



NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED Number ED21-101

DATE: June 18, 2021

PROJECT/ENTITLEMENT: Peoples' Self-Help Housing (PSHH), Mission Gardens San Miguel General Plan Amendment (LRP2019-00002), Vesting Tentative Tract Map (Tract 3131), and Conditional Use Permit (SUB2021-00002), ED21-101

APPLICANT NAME: Peoples' Self-Help Housing Corporation **Email:** sherylf@pshhc.org

ADDRESS: 3533 Empleo Street, San Luis Obispo, CA 93401

CONTACT PERSON: Sheryl Flores **Telephone:** (805) 540-2465

PROPOSED USES/INTENT: A request by Peoples' Self-Help Housing Corporation (PSHH) for a General Plan Amendment (LRP2019-00002) to remove the 60-parcel limitation from the Mission Gardens site in San Miguel (County Code Section 22.104.060.F.2) and a Vesting Tentative Tract Map (Tract 3131) and concurrent Conditional Use Permit (SUB2021-00002) to subdivide an existing 4.69-acre parcel (APN 021-362-001) into 16 lots consisting of 15 residential parcels ranging from 5,622-square-feet to 13,892-square-feet, a 1.81-acre open space lot, construction of 15 affordable single-family residences. This project is a Planned Residential Development and includes the demolition of an existing 1,310 square-foot residence. The project will result in the disturbance of 2.9 acres, including 1,300-cubic yards of cut, and 4,100-cubic yards of fill.

LOCATION: The project is within the Residential Single-Family land use category and is located at 1051 Wimer Way in the community of San Miguel. The site is located in the Salinas River Sub-Area of the North County Planning Area.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: <http://www.sloplanning.org>

STATE CLEARINGHOUSE REVIEW: YES NO

OTHER POTENTIAL PERMITTING AGENCIES:

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification Notice of Determination

This is to advise that the San Luis Obispo County as *Lead Agency* *Responsible Agency* approved / denied the above described project by Planning Commission, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Emi Sugiyama

County of San Luis Obispo

Signature

Name

Date

Public Agency



Initial Study - Environmental Checklist

Project Title & No. Peoples' Self-Help Housing Corporation (PSHH) - Mission Gardens San Miguel General Plan Amendment (LRP2019-00002), Vesting Tentative Tract Map (Tract 3131) and Conditional Use Permit (SUB2021-00002). ED21-101

Table with 3 columns of environmental factors and checkboxes. Includes categories like Aesthetics, Agriculture & Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology & Soils, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology & Water Quality, Land Use & Planning, Mineral Resources, Noise, Population & Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities & Service Systems, Wildfire, and Mandatory Findings of Significance.

DETERMINATION:

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- Five bullet points with checkboxes describing potential environmental impacts and required actions (e.g., NEGATIVE DECLARATION, MITIGATED NEGATIVE DECLARATION, ENVIRONMENTAL IMPACT REPORT).

Emi Sugiyama, Planner

Prepared by (Print) Signature Date

Schani Siong, Supervising Planner

Reviewed by (Print) Signature Date

Initial Study – Environmental Checklist

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies, or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. Project

DESCRIPTION: A request by Peoples' Self-Help Housing Corporation (PSHH) for a General Plan Amendment (LRP2019-00002) to remove the 60-parcel limitation from the Mission Gardens site in San Miguel (County Code Section 22.104.060.F.2) and a Vesting Tentative Tract Map (Tract 3131) and concurrent Conditional Use Permit (SUB2021-00002) to subdivide an existing 4.69-acre parcel (APN 021-362-001) into 16 lots consisting of 15 residential parcels ranging from 5,622-square-feet to 13,892-square-feet, a 1.81-acre open space lot, construction of 15 affordable single-family residences. This project is a Planned Residential Development and includes the demolition of an existing 1,310 square-foot residence. The project will result in the disturbance of 2.9 acres, including 1,300-cubic yards of cut, and 4,100-cubic yards of fill. The project is within the Residential Single-Family land use category and is located at 1051 Wimer Way in the community of San Miguel. The site is located in the Salinas River Sub-Area of the North County Planning Area.

This project is located on Lot 1 of Tract 2527, also known as Mission Gardens Estates, a 60-lot subdivision and planned residential development. An EIR was prepared for Tract 2527 to address significant and unavoidable impacts to cultural resources. Information contained within the EIR has been taken into account in the preparation of this document.

ASSESSOR PARCEL NUMBER(S): 021-362-001

Latitude: 35° 44' 50" N **Longitude:** 120° 41' 42" W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: North County **Sub:** Salinas River **Comm:** San Miguel

Land Use Category: Residential Single Family

Combining Designation: None

Parcel Size: 4.35 acres

Topography: Nearly flat to gently sloping

Initial Study – Environmental Checklist

Vegetation: Ornamental landscaping Urban-built up

Existing Uses: Residential undeveloped

Surrounding Land Use Categories and Uses:

North: Residential Single Family;
single-family residence(s)

East: Residential Single Family;
single-family residence(s) , Salinas River

South: Recreation;
undeveloped

West: Commercial Retail;
Heavy commercial, railroad track

C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts.

Initial Study – Environmental Checklist

I. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
(a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is located within the community of San Miguel, west of Salinas River. The parcel is designated as Residential Single-Family. The parcel is in a predominately residential area, characterized by small lots with single family residences. Directly adjacent lots to the North, and West contain single family residences on approximately 7,000 s.f. lots. The project parcel currently supports a single-family residence and two other accessory structures. The topography of the project parcel varies between nearly flat and gently sloping areas. The project would introduce a density of use which is more consistent with surrounding lots and uses. The structure would be visible from the nearest public road (N Street). The San Miguel Community Plan (SMCP), which was adopted in 2016, includes a design plan which serves to guide the aesthetic development in the community. These community design standards include a requirement for a noise barrier for construction adjacent to the rail line. The proposed barrier is included on the proposed map and will be conditioned to be constructed prior to issuance of the construction permits for the first structure.

Discussion

(a) *Have a substantial adverse effect on a scenic vista?*

The project is not within a dedicated scenic vista and will therefore not cause any substantial adverse effect on a scenic vista, and impacts would be *less than significant*.

Initial Study – Environmental Checklist

- (b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project is not located within a state scenic highway design corridor or along a scenic roadway and no scenic resources are known to exist on site. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and impacts would be *less than significant*.

- (c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The project is within an urbanized area and will be required to meet all applicable zoning and other regulations governing scenic quality for the area. Therefore, impacts to the visual character and quality of the area would be *less than significant*.

- (d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The project is small in nature and is not expected to produce a substantial amount of light. Therefore, it is unlikely that the project would have any substantial adverse effect on day or nighttime views through the creation of substantial light or glare. The County of San Luis Obispo's Land Use Ordinance 22.10.060 prohibits light or glare which is transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets. This section also requires that light shielding be used for outdoor lighting on new projects. Therefore, impacts relating to nighttime lighting and glare would be *less than significant*.

Conclusion

The project is not expected to have any adverse effects on the visual quality of the site or its surroundings, including any scenic vistas or resources. Additionally, the project would not substantially degrade the existing visual character or create a new source of substantial light or glare.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p>				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project parcel is within the Single-Family Residential land use category, is within Paso Agricultural Preserve Area, and is not under a Williamson Act contract. Additionally, the site does not support any agricultural activities and has no recent history of crop production. The project parcel is not known to contain any forestland and does not support any timberland activities.

Initial Study – Environmental Checklist

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2018), the project sites contain Unique Farmland and Grazing Land. The soil type(s) and characteristics on the subject property include:

The soil types and characteristics subject to disturbance from this project include:

Hanford and Greenfield soils (2 - 9 % slope)

Hanford. This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

Greenfield. This gently sloping, coarse loamy bottom soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: no severe limitations identified. The soil is considered Class IV without irrigation and Class II when irrigated.

Discussion

- (a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Based on information provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the proposed single-family residence would be located atop soils which are designated as "Farmland of Statewide Importance". However, the proposed project is to construct 15-unit single-family residences within Residential Single-Family land use category. The existing site has been used for single-family residence since 1957 and there were no recorded agricultural activities on site. Therefore, no Farmland would be converted to non-agricultural uses and potential impacts would be less than significant.

- (b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The parcel is not zoned for agricultural use, nor is it under a Williamson Act contract, therefore no impact would occur.

- (c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

The project would not be located in an area that is zoned as forest land, timberland, or timberland zoned Timberland Production, nor would the project cause the rezoning of such lands.

- (d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

The project would not be located in an area that is considered forest land and would therefore not result in the loss of forest land or conversion of forest land to a non-forest use.

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- (e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. No significant impacts to agricultural resources would occur.

Conclusion

The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or within its immediate vicinity. The parcel is not under a Williamson Act contract and is not within an area zoned for agricultural uses. There are no areas identified as forest land or timberland which will be disturbed by the project. Therefore, no significant impacts to agricultural resources are anticipated.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by SLOAPCD).

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM10. The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

As proposed, the project would result in the disturbance of the entire 2.9-acre parcel, which would include moving approximately 1,300 cubic yards of cut and 4,100 cubic yards of fill material. This would result in the creation of construction dust, as well as short- and long-term vehicle emissions. According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderate".

The project would be within close proximity (approx. 1,000 feet) to sensitive receptors including single-family residences that might result in nuisance complaints and be subject to limited dust and/or emission control measures during construction. The project would not be within close proximity to any serpentine rock

Initial Study – Environmental Checklist

outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos. Additionally, there are no known faults within close proximity to the project site.

Discussion

(a) *Conflict with or obstruct implementation of the applicable air quality plan?*

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

As proposed, the project will result in the disturbance of approximately 2.9 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will result in less than 10 lbs/day of pollutants, which is below thresholds warranting any mitigation. Additionally, the project is consistent with the general level of development anticipated and projected in the Clean Air Plan and would therefore not conflict with or obstruct the implementation of the applicable air quality plan.

(b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Construction Related Emissions

Based on the project description, the project will be moving less than 1,200 cubic yards/day of material and will not result in an area of disturbance of more than four acres for the construction of the proposed buildings, parking area, and other associated improvements. Therefore, construction related emissions will fall below the general thresholds. Therefore, construction related emissions will result in a less than significant impact.

(c) *Expose sensitive receptors to substantial pollutant concentrations?*

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest offsite residence is immediately adjacent from the property lines. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. Construction of the residences are expected to require the use of large diesel-powered construction equipment or significant amounts of grading. Therefore, potential mitigation AQ-1 is recommended to ensure impacts to sensitive receptors will be less than significant.

(d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The project is not expected to result in any other emissions, such as those leading to odors.

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Conclusion

Incorporation of mitigation measures AQ-1 relating to construction activities, would reduce project related impacts to air quality to a less than significant level pursuant to CEQA.

