Promoting the wise use of land
Helping build great communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
June 2, 2006 EFFECTIVE DATE June 19, 2006	Elizabeth Kavanaugh 805/788-2010	David Hahn	DRC 2004-00028

SUBJECT

Request by David Hahn to allow for the establishment of an approximate 5,800-square foot multi-family complex consisting of eight two-story residences, two one-story residences, four garage units, six residential storage units, one general storage unit, 18 parking spaces, and landscaping, which will result in the disturbance of the entire 0.34-acre parcel. The proposed project is located on the northwest corner of 10th Street and L Street, approximately 170 feet east of K Street, in the community of San Miguel. The site is in the Salinas River planning area.

RECOMMENDED ACTION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq
2. Approve Minor Use Permit DRC 2004-00028 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 24, 2004 for this project. Mitigation measures are proposed to address aesthetics, biological resources, cultural resources, geology and soils, public service and utilities and water and are included as conditions of approval.

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Multi-Family	None	021-302-008	1

PLANNING AREA STANDARDS:

Meet the San Miguel Design standards

Does the project meet applicable Planning Area Standards: Yes – as conditioned

LAND USE ORDINANCE STANDARDS:

22.18.050 - Required Number of Parking Spaces
22.16.040 - Landscape Plans
22.10.140 – Setbacks
22.10.150 – Solid Waste Collection
22.10.160 – Underground Utilities
Does the project meet applicable Planning Area Standards: Yes – as conditioned

FINAL ACTION

This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on June 19, 2006 if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: *North:* Residential Multi-Family/residential *South:* Residential Multi-Family/residential	*East:* Residential Multi-Family/residential West: Commercial Retail/ restaurant
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: San Miguel Community Advisory Group, Public Works, County Parks San Miguel Community Services District, San Miguel Fire Department, APCD, Department of Fish and Game and Cal Trans.	
TOPOGRAPHY: Steeply sloping	VEGETATION: Grasses, forbes and ruderal
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire Department	ACCEPTANCE DATE: November 5, 2005

LAND USE ORDINANCE STANDARDS:

Standard	**Allowed/Required**	**Proposed**
Minimum Site Area	6,000 square feet for Multi-Family use	15,000 square foot lot
Setbacks Front Side Rear	 20' 10' (street side of corner lot) / 5' 10'	 35' 10' (street side of corner lot)/5' 20'
Height	35'	25'
Parking	17'	18'

22.16.040 - Landscape Plans – The applicant has submitted a landscape plan that meets the standards of this section.
22.10.150 – Solid Waste Collection – The project as proposed meets location standards of this section and the project is conditioned to meet the construction and signage standards of this section.
22.10.160 – Underground Utilities - This project is conditioned to provide underground utilities.

PLANNING AREA STANDARDS:

The Salinas River Area Plan requires compliance of this project with the standards of the San Miguel Community Design Plan. This project meets these standards and guidelines as discussed below:

Standard - Building size: No more than six dwelling units are allowed in any single structure.
Standard met: This project has two buildings of five units per building.

Guideline - Use of front yard setback: The space between buildings and the main street frontage should not be used as a location for required on-site parking spaces. Parking areas should be located within the interior of the site or on the sides and rear where they can be adequately screened from view by fencing and landscaping.
Guideline met: The buildings and front yards face 10th Street. Parking is located on L Street side and ally side. The applicant has provided a landscape plan that includes landscaping to screen the parking lot from L Street.

Guideline - Private open space: Each unit in an RMF development should include at least 150 square feet of private usable open space, in the form of decks or ground level patios.
Guideline met: Each unit has at least 150 square feet of private usable open space, in the form of decks or ground level patios.

Standard - Shared open space: Multi-family developments must include shared usable open space, which may include such features as gardens, play areas or swimming pools.
Standard conditioned to meet: This project includes a shared open space between the two buildings and is conditioned to provide play areas with equipment and benches.

Standard - Curbs, gutters and sidewalks: Curbs, gutters and sidewalks are required for all new development in the Residential Multi-Family land use district.
Standard met: This project includes curbs, gutters and sidewalks.

Standard - Street trees: New development in the Residential Multi-Family category must include at least one deciduous shade tree per 30 feet of frontage or fraction thereof, planted within 10 feet of the front property line. The Countywide Design Plan contains a list of species approved for use as street trees.
Standard met: This standard requires nine street trees. The proposed landscape plan has provided 16 street trees from the list of species approved for uses as street trees.

Guideline - Building lighting: Exterior light fixtures should be designed and adjusted to direct light away from any road, street or dwelling unit.
Guideline conditioned to meet: This project is conditioned to meet this guideline on the buildings, in the shared open space and parking lots.

Guideline – Entries: Each unit of a multi-family development should have its own separate main entry from the outdoors. For any building having frontage on a public street, entries to the units should face the street.
Guideline met: All units have there own separate main entry from outdoors. All units facing a public street have entrances that face the street.

Guideline - Building footprint: Building footprints should resemble a series of partially overlapping rectangles, as opposed to a single rectangle.
Guideline met: The two buildings are a series of five staggered rectangles.

Guideline - Building details: Buildings should include details associated with single-family homes, such as porches, bay windows, chimneys, trellises, built-in planters, integrated low walls. Each dwelling unit should be made individually recognizable through the use of balconies, porches, setbacks or other architectural features.

Guideline met: Each dwelling unit is individually recognizable through the use of balconies, porches, varied setbacks, low walls and a variety of rooflines.

Standard - Building height: Maximum allowable building height is two stories.
Standard met: All units are two stories maximum

COMMUNITY ADVISORY GROUP COMMENTS: Concerns regarding original plans that showed building that are three stories, units facing "L" Street did not have separate entrances, too many cars backing into alley, L Street retaining wall was too high and they requested units be moved to the corner of 10th Street and L Street. All concerns have been addressed in a redesign, except for moving the units forward to the corner of 10th Street and L Street. Moving these buildings is extremely difficult because the site has 20 percent slopes and the flat area at this corner is needed for parking lot construction.

AGENCY REVIEW:
Public Works –Curb, gutter and sidewalk required, pave alley, record an agreement to participate and not oppose formation of an assessment district for drainage purposes.
San Miguel Fire Department - Fire Safety letter-
San Miguel Community Services District - Preliminary will serve letter for 10 units
Department of Fish and Game – Kit fox mitigation at a three to one ratio
Cal Trans – no comment

LEGAL LOT STATUS:
The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Elizabeth Kavanaugh and reviewed by Kami Griffin, Supervising Planner.

EXHIBIT A - FINDINGS

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 24, 2004 for this project. Mitigation measures are proposed to address aesthetics, biological resources, cultural resources, geology and soils, public service and utilities and water and are included as conditions of approval.

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the 10 unit multi-family project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the 10 unit multi-family project is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on L Street and 10th Street both local roads constructed to a level able to handle any additional traffic associated with the project.

EXHIBIT B - CONDITIONS OF APPROVAL
For Minor Use Permit DRC 2004-00028

Approved Development

1. This approval authorizes
   a. to allow for the establishment of an approximate 5,800-square foot multi-family complex consisting of eight two-story residences, two one-story residences, four garage units, six residential storage units, one general storage unit, 18 parking spaces, and landscaping, which will result in the disturbance of the entire 0.34-acre parcel.
   b. Maximum height is 35 feet from average natural grade, must be a maximum of two stories.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits,** the applicant shall submit plans that show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

3. **At the time of application for construction permits,** the applicant shall submit plans that are approved by the County Planning Department that provide details on any proposed exterior lighting. The details shall include the height, location, and intensity of all exterior lighting on buildings, open space area and parking areas. All lighting fixtures shall be designed, shielded and adjusted so that neither the lamp or the related reflector interior surface doesn't shine direct light on any road, street or dwelling unit outside of this project. Light hoods shall be dark colored.

