Negative Declaration & Notice Of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED12-127 **DATE:** 2/6/2014

PROJECT/ENTITLEMENT: 7 Tracks Realty Minor Use Permit; and Coastal Development Permit D010041P

APPLICANT NAME: 7 Tracks Realty
ADDRESS: PO Box 1140, Stratham, NH 03885
CONTACT PERSON: Bob Semonsen **Telephone:** 805-528-7289

PROPOSED USES/INTENT: Request by 7 Tracks Realty Trust for a Minor Use Permit / Coastal Development Permit to allow a new two story 5,000 square foot single family residence. The project will result in the disturbance of approximately 7,300 square feet of a 20,036 square foot parcel.

LOCATION: The project is located at 286 San Leandro Court, in the Cabrillo Estates neighborhood. The project site is located in the community of Los Osos, in the Estero 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

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

OTHER POTENTIAL PERMITTING AGENCIES:

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

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

	Kerry Brown		County of San Luis Obispo
Signature	**Project Manager Name**	**Date**	**Public Agency**

Initial Study Summary – Environmental Checklist

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

(ver 5.1)Using Form

Project Title & No. **7 Tracks Reality Trust Minor Use Permit /Coastal Development Permit ED12-127(D010041P)**

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.

Kerry Brown	Kerry Brown		1/30/2014
Prepared by (Print)	Signature		Date
Murry Wilson	Murry Wilson	Ellen Carroll, Environmental Coordinator	1/30/14
Reviewed by (Print)	Signature	(for)	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 Current Planning Division, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by 7 Tracks Reality Trust for a Minor Use Permit / Coastal Development Permit to allow a new two story 5,000 square foot single family residence. The project will result in the disturbance of approximately 7,300 square feet of a 20,036 square foot parcel. The project is located at 286 San Leandro Court, in the Cabrillo Estates neighborhood. The project site is located in the community of Los Osos, in the Estero planning area.

ASSESSOR PARCEL NUMBER(S): 074-483-025

Latitude: 35° 18' 22.5318" N Longitude: -120° 49' 26.9034" W **SUPERVISORIAL DISTRICT # 2**

B. EXISTING SETTING

PLANNING AREA: Estero, Los Osos

LAND USE CATEGORY: Residential Single Family

COMBINING DESIGNATION(S):
Coastal Appealable Zone
Local Coastal Plan/Program

EXISTING USES: Undeveloped

TOPOGRAPHY: Gently sloping to moderately sloping

VEGETATION: Veldt grass and remanants of coastal scrub

PARCEL SIZE: 20,046 square feet

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Single Family; single-family residence(s) undeveloped	*East:* Residential Suburban; undeveloped
South: Residential Single Family; single-family residence(s)	*West:* Residential Single Family; undeveloped

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.

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 is a single family residence in a residential neighborhood. The topography of the project site is gently to moderately sloping to the north. The existing vegetation on the project site consists of a mixture of native and introduced plant species, including coastal sage scrub species, annual grasses and weeds, ice plant and veldt grass. The project will not be visible from any major public roadway or silhouette above any ridgelines as viewed from public roadways. **Impact.** The proposed project and associated site improvements will be visible from public vantage points within the Cabrillo Estates subdivision. The project includes retaining walls along the front of the residence and eastern edge of the driveway. Retaining walls proposed in the front setback will not exceed 36 inches in height; retaining walls outside of the front setback will not exceed 6 feet in height consistent with Section 23.04.190. Future development of the proposed single family residence on the project site would not significantly change the visual character of the area however exterior lighting may create lighting and glare when viewed from surrounding public / natural areas. The applicant will be required to shield exterior lighting to minimize glare.

Mitigation/Conclusion. The project is considered compatible with the surrounding uses. The applicant shall submit an exterior lighting plan showing the location, height, and intensity of proposed exterior lighting. Lighting shall be shielded and downward facing to reduce the glare. No significant visual impacts are expected to occur with the inclusion of measures contained in Exhibit B – Mitigation Summary Table.

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?	☐	☐	☒	☐

2. AGRICULTURAL RESOURCES
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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: Residential Single Family

State Classification: Not prime farmland

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

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

Baywood fine sand (9 - 15% slope). This gently to moderately sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering. The soil is considered Class VI (non-irrigated) and Class IV (irrigated).

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

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☐	☒	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐

3. AIR QUALITY

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 and updated their CEQA Air Quality Handbook (2012) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

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

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

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

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that

is consistent with AB 32 Scoping Plan measures and goals; or,

2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

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

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

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

Impact. As proposed, the project will result in the disturbance of approximately 7,300 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will not exceed operational thresholds triggering 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.

This project is 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.

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

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

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

On-site Vegetation: Veldt grass with remnants of coastal scrub

Name and distance from blue line creek(s): Los Osos Creek Approximately 1.62 miles from parcel

Habitat(s): Potential Morro shoulderband snail habitat

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Wildlife

Big free-tailed bat

Black legless lizard *(Anniella pulchra nigra)* CSC

Monarch butterfly *(Danaus plexippus)*

Morro Bay blue butterfly

Morro Bay kangaroo rat

Morro shoulderband snail *(Helminthoglypta walkeriana)* FE

Error! Reference source not found.

Silvery legless lizard *(Anniella pulchra pulchra)*CSC, FSC

Vegetation

Blochman's leafy daisy

California seablite (Suaeda californica) FE, List 1B

Coastal Goosefoot (Chemopodium littoreum) List 1B.2

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

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

Morro manzanita (Arctostaphylos morroensis) FT, List 1B

Splitting yarn lichen (Sulcaria isidiifera) FSC

The biological surveys performed on the project site in 2000, 2002 and 2006 and the Low-Effect Habitat Conservation Plan (2010) indicate that the project site does not contain any sensitive plant species, riparian or wetland habitat, or wildlife corridors. No impacts to the above referenced biological / botanical resources would occur. Only one of the species identified in the CNDDB search shown above occur on the site. The species is:

> Morro shoulderband snail *(Helminthoglypta walkeriana)* has been found about 0.79 miles to the east. Morro shoulderband snail is considered federally endangered. There are two forms of the Morro shoulderband snail, the coastal snail and the inland snail. The coastal snail is restricted to the coastal strand and coastal sage scrub habitats in the immediate vicinity of Morro Bay. The coastal form, *H. walkeriana walkeriana,* inhabits the duff beneath mock heather (*Ericameria),* buckwheat *(Eriogonum parvifolium),* mint shrubs *(Salvia* spp.*), Dudleya*, and iceplant (*Mesembryanthemum* spp.*).* The inland form, *H. walkeriana morroensis,* is found under coastal sage scrub, *Opuntia* cactus, fennel, and grasslands and swales with shrubs that provide canopy and leaf litter.

The site's vegetation consists of a mixture of native and introduced plant species, including coastal sage scrub species, annual grasses and weeds, ice plant, and veldt grass. The majority of the site contains mowed veldt grass vegetation and wood chips, with several remnant clumps of coastal scrub present on the site.

The subject site is in the range of the Morro shoulderband snail, a federally listed species. A Habitat Assessment for Morro shoulderband snail (MSS) was conducted at the site (Morro Group, January 2002). No live MSS or empty MSS shells were found on the site. The survey concluded that the site does not provide significant habitat value for MSS due to the predominance of veldt grass and ongoing mowing for hazard abatement purposes. Protocol-level surveys were conducted between October 19, 2004 and January 3, 2005 (Morro Group, January 2005) on the site. Two live MSS and three empty MSS shells were found. One of the live MSS was observed in the ice plant located on the slope adjacent to San Leandro Court and one was observed within native coastal scrub habitat located near the northern property line. No MSS were observed in the clumps of veldt grass which dominated the property.

Impact. The applicant has applied for and received a permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service for incidental take of the federally endangered Morro shoulderband snail. The applicant submitted a Habitat Conservation Plan to minimize and mitigate for impacts to the Morro shoulderband snail that may result from the development of the proposed residence. The Habitat Conservation Plan also included the adjacent separate 5-acre parcel to the east as a mitigation site. The Habitat Conservation Plan describes measures that will be implemented by the applicant to minimize and mitigate the impacts of the proposed project on the Morro shoulderband snail and its habitat.

The proposed residential development project will result in permanent loss of 20,036 square feet of coastal dune scrub, and non-native annual grassland habitat areas suitable for MSS and it may cause direct mortality or injury to individuals as a result of ground disturbing activities during construction. While the project will result in permanent loss of MSS habitat for the entire 20,036 square foot site, the project's area of disturbance (for development of a residence and associated improvements) is 7,300 square feet.

