



# Negative Declaration & Notice Of Determination

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

**ENVIRONMENTAL DETERMINATION NO.** ED15-267

**DATE:** August 11, 2016

**PROJECT/ENTITLEMENT:** Leggitt Minor Use Permit; DRC2015-00105

**APPLICANT NAME:** Jason Leggitt **Email:** jleggitt@gmail.com

**ADDRESS:** 618A Anacapa Street Santa Barbara, CA 93101

**CONTACT PERSON:** Granite Ridge Development Consultants **Telephone:** 805-835-3582

**PROPOSED USES/INTENT:** Request by Jason Leggitt for a Minor Use Permit to allow the installation of two duplex manufactured units (four new dwelling units) totaling 2,592 square feet, a common space area between the two buildings, and eight onsite parking spaces. Each unit would be 648 square feet with two bedrooms and a front porch. The project will result in the disturbance of approximately 7,500 square feet on a 7,500 square-foot parcel.

**LOCATION:** The proposed project is within the Residential Multi-Family land use category and is located at 968 L Street, between 9th and 10th streets, in the community of San Miguel. The site is in the Salinas River sub-area of the North County 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:** California Department of Fish and Wildlife

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

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)**

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

## Notice of Determination

**State Clearinghouse No.** \_\_\_\_\_

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

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

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

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  
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

(ver 5.9) Using Form

**Project Title & No.** Leggitt Minor Use Permit **ED15-267 DRC2015-00105**

**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.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water /Hydrology
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> 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.

Airlin Singewald (asingewald@co.slo.ca.us)  
Prepared by (Print)

*Airlin Singewald*  
Signature

8/3/16  
Date

*Steven McMasters*  
Reviewed by (Print)

*Steven McMasters*  
Signature

Ellen Carroll,  
Environmental Coordinator  
(for)

8/3/16  
Date

### **Project Environmental Analysis**

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

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

## **A. PROJECT**

**DESCRIPTION:** Request by Jason Leggitt for a Minor Use Permit to allow the installation of two duplex manufactured units (four new dwelling units) totaling 2,592 square feet, a common space area between the two buildings, and eight onsite parking spaces. Each unit would be 648 square feet with two bedrooms and a front porch. The project will result in the disturbance of approximately 7,500 square feet on a 7,500 square-foot parcel. The proposed project is within the Residential Multi-Family land use category and is located at 968 L Street, between 9<sup>th</sup> and 10<sup>th</sup> streets, in the community of San Miguel. The site is in the Salinas River sub-area of the North County planning area.

**ASSESSOR PARCEL NUMBER(S):** 021-331-034

Latitude: 35 degrees 44' 49" N Longitude: -120 degrees 41' 53" W

**SUPERVISORIAL DISTRICT #** 1

## **B. EXISTING SETTING**

**PLAN AREA:** North County

**SUB:** Salinas River

**COMM:** San Miguel

**LAND USE CATEGORY:** Residential Multi-Family

**COMB. DESIGNATION:** None

**PARCEL SIZE:** 7,500 square feet

**TOPOGRAPHY:** Nearly level

**VEGETATION:** Urban-built up, Grasses

**EXISTING USES:** Undeveloped

### **SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Residential Multi-Family; single-family residence(s)	<i>East:</i> Commercial Retail, Residential Multi-Family; apartments, single-family residence(s)
<i>South:</i> Residential Multi-Family; single-family residence(s)	<i>West:</i> Residential Multi-Family; undeveloped

## C. ENVIRONMENTAL ANALYSIS

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



### COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

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

**Setting.** The project site is located in the urban area of San Miguel on L Street, midway between 9<sup>th</sup> and 10<sup>th</sup> Street. The project site is a nearly level 7,500 square-foot vacant parcel. The parcel is rectangular in shape with frontages on L Street (western boundary) and a rear alley (eastern boundary). A 3-foot tall chain-link fence encloses part of the L Street frontage and the northern property boundary. The parcel contains ruderal, non-native vegetation. Deciduous trees, oaks, and pines are scattered throughout the neighborhood. Surrounding properties are developed with single family homes and apartments. There are a few other vacant lots located across the street. The project site is not visible from Highway 101.

The proposed project is subject to the San Miguel Design Plan's guidelines and standard for projects located in the Residential Multi-Family (RMF) land use category. The design plan encourages development in the RMF category to include private and shared open space; include street trees; be visually compatible with adjoining single-family neighborhoods; have separate entries from the outdoors; include building articulation; direct exterior light away from roads and neighbors; and be no taller than two stories. The plan discourages parking in the front yard setback.

**Impact.** The proposed project would install two new single-story duplex manufactured units (four new dwelling units) on a vacant parcel in an established residential neighborhood. The size and scale of the proposed units would be generally consistent with the surrounding single family homes. The proposed duplex units would each have their own front porch and entryway. The front porch awnings

create building articulation similar to other homes in the neighborhood. The units would each have approximately 300 square feet of private, fenced outdoor activity area. Per Section 22.10.060, the project will be required to include an exterior lighting plan showing all lighting shielded and downward directed, away from streets and neighbors.

The project proposes 4 parking spaces in the front setback on L Street and 4 spaces perpendicular to the rear alley. Due to the size and shape of the parcel, locating the parking on the interior of the property (between the two buildings) would require a longer driveway, which would eliminate private open space and likely reduce the number of units that could be built on the site. The applicant is proposing to plant two deciduous trees between L Street and the proposed parking lot. This will help screen and soften the appearance of the parking lot.

As described above, the project is generally consistent with the San Miguel Design Plan. The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways.

**Mitigation/Conclusion.** No mitigation measures are necessary.

<b>2. AGRICULTURAL RESOURCES</b> <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located within the urban area of San Miguel on a 7,500 square foot Residential Multi-Family parcel surrounded by parcels designated for residential use.

**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) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>GREENHOUSE GASES</b>				
f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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 into 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 CO<sub>2</sub>/year (MT CO<sub>2</sub>e/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 CO<sub>2</sub>e/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 7,500 square feet. The subject parcel is relatively flat and will not require significant grading. 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. The project is in close proximity to sensitive receptors, including immediately adjacent homes, however the project will involve minimal ground disturbance and construction activities will be short in duration since the proposed units are in prefabricated structures.

