

DATE: November 23, 2021

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR COOL DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
(DRC2020-00152)**

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.

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

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

AESTHETICS (AES)

AES-1 Screening Landscape: To provide visual screening for the proposed development, the applicant shall submit and implement the following:

a. Landscape Plan. *At the time of application for grading and/or construction permits*, the applicant shall submit a landscape plan to the County Department of Planning and Building for review and approval. The landscape plan shall be developed and signed by a licensed landscape architect and shall include fast growing, evergreen vegetation that will help screen the water tank, retaining walls and blend the entire new development (such as the residences, barn, water tanks, driveway) into the existing environment when viewed from Avila Beach Drive, Ontario Road, and U.S. 101. Criteria for landscaping as follow:

- i. General landscaping shall include various tree types and understory vegetation to create a natural setting around the development. Screening plants shall cover 75% of the critical elements (residences, barn, water tanks, driveway) as seen from Avila Beach Drive, Ontario Road, and U.S. 101, upon maturity or 10 years, whichever occurs first.
- ii. Screening plants shall include evergreen trees capable of growing to a minimum height of 25 feet tall at maturity. Trees shall be planted from a minimum 15-gallon container size. Shrubs shall be planted among the

screen trees. Shrubs shall be planted from five-gallon containers. All landscaping plants shall be identified in the County's Approved Plant List.

- iii. Trees and shrubs within the screen planting area shall be maintained in perpetuity. Trees and shrubs within the screen planting area that die shall be replaced.

Prior to final inspection of grading construction permits, the applicant shall implement the approved landscape/ screening plan.

- b. **Landscape Plan Cost Estimate/ Bonding. *Prior to issuance of grading and/or construction permits***, the Applicant shall obtain a cost estimate for the required landscape screening plan to determine the costs of landscape installation and/or landscape maintenance for 5 years. The Cost Estimate shall be prepared by a qualified individual familiar with estimating costs to install and maintain the required landscaping (e.g., landscape contractor, etc.). The Applicant will work with the County to determine an acceptable financial mechanism to establish a means to assure funding for installation and maintenance of the required landscape plan. The County will release its interest or obligation in the financial mechanism once the measure has been completed to the satisfaction of the County.
- c. **Landscape Performance & Monitoring: *Prior to final inspection of grading and/or construction permits***, the approved landscape plan shall be implemented, and the applicant shall provide a letter to the San Luis Obispo County Department of Planning and Building for approval demonstrating that the applicant has entered into a contract with a qualified professional for the purpose of monitoring the success of the screen planting area. The monitoring contract shall include a requirement that the monitor conduct at a minimum an annual site visit and assessment of the planting success for 5 years. At the end of the 5-year monitoring period, the monitoring report shall be submitted to the San Luis Obispo County Department of Planning and Building for approval and shall be used as a determining factor in assessing the successful establishment of the planting as it relates to the bond posted by the applicant. If it is determined that the success criteria have not been met, then the applicant shall submit a supplemental landscape screening plan with additional recommendations to achieve the required screening. The plan shall include additional monitoring requirements (as recommended by the landscape architect) to ensure the required screening is achieved.

AES-2

Exterior Colors & Material Palette. To minimize visual impacts from the proposed development, exterior colors and materials shall be selected and applied to *1) minimize the structure's massing, and 2) reduce the contrast between the proposed development and the surrounding environment.* Colors shall be compatible with the prominent natural colors of the surrounding environment, including vegetation, rock outcrops, etc. To achieve the goal of minimizing the mass and contrast between the new structures and surrounding environment, the following selection can include and not limited to; darker, non-reflective, earth tone colors on walls or chimneys, darker green, grey, slate blue, or brown colors

for roof elements and/or usage of darker color selections within chroma / value of 6 or less described in the Munsell Book of Color.

Prior to issuance of grading and/or construction permits, the Applicant shall provide architectural elevations and a color board showing all exterior colors and finish materials that match the above requirements. These shall also be specified on applicable construction/ improvement drawings for County review and approval. Once County review is complete, Applicant shall adhere to the approved colors and materials during construction.

AES-3

Cut and Fill Slopes. To reduce visual impacts from grading activities, cut or fill area that will be visible from Ontario Road and/or Avila Drive Beach shall be minimized to maximum extent possible and blended with adequate and appropriate landscaping. For these visible slopes, the Applicant shall:

- a. Delineate the vertical height of all cut and fill slopes on the project construction drawings;
- b. Recontour the edge of the cut slopes and fills so they are rounded off to a minimum radius of five feet;
- c. Stockpile sufficient topsoil to be reapplied or re-keyed over these areas to provide at least 8" of stabilized topsoil for the reestablishment of vegetation;
- d. As soon as the grading work has been completed, reestablished cut and fill slopes with non-invasive, fast-growing vegetation;
- e. Any exposed roots for adjacent screening shrubs or trees, shall be cleanly cut just below the new surface grade.

