

**DEVELOPER'S STATEMENT FOR
TACCONI VARIANCE
LAND USE PERMIT N-DRC2022-00034**

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.

Pursuant to 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.

EXHIBIT B - MITIGATION SUMMARY

The following mitigation measures address impacts that may occur as a result of the development of the project.

AIR QUALITY

AQ-1 Fugitive Dust Construction Control Measures. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible; When water use is a concern due to drought conditions, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control;
- c. All dirt stock-pile areas shall be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of

load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114.

- f. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.
- g. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- h. 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 APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
- i. 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.
- j. 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.
- k. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advanced by the APCD.
- l. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- m. 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.
- n. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 ROG, NO_x, DPM Emissions. Prior to issuance of construction permits, the following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce

expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

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

AQ-3 Naturally Occurring Asbestos Survey. Prior to issuance of grading or construction permits, the applicant shall conduct a geologic evaluation for Naturally Occurring Asbestos. The geologic evaluation must be conducted by a registered geologist to determine if the area disturbed is or is not exempt from the CARB Asbestos Air Toxics Control Measure (NOA ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17 CCR Section 93105) regulation. The geologic evaluation must be submitted to the APCD Engineering Division prior to any grading activities at the site. Evidence of APCD approval must be provided to Planning staff.

AQ-4 Naturally Occurring Asbestos Remediation. If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance

with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

1. Written notification, within at least 10 business days of activities commencing, to the SLOAPCD;
2. Preparation of an asbestos survey conducted by a Certified Asbestos Consultant; and
3. Implementation of applicable removal and disposal protocol and requirements for identified NOA.

AQ-1 through AQ-4 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the County Department of Planning and Building to perform the training and monitoring activities described in the adopted mitigation measures for biological resources.

BIO-2 Environmental Awareness Training – 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.

BIO-1 and BIO-2 Monitoring: Training is required prior to any site disturbance or construction activities, and throughout the life of the project when new construction personnel join the project. A retaining contract for services, as described by BIO-1, will be required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Site Maintenance and General Operations – At the time of application for grading/construction permits, the following measures are required to be printed on the plans and incorporated into the project to minimize impacts during active construction and ongoing operations. All measures applicable during construction shall be included on the plans. All measures applicable to operation shall be clearly posted on-site in a location(s) visible to workers and anyone visiting the site:

- 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 (e.g., t-posts and yellow rope) and/or flagging. No work or travel shall occur outside these limits.

- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Staging of equipment and materials shall occur in designated areas at least 100 feet from aquatic habitat (e.g., swales, drainages, ponds, vernal pools, if identified on site).
- 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. These activities will occur at a minimum of 100 feet from sensitive habitat. 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.
- After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources shall be removed from the project area and disposed of in appropriate waste receptacles or reused.

BIO-4 Oak Tree Protection. To the maximum extent feasible, impacts to oak trees and oak woodland habitat shall be avoided and minimized. The following measures shall be implemented:

- Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' that accurately identifies the canopy edge and trunk 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 (Oak) Inventory'. Trees identified as 'impacted' or 'to remain protected' shall be marked in the field as such and protected to the extent possible. The tree map shall be used to identify impacts and will inform the mitigation plan.
- Impacts to the oak canopy or sensitive root zone should be avoided to the extent feasible. Impacts may include pruning, ground disturbance, or placement of impervious surfaces (e.g., asphalt, permanent structures) within the sensitive root zone; installation

of year-round irrigation or other supplemental water within the sensitive root zone; and trunk damage.

- Prior to ground-breaking, tree protection fencing shall be installed as close to the outer limit of the sensitive root zone as practicable for construction operations to protect trees located within 50 feet of construction that will be preserved. The fencing shall be in place throughout the duration of construction. Plastic orange safety fencing shall not be used as it may entangle wildlife. Other demarcation such as t-posts and yellow rope are adequate. 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.
- All construction activity shall remain outside delineation fencing installed for protection of oak trees.
- A licensed arborist or qualified botanist will be hired for all removal or trimming of existing roots and necessary branch trimming.
- Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots are exposed during construction, they shall be covered with a layer of soil to match existing topography.
- Impacts to oak trees shall be assessed by a licensed arborist or qualified botanist prior to final inspection and reported to the County.

BIO-5 Oak Tree Mitigation. For oak tree removals or impacts during project implementation, the owner shall provide mitigation (on site if feasible) per the County's guidelines, typically 4:1 for removals and 2:1 for impacted trees. This shall include development of an oak tree mitigation plan and establishment of an oak tree planting site or conservation easement that shall be protected in perpetuity. A mitigation plan shall be prepared that details the methods and requirements for oak tree mitigation. At a minimum, the plan shall:

- Include a detailed inventory of the species and quantity of all oak trees to be removed or impacted.
- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify and describe the anticipated impacts to individual oak trees and/or oak woodland habitat, as applicable.
- Identify all appropriate methods for fulfillment of required mitigation (e.g., on-site plantings, conservation easement, or in-lieu fee).
- Describe detailed planting methods, as appropriate.
- Identify suitable areas for establishment of new oak trees and/or protection of existing oak woodland habitat, as appropriate.
- Describe short-term and long-term monitoring protocols and/or vegetative growth performance criteria for mitigation success.