Mitigation/Conclusion. Implementation of the following mitigation measures will reduce potential biological impacts to less than significant levels:

(1) Issuance of the incidental take permit;

(2) Pre-construction and construction monitoring surveys for Morro shoulderband snail will be conducted within the impact area;

(3) All identified individuals of Morro shoulderband snail will be relocated, by an individual in possession of a current valid recovery permit for the species into the adjacent parcel's conservation easement area, out of harm's way;

(4) Installation of protective fencing;

(5) Development and presentation of a contractor and employee training program for Morro shoulderband snail;

(6) Preservation in perpetuity of 3.82 acres of coastal dune scrub (on adjacent 5 acre parcel) and maritime chaparral habitats occupied by Morro shoulderband snail in an easement acceptable to County Counsel and the US Fish and Wildlife Service that will preclude any use not consistent with resource management;

(7) Enhancement of 0.24 acre of disturbed coastal dune scrub within the conservation easement to increase its value and function for Morro shoulderband snail; and

(8) Post-construction monitoring and maintenance of the habitat enhancement activities within conservation easement area for a period of four years to ensure its success. A Letter of Credit in the amount of $16,740 will be established to ensure that adequate funding is available to implement all of the minimization and mitigation measures contained in the plan.

The Habitat Conservation Plan for this site also includes the adjacent 5 acre site (in the Seahorse Lane neighborhood). While the subject of this application is lot 25 of Tract 1342 (in Cabrillo Estates neighborhood), the mitigation measures outlined above include mitigation for the adjacent Seahorse Lane parcel. The required mitigation ratio is 3.3:1 for the project, see the Mitigation Table below:

Parcel	Impact Area (acre)	Open Space Easement Area (acre)
0.45 acre	0.45	0.24 (enhancement)
5.08 acre	1.23	3.82
	1.68	3.82

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 is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. A Phase I surface survey was conducted (Parker and Associates, April 2000). No evidence of pre-historic cultural materials was discovered during the survey. Evidence of historic use of the parcel was discovered during the survey. Three brass 50 cal. shells were found in random locations across the parcel. The spent cartridges are likely the remains of naval training exercises which occurred in and around Morro Bay during World War II. Although the 50 cal. shells represent and important period in California's history, they are considered isolated artifacts and do not constitute a significant cultural resources on their own

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, 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: Gently sloping to moderately sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Low

Nearby potentially active faults?: Yes Distance? Approximately 0.3 miles to the south and 1 mile to the east

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

The project is not within the Geologic Study area designation or within a high liquefaction area.

Los Osos Fault

The Los Osos fault zone is a west-northwest-trending reverse fault that extends predominantly along the northeastern margin of the San Luis Range in San Luis Obispo County. The fault zone, which has an overall length of about 35 miles, is divided into four segments. The most westerly segment of the fault is the Estero Bay segment, which lies mostly offshore. The Irish Hills segment, the only active fault segment, starts in the vicinity of Los Osos and extends to just past San Luis Obispo Creek. A two-mile length of the Irish Hills segment, west of Laguna Lake and near the westerly limit of the City of San Luis Obispo, is considered to be active (Treiman, 1989) and is designated as an Alquist-Priolo Earthquake Fault Zone (Hart, 1997, revised). The other two segments of the Los Osos fault are the Lopez Reservoir segment and the Newsome Ridge segment, both located southeast of the Irish Hills segment, east of San Luis Obispo CreekAccording to the San Luis Obispo County General Plan Safety Element (the Safety Element), the Los Osos fault has the potential to generate an earthquake with a maximum moment magnitude (Mw) of 6.75.

Impact. As proposed, the project will result in the disturbance of approximately 7,300 square feet. This has the potential to result in the loss of soil due to erosion if the site is not adequately protected. Implementation of ordinance required sedimentation and erosion control measures will reduce potential impacts associated with disturbed and exposed soils.

The project has the potential to reduce the soils ability to absorb rainfall by covering ground with impervious surfaces. Increased impervious areas have the potential to result in higher peak flows and carry polluted runoff (see Section 14 for additional discussion).

Mitigation/Conclusion. The project will be required to implement of at least two designer selected Low Impact Development (LID) measures selected to reduce impacts associated with increased impervious areas on the site. These measures will help to mimic the pre-development hydrology of the site and minimize peak flow rates and reduced impacts of polluted runoff. Based on the proposed project, implementation of standard ordinance requirements (such as sedimentation and erosion control plans), and the implementation of the designer selected LID measures; drainage, and sedimentation / erosion impacts will be reduced to less than significant levels.

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

Setting. The project is not located in an area of known hazardous material contamination. The project is within a 'very high' severity risk area for fire. The project is not within the Airport Review area.

Fire Hazard

For additional fire service provider information please refer to the 'Public Services / Utilities' section.

Project-related Elements. The proposed project is within a very high fire hazard severity area. However, the project site is within an existing developed neighborhood. The fuel load of the existing vegetation within 100 feet of the proposed development consists of trees and chaparral and could be considered a moderate fuel load. Topography of the site can be described as gently to moderately sloping. The project site fronts an all-weather road in the Cabrillo Estates neighborhood. The average fire response time for this area is 5 minutes.

Responsibility Area. Regarding fire protection, the project is within the State Responsibility Area (SRA), which falls under the responsibility and jurisdiction of Cal Fire. Within San Luis Obispo County, Cal Fire is responsible for wildland fire protection of almost 1.5 million acres. The County has contracted with Cal Fire to provide protection of structures within the rural unincorporated areas. Recent state legislation (AB X1-29) has also established a property owner fee to help offset the costs of protecting structures within the wildland areas.

Other Aspects. For most areas, Interagency (Mutual Aid) Agreements exist, where nearby fire departments or districts from other jurisdictions will assist the fire agency who has primary responsibility for the subject property.

Urban fires are primarily those associated with structures and the activities in and around them. Most urban fires in the County are caused by human activity. Over the years, County development standards have become more stringent to reduce the frequency and severity of such events. Building codes now require firewalls for adjacent structures. Local ordinances often prohibit the use of fire-prone materials, such as shake-shingle roofs. Electrical standards have also changed to reduce fire risk inside structures. Smoke detectors are now commonly required.

Impact. The project would involve the construction of a single family residence within the community of Los Osos. The project would not involve the use, transport or emission of hazardous materials. The project is located in an existing residential subdivision and would not interfere with an adopted emergency response plan. The project is not located within the vicinity of an airport or private air strip. The project site is not listed on or adjacent to a Cortese Site (Department of Toxic Substance Control, 2013). Impacts related to these issue areas would be less than significant.

Because the project site is within a SRA and has a Fire Severity rating of "Very High", Cal Fire will require a Fire Safety Plan, which will reduce potential fire hazard impacts. The Fire Safety Plan will include requirements such as ignition resistant construction materials, smoke and carbon monoxide detectors, a 16-foot wide driveway.

Mitigation/Conclusion. The project is required by Ordinance to prepare a Fire Safety Plan to be reviewed and approved by Cal Fire that will include the noted measures above. A Fire Safety Plan will be required as a condition of approval for the proposed project. With incorporation of the standard requirements noted above (as required by the Fire Safety Plan), fire hazard impacts would be less than significant. No additional mitigation measures are needed beyond these requirements.

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?	☐	☐	☒	☐

8. NOISE

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Generate permanent increases in the ambient noise levels in the project vicinity?	☐	☐	☒	☐
c) Cause a temporary or periodic increase in ambient noise in the project vicinity?	☐	☐	☒	☐
d) Expose people to severe noise or vibration?	☐	☐	☒	☐
e) If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences). Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

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

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

9. POPULATION/HOUSING

Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) 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. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee (residential projects), or housing impact fee (commercial projects). No mitigation measures are necessary.

10. PUBLIC SERVICES/UTILITIES

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

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

Police: County Sheriff Location: Los Osos (Approximately 2 miles to the northeast)

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

Location: Approximately 2 miles to the northeast

School District: San Luis Coastal Unified School District.

San Luis Obispo Joint Communtiy College District

For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section

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?*	☐	☐	☒	☐
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?*	☐	☐	☒	☐

12. TRANSPORTATION/CIRCULATION *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) Other: _____	☐	☐	☐	☐

Setting. The County has established the acceptable Level of Service (LOS) on roads for the Los Osos area as "D" or better. The existing road network in the area including the project's access street, San Leandro Court, is operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable.

A referral was sent to County Public Works. The project is subject to the County Road Fee for the South Bay (Los Osos) Circulation Fee area, which addresses cumulative impacts to County roads in the area. No additional significant traffic-related concerns were identified.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of 10/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, along with numerous others will contribute to a cumulative areawide transportation impact

Mitigation/Conclusion. No project specific significant traffic impacts were identified, but the project is located within the South Bay Circulation Study Area and will be subject to its fair share of circulation fees consistent with that study. Payment of the South Bay circulation fee will reduce transportation and circulation impacts to less than significant levels.