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 proposes to build two duplexes with 6 parking spaces on a 7,500 square foot site. 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.

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

\* Species – as defined in Section 15380 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: urban built up, ruderal

Name and distance from blue line creek: 0.45 miles west of the Salinas River

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

Plant:

- Kellogg's horkelia (*Horkelia cuneata var. sericea*) List 1B
- Lemmon's jewelflower (*Caulanthus lemmonii*) List 1B
- Shining navarretia (*Navarretia nigelliformis ssp. radians*) List 1B

Wildlife:

- Pallid bat (*Antrozous pallidus*)
- San Joaquin pocket mouse (*Perognathus inornatus*)

The project site does not contain suitable habitat for special-status plant species. Vegetation on the site, which includes ruderal plants and non-native grasses, has been heavily disturbed due to vehicle parking and other anthropogenic activities associated with the surrounding urban environment. There are no trees on the project site and the site does not support wetland or riparian habitat. The Salinas River is located about a half-mile east of the project site.

Due to historic site disturbance, urban location, and lack of any native or mature vegetation, the site does not contain suitable habitat for special-status wildlife species, except for the San Joaquin kit fox.

#### San Joaquin Kit Fox

The Natural Diversity Database identified this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered species and a state listed threatened species. The kit fox is uncommon to rare. They reside in arid regions of the southern half of the state (Grinnell et al. 1937, Wilson and Ruff 1999:150). This usually nocturnal mammal lives in annual grasslands or grassy open stages of vegetation dominated by scattered brush, shrubs, and scrub. Kit foxes primarily are carnivorous, subsisting on black-tailed jackrabbits and desert cottontails, rodents (especially kangaroo rats and ground squirrels), insects, reptiles, and some birds, bird eggs, and vegetation (Egoscue 1962, Laughrin 1970, Morrell 1971, 1972, Orloff et al. 1986). Their cover is provided by dens they dig in open, level areas with loose-textured, sandy and loamy soils (Laughrin 1970, Morrell 1972). Pups are born in these dens in February through April. Pups are weaned at about 4-5 months. Some agricultural areas may support these foxes. Potential predators are coyotes, large hawks and owls, eagles, and bobcats. Cultivation has eliminated much habitat. Kit foxes are vulnerable to many human activities, such as hunting, use of rodenticides and other poisons, off-road vehicles, and trapping.

**Impact.** With regards to the San Joaquin Kit Fox, based on the results of previous Kit Fox Habitat Evaluations that have been conducted for the San Miguel area, the standard mitigation ratio for projects on parcels less than 40 acres in size has been established as 4:1. This means that all impacts to kit fox habitat must be mitigated at a ratio of 4 acres conserved for each acre impacted (4:1). The project will result in the permanent disturbance of 0.17 acres of kit fox habitat.

Applicants have the option of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site if the applicant believes that the evaluation would lower the score and reduce the required mitigation ratio. However, the applicant has chosen to accept the standard mitigation ratio of 4:1, which requires that a total compensatory acreage of 0.68 (0.17 acres multiplied by a 4:1 ratio) be mitigated.

**Mitigation/Conclusion.** With regards to the San Joaquin Kit Fox, the applicant will be required to mitigate the loss of 0.17 acres of kit fox habitat by one of the following ways:

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

To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey, a pre-construction briefing for contractors, and monitoring activities in addition to implementing cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

The implementation of the above measures will mitigate biological impacts to a level of insignificance.

## 5. CULTURAL RESOURCES

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Cause a substantial adverse change to a Tribal Cultural Resource?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

In order to meet AB52 Cultural Resources requirements, outreach to four Native American tribe groups had been conducted (Northern Salinan, Xolon Salinan, Yak Tityu Tityu Northern Chumash, and the Northern Chumash Tribal Council). In a response dated April 8, 2016 Karen White, Council Chair of the Xolon Salinan, recommended a Phase I archaeological survey be conducted due to high sensitivity for cultural resources in the San Miguel area. The response did not identify potential impacts to Tribal Cultural Resources.

**Impact.** The project site is located within a culturally-sensitive area based on proximity to the Mission San Miguel Arcangel. A Phase I (surface) survey was conducted by Hoover Archeological Consultants on February 24, 2016. No evidence of cultural materials was noted on the property. The surface survey included a records search, which did not find any prehistoric sites within a ¼ mile radius of the property. Per AB52, tribal consultation was performed and no tribal cultural resources were identified. Impacts to historical or paleontological resources are not expected.

**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) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**6. GEOLOGY AND SOILS**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Per Division of Mines and Geology Special Publication #42

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

Topography: Nearly level

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: No Distance? Not applicable

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

Shrink/Swell potential of soil: Low

Other notable geologic features? None

**Soils -**

The soil types and characteristics on the subject property include:

Hanford and Greenfield fine sandy loams (0 - 2% slope).

Hanford. This nearly level, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class I when irrigated.

Greenfield. This nearly level, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class I when irrigated.

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

**Drainage** – No part of the project is within the 100-year Flood Hazard designation (Figure 1). As described in the Natural Resource Conservation Service (NRCS) Soil Survey, the soil is considered moderately drained. For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO) Section 22.52.080 includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**Sedimentation and Erosion** - As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and low shrink-swell characteristics. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. The project site is less than one acre.

**Impact.** As proposed, the project will result in the disturbance of approximately 7,500 square-feet (0.17 acres). Based on the location of the project and nearly level topography, no significant geologic hazards are anticipated. The applicant is required to comply with existing Land Use Ordinance standards, including Sections 22.52.100 (Grading Plan Requirements) and 22.52.150 (Grading Standards). Based on compliance with existing regulations, no significant geologic or soil impacts would occur.

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

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**7. HAZARDS & HAZARDOUS MATERIALS - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be within a 'very high' fire hazard severity zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Be within an area classified as a 'state responsibility' area as defined by CalFire?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination and is not listed on the "Cortese List" (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2016; DTSC 2016). There was a spill from an underground tank associated with the nearby gas station in 1993 but has since been fully cleaned up. The case deemed closed in 2013 by the Central Coast Regional Water Quality Control Board. The project is not within a 'high' or 'very high' severity risk area for fire. The project is not within the Airport Review area. With regards to potential fire hazards, the subject parcel is within the low Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 10-15 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts.

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

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

the Transportation section.