The plan shall be prepared by a licensed arborist or qualified botanist and be submitted to the County for approval prior to the start of construction.

BIO-3 through BIO-5 Monitoring: Required prior to issuance of construction permits and prior to site disturbance and construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-6 Surveys, Avoidance, and Monitoring for Special-status Wildlife. Prior to the start of construction or any ground-breaking activities, a qualified biologist shall conduct surveys to ensure special-status wildlife species are not present within proposed work areas. If special-status wildlife species are found, they shall be allowed to leave the area on their own volition or be relocated (as permitted) to suitable habitat areas outside the work area(s). If necessary, resource conducted as follows:

Pre-construction Survey for Monterey Dusky-footed Woodrat

Prior to the start of work within 50 feet of suitable woodrat habitat, a survey shall be conducted by a qualified biologist to identify and flag woodrat middens for avoidance. A minimum 10-foot buffer area shall be clearly delineated around any woodrat middens that are discovered during the survey. Due to the possibility for woodrats to flee the midden because of nearby construction activity, a biologist shall monitor initial vegetation clearing and earth work within 25 feet of woodrat middens. If woodrats are observed fleeing middens, work shall be temporarily halted until woodrats flee outside the area of impact and/or are relocated to nearby suitable habitat areas by the qualified biologist.

Any woodrat middens that are deemed unavoidable shall be carefully dismantled mechanically (e.g., excavator with thumb) or with hand tools from the top down, allowing any woodrats to escape unharmed. A biological monitor shall be present for dismantling. Due to human health concerns associated with disturbance of woodrat middens and inhalation of dust and particles, the monitor shall not assist in physical woodrat house dismantling and shall position themselves upwind during the activity.

Pre-construction Surveys for Pallid Bat

Prior to the start of work, all suitable roosting habitat for pallid bats (e.g., mature oak or sycamore trees and buildings) within 100 feet of work areas shall be surveyed to determine if bats are roosting in these areas. If bats are detected and impacts are deemed unavoidable, a bat exclusion plan shall be developed and submitted to CDFW for approval prior to implementing any exclusion methods. If no bats are detected, no further action is required.

Preconstruction Survey and Monitoring for Special-status Amphibians and Reptiles

A qualified biologist shall conduct a preconstruction survey immediately prior to the start of work within 50 feet of suitable habitat for California Red Legged Frog and northern California legless lizard. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. 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, or vegetation removal including tree removal) within suitable habitat. If Northern California legless lizards are discovered during surveys and monitoring, they will be hand captured and relocated to suitable habitat outside the area of impact. If

California Red Legged Frog are discovered, they shall be allowed to leave on their own volition and the resource agencies shall be contacted for further guidance, as necessary.

Preconstruction Survey for Sensitive and Nesting Birds

If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. In addition, if work is planned to occur as early as January 1, a qualified biologist shall complete a focused survey for nesting golden eagles within one-quarter mile of the project site, as feasible based on access. 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 150 feet will be placed around non-listed passerine species, and a 500-foot buffer will be implemented for all raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, nest failed, etc.) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate buffer is determined in consultation with CDFW, and/or the USFWS.

BIO-6 Monitoring: Required within 30 days of site disturbance or construction activities. A final report shall be provided to the County prior to initial project activities. Compliance will be verified by the County Department of Planning and Building.

BIO-7 Protection of Waters and Wetlands. The following measures are provided to further protect hydrologic resources on site with emphasis on the ephemeral drainage that crosses the project site (Drainage 1):

- For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the drainage feature. Acceptable stabilization methods include the use of weed-free, natural fiber rolls (i.e., non-monofilament to avoid wildlife entanglement), jute or coir netting, and/or other industry standards. Fiber rolls shall be installed and maintained for the duration of the project.

BIO-7 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

GEOLOGY AND SOILS

GEO-1 Project Geotechnical Report Recommendations. At time of permit application for construction permits, the applicant shall submit plans to the Department of Planning and Building demonstrating compliance with, and incorporating into the project, the most recent version of the project's Geotechnical Report and associated recommendations, including but not limited to:

- Inspection and recommendations indicating whether the pipe in driveway Station 16+10 is in satisfactory condition to be re-utilized for the new driveway.
- Geologic / Geotechnical Consultant review and approval of all geotechnical aspects of the project building and grading plans to ensure that their recommendations have been properly incorporated. The following should specifically be addressed:

- The Consultant should verify that the provided recommendations for expansive soil mitigation are incorporated into the project plans.
- The Consultant should ensure that the provided recommendations for drainage improvements near the proposed residence as well as the driveway are incorporated into the drainage plans to ensure the potential for soil erosion is mitigated.
- The Consultant should ensure that the provided recommendations for retaining wall design are incorporated into the project plans.

These measures shall be listed on the building plans and implemented per the recommendations in the final Geotechnical Report.

GEO-1 Monitoring: Required to be placed on plans and incorporated into project at time of permit application for construction permits. Compliance will be verified by the County Department of Planning and Building.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 Equipment Maintenance and Refueling. During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 Spill Response Protocol. During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

HAZ-1 and HAZ-2 Monitoring: Required during project activities. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description after 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 Agent(s)/Owner

5/2/2024

Date

Michael W Tacconi

Name (Print)