NEGATIVE DECLARATION & NOTICE OF DETERMINATION

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

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

ENVIRONMENTAL DETERMINATION NO. ED12-108 **DATE:** 9/19/2013

PROJECT/ENTITLEMENT: Vanbeurden Leon Grading Permit; PMT2012-01076

APPLICANT NAME: Leon VanBeurden
ADDRESS: PO Box 6451, Los Osos, CA 93402
CONTACT PERSON: Ernie Kim **Telephone:** (805) 544-3128

PROPOSED USES/INTENT: Request by Leon Van Beurden for a major grading permit to construct a new 3,802 square foot single family residence, attached 1,226 square foot garage. The project will result in the disturbance of approximately 24,500 square feet, including approximately 1,120 cubic yards of cut and 1,120 cubic yards of fill, on a 1.75 acre parcel. The parcel is currently undeveloped. The proposed project is within the Rural Lands land use category.

LOCATION: The proposed project is located at 5910 Puma Court, south of Baron Canyon Ranch Road, approximately 0.5 mile from the Baron Canyon Ranch Road/Monte Road intersection, approximately three miles south of the City of San Luis Obispo. The site is in the San Luis Bay (Inland) planning area.

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

OTHER POTENTIAL PERMITTING AGENCIES:

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

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. on October 3, 2013

20-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.

	Stephanie Fuhs		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
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(ver 5.0)Using Form

Project Title & No. Vanbeurden Grading Permit; ED12-108 (PMT2012-01076)

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.

Stephanie Fuhs — Stephanie Fuhs — 9/10/13
Prepared by (Print) — Signature — Date

Murry Wilson — Murry Wilson — Ellen Carroll, Environmental Coordinator (for) — 9/11/13
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 Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Leon Van Beurden for a grading permit to construct a residential driveway and a new 3,802 square foot single family residence and attached 1,226 square foot garage. The project will result in the disturbance of approximately 24,500 square feet, including approximately 1,120 cubic yards of cut and 1,120 cubic yards of fill, on a 1.76 acre parcel. The parcel is currently undeveloped. The proposed project is within the Rural Lands land use category. The proposed project is located at 5910 Puma Court, south of Baron Canyon Ranch Road, approximately 0.5 mile from the Baron Canyon Ranch Road/Monte Road intersection, and approximately three miles south of the City of San Luis Obispo. The site is in the San Luis Bay (Inland) planning area.

ASSESSOR PARCEL NUMBER(S): 076-243-007

Latitude: 35 degrees 12'36 " N Longitude: -120 degrees 41' 24" W **SUPERVISORIAL DISTRICT #** 3

B. EXISTING SETTING

PLANNING AREA: San Luis Bay (Inland), Rural

LAND USE CATEGORY: Rural Lands

COMBINING DESIGNATION(S): Airport Review

TOPOGRAPHY: Moderately sloping

VEGETATION: Oak woodland and shrubs

PARCEL SIZE: 1.76 acres

EXISTING USES: Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

North: Rural Lands; Tract 1637 subdivision / residence	*East:* Rural Lands; Tract 1637 subdivision / open space
South: Rural Lands;Tract 1637 subdivision / open space	*West:* Rural Lands; Tract 1637 subdivision / open space

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with

the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1. AESTHETICS *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) 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 proposed project site is located on the east side of Highway 101, within the gated Baron Canyon Ranch subdivision, located at the end of Monte Road. The parcel is Lot 7 of Tract 1637, a cluster subdivision that created 23 residential parcels and one 436 acre open space parcel. The parcels are located along ridgelines on the relatively gentle sloping areas of the overall cluster subdivision site. Conditions of approval for the tract included limiting the height of residence to twenty feet, having hip or shed roof configurations, and providing colors and materials that blend with the surrounding environment.

The proposed project consists of the construction of a single-family residence with attached garage. Driveway and wastewater system improvements are also included. The residence would be accessed by a proposed driveway to be constructed at the end of Puma Court, off of Baron Canyon Ranch Road. The surrounding area is characterized by dense oak woodland, chaparral, and coastal scrub. The area's topography consists of gently to steeply sloping hillsides. The project site is visible from Highway 101 and Ontario Road in the vicinity of the project site.

Impact. The proposed residence will be partially screened from views on Highway 101 and surrounding public roads by dense oak woodland. The southwestern portion of the residence and portions of the rooftop would be visible to northbound travelers on Highway 101 through breaks in the existing oak woodland treeline. The majority of the proposed residence is approximately twenty feet in height, with vents and chimneys extending two to three feet in excess of this elevation. Exterior lighting and building windows have the potential to create glare visible from Highway 101 and surrounding public roads. Dense oak woodland currently surrounds the proposed building site and will provide some screening of the proposed residence, primarily on the southern and eastern portions of the building pad. Tree removal will occur as a part of the proposed project to allow siting of the proposed residence. The proposed residence would be backdropped by existing hillsides and would not silhouette above the ridgeline.

Mitigation/Conclusion. To minimize visual impacts caused by the proposed project's visibility from Highway 101, the applicant has agreed to incorporate several mitigation measures into the project design. The use of dark, muted earthtone exterior colors and dark non-reflective roofing, landscape

screening, retention of existing oak trees on the northern and western ridgelines, shielded night lighting, revegetation of all cut and fill slopes (to blend the proposed project into the existing landscape), and planting additional oak trees along the southwestern portion of the property. Additionally, as required by BR-3, no additional trees beyond those identified for removal shall occur at any time. Implementation of these measures will help ensure that the proposed residence is consistent with the general rural visual character of the area and would reduce visual impacts to levels of insignificance.