AES-4

Exterior Light Plan. The Applicant shall prepare an Exterior Lighting Plan to reduce nighttime lighting visual impacts. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties, Avila Beach Drive, Ontario Road, and U.S.101. All lighting poles, fixtures, and hoods shall be dark colored. The Lighting Plan shall focus on keeping the lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. Up lighting of any types is not allowed in the development.

When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from the highway to avoid glare and, when near a neighboring property, shall be pointed away.

Prior to issuance of grading and/or construction permits, the Applicant shall prepare and submit the Exterior Lighting Plan for County review and approval. Once approved, the exterior lighting elements shall be shown on all applicable construction/ improvement drawings and installed as approved.

Monitoring: Required prior to approval of construction or grading permits and/or prior to final inspection of improvements. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

- AQ-1** **ROG, NOX, and DPM Reduction.** Prior to issuance of grading or construction permits, or site disturbance activities, whichever occurs first, the following measures shall be implemented during all site disturbance activities and shown on all applicable plans:
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting the California Air Resources Board's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
 - d. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
 - f. All on- and off-road diesel equipment shall not idle for more than 5 minutes;
 - g. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
 - h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - j. Electrify equipment when feasible;
 - k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
 - l. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.

Monitoring: Required with construction or grading permits. Must be maintained for the life of the project. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

BIO-1 County-Approved Biologist. Prior to issuance of construction or grading permits, the applicant shall retain a County-approved biological monitor for all measures requiring environmental mitigation to ensure compliance with the coastal development permit measures. The monitor shall be responsible for:

1. ensuring that procedures for verifying compliance with environmental mitigations are implemented;
2. establishing lines of communication and reporting methods;
3. conducting compliance reporting;
4. conducting construction crew training regarding environmentally sensitive areas and protected species;
5. facilitating the avoidance of Santa Margarita manzanita plants, as feasible;
6. maintaining authority to stop work; and
7. outlining actions to be taken in the event of non-compliance.

Monitoring shall be conducted daily during the initial disturbances (site clearing including vegetation removal, initial grading, and driveway installation) and be reduced to weekly following initial disturbances or a frequency and duration determined by the applicant in consultation with the County.

BIO-2 Santa Margarita Manzanita and Oak Protection and Removal. Prior to issuance of construction and grading permits, the applicant shall provide a revised tree protection plan (Sheet L1 dated November 9, 2021) that identifies all oak trees and Santa Margarita manzanita bushes within 25 feet of the proposed project construction activities, and shall be identified as either to be protected, to be impacted, or to be removed.

Prior to any ground disturbing activities, the applicant shall install construction delineation fencing that protects the Santa Margarita manzanitas, coast live oak woodland, and individual coast live oak trees not proposed for removal or impact to be avoided from accidental disturbance. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA - STAY OUT"). Coast live oak trees or Santa Margarita manzanitas identified as 'impacted' shall be marked in the field as such and protected to the extent possible prior to any ground disturbing activities. All trees to remain on-site that are within 50 feet of construction or grading activities shall be marked for protection (e.g., with flagging) at their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or

placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, trees shall be classified as "impacted" or removed if work affects more than 25% of the root zone. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

If Santa Margarita manzanita plants and/or oak trees must be removed, the applicant shall prepare a Santa Margarita Manzanita and Oak Tree Replacement Plan that provides for the installation and maintenance of replacement Santa Margarita manzanita plants and oak trees on the project site. The plan shall also provide mitigation for each manzanita plant to be removed at a 5:1 ratio and mitigation for each oak tree removed at a 4:1 ratio (impacted oak trees at a 2:1 ratio). The Santa Margarita Manzanita and Oak Tree Replacement Plan shall include:

1. A brief narrative of the project location, description, and purpose;
2. Clearly identified parties responsible for the mitigation program and their contact information;
3. A map showing and quantifying all manzanita and oak tree planting areas;
4. A detailed discussion of the methods for implementing the Santa Margarita Manzanita and Oak Tree Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
5. Provisions for the collection of Santa Margarita manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
6. Identification of locations, amounts, and sizes of the Santa Margarita manzanita plants and oak trees to be planted.
7. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
8. A program schedule and established success criteria for a 7-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings, including the designation of a qualified individual (e.g., arborist, landscape architect/contractor, biologist, nurseryman) to oversee the monitoring. Monitoring reports shall be prepared on an annual basis. The first monitoring report shall be submitted to the County one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the initially required vegetation is successfully established. Additional monitoring will be necessary if initially required vegetation is not considered successfully established.
9. Methods for removing nonnative species from the site.

