



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

PLN-1123
3/22/2018

Notice of Exemption/General Rule Exemption

Project Title and No.: Modugno Variance; N-DRC2023-00051; ED24-115

Project Location (Specific address [use APN or description when no situs available]:

597 Park Ave.
Cayucos, CA 93430

APN: 064-081-038

Project Applicant/Phone No./Email:

Tom Modugno, 805-331-0122
Modugno8869@gmail.com

Applicant Address (Street, City, State, Zip):

10693 Calle Quebrada
Goleta, CA 93117-9709

Description of Nature, Purpose, and Beneficiaries of Project:

A request by Tom and Kim Modugno for a Variance (N-DRC2023-00051) to allow grading on slopes in excess of 30% for the demolition of an existing two-level 1,608 square-foot single-family residence and 240 square-foot carport, and the construction of a replacement three-level, 2,050 square-foot single-family residence, attached 972 square-foot ADU, 1,169 square-foot lower-level two-car garage and 862 square-feet of decking. The proposal includes the site disturbance of approximately 3,169 square-feet on a 3,893 square-foot parcel. The project site is located within the Residential Single Family land use category and is located at 597 Park Avenue within the community of Cayucos. The site is in the Estero Planning Area.

Baseline Conditions

The project site consists of an approximately 3,893-square-foot site in the residential single-family land use category of Cayucos. A two-level 1,608 square-foot single-family residence and 240 square-foot carport currently exist on the parcel. The site is steeply sloping (41% average slope) and is within a mapped Geologic Study Area (GSA) due to high landslide potential. The project site fronts Park Avenue and Highway 1 is located to the North/upslope of the project site. The future residence will not obstruct views from the highway. Water services will be supplied by Morro Rock Mutual Water Co. and sewer services will be supplied by the Cayucos Sanitary District.

Surrounding land uses include other residential single-family dwellings.

Name of Public Agency Approving Project: County of San Luis Obispo

Exempt Status/Findings: This project is covered by the "General Rule" or "Common Sense" exemption that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption].

The project consists of a new, three-level single family residence with a lower-level two-car garage. The project is not located in an area which may have an impact on an environmental resource of hazardous or critical concern which is designated, precisely mapped and officially adopted by a federal, state or local agency. The only vegetation that will be impacted as a result of this project is ruderal plant species and shrubs that provides no habitat value for special status animal species. The entire site is within a mapped Geologic Study

Area (GSA) due to high landslide potential. A Soils Engineering Report and Engineering Geology Investigation, dated May 18, 2023, were prepared by GeoSolutions for the proposed project. The reports were peer reviewed by the County's geologist, Cotton, Shires and Associates, who approved the report for completeness and confirmed the recommendations were adequate for the proposed development in a memo dated March 12, 2024. The project is conditioned to comply with the recommendations from the Soils Engineering Report, Engineering Geology Investigation and Geologic Peer Review memo to minimize risks to the structure from potential geologic hazards and ensure there will be no significant impacts to geologic or soil resources from the proposed project. The project is not within an archaeologically sensitive area and nearby archaeological surveys have resulted in no findings. The project is conditioned to cease construction in the event that archaeological resources are discovered during ground disturbing activities. Further, there are no unusual circumstances surrounding the project. The location of the proposed project is not within any hazardous waste site compiled pursuant to Gov. Code § 65962.5. The proposed project does not involve or does not cause a substantial adverse change in the significance of a historical resource as the structure is less than 50 years old.

Reasons why project is exempt:

The following is an overview of the relevant environmental issue areas that were considered in this determination.

Aesthetic and Visual Resources:

The project complies with the Estero Area Plan and Coastal Zone Land Use Ordinance (CZLUO) for height requirements, setbacks and other development standards. The site is an urban, currently developed lot in Cayucos- there will be no impacts to scenic resources such as rocks, trees or historic buildings. The proposed building height is 28 feet and the visibility of the site does not change because the new building will be of similar size, scale and use to other buildings on Park Avenue. No exceptions adjustments or modification are requested for the building height, scale or massing. The project will not be a source of significant daytime or nighttime glare since the structure is not proposed to be constructed out of reflective materials and all exterior lighting shall be shielded downwards and shall have dark colored hoods.