4. **At the time of application for construction permits,** the applicant shall submit plans to be approved by the County Planning Department that provide a shaded play area for children with play structure and benches in the shared open space.

5. **At the time of application for construction permits,** the applicant shall submit plans to approved plans to the County Public Works Department for the following:
   1. Curb gutter and sidewalk
   2. Driveway approach
   3. Paving the alley frontage

6. **At the time of application for construction permits,** the applicant shall submit and record an agreement to participate in and not oppose the formation of an assessment district for drainage purposes. This agreement shall be approved by the county Public Works Department.

7. **At the time of application for construction permits,** the applicant shall submit plans that are approved by the County Planning Department for the solid waste collection area that includes:
   a. Solid fence or wall on three sides that is taller than the garbage bin, but not taller than six feet.
   b. The fourth side shall be a gate.
   c. Floor shall be concrete or another impervious material.
   d. A sign clearly identifying the recycling area(s), instructions, and a list of recycled materials allowed in recycling bin(s).

8. **At the time of application for construction permits,** the applicant shall submit a sample of the walls and fencing visible from public streets. These walls shall display a high level of quality in finish and detail. These walls shall be constructed of: unit masonry (other than precision block), such as river cobblestone, split face block or similar masonry material that compliments the project's building architecture.

Fire Safety

9. **At the time of application for construction permits,** all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the San Miguel Fire Department for this proposed project and dated June 28, 2005.

Services

10. **At the time of application for construction permits,** the applicant shall provide a letter from San Miguel Community Service District stating they are willing and able to service the property.

11. Electric and telephone lines shall be installed underground.

Conditions to be completed prior to issuance of a construction permit

12. **Prior to issuance of a construction permit**, the applicant shall submit a condition compliance package that includes all conditions of approval and how each condition has been met.

Fees

13. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Biological Resources

14. **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 Resource and Management Division (County) (see contact information below) 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, 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) 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", would be based on the total area of disturbance from project activities multiplied by $2500 per acre. 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 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 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.

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

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

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

c. Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the 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, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that 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 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.

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.

16. **Prior to issuance of grading and/or construction permits,** the applicant shall clearly delineate as a note on the project plans, that: "Speeds signs of 25 mph maximum (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, or any grading associated with map recordation, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

17. **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.

18. **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.

19. **Prior to commencement of any tree removal**, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March 1 to August 31), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

20. **Prior to issuance of grading and construction permits**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified historical archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

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

21. **Prior to issuance of grading and construction permits,** the applicant shall incorporate the following measure into the proposed monitoring plan: During excavation of structural remains, the applicant shall implement mechanical scraping of soil to a depth of approximately one foot across the documented "footprint" of the building, as shown on the Sanborn maps. If features (i.e., foundations, basement, privy, etc.) are observed, such features shall be excavated as part of a one-by-one meter (minimum) controlled excavation unit.

<u>Conditions to be completed during site disturbance and/or construction phase</u>

Biology

22. **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.

23. **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.

24. **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.

25. **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.

Cultural Resources

26. **During all ground disturbing construction activities,** the applicant shall retain a qualified historic archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

27. **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.

<u>Conditions to be completed prior final building inspection</u>

28. **Prior to final inspection,** the applicant shall implement the approved retaining wall and landscaping plan. The exterior perimeter retaining wall shall demonstrate evidence of visual articulation, and landscaping shall be provided between the wall and adjacent roadways.

29. Landscaping in accordance with the approved landscaping plan shall be installed before ***final building inspection***. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.

30. **Prior to final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from San Miguel Fire Department of all required fire/life safety measures.

31. **Prior to final inspection,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

32. **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.

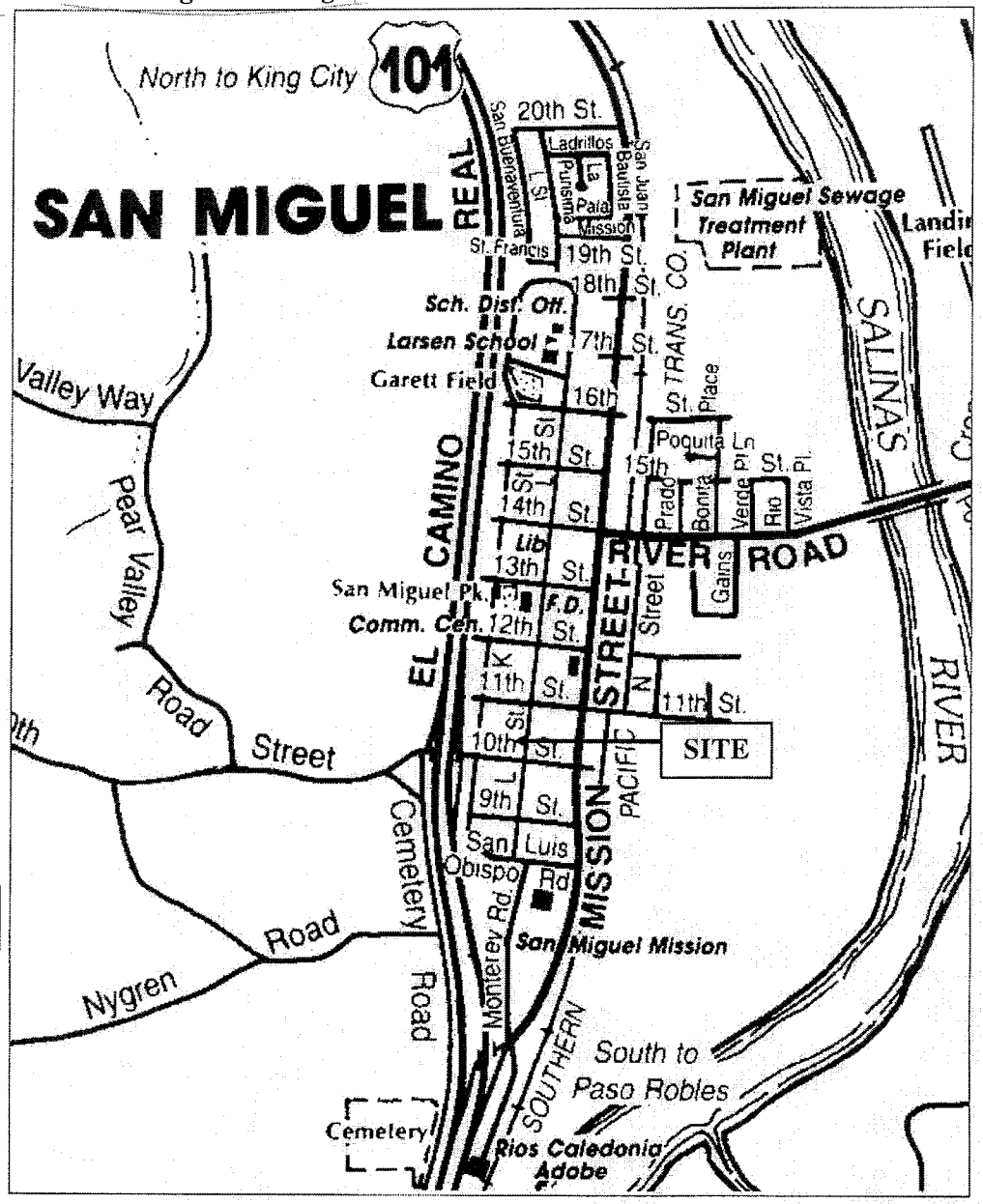
33. Upon completion of all monitoring/mitigation activities**, and prior to final inspection**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