- BIO-3 Townsend's big-eared bat.** Prior to demolition or vegetation removal, a visual or auditory survey shall be conducted by a qualified biologist, at dawn and at dusk, to identify potential roosting bat activity. This survey shall be conducted between two to four weeks prior to barn and/or tree removal activities that are proposed to occur. If roosting bat activity is identified during the preconstruction survey process, the applicant shall coordinate with the County Project Manager and CDFW regarding the biological significance of the bat population and appropriate measures that could be used to exclude bats from roosting on the barn structure or trees. Measures may include, but are not limited to, the installation of exclusionary devices by a qualified individual. If it is determined that a substantial impact to individual bat species or a maternity roost will occur, then the applicant shall compensate for the impact through the development and implementation of a bat mitigation plan that would be reviewed and approved by the County in coordination with the CDFW.
- BIO-4 Northern California legless lizard.** Between 2 and 4 weeks prior to initiation of construction activities, a County-approved biologist shall conduct surveys for northern California legless lizards. The surveyor shall utilize hand search or cover board methods in areas of disturbance where northern California legless lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture silvery legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the site but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of northern California legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles taken during grading activities. Observations of these species or other special-status species shall be documented on CNDDDB forms and submitted to CDFW upon project completion.
- BIO-5 Western Bumble Bee.** Prior to and during any site disturbance and/or construction activities associated with the proposed project, the applicant shall retain a County-approved qualified biologist to conduct pre-construction survey(s) for western bumble bee within suitable habitat areas (i.e., small mammal burrows, thatched/bunch grasses, upland scrubs, brush piles, unmowed/overgrown areas, dead trees, hollow logs, etc.) on the project site and areas within 50 feet of the project site. At a minimum, the survey effort shall include visual search methods targeting colonies or individuals. Surveys shall be conducted over an extended period of time to document and establish the presence of bees within the areas of disturbance. Upon completion of the surveys, the biologist shall prepare a survey report summarizing the findings and submit it to the County planning and building department.

If the survey(s) establish presence of western bumble bee within the areas of disturbance, the applicant shall retain a County-qualified biologist to prepare a Biological Resources Management Plan (Management Plan) subject to review and approval of the County Planning and Building Department in consultation with CDFW. The Management Plan shall include the following, at a minimum:

- a. Avoidance measures to conduct project activities in such a manner that avoids physical disturbances to the colony/nest site, including a minimum 50-foot no disturbance buffer to avoid take and potentially significant impacts;
- b. If ground disturbance activities would occur during the overwintering period (October through February), the applicant, in coordination with the County Planning and Building Department, shall consult with CDFW to identify specific measures to be undertaken to avoid take as defined by the California Endangered Species Act (CESA).

Any detection of Western Bumble Bee prior to, or during project implementation warrants consultation with CDFW to avoid take and/ or obtain applicable take authorization.

BIO-6 Wildlife Relocation. Biological monitoring shall be completed by a qualified biologist for all initial ground disturbance (e.g., grading/excavation activities). The Project impact area shall be clearly marked or delineated with stakes, flagging, tape, or signage prior to work. Areas outside of work limits shall be considered environmentally sensitive and shall not be disturbed. All work activities shall be completed during daylight hours (between sunrise and sunset) and outside of rain events. For this task, the biologist shall survey/clear undisturbed work areas prior to start of work and then monitor the area while initial grading activities are completed. Any wildlife observed during monitoring shall be allowed to move out of work limits of their own volition or shall be captured and relocated to nearby suitable habitat by the biologist, as necessary and in compliance with state and federal Endangered Species Act regulations.

BIO-7 Erosion Control Measures. A Storm Water Pollution Prevention Plan (SWPPP) for all activities conducted within the Project limits shall be implemented. Erosion and sediment controls (e.g., silt fences, straw wattles) shall be installed properly to increase effectiveness and shall be maintained regularly. Other Best Management Practices (BMPs) shall also be implemented as necessary and/or as required by project permits, such as avoid washing, refueling, and maintenance of equipment within 100 feet (unless otherwise noted in project-specific permits) from stream channels, regardless, if water is present or absent in the channel. The applicant intends to avoid impacts to aquatic features and their buffers. If impacts are unavoidable, appropriate agency permit(s) will need to be obtained by the applicant.