Mitigation

AQ-1 Standard Construction Measures. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (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 within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- 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.
- l. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site or exceeding APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor shall consider the use of an APCD-approved dust suppressant where feasible to reduce water amount used for dust control;
- m. All dirt stock-pile areas shall be sprayed daily and covered with tarps/ dust barriers as needed;
- n. 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

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used;

- o. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- p. All trucks hauling dirt, sand, soils or other loose materials are to be covered or maintain at least two feet of freeboard in accordance with CVC Section 23114;
- q. Designate access points and require all employees, subcontractors and other to use them. Install and operate a track-out prevention device where vehicles enter and exit unpaved roads into paved streets. 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.
- r. Sweep streets at the end of each day if visible soils 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

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection. The proposed project is not within SRA combining designation.

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

Initial Study – Environmental Checklist

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as “navigable waters of the U.S.” that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines. Project site does not provide habitat for Critical Habitat species.

Site Setting

The project site is located in an urbanized area in community of San Miguel and is currently vacant. The subject site was part of a larger subdivision called Mission Gardens Estates (Tract 2527) and was previously evaluated in the tract's Final Environmental Impact Report (“EIR”). At that time, Biological and Botanical Site Analysis was performed by David Wolff Environmental, dated November 21, 2003. The report concluded that given the cultivation and recent grading that has occurred, a little in the way of native plant communities currently exist on the project site. Since the approval of the Mission Gardens Estates project, the subject site has been regularly maintained through fuel management, and continual construction disturbance. Therefore, the project site currently does not support any native vegetation. The nearest waterway is Salinas River, approximately 750 feet east from the project site.

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Pursuant to the San Miguel Community Plan standards Section 22.104.060, the project site is within a high-quality habitat for San Joaquin kit fox and is subject to mitigate for San Joaquin kit fox habitat loss at a compensatory mitigation ratio of 4:1.

The project site occurs within the Carrizo area designated by the California Department of Fish and Wildlife. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species. However, due to recent disturbances, and on-going construction activities, there is no indication of habitat suitable for sensitive aquatic animal or plant species associated with vernal pools due to soil types and existing topography that did not support pooling.

Discussion

- (a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

The project site is developed with a single-family residence and two accessory sheds. The project site is surrounded by dense residential development. Given the previous disturbance of the site, existing development, and location in an urban environment, no natural sensitive habitats which would support endangered, threatened, or special status plant or wildlife species occur on or adjacent to the site. Proposed site is within "high quality habitat" for the San Joaquin kit fox, based on the San Miguel Community Standards and per Section 22.104.060.B.1.(e) – San Joaquin kit fox habitat loss required a compensatory mitigation ratio of 4:1 (BIO-1). The 2003 Biological and Botanical Site Analysis identified no sensitive or special status species on the project site and vicinity due to the highly disturbed nature of site condition. An updated addendum will be required prior to construction to ensure no new or more severe impacts to biological resources are anticipated than what has previously been analyzed (BIO-2). With the requirement of an updated addendum and incorporation of applicable biological resource protection standards in the San Miguel community standards, *impacts would be less than significant.*

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

There are no mapped blue line creeks and no riparian vegetation or other sensitive natural communities within or immediately adjacent to the proposed areas of disturbance. Therefore, the project would not result in impacts to riparian habitat or other sensitive natural communities and *no impacts would occur.*

- (c) *Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The project site does not support state or federal wetlands or other jurisdictional areas. Site topography does not support vernal pool habitat. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and *no impacts would occur.*

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- (d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project site is surrounded by dense residential development. Given that the site is previously developed, and located in an urban environment, the project site does not feature habitat conducive to migratory wildlife species such as riparian corridors, shorelines, or ridgelines. Therefore, the project would not interfere with the movement of resident or migratory fish or wildlife species or wildlife nursery sites and *no impacts* would occur.

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The County of San Luis Obispo has adopted an oak woodland preservation ordinance; however, the project is not proposing the removal of oak trees or construction within 1.5 times the dripline or of oak trees. Therefore, the project would have *no impacts* on local policies or ordinances protecting biological resources.

- (f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan adopted that includes the project site. Therefore, there will be *no impact*.

Conclusion

Implementation of Land Use Ordinance 22.104.060 would not result in new or more severe impacts to biological resources than previously disclosed in the 2003 EIR and will reduce potential biological impacts to *less than significant*.

Mitigation

BIO-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building (County) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 11.6 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

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Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 11.6 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-2 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 Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures are necessary, as applicable, to address any kit fox activity within the project limits.
- b. If necessary, the qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-3 through BIO-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is

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encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures, as necessary:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a. Potential kit fox den: 50 feet
 - b. Known or active kit fox den: 100 feet
 - c. Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BIO-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BIO-3 through BIO-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BIO-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-5 As necessary, prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training

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program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

- BIO-6** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BIO-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-11** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

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BIO-12 In accordance with the biological resource standards outlined in County Code Section 22.104.060, prior to issuance of construction permits, the applicant shall provide a supplementary or addendum to the 2003 Biological and Botanical Site Analysis and incorporate relevant and updated mitigation measures, including and not limited to the biological resource protection measures per San Miguel Community Standards to ensure no new or more severe impacts to biological resources previously analyzed for the larger subdivision Tract 2527 development. The addendum assessment shall be conducted within appropriate seasons.

Sources

See Exhibit A.

V. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The Mission Gardens site is a sensitive area for tribal cultural resources because of its proximity to Mission San Miguel located approximately 2,000 feet west of the project site on the west side of Mission Street and the associated neophyte housing quarters located on the 7-acre property owned by the Diocese of Monterey located directly to the south of the project site. The Xolon Salinan Tribe and the Salinan Tribe of Monterey and San Luis Obispo Counties requested consultation for this project. *See the Tribal Cultural Resources section for more information about the consultation process.*

The project proposes to disturb 2.9 acres on the Mission Gardens Estates property and demolish an existing residence known as the former Wimer house. A Cultural Resources Impact Assessment was prepared for this project by Greenwood and Associates in June 2021. The following timeline summarizes the history of the project site, including activities associated with Tract 2527 and the adjacent Diocese property:

- 2002 – Archaeological survey of the 53-acre Mission Garden Estates and Diocese of Monterey properties identified historic artifacts and recorded the site as a historic site

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- Summer 2003 – Premature unpermitted grading for Tract 2527 on the Diocese property disturbed cultural resources, including the neophyte housing quarters
- January 2004 – Archeological assessment characterized the resources affected by the unpermitted grading on the Diocese property and identified cultural resources on the Mission Gardens Estate property as well
- September 2004 – Additional archaeological assessment focused on Lot 62 of the Mission Gardens Estate property, encompassing portions of the current project area identified cultural resources
- April 2005 – Environmental Impact Report prepared for Mission Gardens Tract 2527 required a Mitigation Monitoring Plan for cultural resources and a 100-foot-wide open space easement along the northern border of the Diocese property to protect the neophyte quarters from disturbance or loss of artifacts associated with public access
- July 2016 – Additional archaeological assessment within subject parcel prior to construction of an access road on Lot 1 for Tract 2527 found no cultural items
- December 2016 – Mitigation Monitoring Plan approved for Tract 2527
- December 2016 – Late 2017 – Archeological monitoring by Greenwood and Associates staff and Native American representatives during site disturbing activities for Tract 2527
- 2018 – Archeological monitoring report submitted to the County for Tract 2527 identified no new undisturbed features
- June 2021 – Assessment of former Wimer house found the buildings (residence and accessory structures) not to be historically significant per California Register of Historical Resources criteria. Therefore the demolition of these buildings would be considered a less than significant impact.

As defined by CEQA, a historical resource includes:

- A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

If resources are uncovered during ground disturbing activities, implementation of LUO Section 22.10.040 (Archeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

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B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Discussion

(a) *Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?*

The project site is listed as a historic site with identified historical artifacts. The Wimer home and accessory structures to be demolished were specifically deemed not to be historically significant. Grading and construction activities and future occupation of the proposed project may result in the loss of historical artifacts through site disturbance, artifact collection and looting, and accelerated erosion. The proposed mitigation measures requiring cultural resources monitoring during disturbance activities will reduce potentially significant impacts to historical resources related to project grading or construction and project occupation to an insignificant level (Class II Impact). Therefore, potential impacts to Cultural Resources would be *less than significant with mitigation incorporated*.

(b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

The project site is highly sensitive for archaeological resources due to proximity to Mission San Miguel and associated neophyte quarters. Archeological artifacts have been recorded in the area of the current project site. The open space easement along the northern border of the Diocese property adopted as mitigation for Tract 2527 to discourage public access to the neophyte quarters will also help deter public access associated with future occupation of the proposed current project. The proposed mitigation measures requiring cultural resources monitoring during disturbance activities will reduce potentially significant impacts to historical resources related to project grading or construction and project occupation to an insignificant level (Class II Impact).

Based on the high sensitivity of the project site, a Cultural Resources Impact Assessment was requested (Greenwood, 2021). The recommendations of this Assessment have been included as mitigation measures and therefore potential impacts to Cultural Resources would be *less than significant with mitigation incorporated*.

(c) *Disturb any human remains, including those interred outside of dedicated cemeteries?*

The nearest dedicated cemetery is the Mission San Miguel Cemetery, located approximately 800 feet to the southwest of the project site. The Cultural Resources Impact Assessment (Greenwood, 2021) did not indicate evidence of burial sites within the project area. However, project excavations have the potential to encounter previously unidentified human remains in the form of burials or isolated bones and bone fragments. If human remains are exposed during construction, construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by State law. The County's Coroner and Sheriff Department shall be notified immediately to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains. If the remains are determined to be Native American, the Coroner will notify the NAHC and the remains will be treated in accordance with Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98, impacts related to the disturbance of human

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remains would be reduced to less than significant. Therefore, potential impacts to Cultural Resources would be *less than significant with mitigation incorporated*.

Conclusion

Implementation of the mitigation measures will reduce potentially significant cultural resources impacts related to project grading or construction and project occupation to a less than significant level (Class II Impact).

Mitigation

Impacts Related to Project Grading and Construction

- CR-1** **Monitoring Plan.** Prior to authorization of any project related grading or demolition, the applicant shall submit a monitoring plan, prepared by a qualified archeologist for review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities, including a Native American representative,
 - b. Description of how the monitoring shall occur, People's Self Help Housing Mission Garden Estates,
 - c. Description of frequency of monitoring (e.g. full-time, part-time, spot checking),
 - d. Description of what resources are expected to be encountered,
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources),
 - f. Description of procedures for halting work on the site and notification procedures, and
 - g. Description of monitoring reporting procedures.
 - h. Cultural resource awareness training for construction crew and field supervisors.
- CR-2** **Monitoring Implementation.** The applicant shall retain a qualified archeologist and Native American representative to monitor all project-related ground disturbing activities pursuant to the approved monitoring plan. If any significant archeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archeologist in the field) until such time as the resource can be evaluated by the archeologist. Human remains will be addressed according to State law. The applicant shall implement all mitigations as required by the Environmental Coordinator.
- CR-3** **Phase III Data Recovery Program.** If, during site disturbance monitoring, cultural resources are discovered on site and avoidance is not possible, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a qualified archaeologist approved by the Environmental Coordinator. The Phase III program shall include at least the following:
- a. Standard archaeological data recovery practices;

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- b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size typically is 2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
- c. Identification of location of sample sites/test units;
- d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- e. Disposition of collected materials;
- f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings and implemented during construction.