On-going conditions of approval (valid for the life of the project)

34. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

35. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

San Luis Obispo Department of Planning & Building



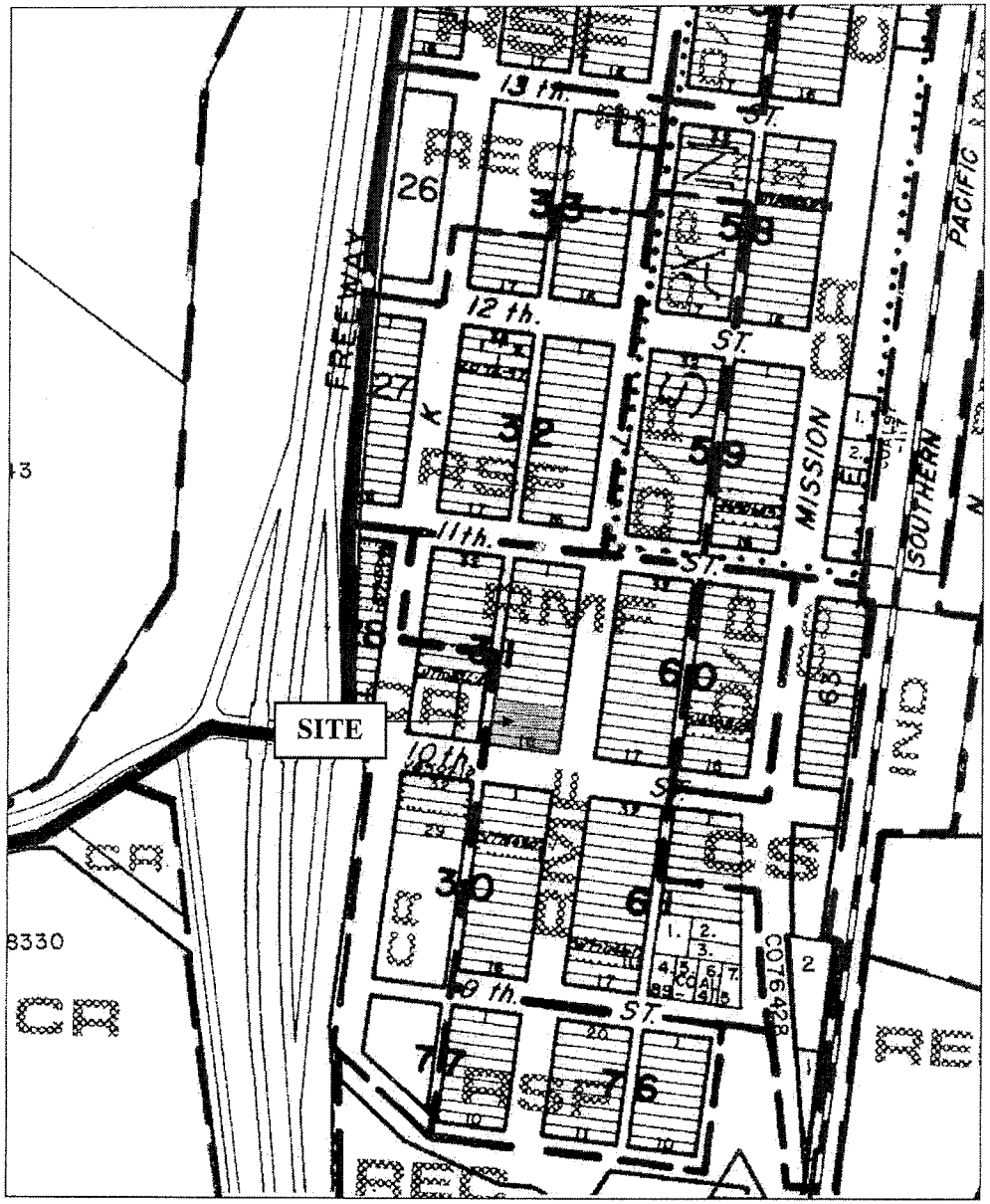
Project

Hahn Minor Use Permit
DRC 2004-00028

Exhibit

Vicinity Map

San Luis Obispo Department of Planning & Building



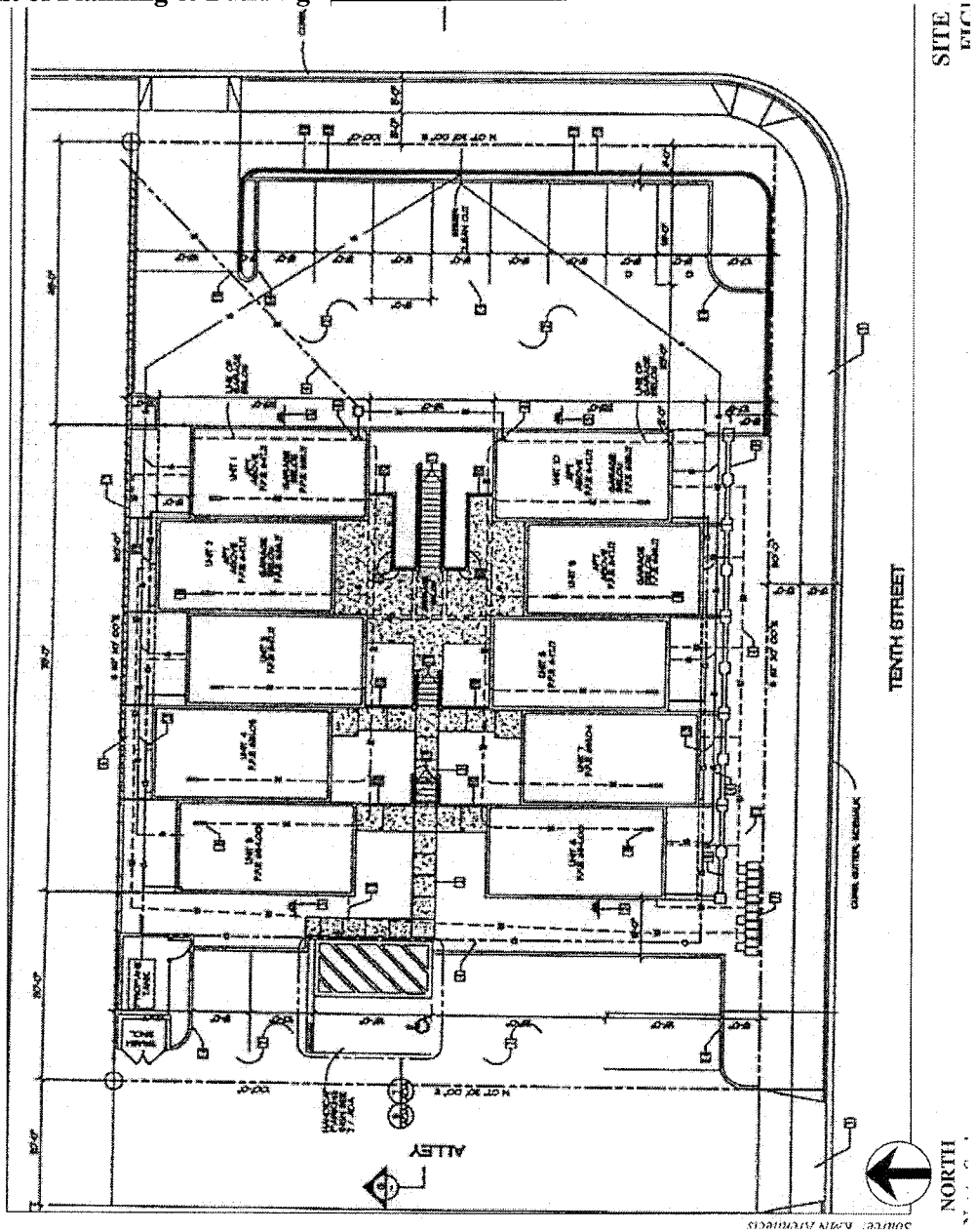
Project

Hahn Minor Use Permit
DRC 2004-00028

Exhibit

Land Use Map

San Luis Obispo Department of Planning & Building



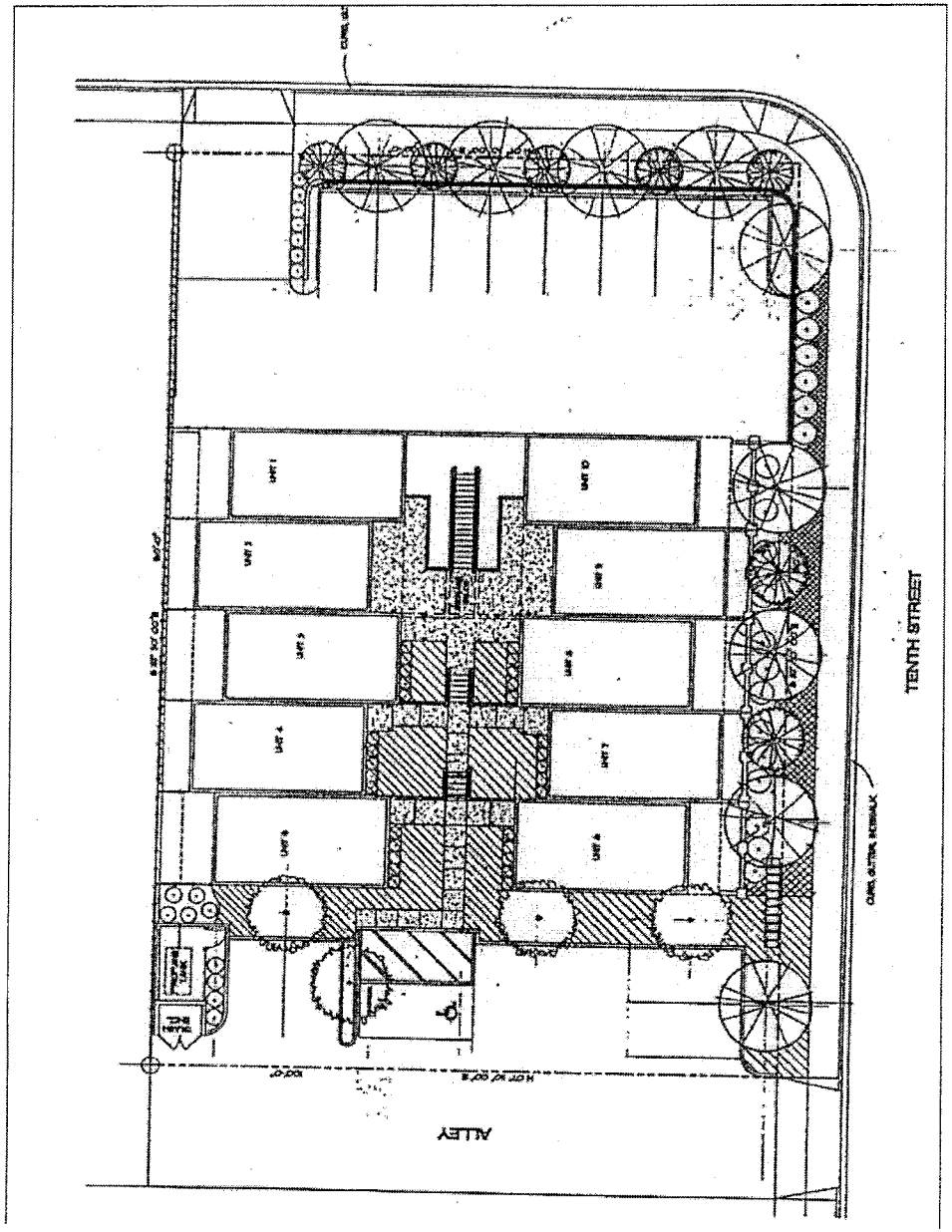
Project

Hahn Minor Use Permit
DRC 2004-00028

Exhibit

Site Plan

San Luis Obispo Department of Planning & Building



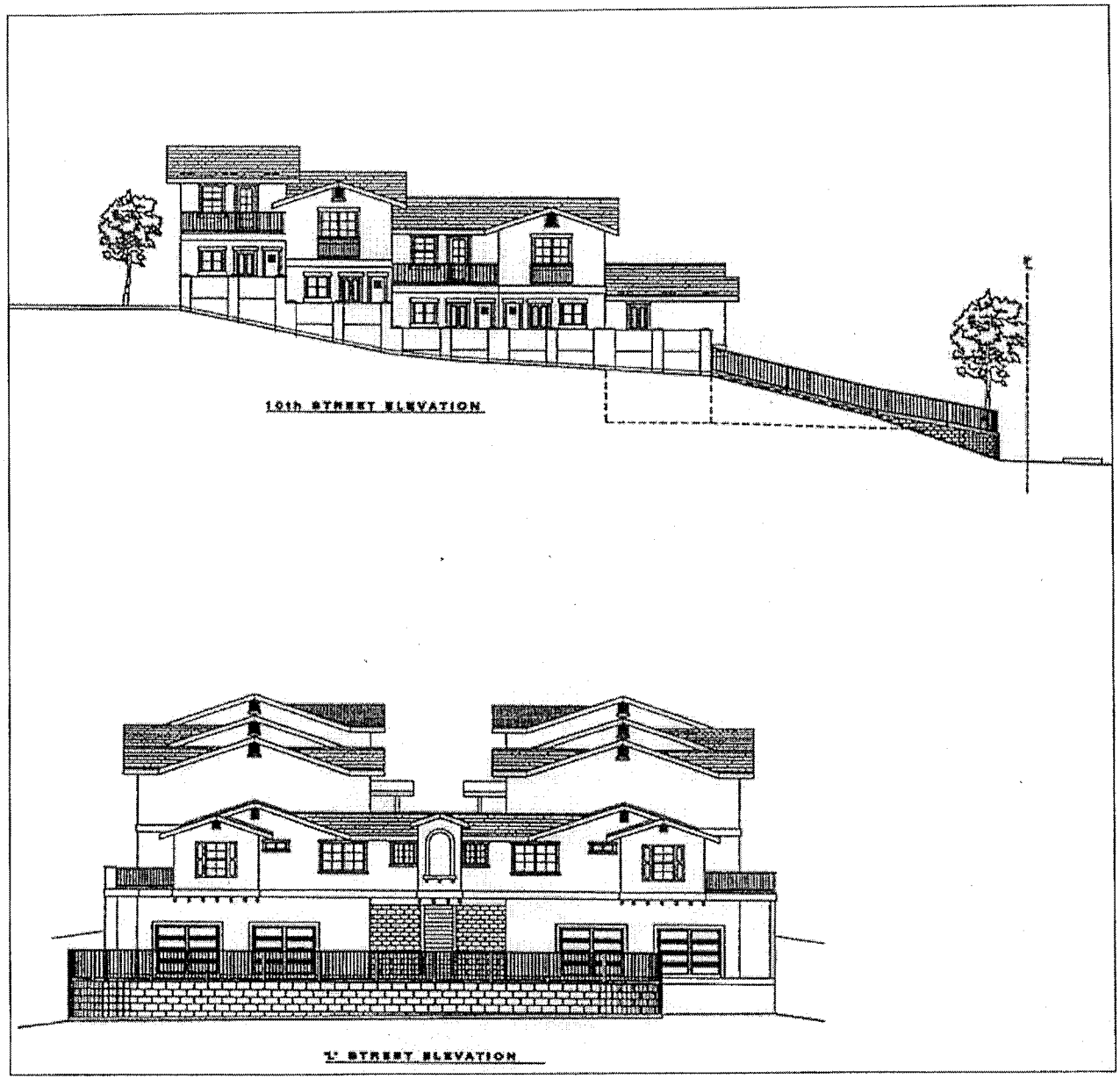
Project

Hahn Minor Use Permit
DRC 2004-00028

Exhibit

Landscape Plan

San Luis Obispo Department of Planning & Building



Project

Hahn Minor Use Permit
DRC 2004-00028

Exhibit

Elevations

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: July 13, 2005
TO: Department of Fish and Game
Project Name and Number: KMN Architect DRC 2004-00028

FROM: Elizabeth Kavanaugh 788-2010
Please respond to above
Development Review Section (PHONE: 788-2352)

PROJECT DESCRIPTION: 12-unit multi family residential structure in San Miguel

Return this letter with your comments attached no later than _____

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES (Please go on to PART II.)

_____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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

X NO (Please go on to PART III.)

_____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. **IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.**

Score changed to 76 based on changes to questions 2 and 3. 3:1 mitigation ratio needed to offset impacts to kit fox habitat.

7-13-05 — **Date**
Robert Stafford — **Name**
528-8670 — **Phone**

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600
EMAIL: planning @co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.sloplanning.org

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

RECEIVED
AUG - 6 2004
COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS

THIS IS A NEW PROJECT REFERRAL

DATE: 8/6/04

FROM: PW

FROM: North Co. Team
(Please direct response to the above)

KMN Architects
DRC2004-00028
Project Name and Number

Development Review Section (Phone: 781-788-2009) ( )

PROJECT DESCRIPTION: MUP - 2 apt. bldgs. w/ 5 units ea. & total of 4 garages w/ 7 storage spaces. Located in San Miguel, on the corner of 10th and L Street. Directly east, off Hwy. 101.

Return this letter with your comments attached no later than: _____