BIO-8 Vehicles and Equipment. 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. All fueling and maintenance activities shall take place in the staging area.

- BIO-9 Nesting Bird Surveys.** If vegetation removal (i.e., tree trimming/removal activities) is scheduled between February 1 and August 31 (general nesting bird season), nesting bird surveys shall be completed by a qualified biologist within 48 hours prior to start of work. If any active nests are discovered within or adjacent to work limits, an appropriate buffer (i.e., 500 feet for raptors and 250 feet for other birds, or at the discretion of a qualified biologist based on biological or ecological reasons) shall be established to protect the nest until a qualified biologist has determined that the nest is no longer active and/or the young have fledged.

Monitoring: Require prior to issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

GEOLOGY/SOILS (GEO)

- GEO-1 Soils Engineering Report and Engineering Geology Investigation.** Prior to grading and/or construction permit issuance, all design measures and recommendations of the Soils Engineering Report and Engineering Geology Investigation Report prepared for the project shall be subject to the County Geologist review and approval and shall be included into the final project plans. Final construction plans shall be stamped by a certified engineering geologist, soils engineer, or civil engineer.

During construction, all design measures and recommendations of the reports shall be implemented and verified by a licensed civil engineer, soils engineer, or certified engineering geologist, or registered professional geologist. The certified engineering geologist, soils engineer, and/or civil engineer shall inspect work on-site and verify, as applicable, that building construction, including all foundation work, has been performed in a manner consistent with the intent of the plan review, geology reports and information, and the soils engineering reports.

The certified engineering geologist, soils engineer, or civil engineer shall issue a final engineering geology compliance report as required by the Uniform Building Code that identifies changes observed during construction, recommendations offered for mitigation, and confirmation that construction was completed in compliance with the intent of the geology reports.

Should the services of the certified engineering geologist, soils engineer, or civil engineer be terminated prior to final inspection and/or occupancy, the applicant shall submit a transfer of responsibility statement to the County Planning and Building Department from the new certified engineering geologist per the Uniform Building Code.

- GEO-2 Paleontological Resource Inadvertent Discovery.** Should any vertebrate fossils or potentially significant invertebrate fossils (e.g., numerous well-preserved

invertebrate or plant fossils) be encountered during work on the site, all activities in the immediate vicinity of the find shall cease until a County-approved paleontologist evaluates the find for its scientific value. The County-approved paleontologist shall then prepare a Paleontological Monitoring and Treatment Plan (Plan, PMTP), and submit the Plan to the County for review and approval. The Plan shall be based on 'Society of Vertebrate Paleontology (SVP) guidelines' and meet all regulatory requirements. The County-approved paleontologist shall: a) have a Master's Degree or Ph.D. in paleontology, b) shall have knowledge of the local paleontology, and c) shall be familiar with paleontological procedures and techniques. The Plan shall:

- a. identify construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;
- b. detail the criteria to be used to determine whether an encountered resource is significant, and if it should be avoided or recovered for its data potential;
- c. detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting;
- d. outline a coordination strategy to ensure that a County-approved paleontological monitor will conduct full-time monitoring of all grading activities in the "deeper" sediments determined to have a moderate to high sensitivity. For sediments of low or undetermined sensitivity, the Plan shall determine what level of monitoring is necessary. Sediments with no sensitivity will not require paleontological monitoring.
- e. define specific conditions in which monitoring of earthwork activities could be reduced and/or depth criteria established to trigger monitoring. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.

GEO-3

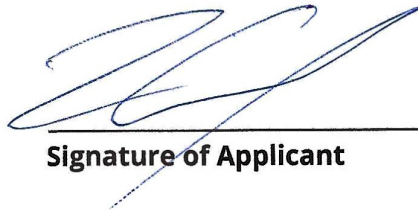
Paleontology Construction Monitoring. If paleontological resources are encountered, pursuant to Mitigation Measure GEO-2 (Paleontological Monitoring and Treatment Plan), the Applicant shall conduct monitoring by a County-approved paleontological monitor as specified in the approved PMTP. This shall include monitoring determined by the paleontologist in formations with moderate to high paleontological sensitivity and which have the potential to be shallow enough to be adversely affected by such earthwork. Sediments of low, marginal undetermined sensitivity shall be monitored as determined in the PMTP.

Construction activities shall be diverted when data recovery of significant fossils is warranted, as determined in the PMTP. Compliance/Monitoring shall adhere to and be consistent with the PMTP.

Monitoring: Required at the time of construction or grading permits. Compliance will be verified by the County Department of Planning and Building.

November 23, 2021

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.



MONTE COOL

11-23-21

Signature of Applicant

Name (Print)

Date