CR-4 Monitoring Report. Upon completion of all monitoring/mitigation activities and prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities. The report shall describe all features, deposits, or cultural materials encountered, indicate provisions for curation of recovered artifacts, and confirm that all recommended mitigation measures have been met.

Sources

See Exhibit A.

VI. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(d) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

The County has adopted a Conservation and Open Space Element (COSE) that establishes goals and policies that aim to reduce vehicle miles traveled, conserve water, increase energy efficiency and the use of renewable energy, and reduce greenhouse gas emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide greenhouse gas emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "address future energy needs through increased conservation and efficiency in all sectors" and "increase the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

According to the project application materials, the proposed residential activities are expected to consume approximately 100,260 kWh of electricity per year which about the equivalent energy demand associated with 15 single family residences (6,684 kWh per year per dwelling). The project is not expected to result in wasteful, inefficient or unnecessary consumption of energy resources because:

The project will be constructed with fixtures and equipment that meets current building codes for energy efficiency and conservation; therefore, impacts will be less than significant.

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(b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

In 2011, the County adopted the Energy Wise Plan to serve as the climate action plan for the County. The Plan identifies energy conservation, transportation, land use, water use, and solid waste strategies to reduce community wide GHG emissions. The project is consistent with County-wide GHG emissions reductions strategies associated with:

- Encouraging the use of energy efficient equipment in new development;
- Reducing methane emissions associated with solid waste through recycling and composting of green waste;
- The promotion of water conservation to reduce emissions associated with potable water use;
- The project will incorporate the use of Best Management Practices in the cultivation of cannabis. These BMPs address water conservation, solid waste recycling, greenwaste composting, and the use of equipment that meets current energy conservation standards.

Therefore, the project will not obstruct any energy plans, and impacts are expected to be less than significant.

Conclusion

The project is not expected to result in any potentially significant impacts related to energy.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically

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complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The project site is not located near to (within two miles of) any potentially active faults.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. The project is located in an area with a low liquefaction risk potential.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. The project is located in an area with a low to moderate landslide risk potential.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate, with the exception of

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construction of one single-story single family residence, agricultural uses not involving a building, agricultural accessory structures, and alterations or additions to any structure which does not exceed 50 percent of the assessed value of the structure. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault within an Earthquake Fault Zone (LUO 22.14.070).

Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are considered nonrenewable resources under state and federal law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, past history of the rock unit in producing fossil materials, and fossil sites that have been recorded in the unit. Paleontological resources are generally found below ground surface in sedimentary rock units. The boundaries of the sedimentary rock unit is used to define the limits of paleontological sensitivity in a given region.

In the county, the Coastal Franciscan domain generally lies along the mountains and hills associated with the Santa Lucia Range. Fossils recorded from the Coastal Franciscan formation include trace fossils (preserved tracks or other signs of the behaviors of animals), mollusks, and marine reptiles. Nonmarine or continental deposits are more likely to contain vertebrate fossil sites. Occasionally vertebrate marine fossils such as whale, porpoise, seal, or sea lion can be found in marine rock units such as the Miocene Monterey Formation and the Pliocene Sisquoc Formations known to occur throughout Central and Southern California. Vertebrate fossils of continental material are usually rare, sporadic, and localized.

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

Discussion

(a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The project is not on or near an earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other evidence. The project would therefore not likely cause potential substantial adverse effects from the rupture of a known earthquake fault. In addition, the proposed project would be subject to professional engineering and construction standards to ensure the reservoirs are constructed in a stable manner. Therefore, the potential for impacts related to surface ground rupture to occur at the project sites is low, and potential impacts would be *less than significant*.

(a-ii) *Strong seismic ground shaking?*

Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault. However, San Luis Obispo County is located

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in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (CBC) and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

(a-iii) *Seismic-related ground failure, including liquefaction?*

Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with moderate potential for liquefaction. However, a Geotechnical Engineering Report prepared for by Mid-Coast Geotechnical, Inc. for Tract 2527 in 2014 noted that 25-foot exploratory borings found generally dense materials conducive to very low liquefaction potential. Upon application for construction permits, a soils engineering report will be required, and the project will be subject to the recommendations of said reports. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site is gently sloping with a relatively flat topography. Based on the County Safety Element Landslide Hazards Map, the project is located in an area with low potential for landslide risk. Therefore, the project would not cause adverse effects involving landslides and impacts would be *less than significant*.

(b) *Result in substantial soil erosion or the loss of topsoil?*

The project would result in the disturbance of approximately 2.9 acres. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Implementation of the soils engineering report's recommendations shall be incorporated into the grading plan, per LUO 22.52.100. Therefore, potential impacts would be *less than significant*.

(c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located within an area with slopes susceptible to local failure.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on

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the County Safety Element Liquefaction Hazards Map, the project site is located in an area with moderate potential for liquefaction risk.

A Geotechnical Engineering Report prepared for by Mid-Coast Geotechnical, Inc. for Tract 2527 in 2014 noted that 25-foot exploratory borings found generally dense materials conducive to very low liquefaction potential and the project is not located within the GSA combining designation. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be *less than significant*.

- (d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The project site is located on soils that have a low expansion potential. The project would also be required to comply with the most recent CBC requirements, which have been developed to property safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, the project will not create a substantial direct or indirect risk to life or property from soil expansion, and impacts will be *less than significant*.

- (e) *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

The applicant provided a will-serve letter from San Miguel CSD confirming that the community service district is willing and able to provide sewer services. Therefore, the project will not involve the use of onsite waste disposal systems, and no impacts from the use of septic tanks or alternative waste water disposal systems are expected. Therefore, there would be *no impact*.

- (f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The proposed project is located in an area identified by the San Miguel Community Plan as "High Sensitivity Below 5-feet Depth" for paleontological resources. The Community Plan, County Code Section 22.104.060.B.2.e, outlines standards to protect paleontological resources within this area. These standards have been incorporated as mitigation. No unique geological features exist on the project site and would therefore not be affected. Therefore, impacts would be *less than significant with mitigation*.

Conclusion

Based on compliance with existing regulations and information contained in the previously prepared geotechnical engineering report, implementation of the sedimentation and erosion control measures as specified in project plans, and compliance with the measures outlined in the County's LUO and codes, impacts to geologic and soil resources would be less than significant with mitigation.

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Mitigation

GEO-1 Paleontological Resource Construction Monitoring. Excavations that will exceed five feet in depth shall be monitored by a qualified paleontological monitor. The frequency of monitoring shall be determined by the paleontologist. If no fossils are observed during the first 50 percent of excavations that exceed three feet in depth, or if the paleontologists can determine that excavations are not disturbing Pleistocene or Pliocene aged sediments, then the frequency of monitoring may at the discretion of the paleontologist.

GEO-2 Fossil Salvage. If fossils are discovered, then work shall be stopped to allow a qualified paleontologist to recover the fossils. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

As noted in Section 3 Air Quality, the project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions have been found to result in an increase in the earth's average surface temperature by exacerbating the naturally occurring "greenhouse effect" in the earth's atmosphere. The rise in global temperature is has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth's climate system. This phenomenon is

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commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,

Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,

Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO₂e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the CARB (or other regulatory agencies) and will be "regulated" either by CARB, the federal government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio Standards, and the Clean Car Standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Discussion

(a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The proposed project would involve the construction of 15 new single-family residences. The average carbon footprint of homes is approximately 10 metric tons making the total GHG emissions of the project roughly 150 metric tons. Using the GHG threshold information described in the Setting section,

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the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project’s potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not ‘cumulatively considerable’, no mitigation is required. Because this project’s emissions fall under the threshold, impacts would be less than significant.

- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The proposed project would not interfere with any applicable plans, policies, or regulations regarding greenhouse gas emissions including the County of San Luis Obispo’s EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Therefore, impacts would be less than significant.

Conclusion

The project would not violate any regulations regarding GHG emissions, and it would not surpass any emission thresholds. Therefore, the project would result in less than significant impacts related to Greenhouse Gas Emissions.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2019; California Department of Toxic Substance Control [DTSC] 2019). The project is not located within a high fire hazard severity zone. The project is located within a Local Responsibility Area and based on the County's response time map, it will take approximately 5 to 10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not located within an Airport Review Area; Paso Robles Municipal Airport, is 6 miles southeast of the project site.

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Discussion

- (a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project does not propose the routine use, transport, or disposal of hazardous materials. Therefore, the project is not likely to create a significant hazard to the public or environment through exposure to hazardous materials, and impacts will be less than significant.

- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, impacts would be less than significant.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Lilian Larsen Elementary School in San Miguel is located approximately 0.67 mile to the north of the project site. While a school is within one mile of the project, the project does not propose the routine use, transport, or disposal of hazardous materials, and the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials. Therefore, impacts would be less than significant.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" pursuant to Government Code Section 65962.5. Therefore, there would be no impact.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

As noted in the setting, the project is not located within an Airport Review area. Therefore, impacts would be less than significant.

- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and project construction would be contained within the project site. Construction and operation of the project

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would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. Therefore, impacts would be less than significant.

- (g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

According to the County GIS mapping layers, the project is not located in a Fire Hazard Severity Zone, and response times are between 10 and 15 minutes. In accordance with sections 903.2 of the Building Code, fire sprinklers will be installed. The project proponent would also be required to adhere to a Fire Safety Plan prepared by San Miguel Fire Department to lessen fire risk within the project site. With this in consideration, impacts would be less than significant.

Conclusion

The project is not known to contain or involve hazardous materials. Safety issues pertaining to wildland fires, emergency evacuation plan implementation, and airport hazards are less than significant; therefore, no significant impacts related to hazards or hazardous materials would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project proposes to obtain its water needs from a community water system operated by the San Miguel CSD and has received an intent-to-serve letter from the CSD. The proposed project would require 15 residential service connections. The San Miguel CSD sources its water from the Paso Robles Groundwater Basin, which is designated as a Level of Severity III water supply per the County's Resource Management System and as a critically overdrafted and high priority basin for purposes of the Sustainable Groundwater Management Act (SGMA). San Miguel CSD is one of four Groundwater Sustainability Agencies that jointly developed the Paso Robles Subbasin Groundwater Sustainability Plan (GSP) to meet SGMA requirements. The plan outlines strategies to bring the groundwater basin into sustainable balance by 2040. SGMA exempts domestic water use up to 2 acre-feet per year from GSP management actions. The project is subject to water conservation provisions of the County Building and Construction Ordinance (Section 19.07.042) that require construction permit applicants to offset water demand at a 1:1 ratio by paying a water offset fee to fund water conservation projects in the groundwater basin, or as otherwise allowed by the ordinance. These provisions expire on January 1, 2022. The project is also subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant.