Air Quality

The site is located in an urbanized area and falls below the APCD's numerical threshold for daily emissions. The project is located within 1,000 feet of sensitive receptors (residential single-family homes). The project is conditioned and will comply with the County's standard fugitive dust control measures and the San Luis Obispo Air Pollution Control District's (SLOAPCD) standard measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. With the implementation of these standard regulatory measures, potential air quality impacts are less than significant.

Biological Resources

The project is located on a developed lot in an urbanized developed area Cayucos. The vegetation on-site consists of ruderal plant species and small shrubs, which does not provide habitat for any sensitive species. Therefore, impacts to biological resources will be less than significant.

Cultural Resources / Tribal Cultural Resources

The project is not in an archaeologically sensitive area and nearby archaeological surveys on South Ocean Avenue and Saint Mary Avenue resulted in no findings with no recommendations for further investigation or monitoring. Per CZLUO Section 23.05.140, in the event that archaeological resources are discovered during construction, construction activities shall cease and the Environmental Coordinator shall be contacted. If the discovery consists of human remains, the County Coroner should also be contacted. With the implementation

of this standard measure, which has been added as a condition of approval, potential impacts to cultural resources are less than significant.

Geology and Soils

The entire site is within a mapped Geologic Study Area (GSA) due to high landslide potential. A Soils Engineering Report and Engineering Geology Investigation, dated May 18, 2023, were prepared by GeoSolutions for the proposed project. The reports were peer reviewed by the County's geologist, Cotton, Shires and Associates, who approved the report for completeness and confirmed the recommendations were adequate for the proposed development in a memo dated March 12, 2024. The project is conditioned to comply with the recommendations from the Soils Engineering Report, Engineering Geology Investigation and the Geologic Peer Review memo to minimize risks to the structure from potential geologic hazards and ensure there will be no significant impacts to geologic or soil resources from the proposed project. Therefore, potential geologic impacts will be less than significant.

Hazards and Hazardous Materials

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances may be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment including the Pacific Ocean. The project site is also within the San Luis Obispo Air Pollution Control District (SLOAPCD) Naturally Occurring Asbestos Screening Buffer. Asbestos is a toxic air contaminant and is commonly found in ultramafic rock, including serpentine, near fault zones and is released into the air when it is broken or crushed. The project is required and conditioned to comply with the following specific conditions of approval:

Air Quality/Naturally Occurring Asbestos

15. Naturally occurring asbestos (NOA) has been identified by the California Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain NOA, which may be released when land is graded for building purposes, or at quarrying operations. The APCD has identified areas throughout the county where NOA may be present (NOA Map). The project site is located within an area of NOA or within an established NOA buffer area. Because the project site is in a candidate area for NOA, a 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, with the following documents:

- For grading projects qualifying for NOA ATCM exemption:
 - Submit a completed APCD NOA Exemption Form with the geologic evaluation.
- For grading projects in serpentine rock less than 1 acre:
 - Submit a completed APCD Project Form with the geologic evaluation.
 - Mini Dust Control Measures (93105.e.(A-F) as a condition of approval.
- For grading projects in serpentine rock greater than 1 acre:
 - Submit a completed Project Form with the geologic evaluation.
 - An Asbestos Dust Plan as a condition of approval.

When submitting the Project or Exemption Form, please fill in all applicable contact information.

More information on NOA can be found on the APCD website at slocleanair.org/rulesregulations/noa.php, on the California Geological Survey website at: <https://www.conservation.ca.gov/cgs/minerals/mineral->

16. The following measures based on the SLOAPCD standard measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce exposure of sensitive receptors to substantial pollutant concentrations. **These measures shall be shown on grading and building plans:**

1. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 - b. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
2. Maintain all construction equipment in proper tune according to manufacturer's specifications.
3. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
4. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
5. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
6. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
7. Electrify equipment when possible.
8. Substitute gasoline-powered in place of diesel-powered equipment, when available and,
9. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Fugitive Dust

17. Prior to issuance of grading/ construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control;
3. All dirt stock-pile areas shall be sprayed daily as needed;

4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) 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 CVC 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 of these fugitive dust measures shall be shown on grading and building plans; and
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 measures as necessary to minimize dust complaints and reduce visible emissions below the APCD'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 APCD 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 one 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 APCD.
12. Vehicle speed for all construction vehicles shall not exceed 15 mph 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.
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

General

20. During Construction Activities, temporary construction staging area(s) shall be maintained in the following condition:

- a. No blowing plastic or other materials on and off-site.
- b. No weeds.
- c. Apply dust control measures as necessary.