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. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Rural Lands

State Classification: Not prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? Yes Edna Valley AG Preserve Area

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Lopez very shaly clay loam (30 - 75% slope). This steeply to very steeply sloping, shallow gravelly fine loamy soil is considered very poorly drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: shallow depth to bedrock. The soil is considered Class VII without irrigation and Class is not rated when irrigated.

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property. Irrigated apple orchards are located to the west of the project site (approximately 2,200 feet) along the San Luis Obispo Creek corridor.

Mitigation/Conclusion. No significant impacts to agricultural resources are anticipated and 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: _____	☐	☐	☐	☐

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

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. As proposed, the project will result in the disturbance of approximately 24,500 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur with the inclusion of the required dust control measures contained in Section 22.52.160.C. – Air Quality Controls.

This project is a grading permit for a single family residence. 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.

Mitigation/Conclusion. No mitigation measures are necessary with the inclusion of the air quality controls contained in the grading ordinance. Impacts associated with the proposed project are less than significant.

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 & Game 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: Grasses, shrubs and oak woodland

Name and distance from blue line creek(s): unnamed isolated tributary, 900 feet north of the project site

Habitat(s): Oak Woodland, maritime chaparral, non-native grassland

Site's tree canopy coverage: Approximately 40%.

The biological assessment prepared for the project identified the following habitats and species exist within the proposed project site:

Habitats

Central Maritime Chaparral

Central maritime chaparral is considered a sensitive community by CDFW and is located just south and downslope of the proposed entrance to the home site. Plant species observed in central maritime chaparral habitat on the project site include: black sage (Salvia mellifera), chamise (Adenostoma

fasciculatum), coyote brush (Baccharis pilularis), sticky monkey flower, toyon (Heteromeles arbutifolia), yarrow (Eriophyllum confertiflorum), and California sagebrush (Artemisia californica). Several Santa Margarita manzanita individuals were also observed in central maritime chaparral on the project site (refer to Figure 1 and Attachment A, Photo 6 and 7; SWCA, May 14, 2013). Wildlife observed in central maritime chaparral include bushtit, spotted towhee, California towhee, scrub jay, western fence lizard, brush rabbit (Sylvilagus bachmani), and southern pacific rattlesnake (Crotalus oreganus helleri).Central maritime chaparral generally occurs in areas exposed directly to coastal winds, such as on northwest and southwest facing slopes along the coast, and are established primarily on well-drained soils.

Coast Live Oak Woodland

Plant species observed in coast live oak woodland on the project site include coast live oak, sticky monkey flower (Mimulus aurantiacus), bedstraw (Galium aparine), hummingbird sage (Salvia spathacea), creeping snowberry (Symphoricarpos mollis), poison oak (Toxicondendron diversilobum), and Italian thistle (Carduus pycnocephalus). Several Santa Margarita manzanita individuals were observed in coast live oak woodland on the project site. The location of the manzanita individuals are shown on the site plans (refer to Attachment C; SWCA, May 14, 2013). Wildlife species observed during the survey include bushtit (Psaltriparus minimus), song sparrow (Melospiza melodia), northern mockingbird (Mimus polyglottos), scrub jay (Aphelocoma californica), spotted towhee (Pipilo maculatus), California towhee (Pipilo crissalis), acorn woodpecker (Melanerpes formicivorus), American goldfinch (Carduelis tristis), western whiptail (Cnemidophorus tigris), and western fence lizard (Sceloporus occidentalis). No nesting bird activity or nests were observed during the survey. Evidence of dusky-footed woodrats (Neotoma fuscipes) and coyote (Canis latrans) scat was also observed in coast live oak woodland on the project site.

Non-Native Grassland

Plants observed in non-native grassland at the entrance to the project site include Italian rye grass (Lolium multiflorum), ripgut brome (Bromus diandrus), red brome (Bromus madritensis ssp. rubens), rattail fescue (Festuca myuros), oats (Avena spp.), fillaree (Erodium cicutarium), perennial rye grass (Festuca perennis), rattail fescue (Festuca myuros), soft chess (Bromus hordeaceus), Spanish lotus (Acmispon americanus var. americanus), bur-clover (Medicago polymorpha), barley (Hordeum murinum ssp. leporinum), common sand aster (Corethrogyne filaginifolia), needlegrass (Stipa spp.), and sky lupine (Lupinus nanus).

Vegetation

Indian Knob mountainbalm (Eriodictyon altissimum) FE, SE, List 1B

Indian Knob mountainbalm *(Eriodictyon altissimum)* habitat has been found about 0.53 miles to the southeast of the project site. This evergreen shrub is found generally on sandstone soils in chaparral (maritime), cismontane woodland and coastal scrub areas at elevations between 80 and 270 meters (260 to 890 feet). The blooming period is March-June. Indian Knob mountainbalm is considered Federal and State endangered and extremely rare by CNPS (List 1B, RED 3-3-3).

Jones's layia (Layia jonesii) FSC, List 1B

Jones's layia *(Layia jonesii)* habitat has been found about 0.78 miles to the northeast of the project site. This annual herb is found on serpentine or clay soils in chaparral and valley grassland habitats at elevations between 5 and 400 meters (15 to 1,315 feet). Within San Luis Obispo County, this species is known to range primarily from the Cayucos area south to San Luis Obispo. It is a California endemic, with blooming generally occurring in March to May. Jones's layia is federally listed as a Species of Concern, and CNPS considers this species rare (List 1B, RED 3-2-3). The Cal Flora Occurrence Database catalogs 31 historical occurrences of this species within San Luis Obispo County.