**Mitigation/Conclusion.** The project is not expected to conflict with any regional emergency response or evacuation plan. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

<b>8. NOISE</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
<b><i>Will the project:</i></b>				
a) <b><i>Expose people to noise levels that exceed the County Noise Element thresholds?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Generate permanent increases in the ambient noise levels in the project vicinity?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Expose people to severe noise or vibration?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b><i>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?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <b><i>Other:</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located in an urban area where single family homes and apartments are the prevailing land uses. The project site is located 600 feet east of Highway 101 and 400 feet west of the Union Pacific Railroad tracks.

Based on the Noise Element's projected future noise generation, the project site would be subject to transportation noise levels between 60 and 65 dB. This would exceed the 60 dB threshold for transportation-related noise sources on residential uses (exterior) per Table 3-1 of the County Noise Element. However, the project site is separated from Highway 101 by an elevation change of approximately 45 feet and there are several large buildings located between the project site and Union Pacific Railroad. These existing topographic and structural barriers would mitigate exterior noise levels below the 60 dB threshold. This is based on provisions of the Noise Element, which state that barriers interrupting line-of-sight between a project and transportation noise source will reduce noise levels by approximately 5 dB. The project is not located in an Airport Review Area or area that would be subject to significant stationary noise sources.

**Impact.**

**Construction Impacts.** Construction activities may involve the use of heavy equipment for grading, and for the delivery and removal of materials to and from the project site. The use of construction machinery will also be a source of noise. Construction-related noise impacts would be temporary and localized. The nearest dwellings are adjacent to the project site on L Street. Therefore, construction

activities could result in temporary adverse noise impacts to surrounding residences. County regulations limit the hours of construction to day time hours between 7:00 AM and 9:00 PM weekdays, and from 8:00 AM to 5:00 PM on weekends.

**Operational Impacts.** The project would be exposed to transportation-related noise from Highway 101 and the Union Pacific Railroad tracks. Based on staff’s evaluation of the project site and surrounding topography and development, the project site would not be exposed to transportation-related noise exceeding 60 dB, the threshold for exterior noise levels at residential uses. With implementation of standard building code requirements, interior noise levels would comply with the 45 dB threshold identified in the Noise Element for residential uses. Therefore, potential impacts of noise exposure from transportation sources are considered less than significant.

**Mitigation/Conclusion.** Compliance with County standards for the management of construction noise will ensure impacts to surrounding residences will be less than significant. Existing topographic and structural barriers would reduce exterior noise levels below the 60 dB threshold. Implementation of standard building code requirements would reduce interior noise to acceptable levels. Therefore, the proposed project would comply with the Noise Element and noise impacts would be less than significant.

**9. POPULATION/HOUSING**

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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.** Based on the project description (two new duplexes, totaling 4 residential units), 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 would occur and 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) <b>Fire protection?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <b>Police protection (e.g., Sheriff, CHP)?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <b>Schools?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <b>Roads?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <b>Solid Wastes?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <b>Other public facilities?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <b>Other:</b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Police: County Sheriff

Location: Templeton (Approximately 8.35 miles to the south)

Fire: San Miguel CSD

Hazard Severity: Not Applicable

Response Time: 10-15 minutes

Location: (Approximately 0.3 miles to the north)

School District: San Miguel Joint Union Elementary School District.

**Setting.** Water and wastewater services will be provided by the San Miguel Community Services District (CSD). Police protection is provided by the County Sheriff station at 356 Main Street in Templeton, about 8 miles to the south. The nearest fire station is located at 1159 Mission Street in San Miguel. Emergency response times to the project site for fire protection are about 5 minutes; response times for police protection can be up to 15 minutes. The project is located within the San Miguel Joint Union Elementary School District.

**Impact.** According to the 2012-2014 Resource Summary Report, there are no levels of severity recommended for wastewater collection and treatment, or schools for the project area. However, the San Miguel CSD derives its water supply from the Paso Robles groundwater basin which has been assigned a Level of Severity III. Accordingly, the project is subject to the adopted water conservation requirements of the Countywide Water Conservation Program which requires all new development in the Paso Robles Groundwater Basin Area to be water neutral (see Section 14 below, Water and Hydrology). The project received a will-serve letter from the San Miguel CSD for water supply and wastewater treatment on March 10, 2016.

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

compliance with existing regulations. Project impacts to area roadways is discussed in Section 12, Transportation/Circulation.

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

## 11. RECREATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

**Impact.** The proposed residential units would each have approximately 300 square feet of private, fenced outdoor activity area. 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

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Level of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>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.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The proposed project is located on a vacant parcel on L Street, midway between 9<sup>th</sup> and 10<sup>th</sup> street, in San Miguel. A 20' wide alley runs along the back (eastern boundary) of the property.

The County has established the acceptable Level of Service (LOS) on roads for this urban area as "D" or better. The existing road network in the area, including the project's access street (L Street) 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 not located in a County Road Fee area. No significant traffic-related concerns were identified.

Based on the parking requirements for residential multi-family projects, the proposed project would require 8 parking spaces (resident parking: 1.5 spaces per two bedroom unit; and guest parking: 1 space plus 1 additional space per four units). The original project plans only showed 6 onsite parking spaces: 4 spaces directly off L Street and two spaces adjacent to and parallel with rear alley. The spaces on L Street were inconsistent with ordinance standards and Public Works requirements for parking lot design because they required backing out directly onto L Street.

In response to these concerns, the applicant submitted a revised site plan showing 4 parking spaces on L Street with turnaround space and four spaces directly off of the rear alley. One of the parking spaces and part of the proposed driveway on L Street would be located within the County right-of-way.

In a response dated June 28, 2016, Public Works had the following comments relative to access and circulation:

- A. Met with applicant and agent on 5/5/16. "L" parking lot in front yard with one space encroaching within L Street right-of-way will be allowed under encroachment permit. All other L Street driveway standards apply (20' width, 60% frontage, etc.), alley parking okay for 4 onsite spaces to back out in alley.
- B. The proposed project triggers curb, gutter and sidewalk requirements per 22.54.030 improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the ordinance. The applicant may apply for a waiver through the Planning and Building Department in accordance with 22.54.030D. However, there is no guarantee that a waiver will be granted.

