

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR MUELLER RESIDENCE
(MINOR USE PERMIT DRC2020-00078)**

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** At the time of application for construction permits, the applicant shall submit a landscape plan to the County Department of Planning and Building showing screen planting along the northern side of the single-family residence, and the following:
- a. The screen plants shall include trees and/or large shrubs for the purpose of screening the single-family residence. Screen planting shall achieve a minimum 80 percent screening of the single-family residence at plant maturity;
 - b. Screen planting shall include evergreen trees and/or large shrubs capable of growing to a minimum height of 20 feet tall.
 - c. Screening plants shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High), with preference given to native species that are compatible with the surrounding native habitat and restoration plantings.
 - d. The screen planting shall be along the northern side of the single-family residence, at a location that provides the greatest screening benefit, while at the same time minimizes potential conflicts with the goals of the Botanical Resources Assessment (EAM 2020) regarding protection of the Morro

manzanita resource.

- e. Trees and/or shrubs within the screen planting area shall be maintained in perpetuity. Trees and/or shrubs within the screen planting area which die shall be replaced.

AES-2 At the time of application for construction permits, the applicant shall submit plans to the County Department of Planning and Building showing a restoration plan that includes:

- a. Vegetation removal for construction access will be minimized to the greatest extent possible. Where possible, the alignment of the construction access shall be modified to save vegetation.
- b. All ground disturbance shall be restored to its pre-construction landform.
- c. Any trees or shrubs removed for construction access shall be replaced at a ratio of 4:1 near the location of their removal.
- d. Construction access planting shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).
- e. Any required pruning shall be conducted by an ISA Licensed Arborist.

AES-3 Exterior Light Plan. At the time of application for construction permits. The Applicant shall prepare an Exterior Lighting Plan for permanent [and temporary] facilities 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 residences and key public views (Los Osos Valley Road and Pecho Valley Road). All lighting poles, fixtures, and hoods shall be dark colored.

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

AIR QUALITY (AQ)

AQ-1 **Fugitive PM₁₀ Mitigation Measures.** Upon application for construction permits, all required PM₁₀ measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

- a. Reduce the amount of the disturbed area where possible;
- b. Use of 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

- mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
 - d. 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;
 - e. 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;
 - f. 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;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. 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) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - l. All of these fugitive dust mitigation measures shall be shown on grading and building plans.
 - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. 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.

AQ-2 Standard Mitigation Measures for Construction Equipment. Upon application for construction permits, all standard mitigation measures for construction equipment shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. 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;
- d. Use on-road heavy-duty trucks that meet the ARB'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 NOx 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. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit;
- g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and

- k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Monitoring: Required at the time of application for grading and/or building permits and during site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES (BR)

- BIO-1 **Prior to ground disturbing activities,** the applicant shall retain an environmental monitor approved by the County Department of Planning and Building 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 Morro manzanita plants, as feasible; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing and access road installation) and be reduced to twice a week following initial disturbances or a frequency and duration determined by Golden State Water Company in consultation with the County Department of Planning and Building.
- BIO-2 **Prior to ground disturbing activities,** the environmental monitor shall conduct an environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of the special-status species that may occur in the project area, including Morro manzanita, ESHA, Morro kangaroo rat, coopers hawk, and nesting birds. Topics of discussion shall include descriptions of the species' habitats, general provisions and protections afforded by CEQA, measures implemented to protect special-status species, review of the project boundaries and special conditions, the monitor's role in project activities, lines of communication, and procedures to be implemented in the event a special-status species is observed in the work area.
- BIO-3 **Prior to ground disturbing activities,** the environmental monitor shall coordinate with the project contractors to facilitate the avoidance of Morro manzanita to the maximum extent possible. Such coordination will include

assisting the contractors in identifying the Morro manzanita occurrences and recommending grading areas that avoid the occurrences. The contractors shall make all reasonable efforts to avoid the manzanitas. Once the Morro manzanitas that can be avoided are identified, the contractors in coordination with the environmental monitor shall install construction delineation fencing that protects the Morro manzanitas to be avoided from accidental disturbance. In some cases, avoidance will not be feasible and mitigation for each manzanita plant removed shall be at a 4:1 ratio. The environmental monitor shall document the exact number of Morro manzanita plants that are removed and establish the final Morro manzanita replacement mitigation quantities.