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. 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.

Impact. The project would not connect to the wastewater treatment facility that is currently under construction within Los Osos; therefore, it would not adversely impact a wastewater service provider.

The project would include the construction of an on-site septic system. The main limitation of the project site soil for wastewater effluent is poor filtering characteristics due to the very permeable nature of the soil. Without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent.

In this case, due to the limited availability of site specific information relating to the poor filtering soil characteristic, the following additional information will be required prior to issuance of a building permit: soil borings at leach line location showing that there is adequate separation, or plans for an engineered wastewater system that shows how the basin plan criteria can be met.

Mitigation/Conclusion. 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 project site soil constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts associated with wastewater disposal are considered less than significant. In addition to these requirements, and those identified in the setting, the on-site septic system would not impact groundwater quality, result in nitrogen loading or result in daylighting. Impacts would be less than significant. No mitigation measures are needed and impacts associated with wastewater disposal are less than significant.

14. WATER & HYDROLOGY

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

Setting. The project proposes to use Golden State Water as its water source. The water source is the Los Osos groundwater basin. The Board of Supervisors has certified a Level of Severity III for the Basin on March 27, 2007. On April 22, 2008, the Board of Supervisors approved two plumbing retrofit ordinances for the Los Osos area. The ordinances address sea water intrusion into the lower aquifer zone of the Los Osos Groundwater Basin. The ordinances require both new and existing development to help address this problem by retrofitting older, non-conserving toilets and showerheads with those that are water efficient. The ordinances went into effect May 22, 2008.

Groundwater production from the basin overall increased steadily from 1978 to 1988 when the Regional Water Quality Control Board imposed a prohibition on new septic system discharges. Since 1988, growth of new residential units in Los Osos has been only about a quarter of a percent per year. Water production has remained stable since then, varying from year to year primarily in response to weather conditions rather than to urban growth.

A draft Basin Plan for the Los Osos Groundwater Bain was released in July 2013. The basin is made up of several aquifer layers, underlying the Los Osos community and surrounding area. The Upper and Lower aquifers are the main sources of municipal and domestic water supplies. Due to water quality degradation of the Upper aquifer from septic systems (nitrates), the water purveyors have been pumping from the lower aquifer. Groundwater extractions have exceeded the sustainable yield of the basins the lower aquifer in the western area; this has resulted in seawater intrusion. The Basin Plan calls for a discontinuation of pumping in the Lower aquifer, decrease overall water demand, and increase water supplies in the Upper aquifer and Lower aquifer (in the central and eastern portions). In order, to access these new water supplies, the water purveyors (with financial backing of the water consumers) will need to construct new infrastructure, including new groundwater production wells, distribution pipelines, and a community nitrate removal facility.

The topography of the project is gently sloping The closest creek from the proposed development is approximately 1.62 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

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

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

Within the 100-year Flood Hazard designation? No

Closest creek? Los Osos Creek Distance? Approximately 1.62 miles

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (CZLUO Sec. 23.05.042) 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 (CZLUO Sec. 23.05.036) 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

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

- Approximately 7,300 square feet of site disturbance is proposed;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is not on highly erodible soils;
- The project is not within a 100-year Flood Hazard designation;
- The project is more than 100 feet from the closest creek or surface water body;
- All disturbed areas will be permanently stabilized with impermeable surfaces and landscaping;
- Stockpiles will be properly managed during construction to avoid material loss due to erosion; and

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.

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: 0.16 acre feet/year (AFY);
Outdoor: 0.13 AFY
Total Use: 0.29 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).

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 7,300 square feet. The project is not within close proximity to surface water sources. This has the potential to result in the loss of soil due to erosion if the site is not adequately protected. Implementation of ordinance required sedimentation and erosion control measures will reduce potential impacts associated with disturbed and exposed soils. The subject property is within the Los Osos Valley groundwater basin. Refer to Section 6 for additional discussion on surface water impacts.

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

Outdoor water usage associated with landscaping irrigation will increase the water demand for the project. Water usage for outdoor irrigation purposes will be minimized because the project will be required to install native and / or drought tolerant (low water using) plant materials and smart irrigation controls.

Mitigation/Conclusion. Impacts associated with surface water quality and quantity will be addressed through the measures identified in Section 6 and as required by measure GS-1 in Exhibit B. The following mitigation measures are required to address impacts to water supply:

Prior issuance of building permits, the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the

applicant has retrofitted enough existing homes and businesses to save twice the amount of water the new residence will use (consistent with Title 19).

The applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance and the attached mitigation measures. All plants utilized shall be drought tolerant. Drip-line irrigation *shall be used for* all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. The maximum amount of turf (lawn) area may not exceed 400 square feet.

One of the following shall be installed as a part of the water supply system: 1) A "Point-of-use" supplemental water heater system in all bathrooms and kitchen, or 2) a circulating hot water system.

Implementation of these measures which are listed in detail in Exhibit B – Mitigation Summary Table will reduce the impact to a level of insignificance.

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

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

The applicant has secured an individual Habitat Conservation Plan for the project site. 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 Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☐	County Environmental Health 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	**None**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☒	CA Department of Forestry (Cal Fire)	**None**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Los Osos Community Advisory Council	**Attached**
☒	Other US Fish and Wildlife	**In File****

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

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

☒ Project File for the Subject Application

County documents

☒ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
☒ Land Use Ordinance (Inland/Coastal)
☒ Building and Construction Ordinance
☒ Public Facilities Fee Ordinance
☐ Real Property Division Ordinance
☒ Affordable Housing Fund
☐ Airport Land Use Plan
☒ Energy Wise Plan
☒ Estero Area Plan and Update EIR
☐ Design Plan
☐ Specific Plan
☒ Annual Resource Summary Report
☒ Los Osos Circulation Study

Other documents

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

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

Cultural Resource Investigation of the Semonsen Parcel, Parker and Associates, April 16. 2000

Morro Shoulderband Snail Survey, Morro Group, January 2002

Morro Shoulderband Snail Survey, Morro Group, January 2006

Botanical Survey of Kellaway Property, V. L. Holland May 2000

Low-effect Habitat Conservation Plan for the federally endangered Morro Shoulerband snail on the Kellaway property in Los Osos California, June 2010

Exhibit B - Mitigation Summary Table

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

Aesthetics

AS-1 **At the time of application for construction permit(s),** the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent residences. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.

Biological Resources

BR-1 **Prior to issuance of construction permits,** the applicant shall provide proof that issuance of an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service has occurred.

BR-2 **Prior to site disturbance**, pre-construction and construction monitoring surveys for Morro shoulderband snail will be conducted within the impact area and submitted to the County of San Luis Obispo.

BR-3 **During all project related construction activities,** all identified individuals of Morro shoulderband snail will be relocated, by an individual in possession of a current valid recovery permit for the species into the adjacent conservation easement area, out of harm's way.

BR-4 **Prior to site disturbance,** a continuous silt fence will be installed to establish the limits of the construction area. The fence will delineate the work zone and establish the limits of the construction area. The fence will remain in place throughout the duration of the project.

BR-5 **Prior to site disturbance,** the applicant shall demonstrate that the development and presentation of a contractor and employee training program for Morro shoulderband snail has been completed.

BR-6 **Prior to issuance of construction permits,** preservation in perpetuity of 3.82 acres of coastal dune scrub and maritime chaparral habitats occupied by Morro shoulderband snail in an easement in a form acceptable to the US Fish and Wildlife Service and County Counsel (and may be a combination of easements) that will preclude any use not consistent with resource management.

BR-7 **Prior to final building inspection,** the applicant shall complete the enhancement of 0.24 acre of disturbed coastal dune scrub within the conservation easement to increase its value and function for Morro shoulderband snail.

BR-8 **Prior to final building inspection,** the applicant shall submit a letter of credit to the US Fish and Wiuldlife Service for post-construction monitoring and maintenance of the habitat

enhancement activities within the easement areas for a period of four years to ensure its success. A Letter of Credit (with the US fish and Wildlife Service) in the amount of $16,740 will be established to ensure that adequate funding is available to implement all of the minimization and mitigation measures contained in the plan.

Geology and Soils

GS-1 **Prior to issuance of grading and construction permits**, at least two Low Impact Development design features shall be incorporated into the project design to reduce impacts associated with increased impervious areas on the site.

Water Resources

W-1 **Prior issuance of building permits,** the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the applicant has retrofitted enough existing homes and businesses to save twice the amount of water the new residence will use (consistent with Title 19).

W-2 The applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. The maximum amount of turf (lawn) area may not exceed 400 square feet.