Mesa horkelia (Horkelia cuneata spp. puberula) List 1B

Mesa horkelia (*Horkelia cuneata* spp. *puberula*) habitat has been found about 0.90 miles to the southeast of the project site. This perennial herb is generally found on sandy or gravelly soils in chaparral, cismontane woodland, and coastal scrub areas between the 70 and 810-meter elevation (230 to 2,660 feet). It has a blooming period of February-September. Mesa horkelia is considered rare by CNPS (List 1B, RED 2-3-3).

Santa Margarita manzanita (Arctostaphylos pilosula ssp. pilosula) List 1B

Santa Margarita manzanita (*Arctostaphylos pilosula* ssp. *pilosula*) habitat has been found about 1 mile to the east of the project site. This evergreen shrub is found on shale soils in closed-cone coniferous forest, chaparral; and cismontane woodland areas between the 170 and 1,100-meter elevations (555 to 3,600 feet). The typical blooming period is December-March. Santa Margarita manzanita is considered rare by CNPS (List 1B, RED 3-2-3).

Impact. A botanical report was prepared for the project site (SWCA, May 14, 2013). The proposed home site and driveway is situated within coast live oak (Quercus agrifolia) woodland with central maritime chaparral occurring on the slopes below the woodland edge. This report did not find any Indian Knob Mountain Balm plants, but did find Santa Margarita Manzanita and central maritime chaparral on the property. Santa Margarita manzanita is a CNPS 1B.2 listed plant species, but does not have any federal or state listing status. The location of these manzanita individuals are shown on site plans provided by the applicant (refer to Attachment C; SWCA, May 14, 2013) and were verified as Santa Margarita manzanita during the survey. No Santa Margarita Manzanita will be removed or impacted as part of the construction.

Construction of the project will result in the removal of 32 coast live oak trees and impacts to an additional 11 trees.

Mitigation/Conclusion. The project site is part of a cluster subdivision that protected approximately 90% of the overall site in permanent, natural open space including oak woodland, coastal scrub, and manzanita.

Mitigation measures are proposed to ensure oak trees to remain are properly drained with no grading to occur within the dripline of the trees. These measures incorporate those mitigations proposed with the previously issued Mitigated Negative Declaration for a single family residence on this parcel as modified for the current proposal. The applicant has agreed to prepare a Tree Protection Plan including high visibility protective fencing to be installed during grading activities. To mitigate impacts to the 32 coast live oak trees, the applicant has agreed to replace onsite or off-site, young trees of the same species at the replacement ratio of four-to-one for removed trees for a total of 128 oak trees. Additionally, 11 trees are shown to be removed as part of the project. These removed trees will be replaced at a two-to-one ratio trees for a total of 44 oak trees. The applicant has agreed to retain a qualified individual to plant and monitor the 172 oak trees for at least five years. To avoid accidental tree removal, the applicant has agreed to distinctly flag the trees proposed for removal. Based on the above discussion and proposed mitigation measures, impacts to biological resources can be mitigated 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?	☐	☐	☒	☐

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other:_____	☐	☐	☐	☐

Setting. The project site is located in an area historically occupied by the Obispeño Chumash. The project site is located along a steep hillside above San Luis Creek at approximately 980 feet above sea level. During the environmental review process for the subdivision, an archaeological surface survey was conducted (Charles Dills, August 1998).

Impact. No evidence of cultural materials was noted on the proposed project site during the subdivision process. No structures are present and no paleontological resources are known to exist in the immediate vicinity of the project site. No historic structures are present and no paleontological resources are known to exist in the area. Impacts to historic or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur as a result of the proposed residence and associated improvements, and no mitigation measures are necessary.

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: Moderately to steeply sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Moderate

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? 0.80 miles to the north of the project site

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

Impact. As proposed, the project will result in the disturbance of approximately 24,500 square feet. Project grading will create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Based on review by County Public Works, a drainage plan is required prior to issuance of construction permits. The report shall ensure that project drainage would not increase erosion nor impact downstream properties. In addition, low impact design practices are encouraged.

The project has the potential to reduce the soil's ability to absorb rainfall by covering ground with impervious surfaces. Increased impervious areas have the potential to result in downstream flooding, higher peak flows, and carry polluted runoff.

Mitigation/Conclusion. Pursuant to the Land Use Ordinance (LUO), the applicant is required to prepare and implement a drainage plan, and erosion and sedimentation control plan. Based on compliance with existing LUO standards, and NPDES requirements, impacts resulting from drainage, erosion, and sedimentation would be less than significant. 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?	☐	☐	☐	☒

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

Setting. With regard to potential fire hazards, the subject project is within the Very High Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 6-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on fire safety impacts. The project is not within the Airport Review area. The project is not within the 100-year Flood Hazard Combining designation (FH).

Impact. The project is not expected to conflict with any regional emergency response or evacuation plan. Because the project is located in the high fire severity zone, modification of vegetation within 100 feet of any buildings and additional on-site water storage will be required in accordance with Cal Fire standards.

Mitigation/Conclusion. No measures beyond those required by ordinance or code are considered 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?	☐	☐	☒	☐

8. NOISE *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 approximately 2,900 feet from Highway 101 and located approximately 900 feet above Highway 101. The site is not within the identified noise contours associated with the Highway 101 corridor that would potentially result in significant noise impacts. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources (Highway 101), the project is within an acceptable threshold area.