The topography of the project is gently sloping. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and is considered well-drained. The project parcel is within the Paso Robles

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Groundwater Basin. The closest river from the proposed development is approximately 0.3 miles to the south. The project site is not located within a 100-year flood zone.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting".

A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

Discussion

(a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

With regards to project impacts on water quality the following conditions apply:

- Approximately 2.9 acres of site disturbance;
- Storm Water Pollution Prevention Plan (SWPPP) is required;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is on soils with low erodibility, and gentle slopes;
- The project is not within a 100-year Flood Hazard designation;
- The project is more than 0.3 miles from the closest River (Salinas River) and at least 100 feet from the nearest surface water body;
- All hazardous materials and/or wastes will be properly stored onsite, which include secondary containment should spills or leaks occur; and
- Stockpiles will be properly managed during construction to avoid material loss due to erosion.

Implementation of Land Use Ordinance Section 22.52.110 and Section 22.52.120 will help ensure less than significant impacts to water quality standards and surface and ground water quality. Therefore, impacts would be less than significant.

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- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would be less than significant.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

(c-i) *Result in substantial erosion or siltation on- or off-site?*

(c-ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

(c-iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

(c-iv) *Impede or redirect flood flows?*

The project has been conditioned to provide final grading, drainage, erosion and sedimentation control plans, and SWPPP for review and approval prior to building permit issuance as required by LUO Section 22.52.100, 110 and 120. A Stormwater Control Plan was prepared for the project (Luttman, April 2021).

The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. The project is not located within a flood zone and is not located within close proximity to a drainage channel. Therefore, impacts would be less than significant.

- (d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

The proposed project is not located in a 100-year flood zone, and it is 27 miles from the Pacific Ocean. Therefore, impacts would be less than significant.

- (e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project will be conditioned to comply with relevant provisions of the Central Coast RWQCB Basin Plan and has received an intent-to-serve letter from the San Miguel CSD, the Groundwater Sustainability Agency for the project site. Therefore, impacts would be less than significant.

Conclusion

No significant hydrology and water quality impacts would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed project would be located in the Mission Gardens site in the community of San Miguel in an area designated Residential Single-Family by the County of San Luis Obispo. The project site is surrounded by other single-family residential houses to the north and east. Within the Mission Gardens site, residential subdivision is limited by Section 22.104.060(I)(4)(a) (MuniCode Section 22.104.060(J)(4)(a)) of the Land Use Ordinance and San Miguel Community Plan, which provides that the “maximum number of residential parcels [within the Mission Gardens site] is limited to 60 [parcels]”. The Mission Gardens site has reached this limitation on number of residential parcels as allowed by the previously approved Conditional Use Permit for Tract 2527. The project includes a General Plan Amendment to remove the 60-parcel limitation for the Mission Gardens site to allow 15 additional parcels. The Board authorized this General Plan Amendment for processing on February 25, 2020 after determining that it is consistent with the intent of the Residential Single-Family land use category and surrounding uses and would help meet the County and State goal to increase affordable housing.

The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, San Miguel Community Plan, etc.). The proposed project is subject to the following Planning Area Standard(s) as found in the County’s Land Use Ordinance: North County Planning Area Standards, Salinas River Sub-area Standards, and San Miguel Community Standards. Referrals were sent to outside agencies and other County departments to review for policy consistencies.

Discussion

(a) *Physically divide an established community?*

The proposed project is located on an existing parcel and would not involve any components that would physically divide the residential community. The proposed project is considered in-fill development and the project would utilize the existing circulation system and constructed onsite driveways for access and would not require the construction of offsite infrastructure. Therefore, there would be no impact.

Initial Study – Environmental Checklist

(b) *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposed project is for the subdivision and construction of 15 single-family residences. The project was found to be consistent with standards and policies set forth in the County General Plan, the South County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be required to be consistent with standards set forth by the Public Works Department. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be less than significant.

Conclusion

No significant land use or planning impacts would occur.

Mitigation

None needed.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is located within an Aggregate Materials study area which covers the majority of the county. There are no active mining operations within 1 mile of the project site.

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Discussion

- (a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

There are no known mineral resources on the project site. Although the project site is located within an Aggregate Materials study area, the project site does not contain resources identified in the study. Therefore, impacts would be less than significant.

- (b) *Result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area, and the site is not designated as a mineral resource recovery site. Therefore, impacts related to preclusion of future extraction of locally important mineral resources would be less than significant.

Conclusion

Due to the lack of known valuable minerals on the project site, and the lack of a mineral resource recovery designation, the proposed project would not result in the loss of availability of or future extraction of valuable mineral resources.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The existing ambient noise environment is characterized by minor traffic on the surrounding streets, Wimer Way and N Street as well as typical residential activities in the surrounding homes. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The project site is surrounded by noise-sensitive residences. The project site is not located within an Airport Review Area.

The County Land Use Ordinance Section 22.10.120 establishes maximum allowed noise levels for both daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) hours. The maximum allowed exterior hourly noise level is 50 db for the daytime hours and 45 db for the nighttime hours.

Discussion

- (a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project would result in ambient noise levels consistent with the surrounding area. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area.

Project construction activities would generate short-term (temporary) construction noise. If possible, the use of pile drivers shall be minimized in construction. Alternative techniques that produce less noise, such as drilled or bored piles, shall be considered. Furthermore, compliance with County LUO Section 22.10.120 would require construction noise to be limited. Noise impacts resulting from both construction and operation of the proposed facility are expected to be less than significant.

- (b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Operation of the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, impacts related to temporary or permanent groundborne vibration would be less than significant.

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- (c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project is not located within an Airport Review Area for the Paso Airport. Therefore, there are no significant impacts.

Conclusion

No significant long-term change in noise levels would occur. Short-term construction related noise would be limited in nature and duration and would only occur during appropriate daytime hours. Noise levels would be within the standards established by County Land Use Ordinance Section 22.10.120. Therefore, potential noise impacts would be less than significant.

Mitigation

None required.

Sources

See Exhibit A.

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XIV. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. The County's Inclusionary Housing Ordinance requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The proposed project will create 15 new affordable residences which will increase the supply of homes in the area leading to potential, small population growth. This is in line with County and Local plans to increase housing availability. The proposed project would not result in new jobs in the area that would require new housing. The project does not propose new roads or infrastructure to undeveloped or underdeveloped areas that would indirectly result in population growth. Therefore, no significant impacts would occur.

- (b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The proposed project does not involve the displacement, either directly or indirectly, of existing people or housing that would necessitate the construction of replacement housing elsewhere. The project proposes the creation of 15 additional deed-restricted affordable housing units to increase home supply. Therefore, no impacts would occur.

Conclusion

The proposed project would provide 15 additional deed-restricted affordable housing units. Therefore, no population and housing impacts would occur.

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Mitigation

None needed.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project area is served by the County Sheriff's Department and San Miguel CSD as the primary emergency responders. The project is within a zone of low fire hazard severity. The nearest sheriff station is located at the Paso Robles which is approximately 6 miles from the proposed project. The San Miguel CSD fire station is located approximately 900 feet northwest of the project site.

The project is within the Local Responsibility Area for wildland fire protection.

A Local Responsibility Area (LRA) either has insufficient vegetation to pose a potential wildland fire threat or has a residential density of three or more residences per acre. Also, all incorporated cities are considered within an LRA. Incorporated cities typically provide their own fire protection services. For the balance, or the 'unincorporated' LRAs, municipal fire protection services are generally provided by Cal Fire through a contract

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with the County for such services. However, the project area is in the San Miguel CSD's jurisdiction for fire protection services.

The project is within the San Miguel School District and the San Luis Obispo Joint Community College District.

Discussion

- (a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

The proposed project was referred to the San Miguel Fire Department for review of consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be less than significant.

Police protection?

The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be less than significant.

Schools?

The proposed project would result in the creation of new housing and may result in minor population growth. This population growth would result in a cumulative effect on existing school facilities. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property. Therefore, impacts would be less than significant.

Parks?

The proposed project would result in the creation of new housing and may result in minor population growth. This population growth would result in a cumulative effect on existing school facilities. The project is subject to Quimby Act. The Quimby fees shall be collected at a time of building issuance, per 21.09.010 (Parks and recreation facilities). The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property. Therefore, impacts would be less than significant.

Other public facilities?

The proposed project would not generate a substantial long-term demand for roads, solid waste, or other public services or utilities. Electrical demands of the project would be within expected uses for the property. The proposed project site would be accessed by the existing local circulation system and would not generate substantial long-term operational trips. Therefore, potential impacts on public services or utilities would be less than significant.

Conclusion

No significant impacts to public services or utilities would occur.

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Mitigation

None Required

Sources

See Exhibit A.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county. The Recreation Element does not show any existing or potential future trails going through or adjacent to the project site.

Discussion

- (a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

The proposed project would have a cumulative effect on the use of existing parks and recreational facilities through population growth caused by the construction of new homes. The project is located within close vicinity (one-half mile) to multiple public open space areas including two schools and a dog park. The project is subject to Quimby Act. The Quimby fees shall be collected at a time of building issuance, per 21.09.010 (Parks and recreation facilities). Therefore, the local area has the recreational capacity to handle the increased use caused by the project, and impacts would be less than significant.

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(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project is subject to Quimby Act. The Quimby fees shall be collected at a time of building issuance, per 21.09.010 (Parks and recreation facilities). The proposed project does not include recreational facilities or require construction or expansion of existing facilities. Therefore, impacts will be less than significant.

Conclusion

No significant impacts to recreational resources would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study,

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and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county. The project will be accessed by Chick Lane, A privately maintained roadway connecting to N Street and N Street, a County maintained roadway connecting to 11th Street, a two-lane, collector road.

In 2013, Senate Bill 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of Senate Bill 743 and identified vehicle miles traveled (VMT) per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program, preparation of a Regional Transportation Plan (RTP), programming of state funds for transportation projects, and the administration and allocation of transportation development act funds required by state statutes. As the Metropolitan Planning Organization (MPO), SLOCOG is also responsible for all transportation planning and programming activities required under federal law. This includes development of long-range transportation plans and funding programs, and the approval of transportation projects using federal funds.

The 2019 RTP, adopted June 5, 2019, is a long-term blueprint of San Luis Obispo County’s transportation system. The plan identifies and analyzes transportation needs of the region and creates a framework for project priorities. SLOCOG represents and works with the County of San Luis Obispo as well as the Cities within the county in facilitating the development of the RTP.

The County Department of Public Works establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the City of San Luis Obispo and South County, Los Osos, and the North Coast.

The County’s Coastal Framework for Planning includes the Land Use and Circulation Elements of the County’s General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations.

The proposed project is located within a quarter mile buffer of a railroad crossing. The closest bus station is located at Mission St and 14th Street approximately 0.4 mile to the north.

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Discussion

- (a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. An increase in trips associated with completion of the project would be within expected levels. As a result, the proposed project would have no significant, long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities.

