DEVELOPER'S STATEMENT FOR
ABED RESIDENCE
GRAD2022-00123

MAY 8, 2024

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.

Exhibit B - Mitigation Summary
The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1 **Fugitive Dust Mitigation Measures (Expanded List).** At the time of application for grading and construction permits for both Phases I and II of proposed development, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities:

1. Reduce the amount of the disturbed area where possible;
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants:

   http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm;
3. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;

5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114;
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent track out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).
9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil-disturbing activities;
10. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo County Air Pollution Control District;
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and

14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 **Limits on Idling During Construction.** At the time of application for grading and construction permits for both Phases I and II of proposed development, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities when diesel-powered vehicles/equipment are in use:

1. State law prohibits idling diesel engines for more than 5 minutes. All projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following websites: arb.ca.gov/sites/default/files/classic//msprog/truck-idling/13ccr2485_09022016.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
2. In addition, because this project is located within 1,000 feet of sensitive receptors, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.
    a. Staging and queuing areas shall be located at the greatest distance from sensitive receptor locations as feasible;
    b. Diesel idling while equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment is recommended; and signs must be posted and enforced at the site that specify no idling areas.

AQ-3 **Naturally Occurring Asbestos Survey. Prior to issuance of grading or construction permits**, the applicant shall conduct a geologic evaluation for Naturally Occurring Asbestos. The geologic evaluation must be conducted by a registered geologist to determine if the area disturbed is or is not exempt from the CARB Asbestos Air Toxics Control Measure (NOA ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17 CCR Section 93105) regulation. The geologic evaluation must be submitted to the APCD Engineering Division prior to any grading activities at the site. Evidence of APCD approval must be provided to Planning staff.

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;

2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

Biological Resources

BIO-1 **Prior to issuance, the applicant shall provide evidence that they have hired a County qualified biologist to prepare the rare plant mitigation program and ensure compliance with these biological mitigation measures.**

BIO-2 **Prior to any site disturbance or construction activities associated with the proposed project,** the limits of disturbance shall be staked in the field and all rare plant occurrences within the road and development disturbance footprint shall be flagged. Adjustments shall be made in the field to avoid and minimize species impacts as feasible.

BIO-3 **Prior to any site disturbance or construction activities associated with the proposed project,** restoration sites shall be identified by the qualified botanist and mapped on an aerial photograph.

BIO-4 **Prior to any site disturbance or construction activities associated with the proposed project,** Orange protective fencing, brightly painted stakes or other flagging shall be used to identify the limits of species occurring along the perimeter of the disturbance area to ensure avoidance.

BIO-5 **During all construction activities and for the life of the project**, Seed collected from Brewer's spineflower, Palmer's spineflower and small-leaved Lomatium occurrences on the site shall be stored for application to bare soils resulting from grading and topsoil salvage and restoration sites once all activities are complete.

BIO-6 **During all construction activities and for the life of the project**, Depending on the ultimate timing of construction, rare plant salvage from the disturbance area and relocation to appropriate habitat outside the disturbance footprint shall occur during the growing season when soils are moist. Salvage and relocation activities will include the collection of plants by a qualified botanist and replanting them in identified restoration sites located in open space areas of the property.

BIO-7 **During all construction activities and for the life of the project**, all collected seed shall be hand broadcasted by the qualified botanist into areas of suitable habitat outside the development area. Collected seed may also be incorporated into the native grassland erosion control seed mix identified in Table 1 to be applied on temporarily disturbed areas.

BIO-8 **During all construction activities and for the life of the project**, maintenance of the restoration sites shall occur on a monthly basis following restoration work to ensure development of the target native grasses and rare plants.

BIO-9 **During all construction activities and for the life of the project**, monitoring shall occur during the spring and summer for a minimum of two years to ensure

successful establishment of all re-introduced or salvaged plants. In the case of annual plants it is difficult to determine if there has been a net loss or gain of a viable population in a two-year period. Therefore, reference sites shall be used to the extent possible to extrapolate trends in a species' population dynamics. A final monitoring report shall be submitted to the County once restoration is successful.

BIO-10 **During all construction activities and for the life of the project**, success criteria for the rare plant mitigation effort will be to ensure approximately 4,025 square feet of Brewer's spineflower plants composed of at least 200 plants are present in addition to the other mapped locations onsite by the end of the second monitoring year. The restoration sites shall also have at least 50 Palmer's spineflower plants and 50 small-leaved Lomatium plants in a 350 square foot area.

BIO-11 **During all construction activities and for the life of the project**, adaptive management shall also be included to address both foreseen and unforeseen circumstances relating to the restoration effort, and remedial measures to address negative impacts to the special-status plant species and their habitats (i.e., increased weed abatement, additional seeding/planting efforts, extended monitoring) shall occur if the target species or the associated habitat are not meeting the final success criteria.