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses. Based on the location of the project as it relates to the Highway 101, the existing transportation facilities will not conflict with any sensitive noise receptors (e.g., the proposed residence).

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

9. POPULATION/HOUSING *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) 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 provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

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

Mitigation/Conclusion. No significant population and housing impacts are anticipated. Because the project involves the construction of only one single family residence, it is exempt from the inclusionary housing ordinance. 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: San Luis Obispo (Kansas Ave.)

Fire: Cal Fire (formerly CDF) Hazard Severity: Very High Response Time: 5-10 minutes

Location: San Luis Obispo County Regional Airport, approximately 2.6 miles to the northeast

School District: San Luis Coastal Unified School District.

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

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

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

11. RECREATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Other _____	☐	☐	☐	☐

Setting. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional 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 for this rural area as "C" or better. The existing road network in the area is operating at an acceptable level of

service. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable. The project site is located in the San Luis Bay Road Fee Area.

County Public Works reviews grading permits as part of the construction permit process. No significant traffic-related concerns were identified.

Impact. The proposed project is estimated to generate about 9.57 trips per day, based on the Institute of Traffic Engineer's manual of 9.57 trips/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs on transportation.

Mitigation/Conclusion. The project will be required to contribute to the San Luis Bay Road Fee Program to offset cumulative impacts associated with the proposed project. No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance are necessary.

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 proposes to use an on-site septic system to handle its wastewater. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);

- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation(s) of this soil for wastewater effluent include:

--***shallow depth to bedrock***, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface. In this case, due to limited availability of information relating to the shallow depth to bedrock characteristic, the following additional information will be needed prior to issuance of a building permit: soil borings at leach line location(s) showing that there is adequate distance to bedrock. If adequate distance cannot be shown, a County-approved plan for an engineered wastewater system showing how the basin plan criteria can be met will be required.

--***steep slopes***, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent. In this case, the proposed leach lines are located on a fairly level level portion of the subject property that is sufficiently set back from any steep slopes to avoid potential daylighting of effluent. Therefore, no measures are necessary above what is called out for in the CPC/Basin Plan to address potential steep slopes.

--***slow percolation***, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate should be greater than 30 and less than 120 minutes per inch.

Impacts/Mitigation. Based on the following project conditions or design features, wastewater impacts are considered less than significant:

- ✓ The project has sufficient land area per the County's Land Use Ordinance to support an on-site system;
- ✓ The soil's percolation rate is between 30 to 120 minutes per inch;
- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope is less than 20% where the leachfield will be located;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code/ Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality 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 topography of the project is moderately sloping. The closest creek from the proposed development is approximately 2,300 feet to the north of the property that does not drain to San Luis Creek. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Name and distance from blue line creek(s): Unnamed isolated tributary, approximately 2,300 feet to the north

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

Within the 100-year Flood Hazard designation? No

Closest creek? isolated tributary Distance? Approximately 2,300 feet to the north

Soil drainage characteristics: Very poorly drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 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.

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact – Water Quality/Hydrology

The applicant is proposing to use the Baron Canyon Mutual Water Company for water supply. An existing water main on the project site would be used to provide water to the proposed project. The Baron Canyon Mutual Water Company was established to provide water service to all developable lots within the Baron Canyon Ranch subdivision. The project has received a will serve letter from the Baron Canyon Mutual Water Company. No significant impacts to water supply are anticipated as a result of the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

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

- ✓ Approximately 24,500 square feet of site disturbance is proposed and the movement of approximately 1,120 cubic yards of material;
- ✓ 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;
- ✓ 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]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

Water Quantity

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

Indoor:	0.18 acre feet/year (AFY);
Outdoor:	0.51 AFY
Total Use:	0.69 AFY
Water Conservation:	0.10 AFY
Total Use w/ Conservation:	0.59 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).

Based on available water information, there are no known constraints to prevent the project from obtaining its water demands.

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. No additional measures above what are required or proposed are needed to protect water quality and impacts are less than significant.

Based on the proposed amount of water to be use and the water source, no significant impacts from water use are anticipated.

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?	☐	☐	☐	☒

15. LAND USE *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
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, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

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

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required 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 prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial 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 or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☐	County Public Works Department	**Not Applicable**
☐	County Environmental Health Division	**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	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Game	**Not Applicable**
☐	CA Department of Forestry (Cal Fire)	**Not Applicable**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Service District	**Not Applicable**
☐	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

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

Other documents

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ 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:

Indian Mountain Balm Report, SWCA, May 14, 2013

Previous Mitigated Negative Declaration for B011746-002, Morro Group, July 2004

Cultural Resources Survey, Charles Dills, August 1998

Exhibit B - Mitigation Summary Table

Aesthetic Resources

V-1. **Prior to issuance of construction permits**, the applicant shall submit architectural elevations to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).

V-2. **Prior to final inspection**, the applicant shall implement the approved color board.

V-3. **Prior to final inspection**, all lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 101 and Ontario Road. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

V-4. No oak trees located on the northern or western ridgelines shall be removed.

V-5. **Prior to issuance of construction permits,** the applicant shall submit a tree replacement plan (as discussed in detail under the Biological Resources section). The plan shall provide for additional screening trees along the southwestern portion of the site to provide for additional screening when viewed from Highway 101 and Ontario Road. No removal of additional trees beyond the trees identified for removal on the proposed grading plans shall be authorized for removal at any time for the life of the project.