PART I — IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES (Please go on to Part II)
___ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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

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

PART III — **INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.**

RECOMMEND APPROVAL — AT TIME of Bldg Permits, Curb, Gutter & Sidewalk will be required. SINCE Alley provides access to parking (including Handicap) I recommend THE Alley be paved/repaved to provide ADEQUATE access to parking. Driveway approach AT Alley should be part of CG & SW work. Applicant will need to record an Agreement to participate and NOT oppose formation of an Assessment District for Drainage Purposes.

Date 02 SEP 2004 Name GOODWIN Phone 5252

M:\PI-Forms\Project Referral - #216 Word.doc Revised 4/4/03

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: http://www.slocoplanbldg.com

San Miguel
Community
Services District

Board of Directors

President
Richard Harrison

Vice President
Gib Buckman

Members
Connie Jarvis
Dale Hamblin
Bud Wimer

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 with:

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

smcsd@tcsn.net

www.sanmiguelcsd.org

June 28, 2005

Mr. & Mrs. David Hahn
860 Park Ave
Cayucos, CA 93430

Dear David & Stephanie Hahn

I have reviewed the plans for the project located at the corner of 10th and L St (APN 021-301-008). The San Miguel Fire Department will be responsible for providing fire protection. In order to meet the requirements of the Uniform Fire Code the following is required to obtain fire district protection and approval of your project:

Addressing

All projects, prior to final inspection approval, shall comply with Title 20, Address and Road Name Ordinance. Appropriate addresses, building numbers, road names, signs and room numbers, shall be installed prior to final inspection. SMCSD requires numbers to be a minimum of four (4) inches in height for residential and five (5) inches minimum height for commercial buildings. All numbers shall contrast with their background, be visible from the center of the road and be illuminated if possible. Additional address sign shall be placed on L street noting the access is on the alley UFC

Alley is a Fire Access Road NO PARKING FIRE LANE signs shall be posted at each side of the property on at the alley road edge.

Residential Sprinklers

Residential structures shall be equipped with residential sprinklers per NFPA Pamphlet 13D.

The remainder of the plan appears to meet San Miguel and fire code requirements. Please note nothing contained herein abrogates any more restrictive requirements by other agencies having jurisdiction.