- (b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The County of San Luis Obispo has developed a model for determining potential increases in vehicle miles traveled (VMT) for proposed projects. The County model makes use of the suggested screening thresholds outlined by the Office of Planning and Research (“OPR”) in their Technical Advisory on Evaluating Transportation Impacts in CEQA from December of 2018. These include screening thresholds for small projects, office and residential projects, projects near transit stations, and affordable residential development projects. A Traffic Impact Analysis was completed for the project (Central Coast Transportation Planning, May 2021) which concluded that the project would generate 132 new vehicle trips per weekday.

The project was unable to be screened out using these thresholds, including the threshold for small projects which states that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact.

According to OPR, “a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.”

According to the project’s Traffic Impact Analysis,

“[t]he proposed project will be occupied by residents making below 80 percent of the median income. The project is infill and compatible with the existing land uses in the neighborhood. Based on a May 2017 roadway count on 11th Street east of Mission Street, the AM and PM peak hour made up 7% and 12% of the 769 average daily vehicles (ADT), respectively. If the 14 PM peak hour trips calculated using ITE were reduced by 35%, nine PM peak hour trips would be expected. Applying the 7% and 12% to the AM and PM project trip generation would result in less than the 110 daily trip threshold.”

Based on the affordable housing component of the project and the calculations provided in the Traffic Impact Analysis, the project’s impacts on VMT would be *less than significant*.

- (c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The project would make use of an existing access road (Chick Lane) and proposed curbs, sidewalks, and driveways have been reviewed by the County’s Public Works Department for conformance with traffic safety and subdivision design standards. Therefore, the project would not substantially increase hazards and would have a *less than significant* impact.

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(d) *Result in inadequate emergency access?*

Wimer Way and the connecting roads in the area are currently able to accommodate emergency vehicles. The project would have the highest risk of emergencies during construction which would be temporary. The project would not block or alter egress routes for surrounding residents. Therefore, impacts related to emergency access would be *less than significant*.

Conclusion

No significant transportation-related impacts are expected to occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
<p>(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

Pursuant to the requirements of Senate Bill 18 (SB 18 – 2004), any city or county that is considering an amendment to a General Plan or Specific Plan must invite representatives from affected local tribes to participate in meaningful consultation with the local government for the purpose of discussing tribal concerns related to the proposed project.

Approved in 2014, Assembly Bill 52 (AB 52) added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

A Cultural Resources Impact Assessment was prepared for the project by Greenwood and Associates in June 2021. The report summarized the history of site disturbance, archaeological surveys, and mitigation completed for the previously approved Tract 2575 development. The project site contains identified significant tribal cultural resources. *Refer to the Cultural Resources section above for a detailed description.* The project site is in close proximity to the Mission San Miguel to the west and the neophyte quarters on the property directly to the south owned by the Diocese of Monterey. Mitigation for the previously approved Tract 2527 on the Mission Gardens property and the current project include cultural resources monitoring during site disturbance activities with a tribal representative present. An open space agreement that is 100-foot-wide along the northern border of the Diocese property has been recorded as mitigation required for Tract 2527 to reduce the potential for public access to the neophyte quarters on the Diocese property.

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SB 18 consultation letters were sent to three tribes on August 21, 2020: Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak tit̄yu tit̄yu yak tīhini – Northern Chumash. A response was submitted by the Xolon Salinan Tribe on September 5, 2020 and September 26, 2020 requesting the plans for the current project and the EIR, plans, archeological studies, and cultural resources monitoring from the previously approved Tract 2527 project. Requested materials and a project status summary were provided by County staff on June 15, 2021.

AB 52 consultation letters were sent to local tribes on February 8, 2021. A response was received from the Salinan Tribal Administrator on February 12, 2021, requesting extended phase I and phase II testing as well as monitoring of ground disturbing activities. County staff provided the final cultural resources report on June 10, 2021.

Discussion

(a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

(a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The project site is listed in the California Register of Historical Resources. The mitigation requirements for this project and the previously approved Tract 2527 project will reduce potentially significant cultural resources impacts related to project grading or construction and project occupation to an insignificant level (Class II Impact).

(a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

There are known tribal cultural resources of high sensitivity within the vicinity of the project area. The mitigation requirements for this project and the previously approved Tract 2527 project will reduce potentially significant cultural resources impacts related to project grading or construction and project occupation to an insignificant level (Class II Impact).

Conclusion

Implementation of the Cultural Resources mitigation measures (CR-1 to CR-4) for this project and the open space agreement buffer for the Diocese property required for the previously approved Tract 2527 project will reduce potentially significant cultural resources impacts related to project grading or construction and project occupation to an insignificant level (Class II Impact).

Mitigation

See Cultural Resource mitigation measures.

Sources

See Exhibit A.

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XIX. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project has received an intent-to-serve letter from the San Miguel CSD for water, sewer, solid waste, and fire services. A fee program has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.) such as parks and schools. Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used for the construction as needed to finance the facilities required to the serve new development.

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Discussion

- (a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

The proposed project would not result in the necessity of new or expanded water or wastewater, facilities. The proposed project will rely on a community water system for water supply and a community sewage disposal system for sewage disposal operated by the San Miguel CSD. The project has received an intent-to-serve letter from the CSD indicating they are willing and able to serve the proposed project; therefore, impacts will be less than significant.

- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The project has received an intent-to-serve letter from the San Miguel CSD for water service, which indicates water availability for this project within their operational capacity and water supply projections. Therefore, impacts will be less than significant. Refer to the Hydrology and Water Quality section for a discussion of the sustainable groundwater management setting.

- (c) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

The project has received an intent-to-serve letter from the San Miguel CSD for sewer service. Therefore, impacts will be less than significant.

- (d) *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

The project has received an intent-to-serve letter from the San Miguel CSD for solid waste service, The proposed project is a 15-unit residential subdivision and is not expected to exceed the capacity of local solid waste facility. Therefore, impacts will be less than significant.

- (e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The project has received an intent-to-serve letter from the San Miguel CSD for solid waste service, Therefore, the project will comply with all statutes and regulations related to solid waste, and impacts will be less than significant.

Conclusion

The project would utilize San Miguel CSD's existing community water, sewage, and waste management systems. No significant impacts related to utilities and service systems would occur.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

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XX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed project site is not located within a Fire hazard Severity Zone and gently sloping topography. The project is within the service area of the San Miguel CSD for fire protection service. The fire station is approximately 900 feet northwest of the project site. Refer to the Public Services section for further discussion on Fire Safety impacts.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire-resistant building materials.

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Discussion

(f) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The proposed project would not impair any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency vehicles and project construction would be contained within the project site. Construction and operation of the project would not require road closure, and the project would not physically block the onsite residents from evacuating during an emergency. A referral was sent to the San Miguel CSD, which provides fire services for this area, for project review. San Miguel CSD commented that there are no issues with the proposed development. Therefore, impacts would be less than significant.

(g) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The proposed project is not within a Fire Hazard Severity Zone, and it is an infill development which would pose less of a wildfire risk. The parcel is gently sloping and contains some vegetation which could increase wildfire risk. The project proponent would be required to adhere to a Fire Safety Plan prepared by the San Miguel CSD to lessen fire risk within the project site. With this in consideration, impacts would be less than significant.

(h) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

Existing local roads would be used for access, and the only new road construction would be a driveway for access to the residences. All other utility infrastructure for the proposed project, such as for water, sewers, cable, and power, will be underground and will not exacerbate fire risks. As the fire risk for the parcel is low, and no prominent infrastructure additions that may exacerbate fire risk will be made, impacts will be less than significant.

(i) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The project is not located in a potential flood hazard zone or fire hazard severity zone, so risks to people and structures from floods and wildfires is low. Additionally, the project is gently sloping, has a low landslide risk potential, and has well-drained soils. Therefore, impacts from these risks are less than significant.

Conclusion

With the implementation of future Fire Safety Plans, the project would result in less than significant impacts related to wildfire.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

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XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- (a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

As discussed in each resource section above, the proposed project would not result in significant impacts to any of the above sections. The project would not reduce the habitat of fish or wildlife species or reduce the range or population of any fish or wildlife species. Potential impacts to kit fox have been addressed through the incorporation of standard mitigation. Therefore, impacts associated with the proposed project would be less than significant with mitigation.

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- (b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

Potential cumulative impacts of the proposed project have been analyzed within the discussion of each environmental resource area above. Cumulative impacts associated with the proposed project would be less than significant.

- (c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. There is no evidence that measures above what will already be required by ordinance or codes are needed. Therefore, impacts would be less than significant.

Conclusion

With the implementation of required ordinance and code, the project would cause less than significant impacts and thus, the project impacts would be less than significant.

Mitigation

No mitigation needed.

Sources

See Exhibit A.

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Exhibit A - Initial Study References and Agency Contacts

The County Planning Department has contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File**
<input type="checkbox"/>	County Environmental Health Services	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input checked="" type="checkbox"/>	County Parks Department	In File**
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	San Miguel Community Services District	In File**
<input checked="" type="checkbox"/>	Other San Miguel Advisory Council	In File**
<input checked="" type="checkbox"/>	Other SB18, AB52	In File**

** "No comment" or "No concerns"-type responses are usually not attached

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Design Plan
County Documents	<input checked="" type="checkbox"/> Oceano Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	Other Documents
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Oceano Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> South County Area Plan/San Luis Bay Sub Area (Oceano)	

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In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Mission Gardens Tract Map (Tract 2527) Environmental Impact Report. County of San Luis Obispo. 2005.

Cultural Resources Impact Assessment for People's Self-Help Housing Corporation's Mission Garden Estates Project. Greenwood and Associates. June 2021.

Biological and Botanical Site Analysis. David Wolff Environmental. November 2003.

Preliminary Stormwater Control Plan for Mission Garden Tract 3131. John Luttmann, PE. April 2021.

Geotechnical Engineering Report. Mid-Coast Geotechnical, Inc. December 2014.

Traffic Impact Analysis VMT TR 3131. Central Coast Transportation Consulting. May 2021.

Technical Advisory on Evaluating Transportation Impacts in CEQA. Office of Planning and Research. December 2018.

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Exhibit B - Mitigation Summary

The applicant has agreed 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.