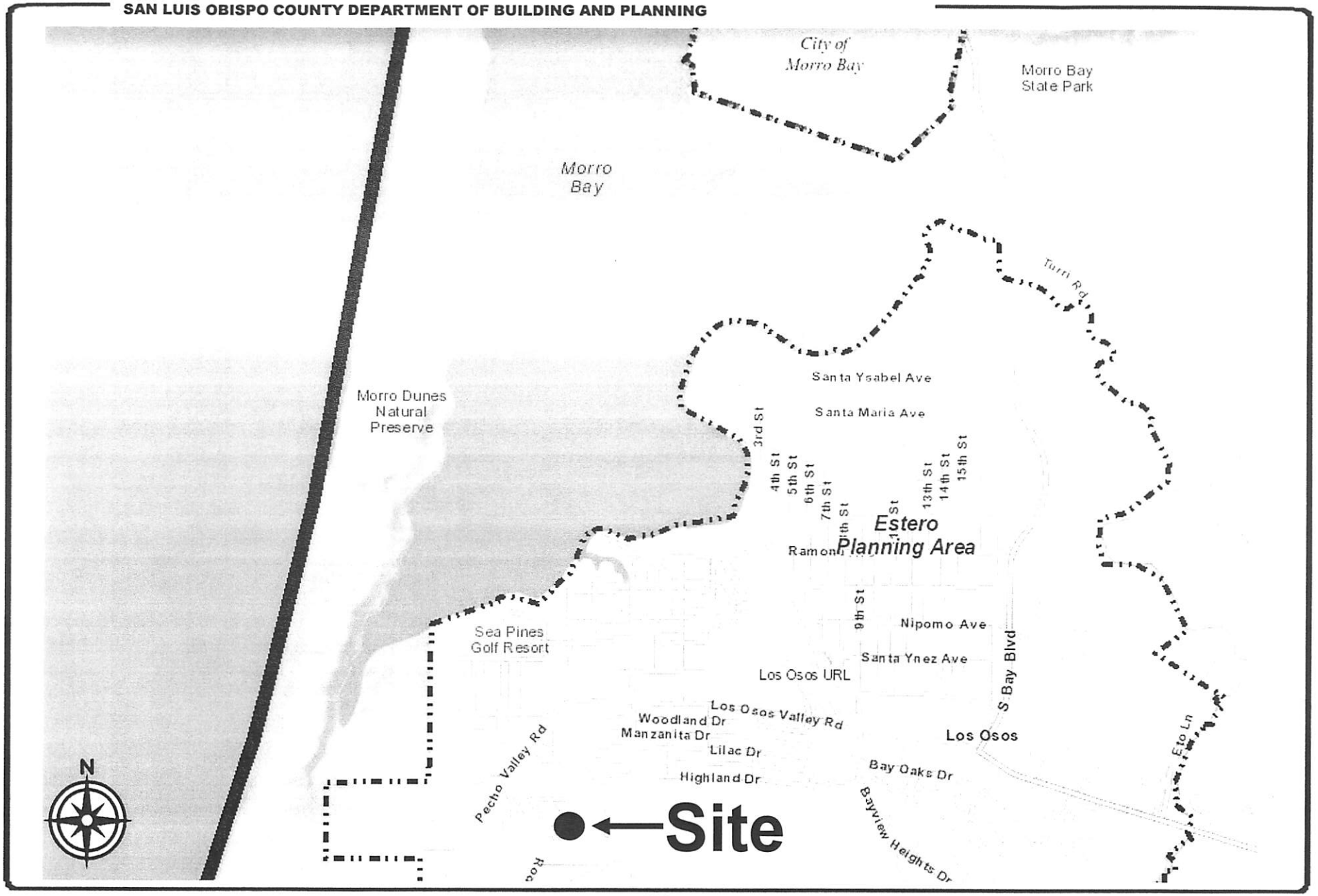
W-3 **Prior to final building inspection,** landscaping shall be installed or bonded for to ensure the implementation of the landscaping consistent with the approved landscaping plan.

W-4 **Prior to final inspection or occupancy**, the following measures shall be applied to the proposed turf areas:

a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;
b. A computerized irrigation controller shall be installed that can estimate cumulative evapo-transpiration losses to establish the most efficient and effective watering regimes;
c. To minimize establishment of shallow roots, the following shall be avoided on turf areas: close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch; and
d. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.

W-5 **Prior to final building inspection,** one of the following shall be installed as a part of the water supply system: 1) A "Point-of-use" supplemental water heater system in all bathrooms and kitchen, or 2) a circulating hot water system.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