Your plans will be returned to you. Please have the plans and this letter available at the job site when Fire Department personnel make inspections. If you have any questions or comments regarding this information, please call my office.

Respectfully,

Roland H. Snow
Fire Chief
SAN MIGUEL FIRE DEPARTMENT

San Miguel Community Services District

Board of Directors

President
Richard Harrison

Vice President
Gib Buckman

Members
Connie Jarvis
Dale Hamblin
Bud Wimer

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 with:

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

smcsd@tcsn.net

PRELIMINARY WILL SERVE LETTER

Expires July 6, 2006

July 6, 2005

Re: Applicant — David and Stephanie Hahn
860 Park Avenue
Cayucos, CA 93430

Assessors Parcel Number — 021-301-008
Assessment Roll Number

This parcel is within the area served by the San Miguel Community Services District. Based on the projected use by the applicant for ten multi-family residential units, the district currently has sufficient capacity to provide water, sewer, lighting, and fire protection services for this parcel.

The applicant will be responsible for necessary improvements to extend utility mains and services, other system improvements needed to extend service to the applicant's property, and any and all requirements under the California Fire Code and the Uniform Plumbing Code.

The applicant's representative should pick up a District utilities standards package from the district office prior to connecting to district utility lines. No connections may be made to District infrastructure without an inspection by the District Utilities supervisor.

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 before a Final "Will-Serve" letter is issued. Final charges will be based on applicable resolutions in effect at that time.

J. M. Ellison
General Manager

COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (ek)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED05-199 **DATE: April 20, 2006**

PROJECT/ENTITLEMENT: Hahn Minor Use Permit DRC2004-00028

APPLICANT NAME: David Hahn
ADDRESS: 860 Park Ave., Cayucos, CA 93430
CONTACT PERSON: KMN Architects **Telephone:** 805-238-5501

PROPOSED USES/INTENT: Proposal by David Hahn for a 5,800-square foot multi-family complex consisting of eight two-story residences, two one-story residences, four garage units, six residential storage units, one general storage unit, 18 parking spaces, and landscaping. The project will result in the disturbance of the entire 0.34-acre parcel.

LOCATION: The site is located on the northwest corner of 10th Street and L Street, approximately 170 feet east of K Street, in the community of San Miguel. The site is in the Salinas River planning area.