BIO-12 **During all construction activities and for the life of the project**, annual reports shall be prepared by the qualified botanist to document methods and results of the effort, and will include appropriate maps showing receiver/ restoration sites and photographs taken from fixed locations.

BIO-13 **During all construction activities and for the life of the project**, an education pamphlet or handout shall also be prepared to identify all special status biological resources onsite and the measures in place to protect them during construction as well as during continued occupation and use of the site. By informing construction workers and future residents of the important natural resources onsite, they will be able to make informed decisions so their actions do not adversely affect the rare plant habitat onsite.

BIO-14 **During all construction activities and for the life of the project**, To minimize impacts to nesting birds, including special status species and species protected by the Migratory Bird Treaty Act and California Fish and Game Code, all initial vegetation removal and site disturbance shall be limited to the time period between September 1 and January 31, if feasible. If initial site disturbance occurs between February 1 and August 31, pre construction surveys for active bird nests within 250 feet of the project disturbance footprint shall be conducted by a qualified biologist.

BIO-15 **During all construction activities and for the life of the project**, surveys shall be conducted a minimum two weeks prior to any construction activities. If no active nests are located, ground disturbing/construction activities can proceed. If active nests are located, then all construction work should be conducted outside a non-disturbance buffer zone to be developed by the qualified biologist based on the species (i.e., 50 feet for common species and upwards of 250 feet for special status raptor species should they be present), slope aspect and surrounding vegetation. No direct disturbance within this buffer shall occur, and the biologist shall monitor

the site until the young have fledged and are no longer reliant on the nest site as determined by the qualified biologist.

BIO-16 **During all construction activities and for the life of the project**, a qualified biologist shall be onsite to monitor initial vegetation removal activities to avoid impacts to wildlife species. Arrangements shall be made with a veterinarian specializing in wildlife rehabilitation to care for any wildlife injured as a result of project construction. Implementation of this mitigation measure would reduce project effects on protected nesting birds and CDFW special-status bird species to a level below significance.

Geology and Soils

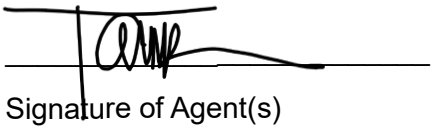
GEO-1 **Prior to issuance,** the applicant shall submit a letter to the Department of Planning and Building indicating all recommendations listed in the "Engineering Geology Investigation" (Geosolutions 2020) have been included in the project plans including but not limited to:

1. It is anticipated that foundations will be founded within formational material. The referenced Soils Engineering Report Update by this firm provides additional foundation and construction recommendations.
2. It is recommended that numerical slope stability analyses be conducted on fill slopes constructed steeper than 2-to-1 (horizontal to vertical). Locally steeper slopes may be allowed depending on the results of a slope stability analysis.
3. It is recommended that numerical slope stability analyses be conducted on cut slopes constructed steeper than 1.5-to-1 (horizontal to vertical). It is recommended that erosion control measures and revegetation of cut slopes be implemented immediately after the completion of grading.
4. Isolated seepage within formational units should be anticipated. Surface drainage facilities (graded swales, gutters, positive grades, etc.) are recommended at the base of cut slopes that allow surfacing water to be transferred away from the base of the slope. The project designer is recommended to offer specific design criteria for mitigation of water drainage behind walls and other areas of the site. This is especially imperative upslope of retaining walls for residences. Subsurface drainage systems should not be connected into conduit from surface drains and should not connect to downspout drainage pipes.
5. Surface drainage should be controlled to prevent concentrated water-flow discharge onto either natural or constructed slopes. Surface drainage gradients should be planned to prevent ponding and promote drainage of surface water away from building foundations, edges of pavements and sidewalks or natural or man-made slopes. For soil areas we recommend that a minimum of two (2) percent gradient be maintained.
6. Excavation, fill, and construction activities should be in accordance with appropriate codes and ordinances of the County of San Luis Obispo. In addition, unusual subsurface conditions encountered during grading such as springs or fill material should be brought to the attention of the Engineering Geologist and Soils Engineer.

7. Rock rip-rap is recommended for concentrated drainage outfall locations that do not discharge onto paved or exposed rock surfaces. It is recommended that geotextile fabric (Enkamat 7010 or similar) be placed underneath the rip-rap and installed per the manufacturer's recommendations.

8. Gutters are recommended to be installed along all sloped rooflines. Gutter downspouts should not allow concentrated drainage to discharge near the residence foundations but rather should convey the water in solid piping away from the residence and toward drainage facilities.

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



Signature of Agent(s)

May 8, 2024

Date

Tark Abed

Name