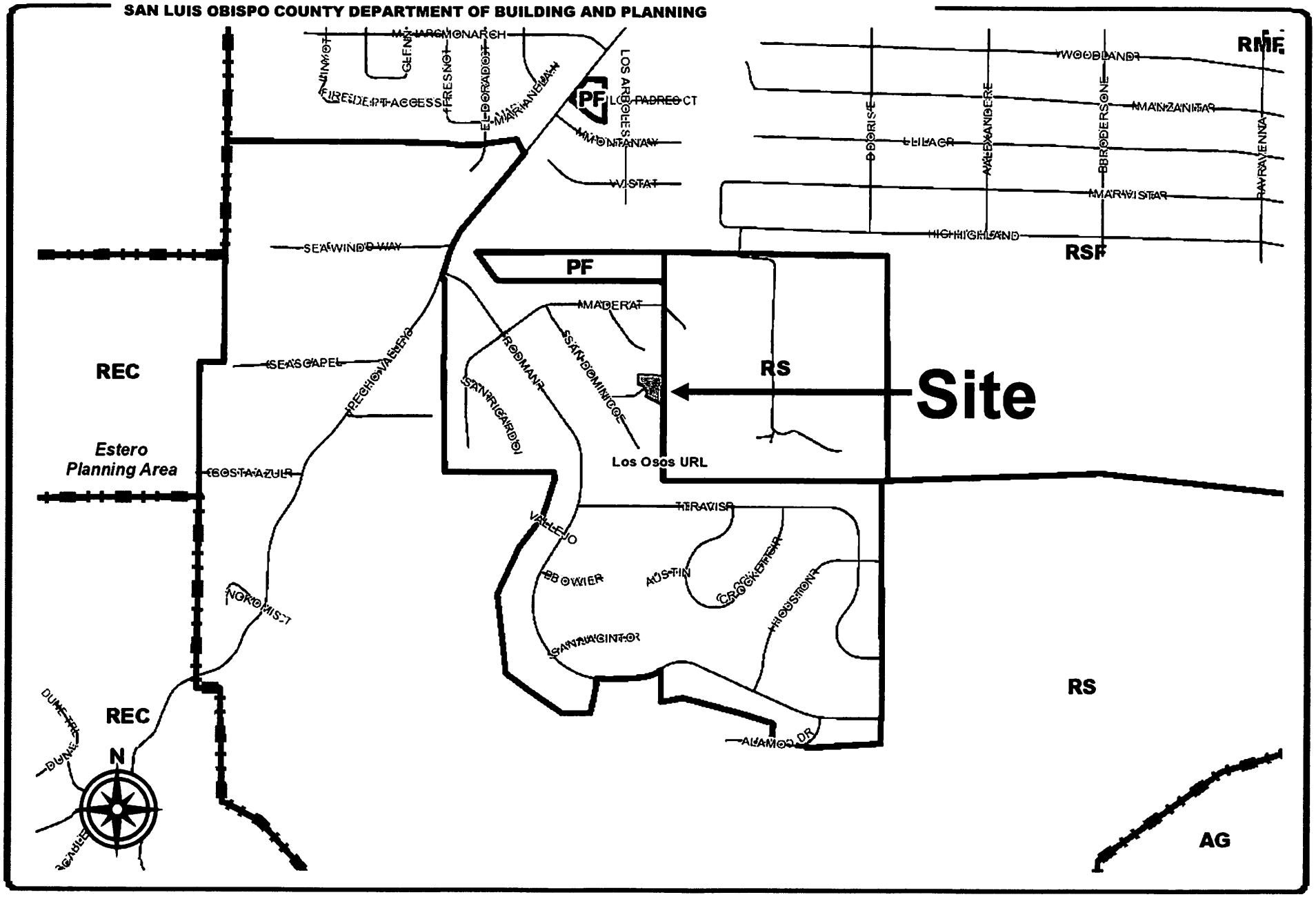


PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Vicinity Map



PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

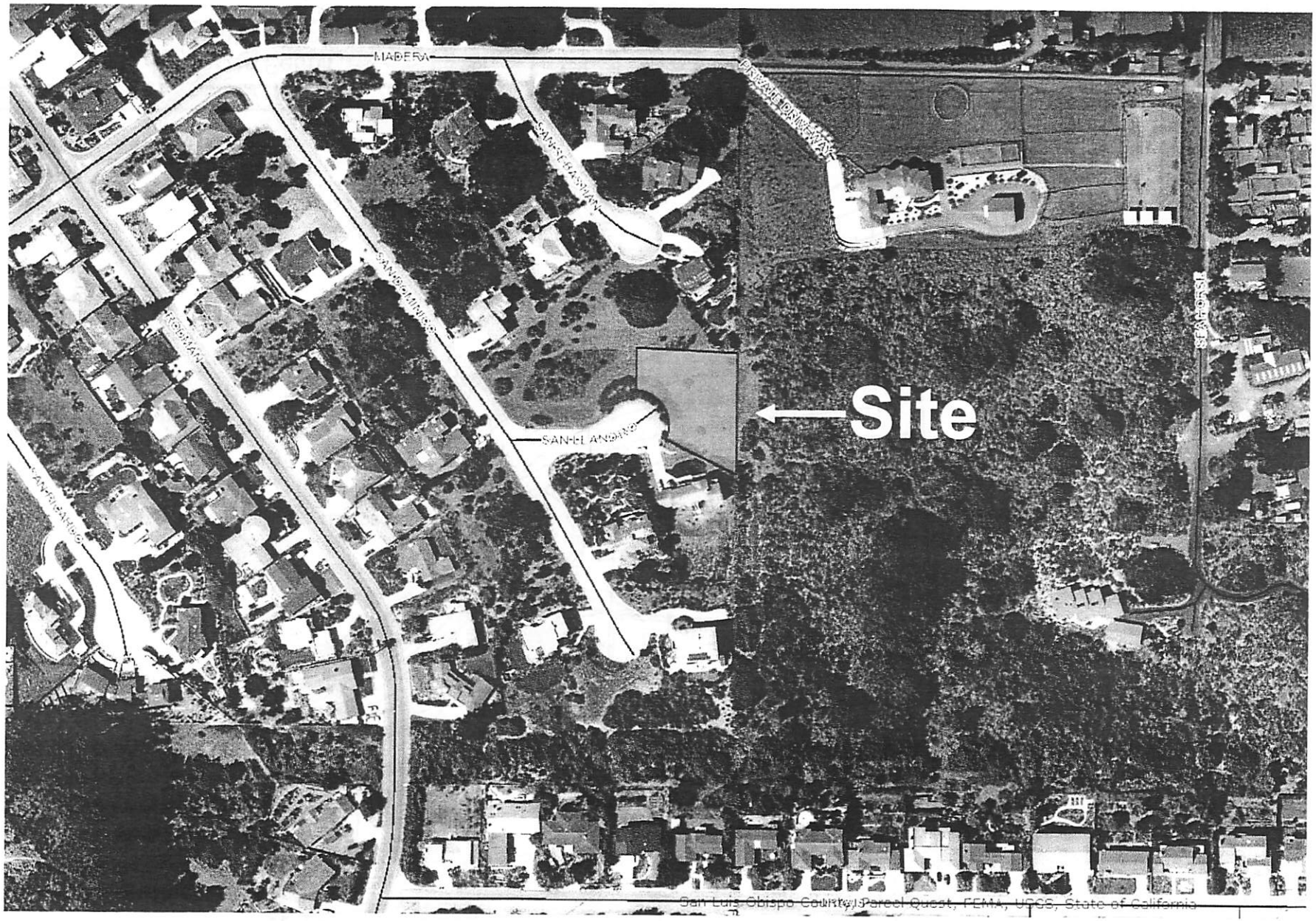
PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Aerial Photograph

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



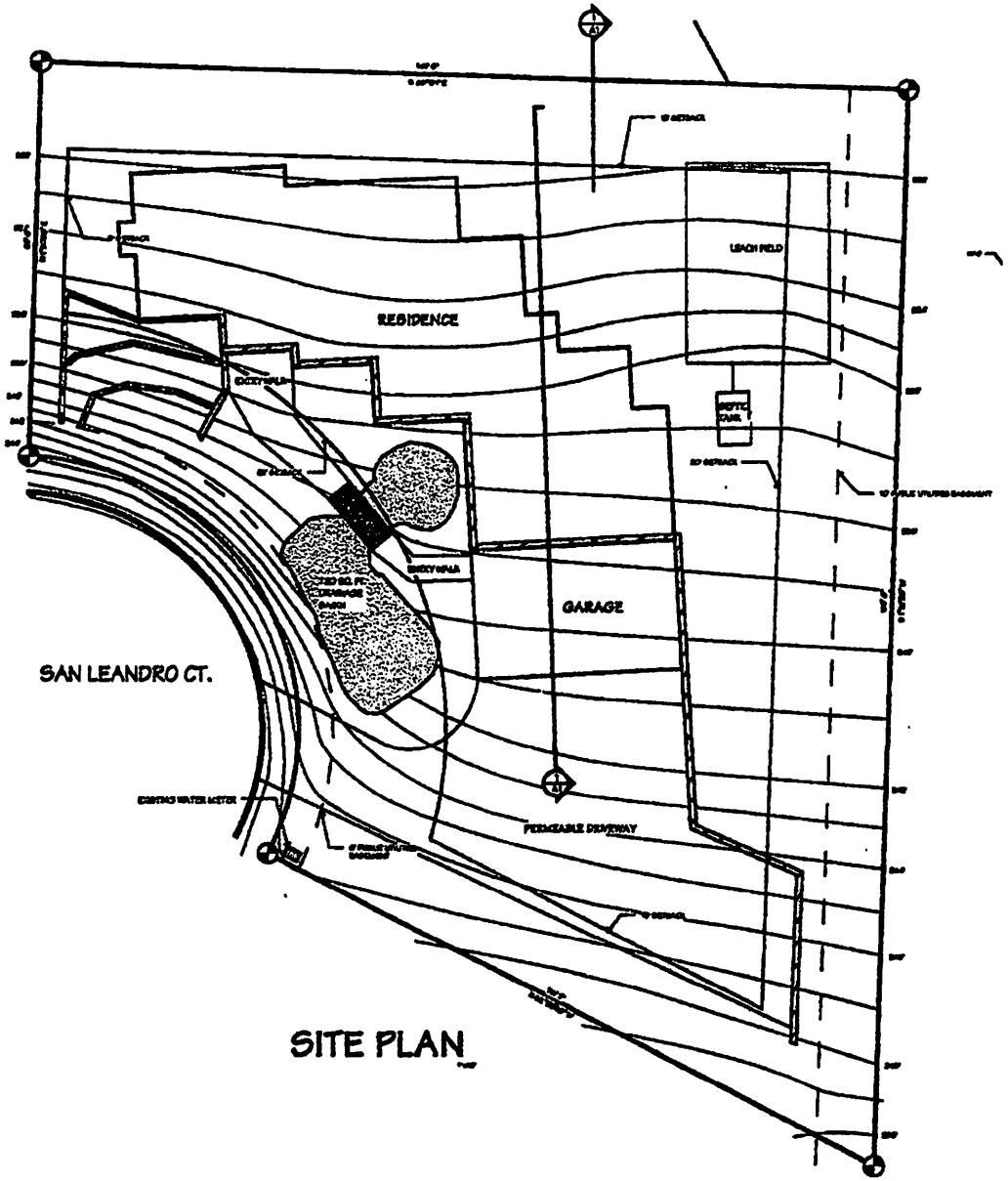
PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Aerial Close-Up