**Impact.**

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

**Operational Impacts.** The proposed project is estimated to generate about 40 trips per day, based on the Institute of Traffic Engineer's manual of 10 trips/ residential 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.** 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) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project will be served by the San Miguel CSD for wastewater collection and disposal. As evidenced by the March 10, 2016 water and wastewater will serve letter, this system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

**Impact.** The project proposes to use a community system as its means to dispose of wastewater. Based on the proposed project and preliminary will serve letter, the proposed community system has the capacity to handle the project's additional effluent.

**Mitigation/Conclusion.** Given that the system is currently operating at acceptable levels and that it has the capacity to support existing commitments in addition to the proposed project, no mitigation measures are necessary.

**14. WATER & HYDROLOGY**

*Will the project:*

**QUALITY**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 14. WATER & HYDROLOGY

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Change rates of soil absorption, or amount or direction of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Involve activities within the 100-year flood zone?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>QUANTITY</b>				
h) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is within the service area of the San Miguel Community Services District (CSD) which provides water service for approximately 2,400 people from groundwater derived from the Paso Robles groundwater basin. According to the 2012-2014 Resource Summary Report a Level of Severity III exists for water supply within the Paso Robles groundwater basin. The project is subject to the adopted water conservation requirements of the Countywide Water Conservation Program adopted by the County Board of Supervisors in October 2015 (Resolution 2015-288). This program requires all new development in the Paso Robles Groundwater Basin Area to be water neutral through water use offset requirements. The project received a will-serve letter for water from the San Miguel CSD dated March 10, 2016.

The topography of the project is nearly level. The Salinas River is located approximately half-mile to the east of the project site. 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. Since the project is only 0.17 acres it is exempt.

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

Within the 100-year Flood Hazard designation? No

Closest creek? Salinas River Distance? Approximately half-mile

Soil drainage characteristics: Moderately drained

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110 or 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 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, 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 7,500 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, nor on moderate to steep slopes;
- ✓ 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;
- ✓ Bioswales will be installed as a part of the drainage plan;
- ✓ 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
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur.

The project was referred to the Public Works Department. According to their comments, the project meets the applicability criteria outlined in the Land Use Ordinance for Storm Water Management; therefore, the project was required to submit a Storm Water Control Plan Application and Coversheet.

**Water Quantity**

Based on the project description, the California Plumbing Code requirements for new construction, and the County’s water usage worksheet, the project’s water usage is estimated as follows:

Indoor: 1.07 acre feet/year (AFY);  
 Outdoor: 0.15 AFY  
 Total Use: 1.22 AFY

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

The project is subject to the water conservation requirements of the Countywide Water Conservation Program which requires all new development in the Paso Robles Groundwater Basin Area to be water neutral through water use offset requirements for new building construction. The Building and Construction Ordinance Title 19 Section 19.07.042 includes water conservation provisions that will require the applicant to obtain water offset clearance with building permit issuance that verifies new water use has been offset a 1:1 ratio. The project received a will-serve letter for water from the CSD dated March 10, 2016.

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

- W-1 At the time of application for construction permits,** the applicant shall submit a landscape and irrigation plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. All landscaping shall be drought tolerant and use drip irrigation for watering purposes.
- W-2 Prior to occupancy or final inspection** whichever occurs first, the applicant shall implement the final approved landscape plan.
- W-3 Prior to issuance of a construction permit,** the applicant shall obtain an Offset Clearance from the Department of Planning and Building verifying that new net water use has been offset at a 1:1 ratio. Water savings must come from the Paso Robles groundwater basin, and in compliance with the Water Conservation Provisions of Title 19.07.042.

**15. LAND USE**

*Will the project:*

	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>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?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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, San Miguel Community Design Plan, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies. The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The San Miguel Design Plan includes a guideline that discourages parking in the front yard setback for projects in the Residential Multi-Family land use category. The project proposes 4 parking spaces in the front setback on L Street and 4 spaces perpendicular to the rear alley. Due to the size and shape of the parcel, locating the parking on the interior of the property (between the two buildings) would require a longer driveway, which would eliminate private open space and likely reduce the number of units that could be built on the site. The applicant is proposing to plant two deciduous trees between L Street and the proposed parking lot. This will help screen and soften the appearance of the parking lot.

Land Use Ordinance Section 22.10.130(B) establishes residential density, minimum open area, and maximum floor area requirements for proposed residential multi-family development projects. Based on the project’s location on a paved local street, community sewer service, and location within 1,000 feet of the central business district, the site qualifies for a medium intensity factor, which allows for 26 units/acre, 48 percent maximum floor area, and 45 percent minimum open area. With a residential density of 23.5 units per acre (4 units / 0.17 acre), 3,802 square feet of open area (51 percent of the site), and 2,592 square feet of floor area (35 percent of the site), the project complies with the multi-family dwellings standards.

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

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

**16. MANDATORY FINDINGS OF SIGNIFICANCE**

*Will the project:*

Potentially Significant      Impact can & will be mitigated      Insignificant Impact      Not Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?*

b) *Have impacts that are individually limited, but cumulatively considerable?*

*("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*                       

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*                       

For further information on CEQA or the County's environmental review process, please visit the County's web site at "[www.sloplanning.org](http://www.sloplanning.org)" under "Environmental Information", or the California Environmental Resources Evaluation System at: [http://www.ceres.ca.gov/topic/env\\_law/ceqa/guidelines](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:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input type="checkbox"/>	County Environmental Health Services	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	None
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	San Miguel Community Services District	Attached
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	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.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File for the Subject Application  | <input type="checkbox"/> San Miguel Design Plan   |
| <u>County documents</u>   | <input type="checkbox"/> Specific Plan  |
| <input type="checkbox"/> Coastal Plan Policies  | <input checked="" type="checkbox"/> Annual Resource Summary Report                                    |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)   | <input type="checkbox"/> Circulation Study  |
| <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: | <u>Other documents</u>  |
| <input checked="" type="checkbox"/> Agriculture Element   | <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook                                      |
| <input checked="" type="checkbox"/> Conservation & Open Space Element   | <input checked="" type="checkbox"/> Regional Transportation Plan                                      |
| <input type="checkbox"/> Economic Element   | <input checked="" type="checkbox"/> Uniform Fire Code   |
| <input checked="" type="checkbox"/> Housing Element   | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)       |
| <input checked="" type="checkbox"/> Noise Element   | <input checked="" type="checkbox"/> Archaeological Resources Map                                      |
| <input type="checkbox"/> Parks & Recreation Element/Project List  | <input checked="" type="checkbox"/> Area of Critical Concerns Map                                     |
| <input checked="" type="checkbox"/> Safety Element  | <input checked="" type="checkbox"/> Special Biological Importance Map                                 |
| <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)   | <input checked="" type="checkbox"/> CA Natural Species Diversity Database                             |
| <input type="checkbox"/> Building and Construction Ordinance  | <input checked="" type="checkbox"/> Fire Hazard Severity Map  |
| <input checked="" type="checkbox"/> Public Facilities Fee Ordinance   | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input type="checkbox"/> Real Property Division Ordinance   | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Affordable Housing Fund   | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)       |
| <input type="checkbox"/> Airport Land Use Plan  | <input type="checkbox"/> Other  |
| <input type="checkbox"/> Energy Wise Plan   |   |
| <input checked="" type="checkbox"/> North County Area Plan/Salinas River SA and Update EIR                              |   |