It is estimated that the project will require the removal of 16 Morro manzanita plants. To mitigate this impact, the applicant shall prepare a Morro Manzanita Replacement Plan that provides for the installation and maintenance of 64 Morro manzanita plants on the project parcel. If the environmental monitor determines that more than 16 Morro manzanita plants must be removed to accomplish the project goals, the applicant shall replace each of the removed Morro manzanita plants by planting and maintaining four Morro manzanita plants on the project parcel. If the environmental monitor determines that less than 16 Morro manzanita plants need to be removed for the project, the applicant may plant and maintain less than 64 Morro manzanita plants, provided that the final mitigation ratio is 4:1. The Morro manzanita Replacement Plan shall include:

- A brief narrative of the project location, description, and purpose;
- Clearly identified parties responsible for the mitigation program and their contact information;
- A map showing and quantifying all manzanita planting areas;
- A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.
- Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

- A program schedule and established success criteria for a 5-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings.
- Methods for removing nonnative species from the site, inclusive of nonnative eucalyptus and pine tree seedlings, and pampas grass (*Cortaderia* species).
- Methods for the removal and disposal of the eucalyptus and pine duff that occurs on the site.

BIO-4 **Prior to construction permit issuance**, the applicant shall provide for the installation of a temporary irrigation system on the project parcel that is designed to provide water to the replacement Morro manzanita replacement plantings. The temporary irrigation system shall be maintained and functional throughout the 5-year mitigation program.

Monitoring: Required prior to issuance of grading and/or building permits and within 14 days prior to initiation of site disturbance and/or construction. Compliance will be verified by the County Department of Planning and Building.

BIO-5 The pine tree on the parcel deposits duff that reduces native plant success on and adjacent to the parcel. **During project construction**, the applicant shall remove the pine tree that is in the parcel boundaries to maximize the survival of the replacement Morro manzanita plants and minimize the adverse effects of these nonnative species on the adjacent Morro manzanita chaparral. If mitigation for other resource areas (e.g., Aesthetics) requires the replacement of the trees, the replacement vegetation shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

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

BIO-6 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (March through September). If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected, the following measures should be implemented:

- The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- The County-approved biologist should contact the County to determine in consultation with CDFW, an appropriate biological buffer

zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,

- The County-approved biologist should document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.

Monitoring: If work occurs between February 1 and September 15, required within one week of the onset of construction activities or tree removal/trimming activities, during project construction and until project construction terminates, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young. Compliance will be verified by the County Department of Planning and Building.

BIO-7 **Native Trees (Oaks) -Minimizing Impacts.** When trees are proposed for removal or to be impacted within their driplines/ canopies, the following measures shall be completed to minimize native tree (oak) impacts:

- A. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan".
- B. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. 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"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.
- C. To minimize impacts from tree trimming, the following approach shall be used:
 - i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to

heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.

- ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.
- iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

D. Smaller native trees (smaller than 5 inches in diameter at four feet six inches above the ground) within the project area are considered to be of high importance, and where possible, will be protected.

BIO-8 Native Tree (Oaks) – Replacement/Planting. The project proposes remove up to 1 (oak) trees. These are considered individual (oak) trees with replacement planting to be conducted on-site. A “Tree Replacement Plan” (Plan) shall be prepared to address the following replacement elements.