AQ-1 Standard Construction Measures. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment, the applicant shall incorporate into the project the following "standard" construction mitigation measures:

- b. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- c. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (ARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- d. 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;
- e. 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;
- f. 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;
- g. 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;
- h. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- j. Electrify equipment when feasible;
- k. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- s. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
- t. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site or exceeding APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor shall consider the use of an APCD-approved dust suppressant where feasible to reduce water amount used for dust control;
- u. All dirt stock-pile areas shall be sprayed daily and covered with tarps/ dust barriers as needed;
- v. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and

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building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;

- w. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- x. All trucks hauling dirt, sand, soils or other loose materials are to be covered or maintain at least two feet of freeboard in accordance with CVC Section 23114;
- y. Designate access points and require all employees, subcontractors and other to use them. Install and operate a track-out prevention device where vehicles enter and exit unpaved roads into paved streets. 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.
- z. Sweep streets at the end of each day if visible soils 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

BIO-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building (County) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- d. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 11.6 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- e. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

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- f. Purchase 11.6 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-2 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 Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- d. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures are necessary, as applicable, to address any kit fox activity within the project limits.
- e. If necessary, the qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-3 through BIO-11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- f. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures, as necessary:

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4. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - a. Potential kit fox den: 50 feet
 - b. Known or active kit fox den: 100 feet
 - c. Kit fox pupping den: 150 feet
5. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
6. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BIO-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BIO-3 through BIO-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BIO-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-5 As necessary, prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BIO-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

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- BIO-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-11** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- c. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - d. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.
- BIO-12** In accordance with the biological resource standards outlined in County Code Section 22.104.060, prior to issuance of construction permits, the applicant shall provide a supplementary or addendum to the 2003 Biological and Botanical Site Analysis and incorporate relevant and updated mitigation measures, including and not limited to the biological resource protection measures per San Miguel Community Standards to ensure no new or more severe impacts to biological resources previously analyzed for the larger subdivision Tract 2527 development. The addendum assessment shall be conducted within appropriate seasons.

Initial Study – Environmental Checklist

- CR-1** **Monitoring Plan.** Prior to authorization of any project related grading or demolition, the applicant shall submit a monitoring plan, prepared by a qualified archeologist for review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities, including a Native American representative,
 - b. Description of how the monitoring shall occur, People's Self Help Housing Mission Garden Estates,
 - c. Description of frequency of monitoring (e.g. full-time, part-time, spot checking),
 - d. Description of what resources are expected to be encountered,
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources),
 - f. Description of procedures for halting work on the site and notification procedures, and
 - g. Description of monitoring reporting procedures.
 - h. Cultural resource awareness training for construction crew and field supervisors.
- CR-2** **Monitoring Implementation.** The applicant shall retain a qualified archeologist and Native American representative to monitor all project-related ground disturbing activities pursuant to the approved monitoring plan. If any significant archeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archeologist in the field) until such time as the resource can be evaluated by the archeologist. Human remains will be addressed according to State law. The applicant shall implement all mitigations as required by the Environmental Coordinator.
- CR-3** **Phase III Data Recovery Program.** If, during site disturbance monitoring, cultural resources are discovered on site and avoidance is not possible, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a qualified archaeologist approved by the Environmental Coordinator. The Phase III program shall include at least the following:
- a. Standard archaeological data recovery practices;
 - b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size typically is 2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
 - c. Identification of location of sample sites/test units;
 - d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);

Initial Study – Environmental Checklist

- e. Disposition of collected materials;
- f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings and implemented during construction.

CR-4 **Monitoring Report.** Upon completion of all monitoring/mitigation activities and prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities. The report shall describe all features, deposits, or cultural materials encountered, indicate provisions for curation of recovered artifacts, and confirm that all recommended mitigation measures have been met.

GEO-1 **Paleontological Resource Construction Monitoring.** Excavations that will exceed five feet in depth shall be monitored by a qualified paleontological monitor. The frequency of monitoring shall be determined by the paleontologist. If no fossils are observed during the first 50 percent of excavations that exceed three feet in depth, or if the paleontologists can determine that excavations are not disturbing Pleistocene or Pliocene aged sediments, then the frequency of monitoring may at the discretion of the paleontologist.

GEO-2 **Fossil Salvage.** If fossils are discovered, then work shall be stopped to allow a qualified paleontologist to recover the fossils. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

**DEVELOPER'S STATEMENT FOR
Peoples' Self-Help Housing Corporation (PSHH) – Mission Gardens San Miguel General
Plan Amendment (LRP2019-00002), Vesting Tentative Tract Map (Tract 3131) and
Conditional Use Permit (SUB2021-00002)**

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.

Project Description: A request by Peoples' Self-Help Housing Corporation (PSHH) for a General Plan Amendment (LRP2019-00002) to remove the 60-parcel limitation from the Mission Gardens site in San Miguel (County Code Section 22.104.060.F.2) and a Vesting Tentative Tract Map (Tract 3131) and concurrent Conditional Use Permit (SUB2021-00002) to subdivide an existing 4.69-acre parcel (APN 021-362-001) into 16 lots consisting of 15 residential parcels ranging from 5,622-square-feet to 13,892-square-feet, a 1.81-acre open space lot, construction of 15 affordable single-family residences. This project is a Planned Residential Development and includes the demolition of an existing 1,310 square-foot residence. The project will result in the disturbance of 2.9 acres, including 1,300-cubic yards of cut, and 4,100-cubic yards of fill. The project is within the Residential Single-Family land use category and is located at 1051 Wimer Way in the community of San Miguel. The site is located in the Salinas River Sub-Area of the North County Planning Area.

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

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

Air Quality

AQ-1 Standard Construction Measures. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment, the applicant shall incorporate into the project the following "standard" construction mitigation measures:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel-powered equipment with Air Resources Board (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 within 1,000 feet of sensitive receptors is not permitted;
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - 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.
 - l. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site or exceeding APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor shall consider the use of an APCD-approved dust suppressant where feasible to reduce water amount used for dust control;
 - m. All dirt stock-pile areas shall be sprayed daily and covered with tarps/ dust barriers as needed;
 - n. 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;
 - o. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - p. All trucks hauling dirt, sand, soils or other loose materials are to be covered or maintain at least two feet of freeboard in accordance with CVC Section 23114;
 - q. Designate access points and require all employees, subcontractors and other to use them. Install and operate a track-out prevention device where vehicles enter and exit unpaved roads into paved streets. 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.
 - r. Sweep streets at the end of each day if visible soils 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

AQ-1 Monitoring/Compliance.

Compliance: Prior to issuance of construction permits, the measures outlined in mitigation measure AQ-1 shall be incorporated into the construction phase of the project and shown on all applicable construction plans.

Biological Resources

BIO-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building (County) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 11.6 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) (see contact information below) and the County.

This mitigation alternative (a.) requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

- b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; the actual cost may increase depending on the timing of payment. This fee must be paid after the Department provides written notification identifying mitigation options but prior to County permit issuance and initiation of any ground disturbing activities.

- c. Purchase 11.6 credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (c) above, can be completed by purchasing credits from the Palo Prieto Conservation Bank. The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank. This fee is calculated based on the current cost-per-credit of \$2500 per acre of mitigation. The fee is established by the conservation bank

owner and may change at any time depending on the timing of payment. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

BIO-2 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 Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures are necessary, as applicable, to address any kit fox activity within the project limits.
- b. If necessary, the qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BIO-3 through BIO-11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures, as necessary:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon.

Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a. Potential kit fox den: 50 feet
- b. Known or active kit fox den: 100 feet
- c. Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BIO-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: "Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.

In addition, prior to permit issuance and initiation of any ground disturbing activities, conditions BIO-3 through BIO-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BIO-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BIO-5 As necessary, prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BIO-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so

discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- BIO-7** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-8** During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BIO-9** Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-10** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-11** Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire or wood strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
 - b. If a more solid wire mesh or wood fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BIO-12 In accordance with the biological resource standards outlined in County Code Section 22.104.060, prior to issuance of construction permits, the applicant shall provide a supplementary or addendum to the 2003 Biological and Botanical Site Analysis and incorporate relevant and updated mitigation measures, including and not limited to the biological resource protection measures per San Miguel Community Standards to ensure no new or more severe impacts to biological resources previously analyzed for the larger subdivision Tract 2527 development. The addendum assessment shall be conducted within appropriate seasons.

BIO-1 through BIO-9 Monitoring/Compliance.

Compliance: Department of Planning and Building shall verify compliance (BIO-1 thru BIO-12) in consultation with the Environmental Coordinator.

Cultural Resources

CR-1 Monitoring Plan. Prior to authorization of any project related grading or demolition, the applicant shall submit a monitoring plan, prepared by a qualified archeologist for review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:

- a. List of personnel involved in the monitoring activities, including a Native American representative,
- b. Description of how the monitoring shall occur, People's Self Help Housing Mission Garden Estates,
- c. Description of frequency of monitoring (e.g. full-time, part-time, spot checking),
- d. Description of what resources are expected to be encountered,
- e. Description of circumstances that would result in the halting of work at the project site (e.g. What are considered "significant" archaeological resources),
- f. Description of procedures for halting work on the site and notification procedures, and
- g. Description of monitoring reporting procedures.
- h. Cultural resource awareness training for construction crew and field supervisors.

CR-2 Monitoring Implementation. The applicant shall retain a qualified archeologist and Native American representative to monitor all project-related ground disturbing activities pursuant to the approved monitoring plan. If any significant archeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archeologist in the field) until such time as the resource can be evaluated by the archeologist. Human remains will be addressed according to State law. The applicant shall implement all mitigations as required by the Environmental Coordinator.

CR-3 Phase III Data Recovery Program. If, during site disturbance monitoring, cultural resources are discovered on site and avoidance is not possible, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a qualified archaeologist approved by the Environmental Coordinator. The Phase III program shall include at least the following:

- a. Standard archaeological data recovery practices;
- b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size typically is 2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
- c. Identification of location of sample sites/test units;
- d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
- e. Disposition of collected materials;
- f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
- g. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings and implemented during construction.

CR-4 Monitoring Report. Upon completion of all monitoring/mitigation activities and prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities. The report shall describe all features, deposits, or cultural materials encountered, indicate provisions for curation of recovered artifacts, and confirm that all recommended mitigation measures have been met.

CR-1 through CR-4 Monitoring/Compliance.

Prior to occupancy or final inspection (whichever occurs first), the consulting archeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities.

GEO-1 Paleontological Resource Construction Monitoring. Excavations that will exceed five feet in depth shall be monitored by a qualified paleontological monitor. The frequency of monitoring shall be determined by the paleontologist. If no fossils are observed during the first 50 percent of excavations that exceed three feet in depth, or if the paleontologists can determine that excavations are not disturbing Pleistocene or Pliocene aged sediments, then the frequency of monitoring may at the discretion of the paleontologist.

GEO-2 Fossil Salvage. If fossils are discovered, then work shall be stopped to allow a qualified paleontologist to recover the fossils. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

GEO-1 and GEO-2 Monitoring/Compliance.
Prior to occupancy or final inspection (whichever occurs first), the paleontological monitor shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities.

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.