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

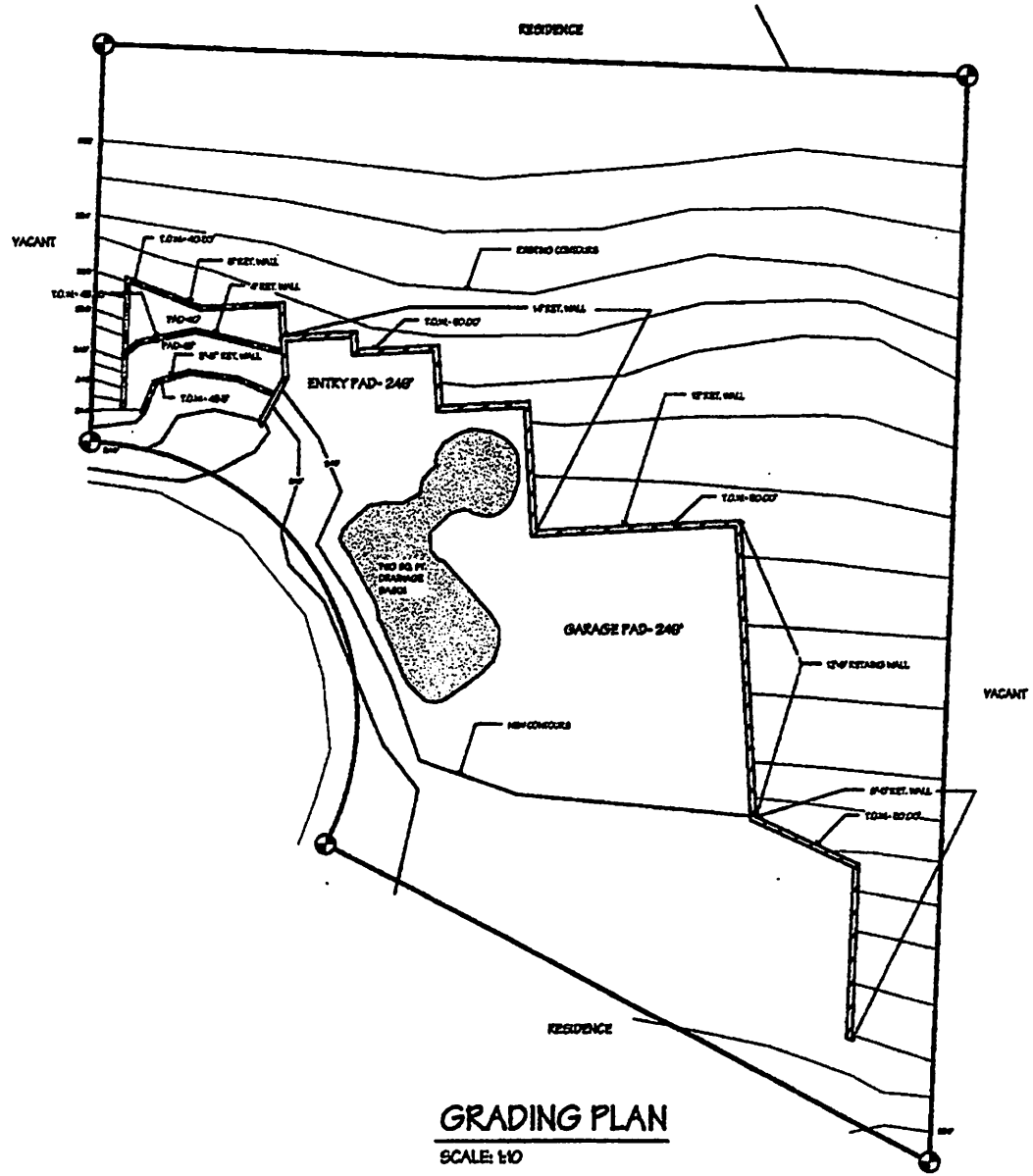


PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Site Plan



GRADING PLAN

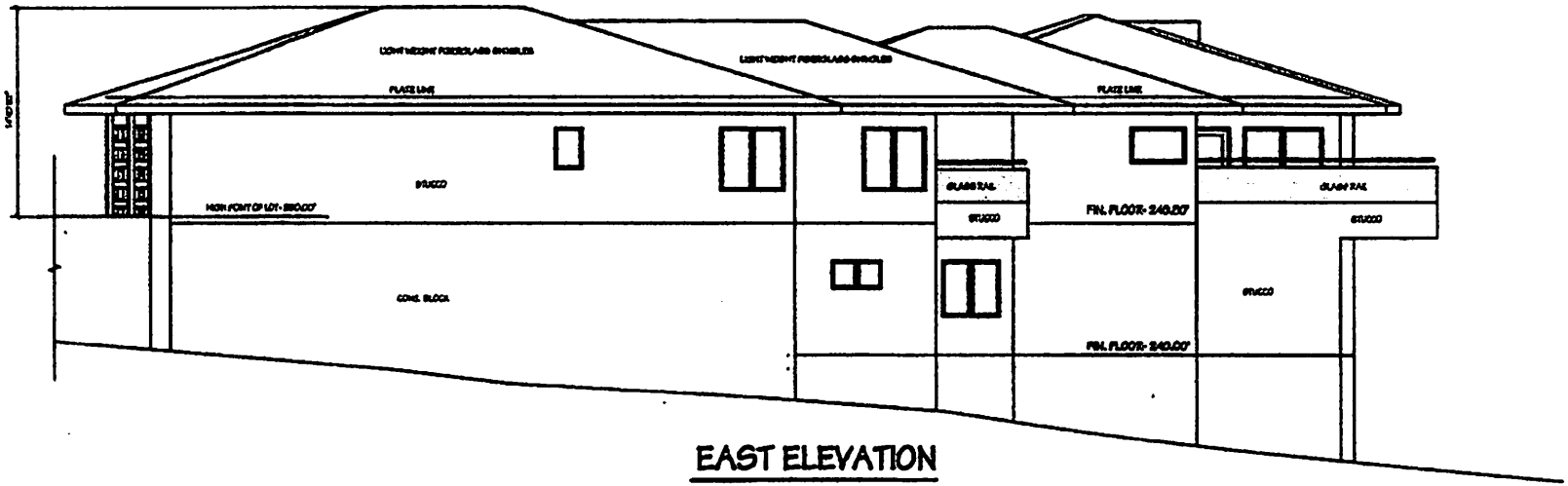
SCALE: 1:10

PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

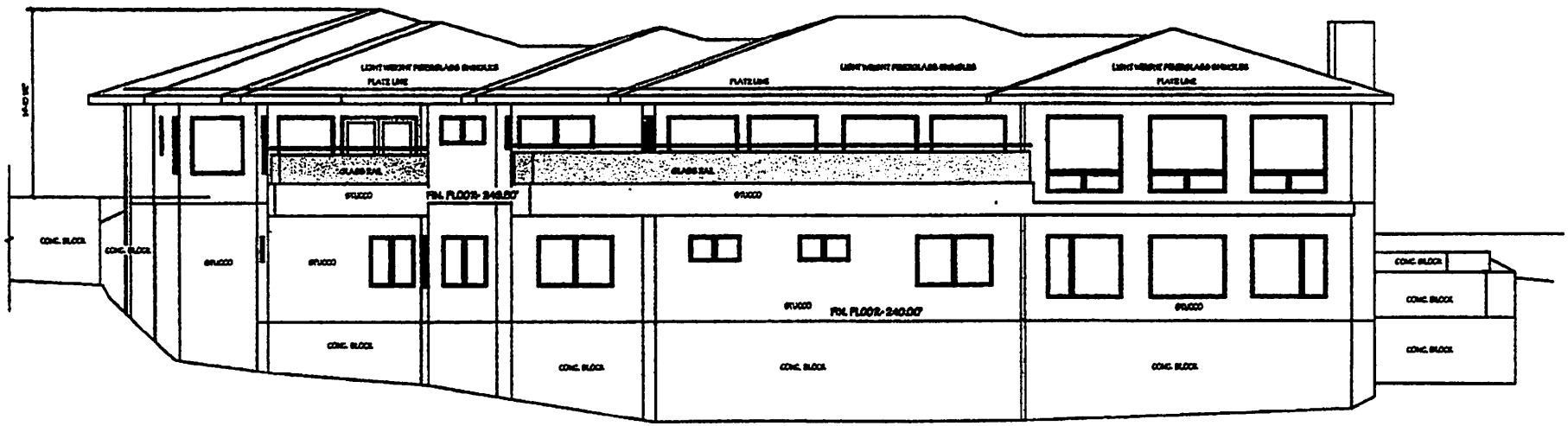
EXHIBIT

Grading Plan



EAST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

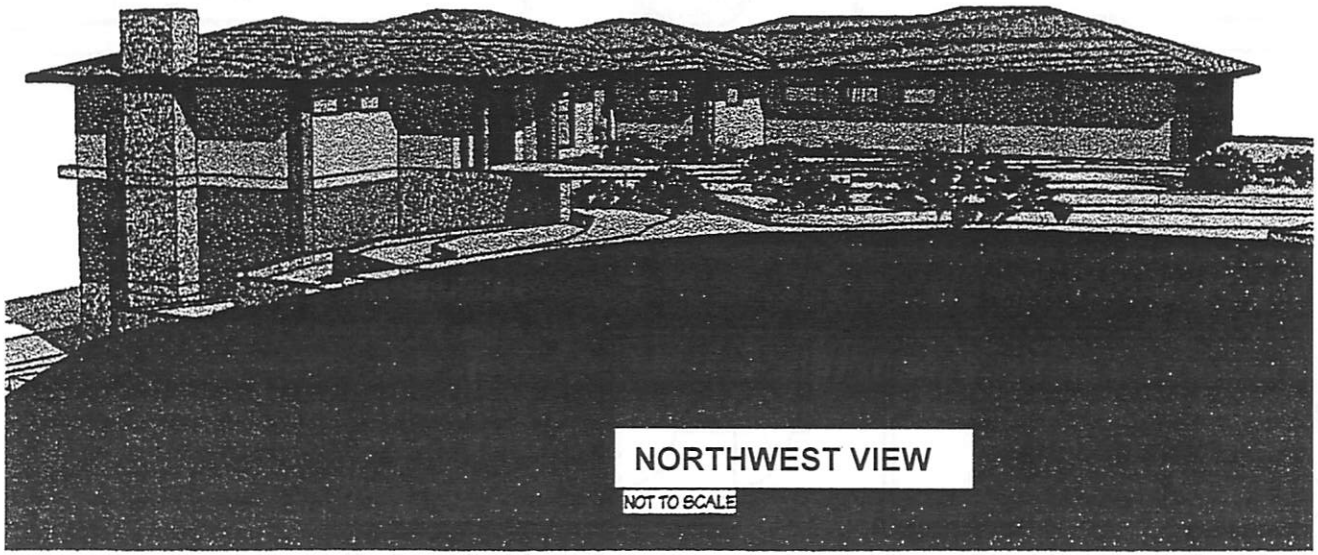
SCALE: 1/4" = 1'-0"