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

1. Phase 1 Cultural Resources Study, 968 L Street, San Miguel, California; Robert L. Hoover, Ph.D. and Dave Hoover, M.A.; February 24, 2016.

## 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.

### **Biological Resources**

#### *San Joaquin Kit Fox*

The project site is within an area identified as important habitat for the Federal endangered and State threatened San Joaquin kit fox. The Kit Fox Habitat Map indicates the project site is within an area where a standard mitigation ratio of (4:1) is required in order to reduce potential impacts to kit fox habitat to a less than significant level. The applicant has agreed to the standard mitigation ration (4:1) for the project site and opted out of hiring a qualified biologist to conduct a Kit Fox Habitat Evaluation of the project site. Total compensatory mitigation required for the project is 0.68 acres, based on 4 times 0.17 acres impacted. The mitigation options identified in BR-1 through BR-11 apply to the proposed project only; should your project change, your mitigation obligation may also change, and a reevaluation of your mitigation measures would be required.

Note that the required mitigation ratio is subject to change upon the completion of the California Department of Fish and Wildlife's review of the habitat evaluation. The mitigation options identified in BR-1 through BR-11 apply to the **proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

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

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.68 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

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

Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must

mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy" (see contact information below), would total \$1,700 based on \$2,500 per acre. This fee is calculated based on the current cost-per-unit of \$2,500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County, and 4:1 mitigation ratio; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **0.68** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **0.68** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

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

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction,

work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

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

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

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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

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

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

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

training program to all contractors, employers and other personnel involved with the construction of the project.

- BR-6 During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

## **Water**

- W-1 At the time of application for construction permits**, the applicant shall submit a landscape and irrigation plan to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. All landscaping shall be drought tolerant and use drip irrigation for watering purposes.
- W-2 Prior to occupancy or final inspection** whichever occurs first, the applicant shall implement the final approved landscape plan.
- W-3 Prior to issuance of a construction permit**, the applicant shall obtain an Offset Clearance from the Department of Planning and Building verifying that new net water use has been offset at a 1:1 ratio. Water savings must come from the Paso Robles groundwater basin, and in compliance with the Water Conservation Provisions of Title 19.07.042.

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**DEVELOPER'S STATEMENT & MITIGATION MONITORING/REPORTING PROGRAM FOR  
LEGGITT MINOR USE PERMIT  
ED15-267 (DRC2015-00105)**

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

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

**Project Description:** Request by Jason Leggitt for a Minor Use Permit to allow the installation of two duplex manufactured units (four new dwelling units) totaling 2,592 square feet, a common space area between the two buildings, and eight onsite parking spaces. Each unit would be 648 square feet with two bedrooms and a front porch. The project will result in the disturbance of approximately 7,500 square feet on a 7,500 square-foot parcel. The proposed project is within the Residential Multi-Family land use category and is located at 968 L Street, between 9th and 10th streets, in the community of San Miguel. The site is in the Salinas River sub-area of the North County planning area.

**Biological Resources**

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

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 0.68 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County. This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.
- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to "The Nature Conservancy," would total **\$1,700.00**. This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying your mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase **0.68** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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

- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **0.68** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the County prior to County permit issuance and initiation of any ground disturbing activities.

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

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless

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observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

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

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

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

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

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

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

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

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

- BR-4** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5** Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such

DATE: August 2, 2016

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

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

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

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

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

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

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

### **Water Supply**

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

DATE: August 2, 2016

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

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

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

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

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

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

JASON LEGGETT

8/3/16

Signature of Owner(s)

Name (Print)