Biological Resources

BR-1. **Prior to issuance of grading permits**, the applicant shall flag the oak trees proposed for removal. Flagging material shall be bright and located on a highly visible place on the trees. Existing tagging of trees on the site shall be removed to eliminate confusion of trees requiring removal.

BR-2. **Prior to issuance of grading permits**, the applicant shall submit a Tree Protection Plan to be implemented during construction. The plan shall include limits of grading clearly marked with highly visible protection fencing to be installed at the drip line of adjacent oak trees. Fencing shall be maintained as necessary and remain in place until final inspection.

BR-3. **Prior to issuance of grading permits,** the applicant shall submit a tree replacement plan for the 32 oak trees to be removed and the 11 trees to be impacted by site disturbance as shown on the proposed grading plans. No additional trees shall be removed beyond the trees identified for removal herein.

Prior to final inspection, the applicant shall replace, in-kind at a four-to-one ratio, the thirty-two (32) coast live oak trees to be removed and replace, in-kind at a two-to-one ratio, the eleven (25) coast live oak trees to be impacted as a result of the grading the project site for a total of one hundred and seventy (172) coast live oak trees.

Replacement coast live oak trees shall be from one-gallon container sizes and placed in the proposed oak tree replacement areas. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

BR-4. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryperson) to monitor the new trees until successfully established, on an annual basis, for no less than five years. The first report shall be submitted to the Department of Planning and Building one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Department of Planning and Building.

BR-5. **If all 172 oak trees cannot feasibly be planted onsite, prior to issuance of the first building permit,** the applicant shall submit for county-approval, an "Off-site Restoration Plan" (prepared by a county-qualified botanist) that shows a comparable off-site area can be restored with coast live oak trees (Quercus agrifolia). Such a site must have the following components:

a. The off-site area is owned or controlled by a non-profit or governmental agency;
b. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;
c. There is comparable area available for coast live oak tree restoration;
d. It is within close proximity of the subject property;
e. The area targeted is clearly shown to have all of the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant area(s) being eliminated) without the need of any long-term artificial maintenance (other than occasional weeding and providing for temporary irrigation water);
f. If feasible, coast live oak and/or their seed from the subject property shall be used for the target area, as determined appropriate by the botanist;
g. Submittal of a cost estimate by a qualified individual for: property acquisition, site evaluation reporting, all restoration work, and monitoring/ maintenance/ remedial work for at least 5 years;
h. Establishment of a bond for the cost estimate to be held by the county until targeted area is considered successfully restored by botanist; and,
i. If targeted area fails, bond shall be applied to establishing a second area.

BR-6. **Prior to any site disturbance or tree removal,** to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to

ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Geology and Soils

GS-1. **Prior to issuance of construction permits**, driveways that are less than 12% slope shall be constructed using permeable paving materials and shall be designed to drain to vegetated depressions, rain gardens, or open areas to allow for stormwater infiltration.

GS-2. **Prior to issuance of construction permits**, roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants.

GS-3. **Prior to issuance of construction permits**, vegetated drainage swales shall be constructed along the access driveway and discharge to an approved location in a non-erosive manor.

Water and Hydrology

W-1. **Prior to issuance of the grading permit**, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall include, but not be limited to, the following measures:

a. Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.

b. Erosion and sedimentation control devices: In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.

c. Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.

d. Control of off-site effects: All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

12-01076

Date: July 23, 2013

REVISED DEVELOPER'S STATEMENT FOR THE VANBEURDEN GRADING PERMIT; PMT 2012-01076

2013 AUG 1 AM 10:01 SLO CNTY PLANNING/BUILDING DEPT

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

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

Aesthetic Resources

V-1. **Prior to issuance of construction permits**, the applicant shall submit architectural elevations to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).

Monitoring: Compliance will be verified by the Department of Planning and Building. The Department of Planning and Building shall verify receipt of color board.

V-2. **Prior to final inspection,** the applicant shall implement the approved color board.

Monitoring: Compliance will be verified by the Department of Planning and Building. The Department of Planning and Building shall verify implementation of the approved color board.

V-3. **Prior to final inspection,** all lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from Highway 101 or any other location off of the project site. All lighting poles, fixtures, and hoods shall be dark colored. No exterior lighting shall be installed or operated in a manner that would throw light, either reflected or directly, in an upward direction.

Monitoring:	Compliance will be verified by the Department of Planning and Building.

V-4. No oak trees located on the northern or western ridgelines shall be removed.

Monitoring:	Compliance will be verified by the Department of Planning and Building.

V-5. **Prior to issuance of construction permits,** the applicant shall submit a tree replacement plan (discussed in more detail under Biological Resources). The plan shall provide for additional screening trees along the southwestern portion of the site to provide for additional screening when viewed from Highway 101.

Monitoring:	Compliance will be verified by the Department of Planning and Building.

Biological Resources

BR-1. **Prior to issuance of grading permits**, the applicant shall flag the oak trees proposed for removal. Flagging material shall be bright and located on a highly visible place on the trees. Existing tagging of trees on the site shall be removed to eliminate confusion of trees requiring removal.

Monitoring:	The Department of Planning and Building shall verify flagging on the project site.

BR-2. **Prior to issuance of grading permits**, the applicant shall submit a Tree Protection Plan to be implemented during construction. The plan shall include limits of grading clearly marked with highly visible protection fencing to be installed at the drip line of adjacent oak trees. Fencing shall be maintained as necessary and remain in place until final inspection.

