

DATE: February 14, 2023

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR FILIPPONI MINOR USE PERMIT AND PARCEL MAP
(DRC2021-00102 & N-SUB2022-00042)**

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 **Prior to issuance of construction permits** for the gas station and convenience store, any signage provided on the north side (facing the adjacent residential development) of the gas station canopy or convenience store shall be non-illuminated.

In the event future development occurs on the northern parcel between this project and the existing residential uses (APN 040-372-018), the applicant may elect to illuminate the signage provided on the north side of the gas station canopy and/or convenience store. A revised exterior lighting plan (per AES-2) shall be submitted for review by the County Department of Planning and Building. In addition to the requirements of AES-2, the lighting plan shall demonstrate that no direct illumination of the adjacent residential properties occurs. At the discretion of the Director, additional landscaping may be used to provide light screening between the north side of the project site and the adjacent residential area to help prevent light trespass.

Monitoring: Required prior to issuance of construction permits for the gas station and convenience store. Compliance will be verified by the County Department of Planning and Building.

AES-2 **At time of application for construction permits,** an exterior lighting plan shall be submitted for review by the County Department of Planning and Building. The lighting plan shall be prepared by a qualified engineer who is an active member of the Illuminating Engineering Society of North America (IESNA) using guidance and best practices endorsed by the International Dark Sky Association. The plan shall include, at a minimum, the following:

1. The plan shall comply with the standards of LUO Section 22.10.060 (Exterior Lighting) and be designed so that all exterior lighting is designed to minimize the intensity and be shielded downward to block the light source.
2. The plan shall include lighting controls and dimming capabilities for both building-related lighting and pedestrian/parking-related lighting, based on the Illuminating Engineering Society, California Green Building Code, and California Energy Code minimums.
3. Motion sensors shall be utilized so that lighting is dimmed when an area is unoccupied during non-operational hours.
4. Lighting at the fuel canopy, in the parking areas, and along drive aisles shall be the minimum level necessary to provide appropriate visibility of pedestrians and vehicles.
5. All fixtures shall meet or exceed the standards of the California Green Building Code Maximum Allowable BUG Rating (Table 5.106.8 in the 2019 version).
6. Per Templeton Design Guidelines Standard V.F.1, illumination from light fixtures on residential zoned property shall not exceed 0.1 foot candles, or on business and commercial property shall not exceed 0.5 foot candles.
7. Per Templeton Design Guidelines Standard V.F.1, signs shall only use shielded light fixtures mounted on top of the sign structure and will not exceed 1 footcandle reflected at 10 feet.

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

AES-3 **Prior to final inspection**, the qualified engineer that prepared the lighting plan per Mitigation Measure AES-2 shall provide a compliance report to the County Department of Planning and Building. The report shall demonstrate that the lighting was installed per the lighting plan required by Mitigation Measure AES-2.

Monitoring: Required prior to final building inspections or occupancy of the use. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1 Diesel Idling Restrictions for Construction Phases

The APCD recognizes the public health risk reductions that can be realized by idle limitations for both on- and off-road equipment. The following idle restricting measures are required for the construction phase of projects.

Upon application for construction and/or encroachment permits, all required measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

a. Idling Restrictions Near Sensitive Receptors for Both On- and off-Road Equipment

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the construction site.

b. Idling Restrictions for On-road Vehicles

Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater 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:

1. 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,
2. Shall not operate a diesel-fueled auxiliary power system (APS) 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 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

c. Idling Restrictions for Off-Road Equipment

Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation:

www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.

AQ-2

Construction activities can generate fugitive dust, which could be a nuisance to residents and businesses in close proximity to the proposed construction site. Projects with grading areas more than 4 acres and/or within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance (APCD Rule 402) impacts. **Upon application for construction and/or encroachment 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 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 shall be implemented. Increased watering frequency shall be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible;
- c. All dirt stock pile areas shall be sprayed daily or covered with tarps or other dust barriers, as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans shall 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 1 month after initial grading shall 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 shall 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;
- g. All roadways, driveways, sidewalks, etc. to be paved shall 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 miles per hour on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;
- j. Installation of wheel washers or other devices to control tracking of mud and dirt onto adjacent roadways where vehicles enter and exit unpaved roads onto streets shall be implemented, or trucks and equipment shall be washed prior to leaving the site;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. 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 the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period, and to prevent transport of dust off-site. 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 San Luis Obispo County Air Pollution Control District Engineering & Compliance Division prior to the start of any grading, earthwork, or demolition.

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

BIOLOGICAL RESOURCES (BIO)

BIO-1 An environmental awareness training shall be presented to all construction personnel by a qualified biologist **prior to the start of any project activities**. The training shall include color photographs and a description of the ecology of all special-status species known, or with potential, to occur on site, as well as other sensitive resources requiring avoidance near the project site. The training shall also include a description of protection measures required by discretionary permits, an overview of the Federal and State Endangered Species Acts, and implications of noncompliance with these regulations. This shall include an overview of the required avoidance, minimization, and mitigation measures. A sign-in sheet with the name and signature of the qualified biologist who presented the training, and the names and signatures of the environmental awareness trainees shall be kept and provided to the County within one-week after the training. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project personnel and anyone else who may enter the project site.

If new construction personnel join the project after the initial training period, they shall receive the environmental awareness training from the qualified biologist before beginning work. Visitors to the proposed project site, such as company executives, administrative staff, or other guests, are not required to receive the environmental awareness training as their time in the project area will be of short duration. Visitors may be unaccompanied on the proposed project site if they elect to receive the training, but otherwise must be escorted by someone who is trained.

Monitoring: Required prior to any site disturbance or construction activities, and during the life of the project when new construction personnel join the project. Compliance will be verified by the County Department of Planning and Building.