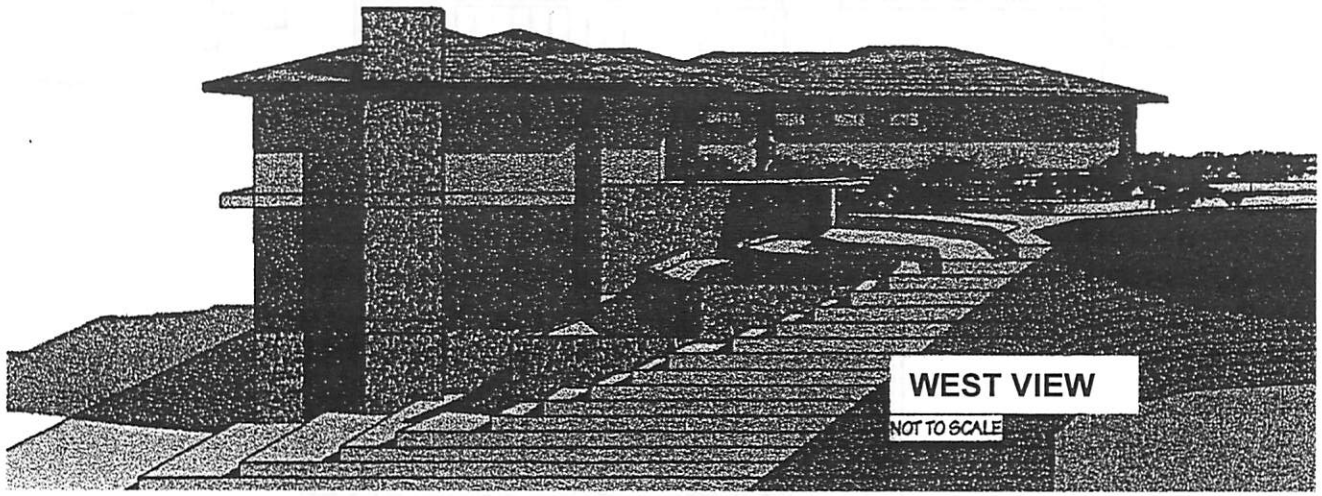
PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Exterior Elevations – East and North





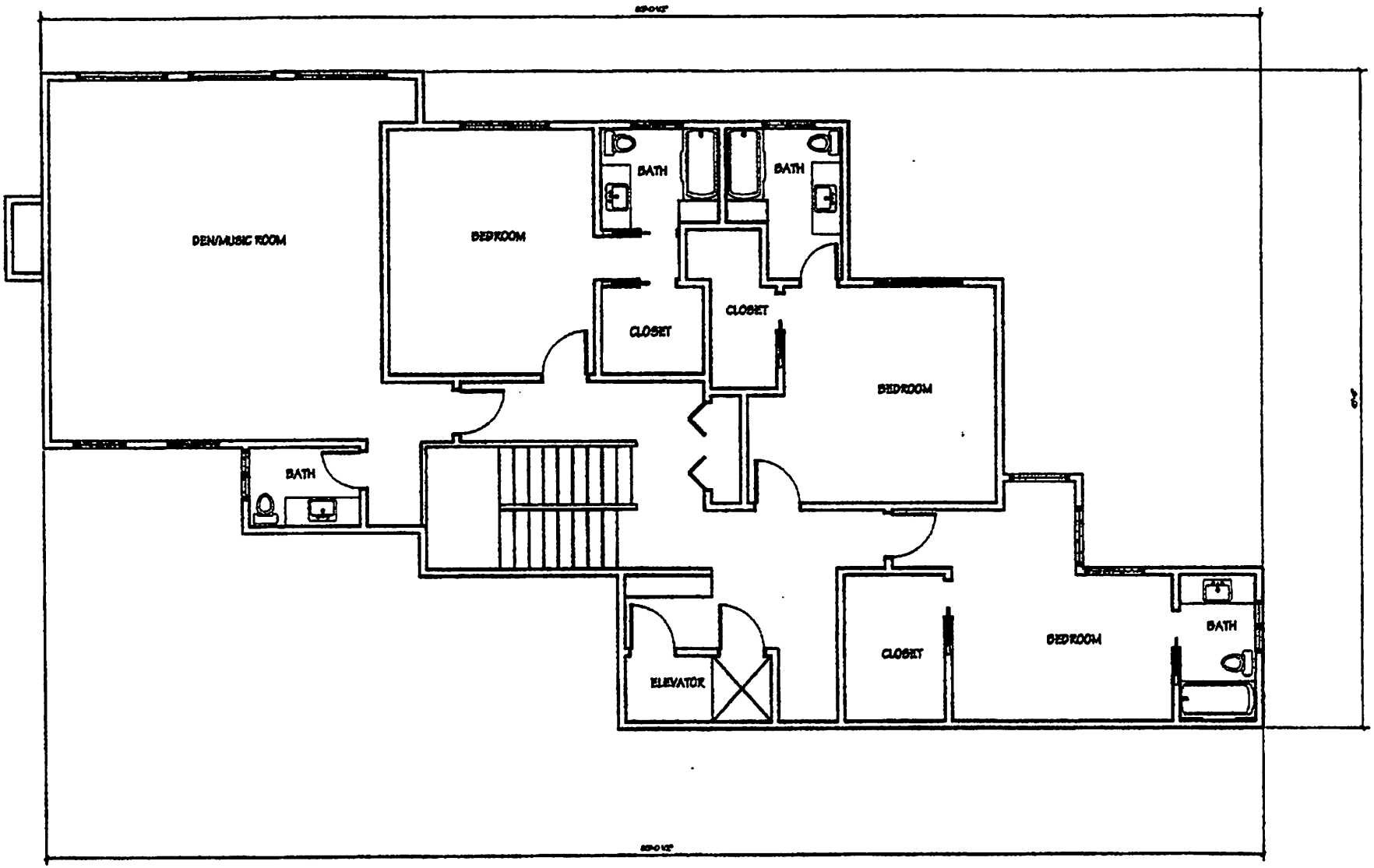
PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Exterior Views – North West and West