Monitoring:	The Department of Planning and Building shall review and approve the Tree Protection Plan and verify implementation during construction.

BR-3. **Prior to issuance of grading permits,** the applicant shall submit a tree replacement plan for the 32 oak trees to be removed and the 11 trees to be impacted by site disturbance as shown on the proposed grading plans.

Prior to final inspection, the applicant shall replace, in-kind at a four-to-one ratio, the thirty-two (32) coast live oak trees to be removed and replace, in-kind at a two-to-one ratio, the eleven (11) coast live oak trees to be impacted as a result of the grading the project site for a total of one hundred and seventy-two (172) coast live oak trees.

Replacement coast live oak trees shall be from one-gallon container sizes and placed in the proposed oak tree replacement areas. All newly planted oak trees shall be maintained until successfully established. This shall include caging from animals (e.g., deer and rodents), periodic weeding and adequate watering (e.g., drip-irrigation system). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. All trees shall be tagged and numbered for future monitoring.

Once trees have been planted and prior to final inspection of grading permits, the applicant shall retain a qualified individual (e.g., landscape contractor, arborist, nurseryperson, botanist) to prepare a letter stating the above planting and protection measures have been completed. This letter shall be submitted to the Department of Planning and Building.

Monitoring:	The Department of Planning and Building will verify compliance. The Department of Planning and Building shall verify receipt of the letter stating the completion of planting and protection measures.

BR-4. To promote the success of the new trees, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/contractor, nurseryperson) to monitor the new trees until successfully established, on an annual basis, for no less than five years. The first report shall be submitted to the Department of Planning and Building one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Department of Planning and Building.

Monitoring:	The Department of Planning and Building will verify compliance. The Department of Planning and Building shall verify receipt of annual monitoring reports.

BR-5. **If all 172 oak trees cannot feasibly be planted onsite, prior to issuance of the first building permit,** the applicant shall submit for county-approval, an "Off-site Restoration Plan" (prepared by a county-qualified botanist) that shows a comparable off-site area can be restored with coast live oak trees (Quercus agrifolia). Such a site must have the following components:

a. The off-site area is owned or controlled by a non-profit or governmental agency;

b. It is shown that the intent for the area will be to protect it in perpetuity with the primary goal to reestablish and maintain native habitat;

c. There is comparable area available for coast live oak tree restoration;

d. It is within close proximity of the subject property;

e. The area targeted is clearly shown to have all of the necessary requirements for successful reestablishment of the plant/habitat (that will be better than or equal to the sensitive plant area(s) being eliminated) without the need of any long-term artificial maintenance (other than occasional weeding and providing for temporary irrigation water);

f. If feasible, coast live oak and/or their seed from the subject property shall be used for the target area, as determined appropriate by the botanist;

g. Submittal of a cost estimate by a qualified individual for: property acquisition, site evaluation reporting, all restoration work, and monitoring/ maintenance/ remedial work for at least 3 years;

h. Establishment of a bond for the cost estimate to be held by the county until targeted area is considered successfully restored by botanist; and,

i. If targeted area fails, bond shall be applied to establishing a second area.

Monitoring: Compliance will be verified by the Department of Planning and Building.

BR-6. **Prior to any site disturbance or tree removal,** to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFW and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Monitoring: Compliance will be verified by the Department of Planning and Building.

Geology and Soils

GS-1. **Prior to issuance of the grading permit**, the applicant shall submit a sedimentation and erosion control plan prepared and signed by a Registered Civil Engineer. The plan shall include, but not be limited to, the following measures:

a. Slope surface stabilization: Temporary mulching, seeding or other suitable stabilization measures approved by the County Engineer shall be used to protect all exposed erodible areas. Earth interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.
b. Erosion and sedimentation control devices: In order to prevent sedimentation discharges, erosion and sediment control devices shall be installed as necessary for all grading and filling. Control devices and measures may include, but are not limited to, energy absorbing structures or devices to reduce the velocity of runoff water.
c. Final erosion control measures: During the period from October 15 through April 15, all surfaces disturbed by vegetation removal, grading, or other construction activity are to be revegetated to control erosion.
d. Control of off-site effects: All grading activity shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

Monitoring:	The applicant shall submit a sedimentation and erosion control plan to the Department of Planning and Building for review and approval.

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

Architect

Signature of Owner(s)