BIO-2 If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds **within one week prior to activity beginning on site**. If nesting birds are located on or near the

proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If other special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate buffer is determined in consultation with CDFW, and/or the USFWS.

If work is proposed within the buffer, a qualified biologist shall prepare a nest monitoring plan to be approved by the County prior to start of work. Occupied nests of special status bird species that are within 100 feet of project work areas shall be monitored at least every two weeks through the nesting season to document nest success and check for project compliance with buffer zones. Once nests are deemed inactive and/or chicks have fledged and are no longer dependent on the nest, work may commence in these areas. The qualified biologist shall document any active nests and submit a letter report to the County Department of Planning and Building documenting compliance with this measure, within **30-days of survey completion.**

Monitoring: Required within one week of site disturbance or construction activities. A final report is required within 30-days of completion of surveys. Compliance will be verified by the County Department of Planning and Building.

BIO-3 The following measures are required to protect hydrologic resources on site:

- Construction activity within 100 feet of drainages shall occur only when conditions are dry.
- To prevent erosion and sedimentation into drainages and wetlands during construction, an erosion and sedimentation control plan shall be developed and implemented. It shall outline Best Management Practices for short term, temporary stabilization. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) rolls, jute or coir netting, and/or other industry standards. Erosion control devices shall be installed and maintained for the duration of the project. The erosion and sedimentation control plan shall be provided for review and approval to the County Department of Public Works prior to issuance of construction or grading permits.

- Prior to any site grading or disturbance, all applicable permits and/or authorizations to proceed from regulatory agencies with jurisdiction over the project area (i.e., Corps, CDFW, RWQCB, and USFWS) should be obtained, as necessary. Additional measures may be required by these agencies and shall be implemented as necessary throughout the project.

Monitoring: Required during site disturbance and construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-4 The following general measures are required to minimize impacts to sensitive resources during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Staging of equipment and materials shall occur in designated areas with appropriate demarcation and perimeter controls. No staging areas shall be located within 100 feet of drainages. Staging areas shall be shown on all construction and grading plans prior to permit issuance.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. These activities will occur a minimum of 100 feet from drainages. Sandbags and/or absorbent pads and spill control kits shall always be available on site to clean up any spilled fuel, as needed.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- Plastic monofilament netting (erosion control matting) or similar material shall not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes include coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.

Monitoring: Required during site disturbance and construction activities. Compliance will be verified by the County Department of Planning and Building.

Geology (GEO)

GEO-1 **Prior to issuance of grading permits**, a County of San Luis Obispo-approved paleontologist shall be retained that meets the qualifications of a Qualified Professional Paleontologist, as defined by the Society of Vertebrate Paleontology (SVP). The County of San Luis Obispo-approved paleontologist shall develop and submit a Paleontological Monitoring and Treatment Plan to the County of San Luis Obispo Planning and Building Department for review and approval. The Paleontological Monitoring and Treatment Plan shall be consistent with the standards of the Society of Vertebrate Paleontology and meet all regulatory requirements. The Paleontological Monitoring and Treatment Plan shall include provisions for documenting the site according to the standards developed by the National Research Council (1987) and shall include, at a minimum:

1. Identification of construction impact areas of moderate to high sensitivity for encountering potential paleontological resources and the shallowest depths at which those resources may be encountered;
2. Geotechnical or subsurface data to determine the depth threshold for full-time monitoring. If the depth threshold cannot be established, then initial full-time monitoring regardless of depth shall be conducted to determine the depth to the Paso Robles Formation, and monitoring efforts shall be adjusted accordingly.
3. A coordination strategy to ensure that a County of San Luis Obispo-approved paleontological monitor will conduct full-time monitoring of earthwork activities that have the potential to impact paleontological resources;
4. Definition of the specific conditions in which monitoring of earthwork activities could be reduced. These factors shall be defined by the project paleontological resource specialist, following examination of sufficient, representative excavations.
5. 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; and,
6. Detail methods of recovery, preparation, and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

Monitoring: Required prior to issuance of grading permits. Compliance will be verified by the County Department of Planning and Building.

Noise (N)

N-1 **Prior to final inspection and prior to operation of the on-site carwash,** a qualified engineer shall be obtained to conduct on-site sound level measurements during carwash operation at the property lines to confirm compliance with the noise standards outlined in the County's Land Use Ordinance (LUO) Section 22.10.120 (Noise Standards). If the project is determined to increase hourly ambient noise levels plus 1 dB or if the maximum exterior noise level would exceed 70 dB at the noise-sensitive residential land uses located approximately 400 feet north and multi-family residential dwellings located 400 feet southwest, the project would be considered non-compliant with the noise standards identified in LUO Section 22.10.120 (Noise Standards). If the qualified engineer determines that the project is not compliant with the noise standards identified in LUO Section 22.10.120, the car wash shall not operate until noise-reduction measures recommended by the qualified engineer are installed and the carwash is in compliance with the noise standards identified in LUO Section 22.10.120. Compliance shall be monitored through County inspection. Noise-reduction measures shall remain in-place and functional **for the life of the carwash.**

Monitoring: Require prior to the final inspection of the carwash. Compliance will be verified by the County Department of Planning and Building.

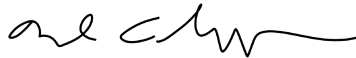
Traffic (TR)

TR-1 **Prior to occupancy/final inspection,** in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the Templeton Road Improvement Fee (Area A) based on the latest adopted area fee schedule. (The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect prior to issuance of certificate of occupancy or final inspection, or within 30 days of Land Use Permit approval if no building permits are required.)

Monitoring: Require prior to certificate of occupancy or final inspection. Compliance will be verified by the County Department of Public Works.

February 14, 2023

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.



Douglas C Filipponi

2/14/23

Signature of Applicant

Name (Print)

Date