LEAD AGENCY: **County of San Luis Obispo Department of Planning & Building**
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: California Department of Fish and Game

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 .....5 p.m. on

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 were made a condition of the 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:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature	Project Manager Name	Date	Public Agency

San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo
Date: March 13, 2006
County: San Luis Obispo
Project No. DRC2004-00028
Project Title: Hahn Minor Use Permit

Project Applicant

Name: David Hahn
Address: 860 Park Ave.
City, State, Zip Code: Cayucos, CA 93430
Telephone #: 805-440-7563

Please remit the following amount to the **County Clerk-Recorder:**

( ) Environmental Impact Report	$	850.00
(X) Negative Declaration	$	1250.00
( ) County Clerk's Fee	$	25.00
Total amount due:		**$1,250**

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1055 Monterey Street, Room D-120, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Hahn Minor Use Permit; DRC2004-00028 ED05-199

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

Morro Group, INC.		04/12/06
Prepared by (Print)	Signature	Date
Steven McMasters		4/12/06
Reviewed by (Print)	Signature	Ellen Carroll, Environmental Coordinator (for) — Date

Project Environmental Analysis

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

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by David Hahn for a Minor Use Permit to allow a 5,800-square foot multi-family complex consisting of eight two-story residences, two one-story residences, four garage units, six residential storage units, one general storage unit, 18 parking spaces, and landscaping. The project will result in the disturbance of the entire 0.34 acre parcel. The proposed project is within the Residential Multiple Family land use category and is located on the northwest corner of 10th Street and L Street, approximately 170 feet east of K Street, in the community of San Miguel. The site is in the Salinas River planning area.

ASSESSOR PARCEL NUMBER(S): 021-302-008 SUPERVISORIAL DISTRICT # 1

B. EXISTING SETTING

PLANNING AREA: Salinas River, San Miguel

LAND USE CATEGORY: Residential Multi-Family

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

TOPOGRAPHY: Moderately sloping

VEGETATION: Grasses , forbs , ruderal

PARCEL SIZE: 15,000 square feet

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Multi-Family; residential	*East:* Residential Multi-Family; residential
South: Residential Multi-Family; undeveloped, residential	*West:* Commercial Retail; commercial use

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Setting. The proposed project site is a 15,000- square foot parcel located on Lots 13-16 on L Street, on the northwest corner of 10th Street and L Street in the community of San Miguel (refer to Figures 1 through 3). Surrounding development includes residences to the south, east, and north, and a café to the west. The project site is currently vacant, and is dominated by grasses and ruderal shrubs and trees. The concrete foundation and front steps remain of a demolished residence. The project site is visible from various locations within the community of San Miguel.

Impact. The applicant proposes to construct an eight two-story and two one-story residential units (refer to Figures 4 and 5). Future residential development including multi-family residences and associated improvements would be visible from 10th Street, L Street, K Street, and intermittently from Mission Street. The proposed project would be adjacent to existing residences to the north, east, and south and would appear as infill within an existing residential neighborhood. The style of development proposed is consistent with expected development on this parcel (Salinas River Area plan), and other recent developments in San Miguel. A six-foot tall, split-faced block retaining wall and 3.5-foot tall rail fence is proposed along L Street (80 feet), 10th Street (40 feet), and the driveway entrance (15 feet). To soften the appearance of the proposed retaining wall, the applicant has proposed landscaping in between the wall and the road (refer to Figure 6). Based on the location of the project site and implementation of the proposed landscaping plan, future residential development would be consistent with surrounding development.

Mitigation/Conclusion. To soften the appearance of the proposed retaining wall, the applicant has agreed to provide vertical articulation on the wall, and landscaping in between the wall and the road. Implementation of these measures would mitigate potential visual impacts to a level of insignificance.

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Convert prime agricultural land to non-agricultural use?*	☐	☐	☒	☐
b) *Impair agricultural use of other property or result in conversion to other uses?*	☐	☐	☒	☐
c) *Conflict with existing zoning or Williamson Act program?*	☐	☐	☐	☒
d) *Other:* _____	☐	☐	☐	☐

Setting. The project site is located within the San Miguel urban area, within the Residential Multi-family land use category. The soil types mapped for the project site include: Arbuckle fine sandy loam; (2 - 9% slope), and Hanford and Greenfield fine sandy loams, (0 - 2% slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated" soil class is "I to II".

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. Potentially prime agricultural soils would be lost due to this development; however, the loss was not considered significant during updates to the Salinas River Area Plan. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary

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

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 15,000 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

4. BIOLOGICAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☐	☒	☐
c) Impact wetland or riparian habitat?	☐	☐	☒	☐
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☒	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. The following habitats were observed on the proposed project: Grasses , forbs, and , ruderal shrubs and trees. Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified in the vicinity of the project site.

Special-status Plants. The following special-status plants were documented approximately 0.9 mile south of the project site: Kellogg's horkelia *(Horkelia cuneata ssp. sericea)*, California Native Plant Society List 1B (rare, threatened, or endangered in California and elsewhere); Shining navarretia (*Navarretia nigelliformis ssp. radians*) CNPS List 1B; and, Lemmon's jewelflower *(Caulanthus coulteri lemmonii)* CNPS List 1B. Based on the characteristics and location of the project site, it is unlikely that these species are present onsite.

Special-status wildlife. The project site is located within the known habitat range of San Joaquin kit fox *(Vulpes macrotis mutica)*, a Federally Endangered and State Threatened species. An occurrence of San Joaquin pocket mouse *(Perognathus inornatus inornatus)*, California Department of Fish and Game Special Animal was documented approximately 0.9 mile south of the project site.

Special-status habitats. The proposed project is within the Carrizo vernal pool region, which is a generalized regional area with vernal pools known to exist within its boundaries. A vernal pool habitat will consist of seasonal wetland (i.e., an area with ponding water during the wet season and then

drying up during the summer months). This habitat sometimes support sensitive aquatic plant and wildlife species, such as the federally-threatened vernal pool fairy shrimp, the spadefoot toad, the California Tiger salamander, and several sensitive aquatic plant species. During a field inspection, the project area's topography was inspected for the potential to support vernal pools (e.g., low-lying areas, natural or man-made ponding areas, etc.). No such topography was identified.

Additional special-status habitats in the vicinity include: Blue Oak Woodland (Scattered <10% Density) approximately 0.4 mile to the east; potential California red-legged frog *(Rana aurora draytonii)* (Federally Threatened) habitat approximately 0.6 mile to the southeast; and Critical Fairy Shrimp Habitat approximately 0.8 mile to the west.

Wildlife. Ruderal trees present onsite include palm, pepper, eucalyptus, and elm. These trees may support nesting habitat for birds.

Impact.

Special-status Species. A San Joaquin Kit Fox Habitat Evaluation Form was prepared by Dan Meade on September 28, 2004. The evaluation form was reviewed by Bob Stafford of the California Department of Fish and Game. The evaluation, complete with Mr. Stafford's changes, resulted in a score of 76, which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted (3:1). The project will result in the permanent disturbance of 0.34 acre of kit fox habitat.

Wildlife. Implementation of the proposed project would require removal of existing trees. If tree removal occurs during the nesting season (March through August), nesting birds would be disturbed, resulting in a potentially significant impact.

Mitigation/Conclusion. Mr. Stafford recommended that specific measures be implemented to effectively mitigate impacts to San Joaquin kit fox (personal communication, July 13, 2005. The applicant will be required to mitigate the loss of 1.02 acres of kit fox habitat (0.34 acres multiplied by a 3:1 ratio) by one of the following ways: Deposit 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. At this time, there is no approved Conservation Bank that is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. 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. The compensatory mitigation will also suffice for potential pocket mice impacts (Stafford, personal comm.) In addition, nesting bird surveys will be required prior to construction if it begins from March 1st to August 31. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

5. CULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb pre-historic resources?	☐	☒	☐	☐
b) Disturb historic resources?	☐	☒	☐	☐
c) Disturb paleontological resources?	☐	☐	☒	☐

5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
*d) Other:*_____	☐	☐	☐	☐

Setting/Impact. 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 Salinas River and San Miguel Mission.