A. Per the ‘Native (oak) Tree Inventory’ specified in the previous measure, the applicant will be replacing “in-kind” trees at the following ratios:

1. For each tree identified for removal, four (4) seedlings will be planted (4 total).

B. Existing volunteer in-kind seedlings on the subject property may be substituted for up to 25% of the required replacement trees when the following criteria can be met for each seedling. These would be clearly marked in the field and on the Plan:

- 1. It is considered in excellent health with evidence of vigorous growth;
- 2. It is less than two feet tall and can be easily caged or tubed;
- 3. It is not located within the construction boundaries;
- 4. It is outside remaining (oak) tree canopy dripline but within 20 feet;
- 5. It will be caged from browsing animals (caging securely staked to the ground); deer fencing would be installed in areas with known deer populations;

6. A three foot radius around the seedling is hand-weeded, and heavily mulched (no less than 3" deep) or a 6x6-foot weed mat is installed after initial weeding at the base of the seedling trunk;
7. It's future root zone is not near any area that will be receiving supplemental moisture during the summer;
8. It is no closer than 10 feet from any other seedling being protected/ planted (with an overall average of 20 foot spacing).

All of these measures should be completed prior to commencement of any grubbing or grading activities on the site and the area fenced for protection from construction equipment. Should the seedling die or be determined in poor health during follow-up monitoring, the Plan should note that a replacement seedling would be planted or protected, and the above measures would be applied.

- C. Protection of newly planted trees is needed and shall include the following measures on the Plan,;
 1. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than (seven) years (for oak trees) (unless determined successfully established by monitor);
 2. Caging to protect roots from burrowing animals will be installed when the tree is planted, and be made of material that will last no less than (seven) years (for oak trees).

Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

3. Shelter will be secured with stake that will last at least (seven) years; metal stake will be used if grazing could occur on site;
 4. Height of shelter will be no less than three (3) feet;
 5. Base of shelter will be buried into the ground;
 6. Top of shelter will be securely covered with plastic netting, or better, and last for no less than (seven) years;
 7. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.
- D. Replanting should be completed in the late fall or winter month's (October to January). If planting cannot occur during these optimal months, a 'landscape irrigation plan' shall be prepared and installed. It should show how plants will be watered on a regular basis. If planting occurs outside of

optimal months, a thorough watering will be completed at the time of planting. Planting stock shall be from deep one-gallon containers. Replant areas will be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil will be carefully removed during initial grading and stockpiled for spreading over graded areas to be replanted (setting aside enough for 6-12" layer for entire tree replant area). Planting hole depths should exceed container depths sufficiently to avoid roots from turning upwards. Soil returned around containers will be compacted sufficiently to eliminate air pockets.

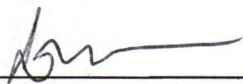
- E. Average tree planting densities should be no greater than one tree every 20 feet and shall average no more than four planted trees per 2,000 sq. ft. This average planting density, and respective area needed, will be reflected on the Plan.
- F. Location of newly planted trees will adhere to the following, whenever possible:
 - 1. on the north side of and at the canopy/dripline edge of existing mature native trees;
 - 2. on north-facing slopes;
 - 3. close to drainage swales/gullies (except when riparian habitat present);
 - 4. where topsoil is present;
 - 5. at least 25 feet away from continuously wet areas (e.g. lawns, leach lines, seeps, etc.);
 - 6. random and clustered planting patterns to create natural appearance;
 - 7. planting locations away from known animal populations (e.g., squirrels, gophers).
- G. The following planting and maintenance measures will be shown on the Plan and implemented to improve successful establishment:
 - 1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);
 - 2. Regular mulching and weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant; herbicides should be avoided;
 - 3. Adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period;

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4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);
 5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.).
 6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).
- H. The 'Tree Replacement Plan' shall include success criteria and adaptive management provisions to ensure that at (seven) years from planting there is no net loss of trees when compared to those removed/ impacted and that those replanted trees are alive and in a vigorous and healthy condition.

Monitoring: Required prior to issuance of a construction/grading permit application. Compliance will be verified by the County Department of Planning and Building.

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.



Signature of Applicant

Denise Mueller

Name (Print)

7/1/22

Date