7/30/13

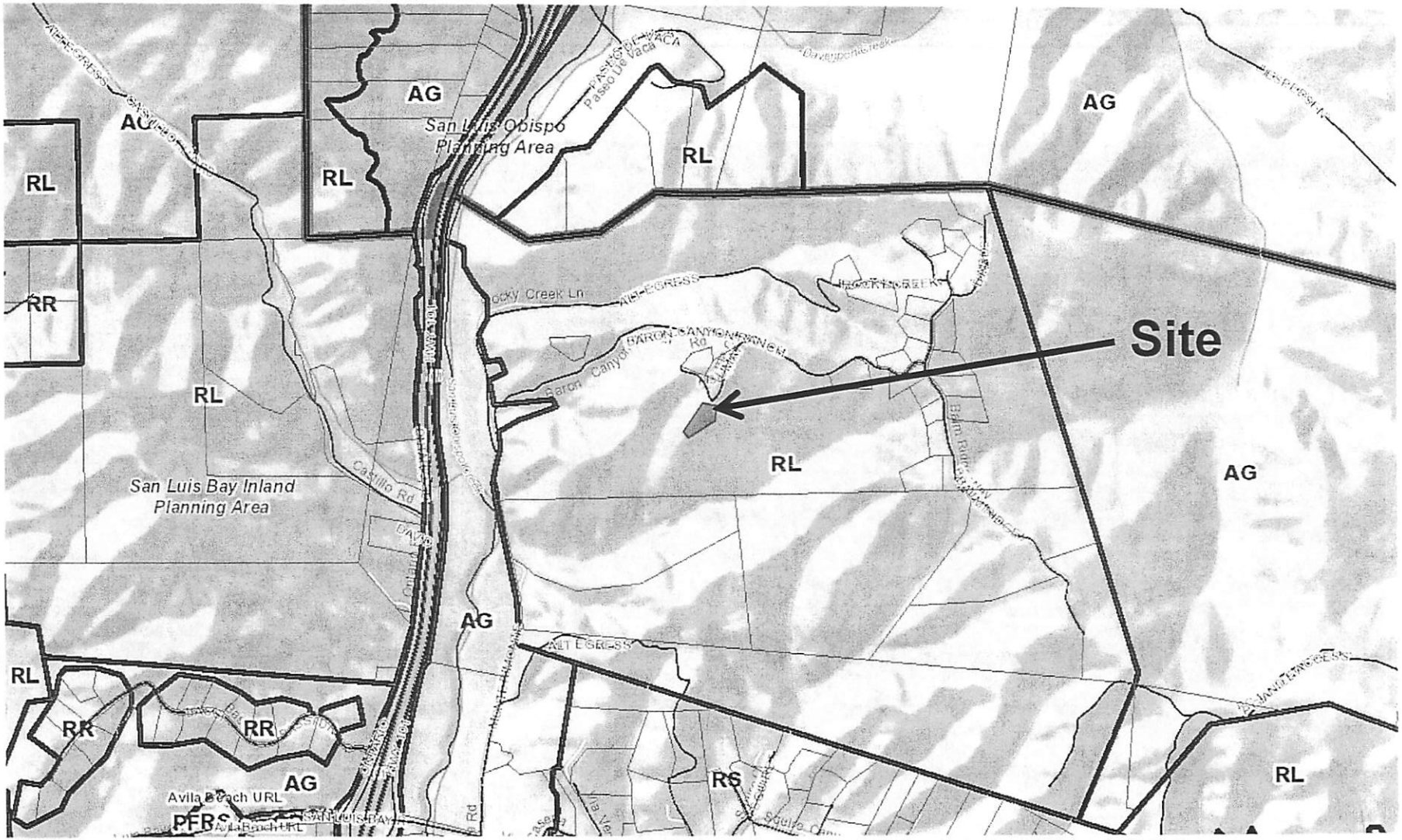
Date

Authorized Agent

Ernest Kim

Name (Print)

