation (Shoreline Engineering, Inc.), dated January 2012, and Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.2 – Preparation of Building Pad, Section 5.4 – Drilled Piers, and Section 5.5 – Conventional Deepened Foundation.</p>	Review and approval of plans, building inspections	Prior to issuance of construction permits, during building inspections	Applicant, Contractor, Engineer of Record, County Department of Planning and Building
GS/mm-5	Prior to issuance of a construction permit, the applicant shall	Review and approval	Prior to issuance of	Applicant, Contractor,

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	submit grading and construction plans, which incorporate the recommendations identified in the Updated Geotechnical Investigation (GSI Soils, Inc.), dated December 27, 2011, specifically the recommendations identified in Section 5.1 – Clearing and Stripping, Section 5.2 – Preparation of Building Pad, and Section 5.3 – Structural Fill.	of plans, building inspections	construction permits, during building inspections	Engineer of Record, County Department of Planning and Building
GS/mm-6	Prior to issuance of grading and construction permits, the applicant shall submit a drainage plan for review and approval by the County Department of Public Works. The drainage plan shall be coordinated with the sedimentation and erosion control plan, be consistent with CZLUO §23.050.036 and 040, and specifically include engineered energy dissipators and controls that would limit peak runoff to pre-development levels.	Review and approval of plans, building inspections	Prior to issuance of construction permits, during building inspections	Applicant, Contractor, Engineer of Record, County Department of Planning and Building, County Department of Public Works
Noise				
N/mm-1	Upon application for building permits, the project applicant shall include in the project design the following standard mitigation measures for interior noise mitigation provided in the Noise Element for levels in the 60-65 dBA range: a. Air conditioning or a mechanical ventilation system; b. Windows and sliding glass doors mounted in low air infiltration rate frames (0.5 cubic feet per minute or less, per American National Standards Institute [ANSI] specifications); and, c. Solid core exterior doors with perimeter weather stripping and threshold seals.	Review and approval of plans, final inspection	Upon application for building permits, final inspection	Applicant, Contractor, County Department of Planning and Building
Water				
WAT/mm-1	Upon application for construction permits, the applicant shall submit grading and construction plans showing BMPs, and shall implement BMPs during grading and construction activities. BMPs shall include, but not be limited to, the following: a. Erosion control barriers shall be applied, such as silt fences, hay bales, drain inlet protection, and gravel bags; b. Disturbed areas shall be stabilized with vegetation or hard surface treatments upon completion of construction in any	Review and approve plans, field inspection	Upon application for construction permits, prior to and during construction	Applicant, Contractor, County Department of Planning and Building

Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
	specific area. c. All inactive disturbed soil areas are required to be stabilized with both sediment and temporary erosion control prior to the onset of the rainy season (October 15 to April 15).			
WAT/mm-2	Prior to issuance of grading and construction permits, the applicant shall submit a copy of the RWQCB-issued stormwater construction permit. The permit shall be on-site during all major grading and construction activities.	Confirm receipt of stormwater construction permit	Prior to issuance of grading and construction permits, during construction	Applicant, Contractor, County Department of Planning and Building