People's Self-Help Housing, Corp

by: Sheryl Flores

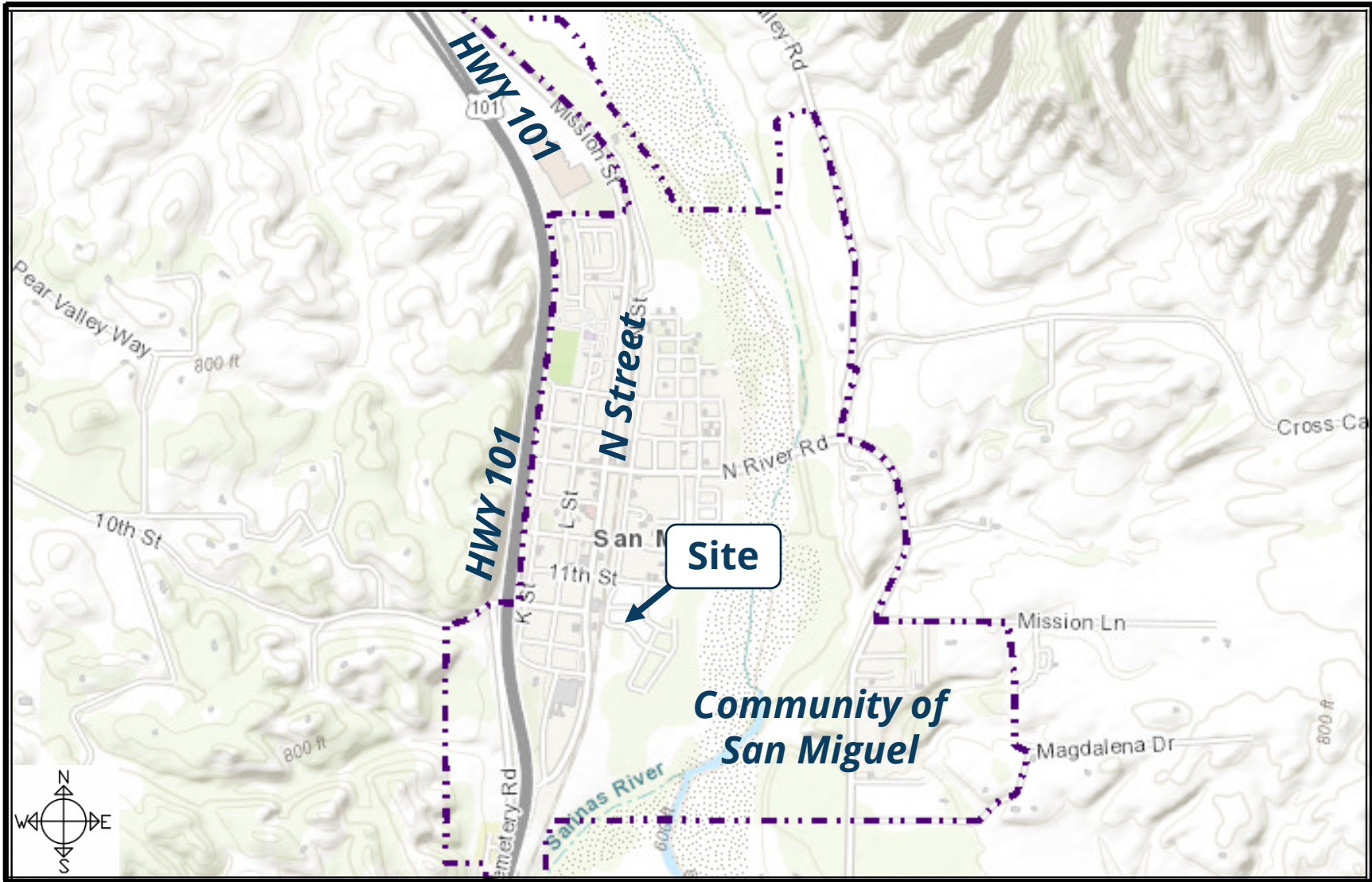
6/16/21

Signature of Agent(s) or Applicant(s)

Date

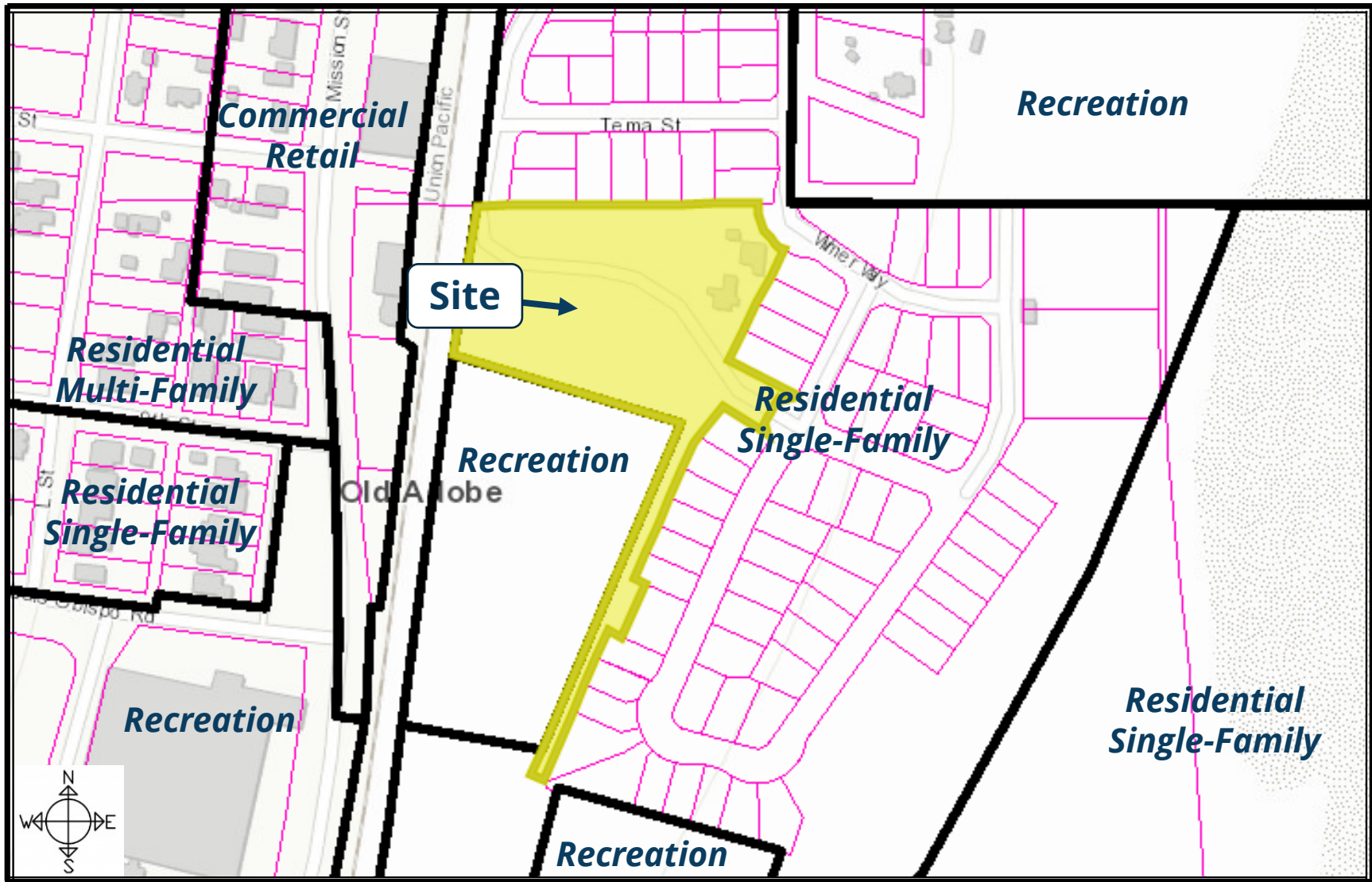
Sheryl Flores, VP/Asst. Sec.

Name (Print)