Date

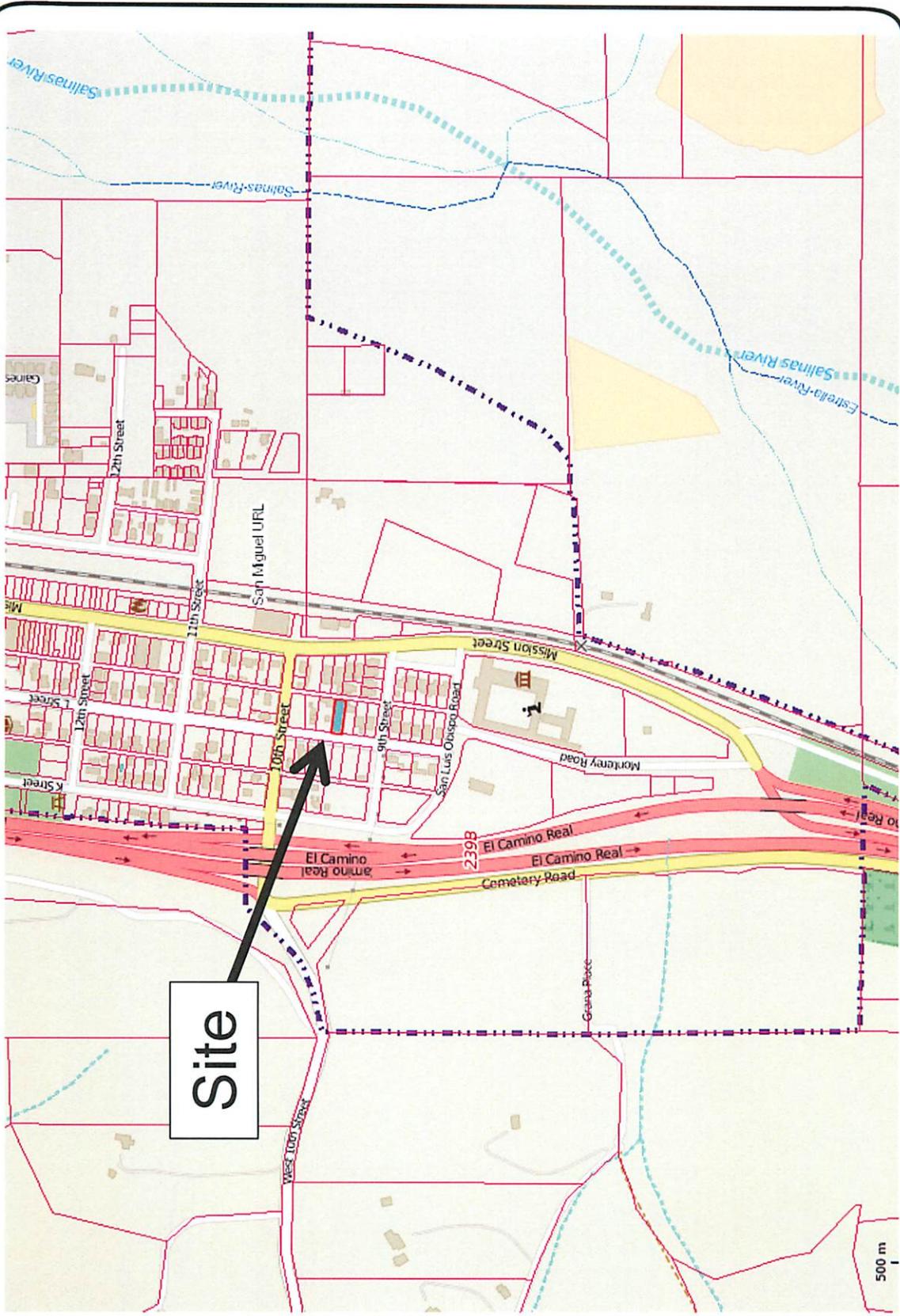
Signature of Applicant(s)

Name (Print)

Date



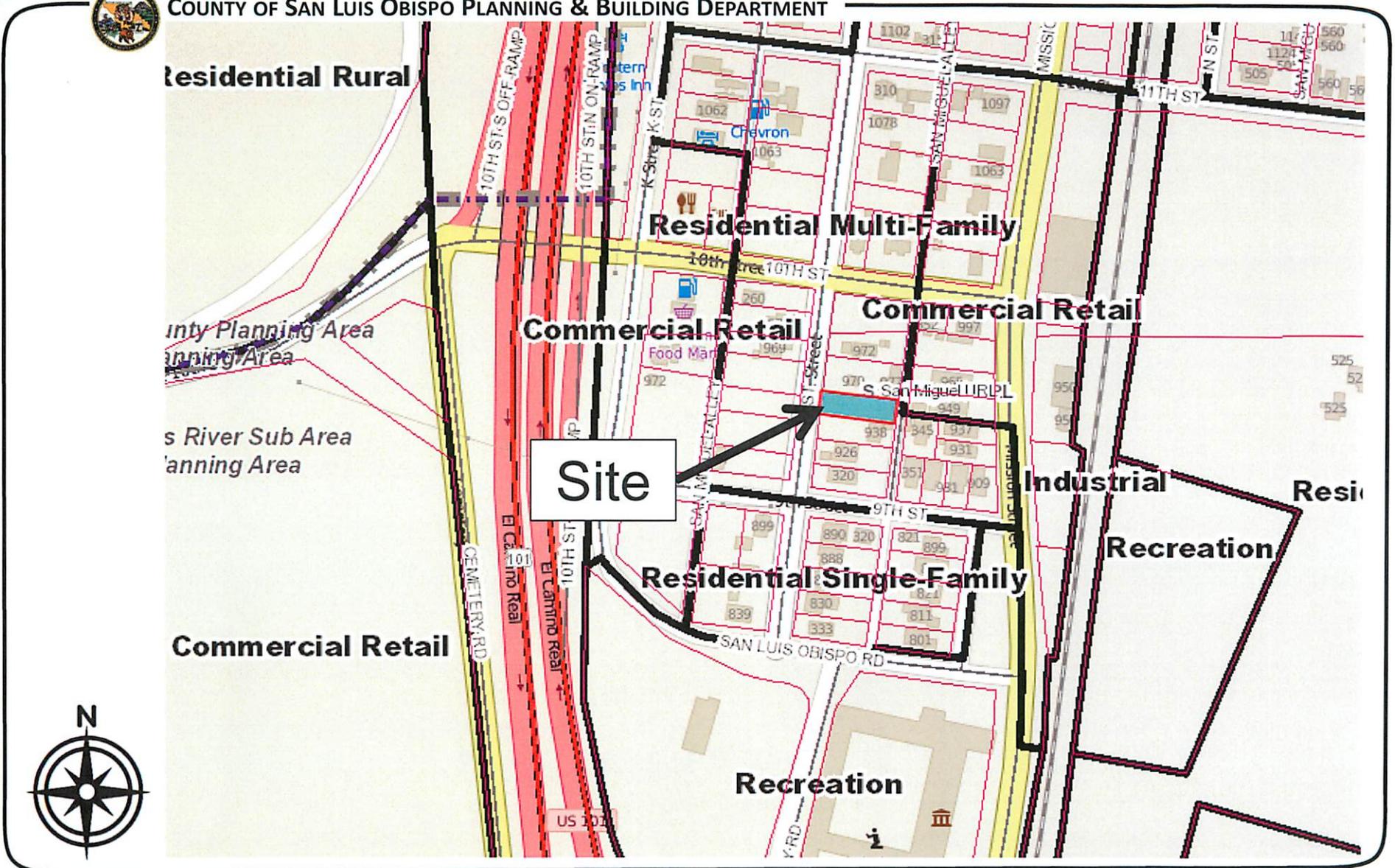
COUNTY OF SAN LUIS OBISPO PLANNING & BUILDING DEPARTMENT