- d. Control of stormwater.

Vehicles and Equipment

- 23.** All equipment and vehicles shall be checked and maintained daily to prevent spills of fuel, oil, and other hazardous materials. A designated staging area shall be established for vehicle/equipment parking and storage of fuel, lubricants, and solvents as applicable. All fueling and maintenance activities shall take place in the staging area.
- a. **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Therefore, impacts to hazards and hazardous materials is less than significant.

Hydrology and Water Quality and Wastewater

The project proposes a new single-family residence on a parcel that already contains a single-family residence. The entire parcel is already disturbed. The project is conditioned to implement standard stormwater best management practices during construction and implement a stormwater control plan for ongoing operations and stormwater management, which will minimize potential stormwater impacts.

Water services will be provided by Morro Rock Mutual Water Co. and sewer services will be provided by the Cayucos Sanitary District. A will-serve letter has been obtained for both water and sewer services. A final conditional will serve letter will be required prior to building permit issuance.

Based on the availability of water and sewer services, and with the implementation of stormwater best management practices and a stormwater control plan, the project will have less than significant impacts to hydrology, water quality, and wastewater.

Other CEQA Issue Areas

In addition, based on the project description, baseline conditions, and analysis of the project's potential environmental impacts, the project will have less than significant or no impacts relating to the following:

- Agricultural Resources
- Energy
- Greenhouse Gas Emissions
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems
- Wildfire
- Cumulative

Conclusions

As conditioned, the project will conform to the applicable General Plan and Area Plan standards, and no mitigation measures beyond those required by County Code are necessary to address the environmental impacts associated with the proposed project. Therefore, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect, and the project is exempt from CEQA.

This determination is based on the following documents and technical studies:

- Engineering Geology Investigation by GeoSolutions, May 18, 2023
- Soils Engineering Report by GeoSolutions, May 18, 2023
- Geologic Peer Review by Cotton, Shire and Associates, March 12, 2024

Additional Information: Additional information pertaining to this notice of general rule exemption may be obtained by reviewing the second page of this document and by contacting the Environmental Coordinator, 976 Osos St., Rm 200, San Luis Obispo, CA 93408 (805) 781-5600.

Notice of General Rule Exemption

Project Title and No.: Modugno Variance; N-DRC2023-00051; ED24-115

Pursuant to section 15061 of the State California Environmental Quality Act (CEQA) Guidelines, the preliminary review of a project includes a determination as to whether a project is exempt from CEQA. This checklist represents a summary of this project's review for exemption.

	YES	NO
1. Does this project fall within any exempt class as listed in sections 15301 through 15329 of the State CEQA Guidelines?	☐	☒
2. Is there a reasonable possibility that the project could have a significant effect on the environment due to unusual circumstances?	☐	☒
3. Is the project inconsistent with any Federal, State, or local law or administrative requirement relating to the environment?	☐	☒
4. Will the project involve substantial public controversy regarding environmental issues?	☐	☒
5. Does the project 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?	☐	☒
6. Does the project have the potential to achieve short-term environmental goals to the disadvantage of achieving long-term environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	☐	☒
7. Does the project have adverse impacts which are individually insignificant, but cumulatively significant? Cumulatively significant means that the incremental effects of an individual project are substantially adverse when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	☐	☒
8. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒

On the basis of this initial evaluation, I find that the proposed project does not have the potential to cause a significant effect on the environment and is therefore exempt from CEQA.

Lead Agency Contact Person Andy Knighton (aknighton@co.slo.ca.us) **Telephone** 805-781-4142

If filed by applicant:

1. Attach certified document of exemption finding
2. Has a notice of exemption been filed by the public agency approving the project? Yes ☐ No ☐

Signature: Andy Knight Date: 11/8/2024

Name: Andy Knighton Title: Planner

On October 24, 2024 the project was approved by:

- | | | |
|---|--|--------------------------------|
| ☐ Board of Supervisors | ☐ Subdivision Review Board | ☐ Other |
| ☒ Planning Commission | ☐ Planning Dept Hearing Officer | |