Archaeological Resources. A Phase I Archaeological Survey (CRMS, October 12, 2004) was conducted for the project site. Based on the results of the survey, three significant cultural sites are located in the immediate vicinity. No archaeological surface deposits were noted; however, it is possible that significant subsurface resources may be present. Impacts to unknown resource during proposed grading activities would result in a significant impact.

Historic Resources. The Phase I Archaeological Survey documents the remains of a large residence that occupied the project site in 1892. Remains include concrete steps, two large palm trees, and roof tiles. In addition, historic debris present onsite includes red brick, concrete fragments, cast iron pipe segments, window glass, and Pismo clam shells. Based on the results of the Phase I survey report, a Historic Evaluation (CRMS, February 20, 2006) was prepared. Based on the results of the Historic Evaluation report, the first property owners were Gaius and Anna Webster in 1890. By 1892, a house and elevated water tank were constructed in the northern portion of the property. In 1894, the property was sold to Augustus Kingery, and the residence was informally known as the "Kingery Home". The property was sold several times to various owners including the Tucker Family(1909), Mildred Hansen (1940), Stella Davis (1967), and Norval Awalt (1974). It is unknown when the "Kingery Home" was demolished; however, two palm trees that framed the front steps remain. Based on the results of the Historic Evaluation, the property is potentially historically significant and is likely to yield information important to the history of everyday life in the community of San Miguel in the late 1800s and 1900s. Destruction of the structural remains without documentation would result in a potentially significant impact.

Paleontological Resources. No known significant paleontological resources exist in the area.

Mitigation/Conclusion. To mitigate for potential impacts to unknown subsurface archaeological resources and known historical resources, the applicant has agreed to submit a Cultural Resources Mitigation and Monitoring Plan, including procedures for monitoring grading and vegetation removal practices, and protocol for response if significant resources are observed (refer to Exhibit B). Implementation of the plan would mitigation potential cultural resource impacts to less than significant.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☒	☐	☐

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☒	☐	☐
d) Change rates of soil absorption, or amount or direction of surface runoff?	☐	☒	☐	☐
e) Include structures located on expansive soils?	☐	☐	☒	☐
f) Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?	☐	☐	☒	☐
g) Involve activities within the 100-year flood zone?	☐	☐	☐	☒
h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	☒	☐
i) Preclude the future extraction of valuable mineral resources?	☐	☐	☐	☒
*j) Other:*_____	☐	☐	☐	☐

Setting.

GEOLOGY - The topography of the project is moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered high. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

Any project within the Geologic Study area designation or within a high liquefaction area is subject to the preparation of a geological report per the County's Land Use Ordinance (LUO) section 22.14.070 (c) to evaluate the area's geological stability relating to the proposed use.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (Salinas River) from the proposed development is approximately 0.5 miles to the east. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered moderately drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 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 – The soil types mapped for the project site include: Arbuckle fine sandy loam; (2 - 9% slope), Hanford and Greenfield fine sandy loams, (0 - 2% slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and low shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) 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. As proposed, the project will result in the disturbance of approximately 15,000 square feet. The average slope of the project site is 15 percent. During proposed grading activities, erosion and down-gradient sedimentation is likely to occur. Upon construction of proposed improvements and the creation of an impervious site, off-site runoff may exceed historical flows. The applicant's proposed grading and erosion control plan (Roberts Engineering, October 9, 2005) includes the use of straw bales, silt fencing, and graveled onsite construction roads to minimize the potential for erosion (refer to Figures 7 and 8). The project site is located on river terrace deposits. These sandy soils have the potential to liquefy during an earthquake.

Mitigation/Conclusion. Pursuant to the County Land Use Ordinance, the applicant would be required to submit and implement a drainage plan, and implement the proposed erosion and sedimentation control plan. In addition, pursuant to ordinance requirements, prior to issuance of construction permits, the applicant shall provide a geologic report, completed by a certified engineering geologist that addresses the liquefaction potential and recommends foundation requirements that can be used as mitigation. 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) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☐	☒	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☐	☒	☐
e) Create any other health hazard or potential hazard?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

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

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☐	☒	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The primary sources of noise in the area include Highway 101 (approximately 400 feet to the west) and the Union Pacific Railroad (approximately 600 feet to the east). The topography between the site and the highway is moderately to steeply sloping. The topography steeply slopes up to meet the highway road grade. The railroad is located at a lower elevation than the project area. In reviewing the County's Noise Element, the noise contour maps indicated that the site is in the range of 60 to 65 dbA. The county considers residences sensitive noise receptors. Noise exposure in the range of 60 to 65 dbA is considered conditionally acceptable. The maximum acceptable noise exposure level for residential land uses as a result of transportation-related noise sources is 60 dB for outdoor use areas, and 45 dB for interior use areas.

Impact. Proposed outdoor use areas would include attached deck and covered patio areas. Based on the presence of existing structures located between the proposed development and existing sources of noise (Highway 101 and the railroad), outdoor use areas would not likely be exposed to noise exceeding 60 dB. Based on compliance with the Uniform Building Code would attenuate

interior noise by 20 dB, resulting in a maximum potential noise level exposure of 45 dB, within an acceptable range. Based on the location of the proposed site, and implementation of standard construction measures, potential noise impacts would be less than significant.

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

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

Setting. In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

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

Mitigation/Conclusion. No significant population and housing impacts are anticipated, 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) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐

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
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is approximately 14 miles to the southeast. The closest Sheriff substation is in Templeton, which is approximately 15 miles from the proposed project. The project is located in the San Miguel Joint Union Elementary School District.

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

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

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

Setting/Impact. Based on the County Trails Plan, the Salinas River trail corridor is located parallel to the Salinas River, and includes the community of San Miguel. The project is not proposed in a location that will affect any trail, park or other recreational resource, and development of the property would not preclude extension of the trail on adjacent county roads. The proposed project will not create a significant need for additional park or recreational resources.

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

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Increase vehicle trips to local or areawide circulation system?*	☐	☐	☒	☐
b) *Reduce existing "Levels of Service" on public roadway(s)?*	☐	☐	☒	☐
c) *Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?*	☐	☐	☒	☐
d) *Provide for adequate emergency access?*	☐	☐	☒	☐
e) *Result in inadequate parking capacity?*	☐	☐	☒	☐
f) *Result in inadequate internal traffic circulation?*	☐	☐	☒	☐
g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?*	☐	☐	☒	☐
h) *Result in a change in air traffic patterns that may result in substantial safety risks?*	☐	☐	☒	☐
i) *Other:* _____	☐	☐	☐	☐

Setting. Future development will access onto the following public road(s): 10th Street and L Street. The identified roadways are operating at acceptable levels. Referrals were sent to Public Works/Caltrans. No significant traffic-related concerns were identified. Standard road improvements will be required, including construction of curbs, gutters and sidewalks along the property frontage, paving the adjacent alley to the north, and construction of a driveway approach at the alley (Mikel Goodwin, September 2, 2004).