COUNTY OF SAN LUIS OBISPO

Vicinity Map
SUB2021-00002



COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

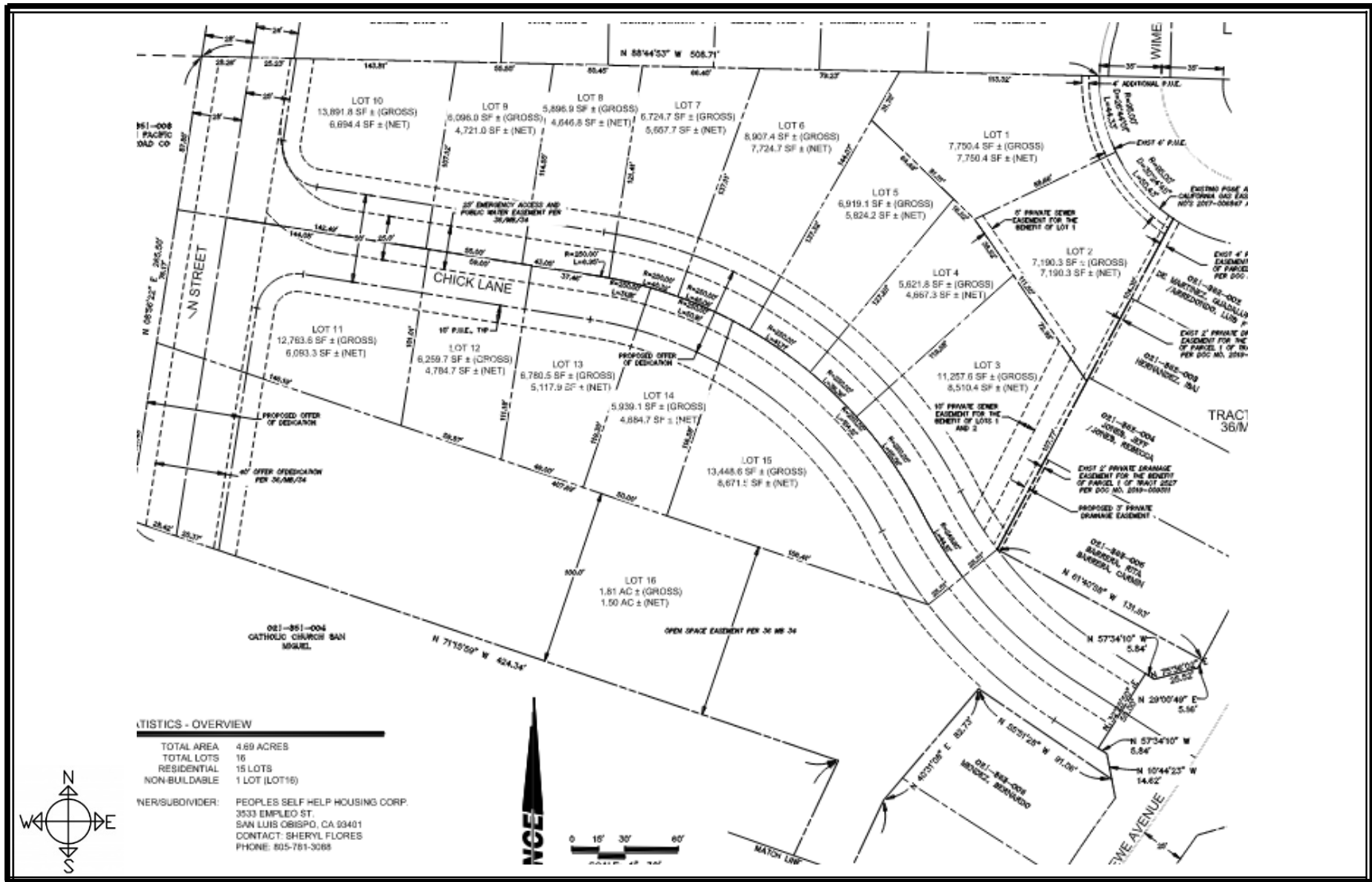
Land Use Category Map
SUB2021-00002

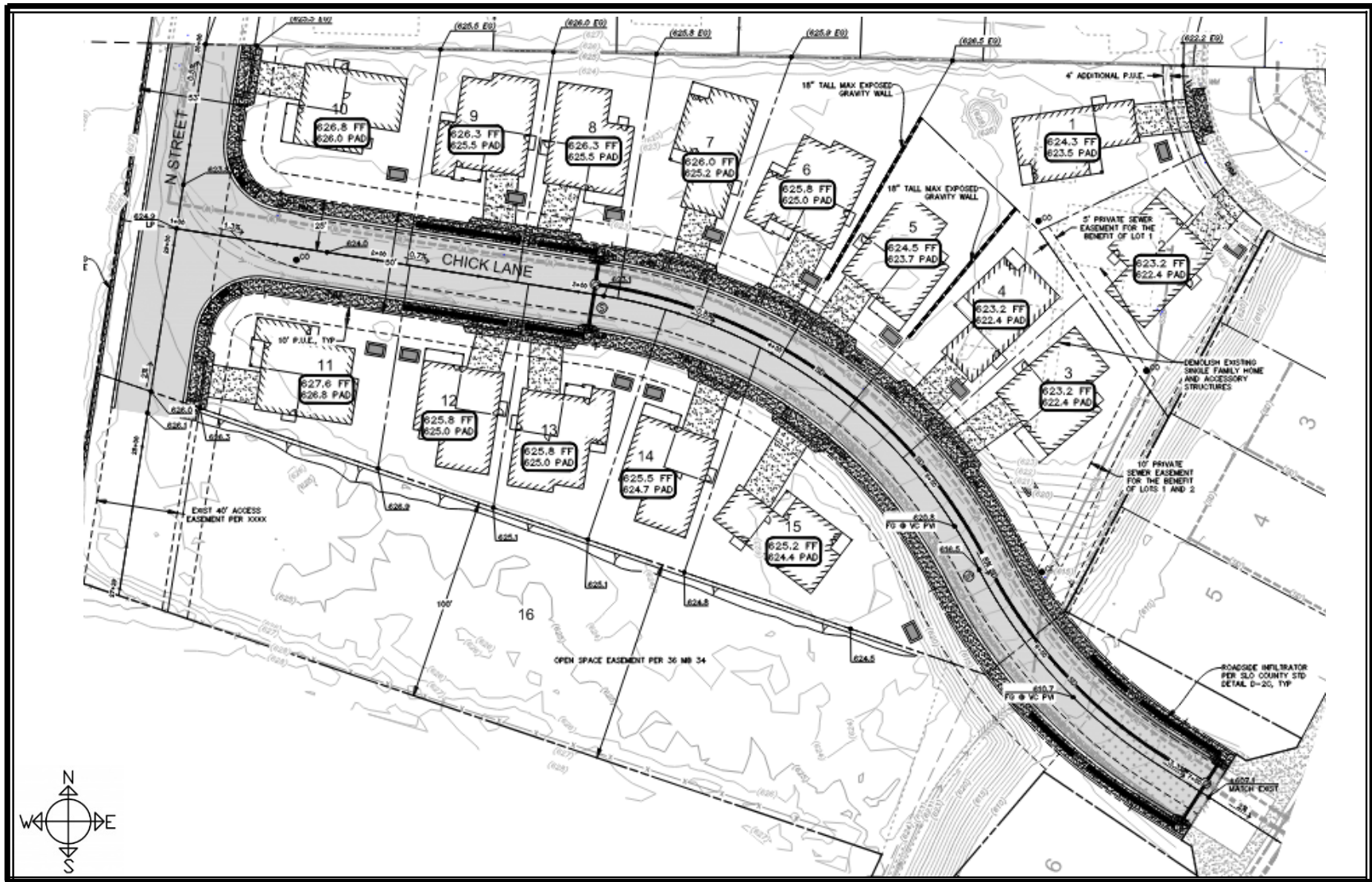


COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

Aerial
SUB2021-00002





COUNTY OF SAN LUIS OBISPO

Proposed Map (Residences)
SUB2021-00002



THIS IS A NEW PROJECT REFERRAL / SUMMARY *

DATE: 2/2/2021
TO: Public Works, Building Division & Stormwater, San Miguel CSD (Water/Sewer/Fire), San Miguel Advisory Council, AB52
FROM: Young Choi, ychoi@co.slo.ca.us

PROJECT NUMBER & NAME: SUB2021-00002 TR3131 Peoples' Self-Help Housing Corporation -San Miguel
PROJECT DESCRIPTION*: Request by Peoples' Self-Help Housing Corporation (PSHH) for a Vesting Tentative Tract Map (Tract 3131) and concurrent Conditional Use Permit (SUB2021-00002) to subdivide an existing 4.69-acre parcel into a Residential Planned Development including: 15 residential parcels ranging from 5,622-square-feet to 13,892-square-feet, 1.81-acre open space lot for public recreational use, and construction of a 15 affordable deed-restricted single-family residence. The project is within the Residential Single-Family land use category and is located at 1051 Wimer Way in the community of San Miguel. The site is located in Salinas River Sub-Area of North County Planning Area.

APN(s): 021-362-001

Please submit comments within 14 days from receipt of this referral. CACs please respond within 60 days. Thank you. In your response, please consider and/or indicate the following:

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE INDICATE (VIA E-MAIL OR PHONE).

County Parks does not want lot 16. Pay Quimby fees.
6/9/21 Erikavanaugh 805/781-4089
Date Name Phone

*All information and/or material provided in the following Referral Package is valid for 90 days after this correspondence. After that time please contact the Project Manager for the most updated information.



Board of Directors

President
Ashley Sangster

Vice President
Anthony Kalvans

Members
Hector Palafox
Raynette Gregory
Ward Roney

General Manager
Rob Roberson

Fire Chief
Rob Roberson

Mission Statement

Committed to serving the community with effectiveness, efficiency, and care to support the economic and social quality of life in San Miguel

Proudly serving San Miguel with:

Fire Protection
Street Lighting
Water
Wastewater
Solid Waste

P.O. Box 180
1150 Mission Street
San Miguel, CA 93451

Tel. 805-467-3388
Fax 805-467-9212

February 10, 2021

Peoples Self Help Housing Corp
Attn: Sheryl Flores
3533 Empleo St
San Luis Obispo CA 93401

Preliminary water and wastewater will serve letter

Assessors Parcel Number 021-362-001
Current associated address 1051 Wimer Way San Miguel CA 93451

Tentative Tract No. 3131 is within the area served by the San Miguel Community Services District. Based upon the projected use by the applicant for 13 New Residential Single-Family Units in addition to replacement of 1 existing Single-Family Unit, the District currently has sufficient water and wastewater capacity committed to serve this project.

The applicant will be responsible for necessary improvements to extend water and sewer services as well as any other water/wastewater system improvements needed to accommodate service to the applicant's property, and any and all requirements under the Uniform Fire Code and the Uniform Plumbing Code.

Plan review and approval is required before any addition or modification to the existing water or wastewater systems be begin. Issuance of a will serve is not an approval of any plans or construction.

Upon payment of all fees and satisfactory review of the final approved plans by the District Engineer and Fire Department, a Final "Will Serve" Letter will be issued by the District. All fees, assessments, charges and the attached Conditions of Approval are dependent on final building plans and are due at issuance of the Final "Will Serve" Letter. These charges will be based on applicable resolutions in effect at that time.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Dodds".

Kelly Dodds
Director of Utilities

FW: [EXT]RE: New Project Referral SUB2021-00002 (TR3131) Peoples' Self-Help Housing Corporation –San Miguel

Young L. Choi <ychoi@co.slo.ca.us>

Tue 2/9/2021 9:09 AM

To: sherylf_pshhc.org <sherylf@pshhc.org>

Cc: Kylie Hensley <khensley@co.slo.ca.us>

This is the response from the San Miguel CSD. I will forward you any referral responses as received.

Thank you,

Young Choi**Planner**

(p) 805-788-2086

ychoi@co.slo.ca.us

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING**

From: Kelly Dodds <kelly.dodds@sanmiguelcsd.org>

Sent: Tuesday, February 09, 2021 8:10 AM

To: Young L. Choi <ychoi@co.slo.ca.us>

Cc: rob.roberson_sanmiguelcsd.org <rob.roberson@sanmiguelcsd.org>; Fire Prevention <fireprevention@sanmiguelcsd.org>

Subject: [EXT]RE: New Project Referral SUB2021-00002 (TR3131) Peoples' Self-Help Housing Corporation –San Miguel

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good Morning

I have reviewed the project referral SUB2021-00002 (TR3131)

At this time the only comment that I have, at this time, is that they will need to submit an application to the District for this project.

Thank You

Kelly Dodds

Director of Utilities

San Miguel Community Service District

Emi D. Sugiyama

From: Sheryl Flores <sherylf@pshhc.org>
Sent: Monday, June 7, 2021 12:02 PM
To: Emi D. Sugiyama
Subject: [EXT]FW: FW: UPRR Public Project Inquiry #2521, Coast Sub, MP 204.11, San Miguel, CA

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Response from UPRR – no comments

From: Daniel B. Parker <dbparker@up.com>
Sent: Monday, June 7, 2021 11:59 AM
To: Sheryl Flores <sherylf@pshhc.org>
Cc: Peter Kenney <pkenney@up.com>
Subject: RE: FW: UPRR Public Project Inquiry #2521, Coast Sub, MP 204.11, San Miguel, CA

[EXTERNAL]

I don't have any comments. Thank you

Dan Parker

Senior Manager - Real Estate | Union Pacific Railroad

Union Pacific Center | 1400 Douglas St., STOP 1690 | Omaha, NE 68179
Phone: 402.544.8624 | dbparker@up.com

This correspondence is not intended as, and does not constitute, a binding agreement by any party, or an agreement by any party to enter into a binding agreement. A contract will not exist unless and until Union Pacific Railroad Company Management approval has been obtained and the parties have executed a formal Agreement, approved by their respective counsel, and confirmed by UP operating and network planning stakeholders that the property in question is not needed for UP's present or future rail operations and the sale of the property rights in question would not interfere with UP's rail operations, regarding the subject matter of the correspondence and containing all other essential terms of an agreed upon transaction which terms shall be subject to future negotiations by the parties at their sole discretion.

From: "Sheryl Flores" <sherylf@pshhc.org>
To: "Peter Kenney" <pkenney@up.com>
Cc: "Daniel B. Parker" <dbparker@up.com>
Date: 06/07/2021 01:32 PM
Subject: RE: FW: UPRR Public Project Inquiry #2521, Coast Sub, MP 204.11, San Miguel, CA

*** PROCEED WITH CAUTION – This email was sent from outside the Company ***

Checking back to see if you had any comments regarding our proposed projects.