Site

Vicinity Map

DRC2015-00105  
Leggitt Minor Use Permit



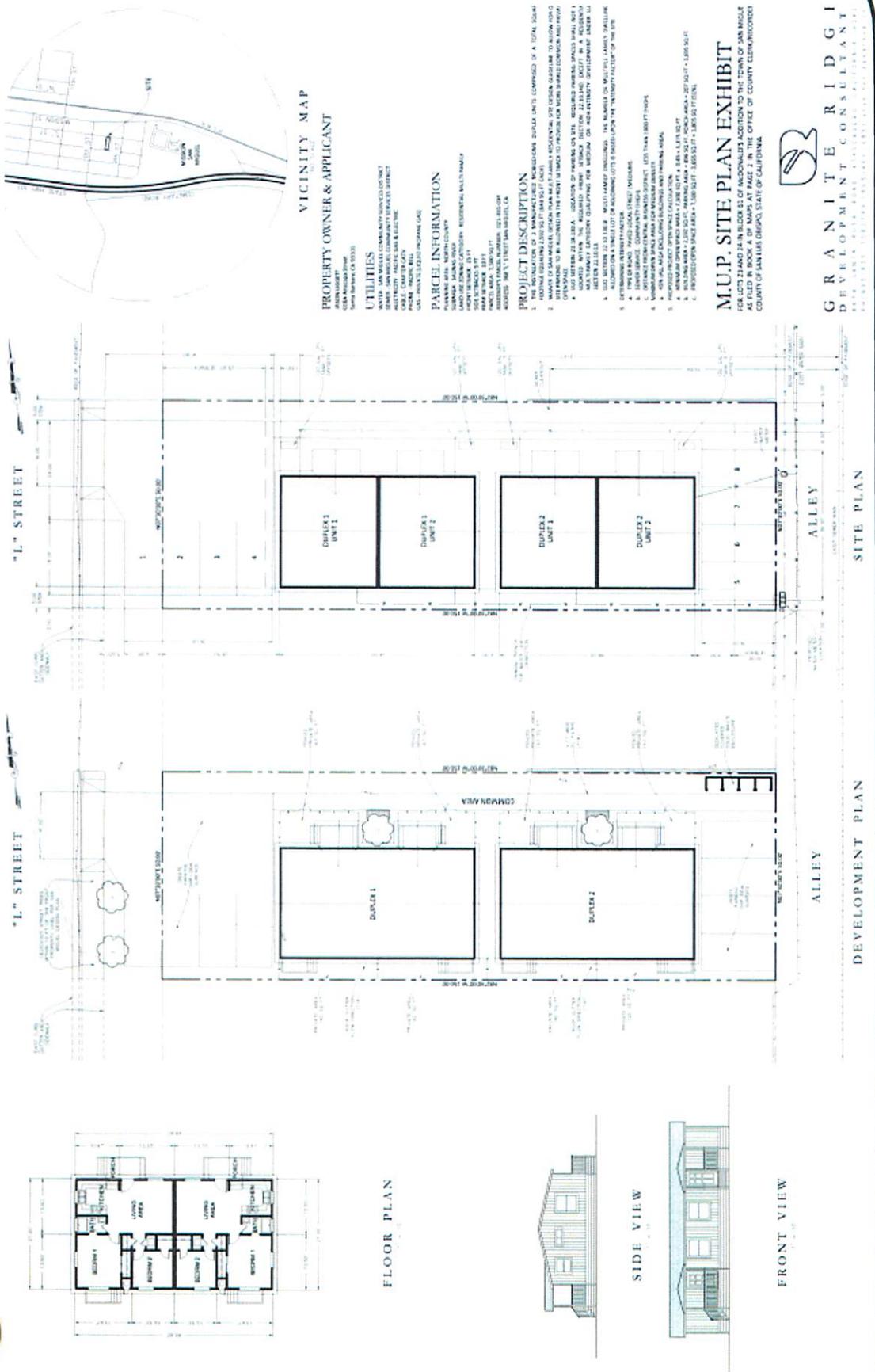
DRC2015-00105  
Leggitt Minor Use Permit

Land Use Category Map



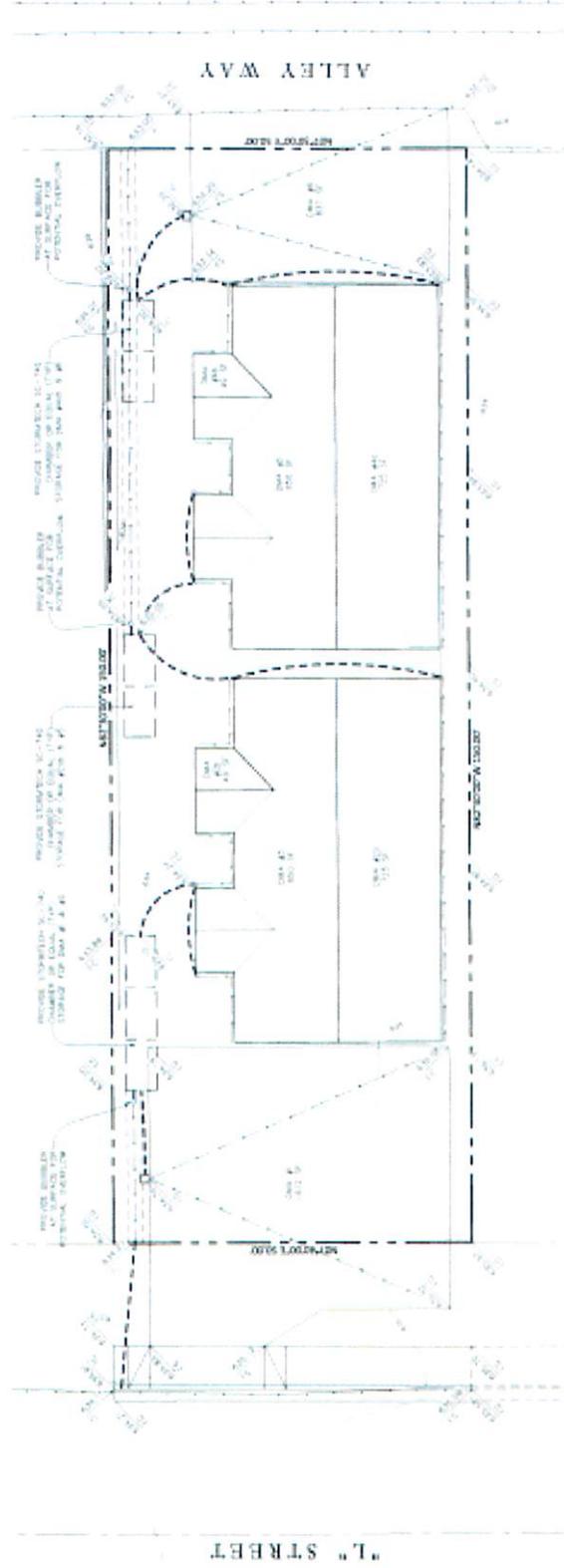
DRC2015-00105  
Leggitt Minor Use Permit