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



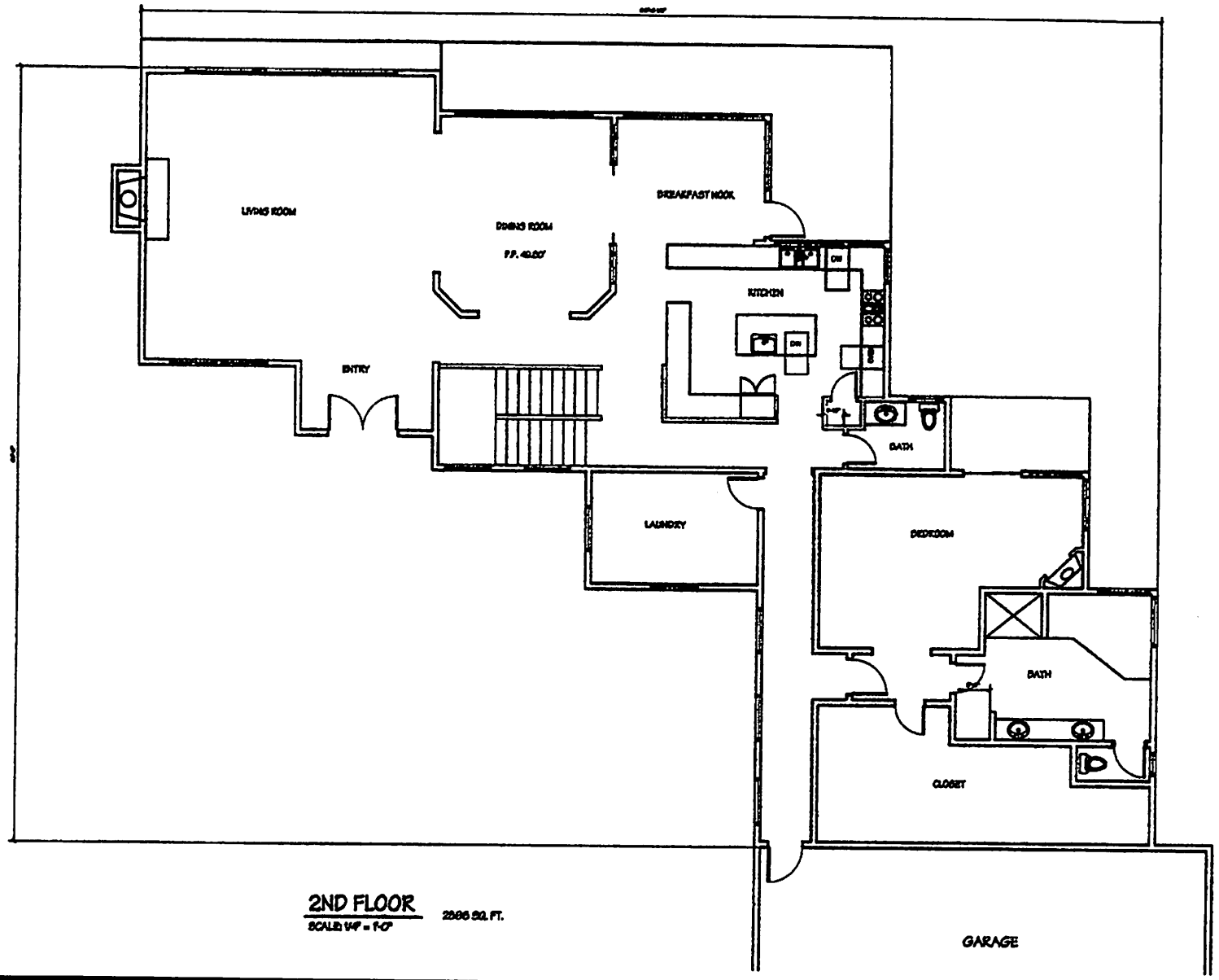
PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Floor Plan– 1ST Floor

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit
7 Tracks Realty / D010041P

EXHIBIT

Floor Plan– 2nd Floor

January 23, 2014

DEVELOPER'S STATEMENT FOR 7 TRACKS REALTY TRUST
MINOR USE PERMIT ED12-127 (D010041P)

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

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

Aesthetics

VS-1 **At the time of application for construction permit(s),** the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent residences. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.

Monitoring: Department of Planning and Building will verify compliance prior to issuance of building permits.

Biological Resources

BR-1 Prior to issuance of construction permits, the applicant shall provide proof that issuance of an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended (Act), from the U.S. Fish and Wildlife Service has occurred.

Monitoring: Department of Planning and Building will verify compliance prior to issuance of building permits.

BR-2 Prior to site disturbance, pre-construction and construction monitoring surveys for Morro shoulderband snail will be conducted within the impact area.

Monitoring: Department of Planning and Building will verify compliance prior to issuance of building permits.

BR-3 **During all project related construction activities**, all identified individuals of Morro shoulderband snail will be relocated, by an individual in possession of a current valid recovery permit for the species into the conservation easement area, out of harm's way.

Monitoring: Department of Planning and Building will verify compliance prior to issuance of building permits.

BR-4 **Prior to site disturbance**, a continuous silt fence will be installed to establish the limits of the construction area. The fence will delineate the work zone on site from habitat on the adjacent parcel in order to serve as passive barrier to potential travel by any Morro shoulderband snails that may be present on the offsite parcel into the work zone. The fence will remain in place throughout the duration of the project.

Monitoring: Department of Planning and Building will verify compliance prior to issuance of building permits.

BR-5 Prior to site disturbance, the applicant shall demonstrate that the development and presentation of a contractor and employee training program for Morro shoulderband snail has been completed.

BR-6 Prior to issuance of construction permits, preservation in perpetuity of 3.82 acres of coastal dune scrub and maritime chaparral habitats occupied by Morro shoulderband snail in an easement in a form acceptable to the U.S. Fish and Wildlife Service and County Council (and may be a combination of easements) that will preclude any use not consistent with resource management. A gazebo not exceeding 120 square feet will be allowed within the easement area, in a location to be approved by the Department of Planning and Building.

Monitoring: Department of Planning and Building will verify compliance prior to issuance of building permits.

BR-7 Prior to final building inspection, the applicant shall complete the enhancement of 0.24 acre of disturbed coastal dune scrub within the conservation easement to increase its value and function for Morro shoulderband snail.

BR-8 Prior to final building inspection, post-construction monitoring and maintenance of the habitat enhancement activities within conservation easement area for a period of four years to ensure its success. A Letter of Credit (with the US fish and Wildlife Service) in the amount of $16,740 will be established to ensure that adequate funding is available to implement all of the minimization and mitigation measures contained in the plan.

Monitoring: Department of Planning and Building will verify compliance prior to final building inspection.

Geology and Soils

GS-1 **Prior to issuance of grading and construction permits**, at least two Low Impact Development design features shall be incorporated into the project design to reduce impacts associated with increased impervious areas on the site.

Monitoring: Compliance will be verified by the Department of Planning and Building prior to grading and building permit issuance.

Water Resources

W-1 Prior issuance of building permits, the applicant shall submit to the Department of Planning and Building for review and approval evidence to the satisfaction of the Planning Director that the applicant has retrofitted enough existing homes and businesses to save twice the amount of water the new residence will use (consistent with Title 19).

W-2 The applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 23.04.186 of the San Luis Obispo County Coastal Zone Land Use Ordinance. All plants utilized shall be drought tolerant. Drip-line irrigation shall be used for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. The maximum amount of turf (lawn) area may not exceed 400 square feet.

Monitoring: Compliance will be verified by the Department of Planning and Building prior to building permit issuance.

W-3 Prior to final building inspection, landscaping shall be installed or bonded for to ensure the implementation of the landscaping consistent with the approved landscaping plan.

W-4 Prior to final inspection or occupancy, the following measures shall be applied to the proposed turf areas:

a. To maximize drought-tolerance and minimize water usage, warm season grasses (excludes bermuda grass) such as buffalo grass, shall be used;
b. A computerized irrigation controller shall be installed that can estimate cumulative evapo-transpiration losses to establish the most efficient and effective watering regimes;
c. To minimize establishment of shallow roots, the following shall be avoided on turf areas: close mowing, overwatering, excessive fertilization, soil compaction and accumulation of thatch; and
d. Watering times shall be programmed for longer and less frequently rather than for short periods and more frequently.

W-5 Prior to final building inspection, one of the following shall be installed as a part of the water supply system: 1) A "Point-of-use" supplemental water heater system in all bathrooms and kitchen, or 2) a circulating hot water system.

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

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

Signature of Owner(s)	Name (Print)	Date
Thomas R Kellaway	THOMAS R KELLAWAY	1/23/14
Doris Jill Redmond	DORIS JILL REDMOND	1/23/14

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Paavo Ogren, Director
County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

MEMORANDUM

Date: January 7, 2013

To: Kerry Brown, Project Planner

From: Tim Tomlinson, Development Services

Subject: Public Works Comments on D010041P, Semonsen MUP, San Leandro Ct, Los Osos, APN 074-483-025

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

Public Works Comments:

A. The proposed project is within the Los Osos Road Fee Area. Payment of Road Improvement Fees is required prior to building permit issuance.

B. The proposed project is within a drainage review area. A drainage plan is required to be prepared and will be reviewed at the time of Building Permit submittal by Public Works. The applicant is proposing a retention basin. Calculations for that basin will be reviewed with the Building Permit submittal.

Recommended Project Conditions of Approval:

1. **Prior to occupancy or final inspection**, the **San Leandro Ct** driveway approach shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads shall require an encroachment permit.

Fees

2. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the Los Osos Area Road Improvement Fee in the amount prevailing at the time of payment.

Drainage

3. **At the time of application for construction permits,** the applicant shall submit complete drainage calculations for review and approval in accordance with Section 23.05.040

(Drainage) of the Land Use Ordinance. Drainage must be approved by the Department of Public Works.

4. **At the time of application for construction permits,** the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 23.05.040 of the Land Use Ordinance.

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

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

THIS IS A NEW PROJECT REFERRAL

DATE: 1/4/2013

TO: _____

FROM: Kerry Brown, Coastal Team

PROJECT DESCRIPTION: D010041P SEMONSEN- Minor Use Permit for a 4,943 sf SFR with 770 sq ft garage located off San Leandro in Los Osos. APN: 074-483-025.

Return this letter with your comments attached no later than: 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
- ☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)
- ☒ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

approved @ LOCAC 1/24/13

2-4-13	Deborah Grisanti	534-1658
Date	Name	Phone