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



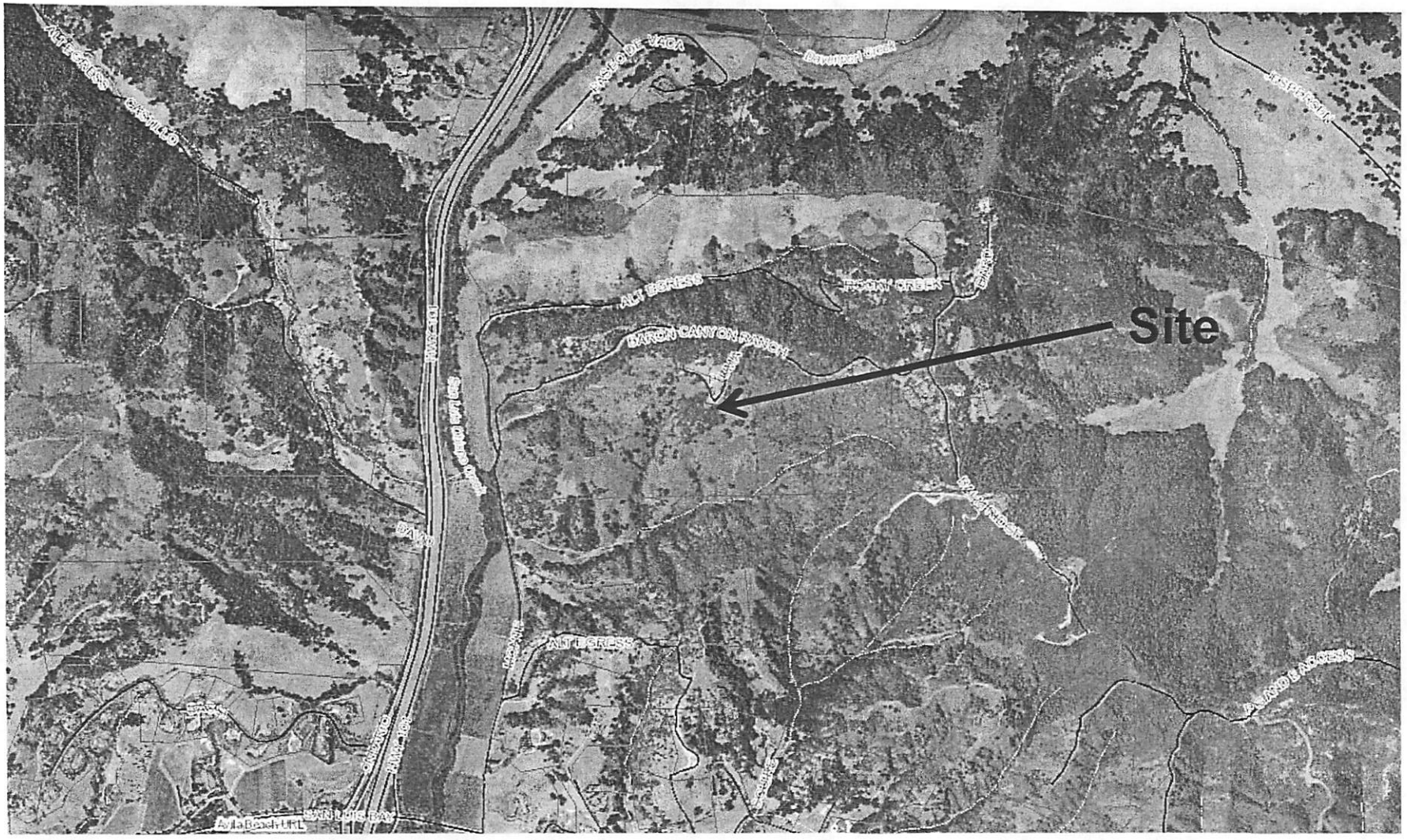
PROJECT

Vanbeurden Grading Permit
PMT2012-01076

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Vanbeurden Grading Permit
PMT2012-01076

EXHIBIT

Aerial Photo

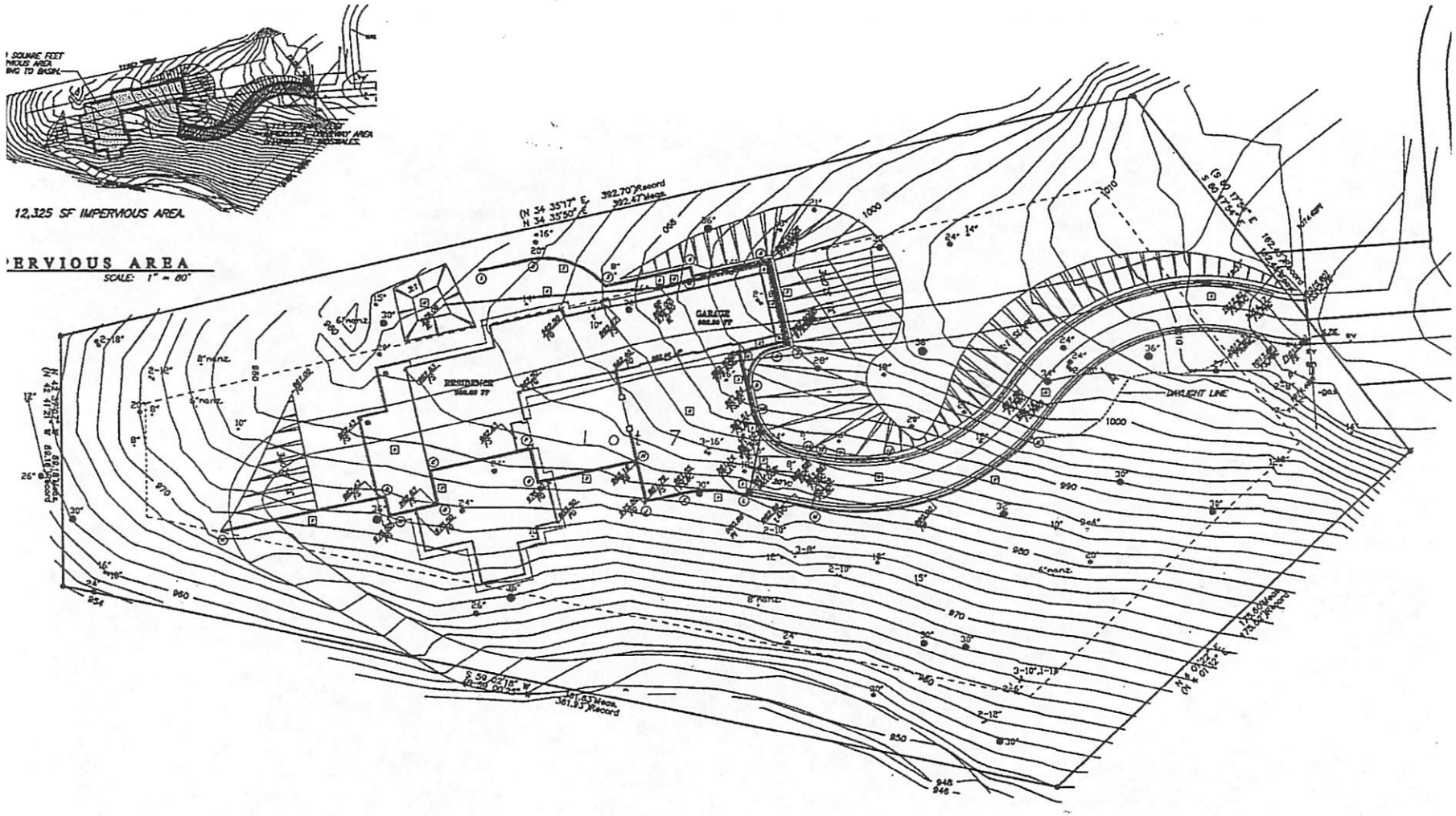
PROJECT

Vanbeurden grading permit
PMT2012-01076

EXHIBIT

Enlarged Aerial Photo

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Vanbeurden Grading Permit
PMT2012-01076

EXHIBIT

Proposed grading plan