Aerial Photograph



DRC2015-00105  
Leggitt Minor Use Permit

Site Plan, Elevations,  
Floor Plans



STORM WATER & DRAINAGE PLANS

DRC2015-00105  
Leggitt Minor Use Permit

Storm Water and  
Drainage Plan



**Board of Directors**

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John Green

**Vice President**  
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Travis Dawes

**General Manager**  
Darrell Gentry

**Fire Chief**  
Rob Roberson

**Mission Statement**

Committed to serving the community with effectiveness, efficiency, and care to support the economic and social quality of life in San Miguel

Proudly serving  
San Miguel:

Fire Protection  
Street Lighting  
Water  
Wastewater  
Solid Waste

P.O. Box 180  
1150 Mission Street  
San Miguel, CA 93451

Tel. 805-467-3388  
Fax 805-467-9212

[smscd@tcsn.net](mailto:smscd@tcsn.net)

[www.sanmiguelcsd.org](http://www.sanmiguelcsd.org)

March 10<sup>th</sup> 2016

**PRELIMINARY WATER AND WASTEWATER  
WILL SERVE LETTER**

Expires (March 10<sup>th</sup> 2016)

Re: Applicant Jason Leggitt  
618A Anacapa St  
Santa Barbara, CA 93101

**Physical address(s): 968 L street San Miguel CA  
Assessor Parcel Number(s): 021-331-034**

**This parcel is within the area served by the San Miguel Community Services District. Based upon the projected construction of 2 duplexes, 4 total units, on one parcel, the District currently has sufficient water and wastewater capacity to serve this project.**

The applicant will be responsible for necessary improvements to water and wastewater services needed to accommodate service to the applicant's property, and any and all requirements under the Uniform Fire Code and the Uniform Plumbing Code.

The applicant may also be required to execute a plan checking and inspection agreement with the District.

Upon payment of all fees and satisfactory review of the final approved plans by the District Engineer and Fire Department, a Final "Will Serve" Letter will be issued by the District. All fees, assessments and charges are dependent on final building plans and are due at issuance of the Final "Will Serve" Letter. These charges will be based on applicable resolutions in effect at that time.

If you have any questions, please call me at 805-467-3388.

Sincerely,

Kelly Dodds  
Utilities Supervisor

## **Conditions of Approval**

1. All public improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications and comply with the San Miguel Community Services District's general pipeline, water and sewer system and street light improvement applicable to the development of this project.
2. The Developer shall provide engineering improvement drawings including a plan and profile of the water distribution and sewer collection improvements, details, and other improvements as may be required. Improvement drawings shall be submitted to the District for review and approval.
3. The Developer shall provide all utility signatures on the public improvement plans.
4. Provide a Public Improvement Bond for improvements to other related facilities. The developer shall deposit or post a bond (or other means satisfactory to the District). for the water and sewer system facilities serving the property.
5. The Developer's Engineer, upon completion of the improvements, must certify to the County Engineer and the District Engineer that the improvements are made in accordance with the requirements of each agency.
6. The Developer shall enter into a Reimbursement Agreement with the District for engineering, plan checking and inspection services.
7. The Developer shall install all necessary streetlights and fire hydrants at locations approve by the District.
8. The Developer shall apply for an Encroachment Permit prior to connecting to District Facilities.
9. The Developer shall dedicate the necessary easements or public rights of way for public utilities and shall be submitted to the District for review and approval.
10. The Developer shall properly abandon the on-site well and septic system and connect to District facilities as approved by the County of San Luis Obispo and San Miguel Community Services District.



SAN LUIS OBISPO COUNTY  
**DEPARTMENT OF PUBLIC WORKS**

Wade Horton, Director

County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)



Date: June 28, 2016

To: Airlin Singewald Project Planner

From: Tim Tomlinson, Development Services

**Subject: Public Works Comments on DRC2015-00105 Leggitt MUP, L St., San Miguel, APN 021-331-034**

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. Met with applicant and agent on 5/5/16. "L" parking lot in front yard with one space encroaching within L Street right of way will be allowed under encroachment permit. All other L Street driveway standards apply (20' width, 60% frontage, etc ), alley parking okay for 4 onsite spaces to back out into alley.
- B. The proposed project triggers Curb Gutter and Sidewalk requirements per 22.54.030. Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the Ordinance. The applicant may apply for a waiver through the Planning and Building Department in accordance with 22.54.030 D. However, there is no guarantee that a waiver will be granted.
- C. The project meets the applicability criteria for Storm Water Management. Therefore, the project is required to submit a Storm Water Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:  
<http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Construction+Permit+Documents/Grading+and+Drainage+Documents/SWCP+Application+Pkg.pdf>

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

**Recommended Project Conditions of Approval:**

Access

1. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.030/23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
  - a. Street plan and profile for widening **L Street** to complete the project side of an A-2 urban street section fronting the property.
  - b. Construct new driveway apron per B-2 urban residential standards, modified to provide steel and thicker concrete per B-3a commercial-industrial standard.
  - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
  - e. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
  - f. The encroachment permit issued for the above work will also allow the project's L Street onsite parking lot to encroach one parking space into right-of-way. The property owner shall be aware that structural encroachments placed within the right-of-way are the fronting property owner's responsibility to properly maintain in perpetuity and that said structures may require removal or alteration due to the maintenance/construction requirements of public utilities, County Public Works Department, or other public agencies.
2. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
3. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
4. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the County public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
5. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

## Drainage

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.
9. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

## Storm Water Control Plan

10. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
11. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.
12. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.