

DATE: January 17, 2024

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR RAMADA JUNCTION CONDITIONAL USE PERMIT
(N-DRC2022-00045)**

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.

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.

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
 - a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
 - b. Diesel idling when equipment is not in use shall not be permitted;
 - c. Use of alternative fueled equipment shall be used whenever possible; and

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- d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
2. California Diesel Idling Regulations. On-road diesel vehicles shall comply with 13 California Code of Regulations 2485. 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 when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
 - b. 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 no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

AQ-2

Fugitive Dust Reduction. 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.

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind

speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water shall be used whenever possible.

3. All dirt stockpile areas (if any) shall be sprayed daily and covered with tarps or other dust barriers, as needed.
4. 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.
5. 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.
6. 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.
7. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to 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 (CVC) Section 23114.
10. "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 (CWC) Section 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.

11. 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.
12. All required PM₁₀ mitigation measures should be shown on grading and building plans.
13. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the Mitigation Measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition.

Monitoring: Measures required to be noted on construction or grading permits. Measures shall be adhered to during construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

- BIO-1 Environmental Awareness Training.** Prior to initiation of any site preparation/construction activities, 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, as well as other sensitive resources requiring avoidance during construction. The training shall also include a description of protection measures required by discretionary permits, an overview of the federal and California Endangered Species Acts, and implications of noncompliance with these regulations. This will 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 will be kept. A fact sheet conveying the information provided in the environmental awareness training will be provided to all project personnel.

Monitoring: The awareness training shall be given to all construction personnel prior to initiation of construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Best Management Practices. The following measures shall be printed on all construction plans prior to issuance of building permits, and shall be adhered to during construction activities:

- 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.
- 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 staging areas. Sandbags and/or absorbent pads and spill control kits shall always be available on site to clean up and contain fuel spills and other contaminants.
- 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 will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
- The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.

Monitoring: Measures shall be printed on plans and adhered to during construction. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Nesting Bird Surveys. Prior to initiation of any site preparation/construction activities, if work is planned to occur between February 1 and August 31, a County of San Luis Obispo-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

1. A 50-foot exclusion zone shall be established around non-listed, passerine species, and a 250-foot exclusion zone shall be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if Phase 1 improvements are completed, exclusion zones may be removed until initiation of site preparation for Phase 2 begins), 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.
2. If special-status avian species are identified and nesting within the work area, no work shall begin until an appropriate exclusion zone is determined in consultation with the County of San Luis Obispo and any relevant resource agencies.

The results of the survey shall be provided to the County of San Luis Obispo Planning and Building Department prior to commencement of initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County of San Luis Obispo Planning and Building Department.

Monitoring: Surveys are required between February 1 and August 31, within 7 days prior to vegetation, construction, and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-4 Pre-construction Survey and Avoidance Measures for American Badger. A qualified biologist shall conduct a pre-construction survey within 30 days prior to the start of initial project activities to ensure American badger are not present within proposed work areas or within 200 feet of work areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least three days to determine if they are occupied. If no activity is observed at the den, it can be determined inactive, and entrances will be blocked by a qualified biologist. If the qualified biologist determines that a den may be active during the non-reproductive season (July 1 to January 31), a no-entry exclusion buffer shall be established within 50 feet of the den. If active dens are found during the reproductive season (February 1 to June 30), no activity shall occur within 200 feet of the den. Exclusion buffers shall be prominently flagged and encircle the den. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the den is no longer in use. If an exclusion buffer is not feasible, the applicant will contact the County for further guidance. The results of the survey shall be provided to the County prior to initial project activities. If construction lapses beyond 30 days from the survey, an additional survey will be required.

Monitoring: Surveys are required within 30 days prior to vegetation, construction, and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-5 Pre-construction Surveys and Monitoring for Coast Horned Lizard. A qualified biologist shall conduct a pre-activity survey within 48 hours of ground disturbance within 50 feet of suitable habitat for coast horned lizard. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, and vegetation removal, including tree removal) within suitable habitat. If coast horned lizard are discovered during surveys or monitoring, the species shall be

allowed to leave the area on their own volition, or be hand captured and relocated to suitable habitat outside the area of impact.

Monitoring: Surveys are required immediately prior to vegetation, construction, and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

- N-1 Noise Buffer. At time of application for construction permits,** the applicant shall demonstrate sufficient siting, insulation, or other buffer methods for mechanical equipment and climate controls, including the use and specific siting of heating, ventilation, and air conditioning systems (HVAC), backup generators, or material-handling equipment, so that resulting noise does not exceed the existing ambient noise plus 1 dB at the property lines. Prior to final inspection or occupancy, the applicant shall demonstrate implementation and compliance with this measure.

Monitoring: Measures are required to be identified at the time of application for construction permits, and implementation prior to final inspection or occupancy. Compliance will be verified by the County Department of Planning and Building.

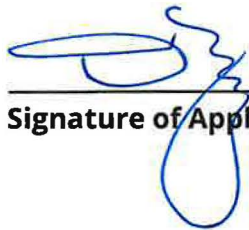
- TR-1 Employee Vehicle Miles Traveled Reduction Measures.** The project would result in a work VMT of 29.3 per employee, which exceeds the County's threshold of 25.7 per employee by 14%. The Applicant shall demonstrate that they have implemented California Air Pollution Control Officers Association (CAPCOA) mitigation measures that cumulatively would result in a 14% VMT reduction or an employee VMT of 25.7. These measures are outlined in the CAPCOA 2021 Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (https://www.caleemod.com/documents/handbook/full_handbook.pdf) and include, but are not limited to: Potential measures to reduce vehicle miles traveled include, but are not limited to:

- Improve or increase access to transit
- Orient the project towards transit, bicycle, and pedestrian facilities
- Improve bicycle and/or pedestrian facilities and/or transit services
- Limit or eliminate parking supply
- Implement or provide access to commute reduction programs
- Provide car-, bike-, and ride-sharing programs
- Provide transit passes
- Provide on-site amenities at places of work

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Monitoring: The Applicant is required to identify the measures and VMT reduction prior to final inspection/occupancy. Measures shall be implemented throughout the life of the project. 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

DAVID PEREZ
Name (Print)

1/18/24
Date