Impact. The proposed project is estimated to generate about 96 trips per day, based on the Institute of Traffic Engineer's manual of 9.6 trips/unit. This small amount of additional traffic will not result in a significant change to the existing road service or traffic safety levels.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable

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

Setting/Impact. The project will be served by the San Miguel Community Services District for wastewater disposal. This system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

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 - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) *Violate any water quality standards?*	☐	☐	☒	☐
b) *Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?*	☐	☒	☐	☐
c) *Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?*	☐	☐	☒	☐
d) *Change the quantity or movement of available surface or ground water?*	☐	☐	☒	☐
e) *Adversely affect community water service provider?*	☐	☐	☒	☐
f) *Other:* _____	☐	☐	☐	☐

Setting/Impact. The project proposes to use a community system San Miguel CSD as its water source. Based on the 2005 Annual Resource Summary Report (ARSR), the San Miguel CSD utilizes two main wells, which have pumping capacity to serve existing build-out. The 2005 ARSR notes that due to San Miguel's growth rate, the estimated demand could equal or exceed the current system

capacity within five years. In response to existing and predicted growth rates, the San Miguel CSD plans to construct a new well and storage tank in 2006.

The topography of the project is moderately sloping The closest creek (Salinas River) from the proposed development is approximately 0.5 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility.

As discussed in the Geology and Soils section of this document, the applicant is required to submit and implement an erosion and sedimentation control plan.

Impact. On water use, based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 8.5 acre feet/year (AFY):

10 residential units x 0.85 afy = 8.5 afy
Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

San Miguel CSD issued a preliminary will-serve letter, indicating adequate capacity to serve the proposed project (J.M. Ellison, July 6, 2005).

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 15,000 square feet. Stormwater runoff within the community of San Miguel drains to the Salinas River.

Mitigation/Conclusion. No specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

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

Setting/Impact. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

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

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

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

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
☒	County Public Works Department	**Attached**
☒	County Environmental Health Division	**In File****
☒	County Agricultural Commissioner's Office	**None**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Game	**Attached**
☒	CA Department of Forestry	**None**
☐	CA Department of Transportation	**Not Applicable**
☒	San MiguelCommunity Service District	**Attached**
☒	Other San Miguel Advisory Council	**None**
☐	Other _____	**Not Applicable**

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

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

☒ Project File for the Subject Application

County documents

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

Other documents

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

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

CRMS. October 12, 2004. *Phase I Archaeological Survey of a Parcel at 10th and L Streets, San Miguel, San Luis Obispo County, California (APN: 021-301-008).*

CRMS. *February 20, 2006. Historical Evaluation of the Kingery House Parcel at 10th and L Streets, San Miguel, California (APN: 021-301-008).*

Meade, Dan. September 28, 2004. *San Joaquin Kit Fox Evaluation Form.*

Exhibit B - Mitigation Summary Table

Aesthetics

V-1 **Prior to final inspection,** the applicant shall implement the approved retaining wall and landscaping plan. The exterior perimeter retaining wall shall demonstrate evidence of visual articulation, and landscaping shall be provided between the wall and adjacent roadways.

Biological Resources

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the Hahn Minor Use Permit (DRC2004-00028) on September 28, 2004 by Dan Meade, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 66 on the evaluation (this was raised to 76 after Department of Fish and Game review, which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted **(3:1)**. 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 grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) 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, 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) 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", would be based on the total area of disturbance from project activities multiplied by $2500 per acre. 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 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 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, or conducting any grading associated with map recordation,** the applicant shall provide evidence to the County that they have retained a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

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

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR-11. 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 the 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, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that 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 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, or approval of any improvement plans related to map recordation,** the applicant shall clearly delineate as a note on the project plans, that: "*Speeds signs of 25 mph maximum (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, or any grading associated with map recordation,** 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.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building, Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-12 **Prior to commencement of any tree removal**, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March 1 to August 31), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Cultural Resources

CR-1 **Prior to issuance of grading and construction permits**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified historical archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

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

CR-2 **Prior to issuance of grading and construction permits**, the applicant shall incorporate the following measure into the proposed monitoring plan:

a. During excavation of structural remains, the applicant shall implement mechanical scraping of soil to a depth of approximately one foot across the documented "footprint" of the building, as shown on the Sanborn maps. If features (i.e., foundations, basement, privy, etc.) are observed, such features shall be excavated as part of a one-by-one meter (minimum) controlled excavation unit.

CR-3 **During all ground disturbing construction activities**, the applicant shall retain a qualified historic archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of

the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

CR-4 **Upon completion of all monitoring/mitigation activities**, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

DEVELOPER'S STATEMENT FOR HAHN MINOR USE PERMIT DRC2004-00028; ED05-199

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.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Aesthetics

V-1 **Prior to final inspection,** the applicant shall implement the approved retaining wall and landscaping plan. The exterior perimeter retaining wall shall demonstrate evidence of visual articulation, and landscaping shall be provided between the wall and adjacent roadways.

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

Biological Resources

San Joaquin Kit Fox

Future development on each parcel will be required to mitigate impacts to San Joaquin kit fox habitat. The Kit Fox Evaluation, which was completed for the Hahn Minor Use Permit (DRC2004-00028) on September 28, 2004 by Dan Meade, indicates the project will impact San Joaquin kit fox habitat. The project earned a score of 66 on the evaluation (this was raised to 76 after Department of Fish and Game review, which requires that all impacts to kit fox habitat be mitigated at a ratio of three acres conserved for each acre impacted **(3:1)**. 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 grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building Environmental Resource and Management Division (County) (see contact information below) 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, 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) 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", would be based on the total area of disturbance from project activities multiplied by $2500 per acre. 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 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 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.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

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

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

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

c. **Prior to or during project activities,** if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the 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, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that 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 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.

Monitoring: Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management.

BR-3 **Prior to issuance of grading and/or construction permits, or approval of any improvement plans related to map recordation,** the applicant shall clearly delineate as a note on the project plans, that: *"Speeds signs of 25 mph maximum (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, or any grading associated with map recordation,** 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.

Monitoring (San Joaquin Kit Fox Measures BR-3 – BR-11): Compliance will be verified by the County Division of Environmental and Resource Management in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670
(805) 772-4318

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason
(805) 781-5029

BR-12 Prior to commencement of any tree removal, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting season (March 1 to August 31), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County Environmental Division, possibly with recommendations for variable buffer zones, as needed,

around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

Monitoring: Compliance shall be verified by the County Division of Environmental and Resource Management.

Cultural Resources

CR-1 **Prior to issuance of grading and construction permits**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified historical archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

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

CR-2 **Prior to issuance of grading and construction permits**, the applicant shall incorporate the following measure into the proposed monitoring plan:

a. During excavation of structural remains, the applicant shall implement mechanical scraping of soil to a depth of approximately one foot across the documented "footprint" of the building, as shown on the Sanborn maps. If features (i.e., foundations, basement, privy, etc.) are observed, such features shall be excavated as part of a one-by-one meter (minimum) controlled excavation unit.

Monitoring: Compliance shall be verified by the County Division of Environmental and Resource Management.

CR-3 **During all ground disturbing construction activities**, the applicant shall retain a qualified historic archaeologist (approved by the Environmental Coordinator) and Native American to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

Monitoring: Compliance shall be verified by the County Division of Environmental and Resource Management.

CR-4 **Upon completion of all monitoring/mitigation activities**, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Monitoring: Compliance shall be verified by the County Division of Environmental and Resource Management.

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.

David Hahn Mike David 4/12/06

Signature of Owner(s) Date

DAVID HAHN, MIKE DAVIS

Name (Print)