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 ED21-159-PL **DATE:** October 15, 2021

PROJECT/ENTITLEMENT: Dudynsky, Variance, DRC2019-00288

APPLICANT NAME: Ivan Dudynsky (Agent: Kirk Consulting) **Email:** lacey@kirk-consulting.com
ADDRESS: 8830 Morro Road, Atascadero, CA 93422
CONTACT PERSON: Lacey Zubak **Telephone:** (805) 461-5765

PROPOSED USES/INTENT: A request by Ivan Dudynsky and Audrey Morrisey for a Variance (DRC2019-00288) to allow grading on slopes greater than 30 percent for the purpose of constructing two residences with associated utilities, septic leach field, water storage and a ground-mounted photovoltaic array. The project will result in the disturbance of approximately 58,436 square feet on an approximately 13.4-acre property.

LOCATION: The proposed project is within the Agriculture land use category and is located at 2281 Kiler Canyon Road about three miles west of the City of Paso Robles. The project site is in the Adelaida Sub-Area of the North County Inland 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 AT .....4:30 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.

Signature	Name	Date	Public Agency
	Emi Sugiyama		County of San Luis Obispo

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Dudynsky Variance ED21-159-PL DRC2019-00288

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Public Services
☐ Agriculture & Forestry Resources	☒ Hazards & Hazardous Materials	☐ Recreation
☒ Air Quality	☒ Hydrology & Water Quality	☐ Transportation
☒ Biological Resources	☒ Land Use & Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities & Service Systems
☐ Energy	☐ Noise	☐ Wildfire
☒ Geology & Soils	☐ Population & Housing	☒ Mandatory Findings of Significance

DETERMINATION:

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

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David Moran and Emi Sugiyama			10/15/2021
Prepared by (Print)	Signature		Date
Schani Siong	Schani Siong Digitally signed by Schani Siong DN: C=US, E=ssiong@co.slo.ca.us, CN=Schani Siong Reason: I have reviewed this document Date: 2021.10.15 11:02:41-07'00'	For Xzandrea Fowler, Environmental Coordinator	10/15/2021
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 **Ivan Dudynsky and Audrey Morrisey** for a Variance to allow grading on slopes greater than 30 percent for the purpose of constructing two residences with associated utilities, septic leach field, water storage and a ground-mounted photovoltaic array. The project will result in the disturbance of approximately 58,436 square feet (sf) including about 13,000 sf of disturbance on slopes greater than 30 percent and will include 3,749 cubic yards (cy) of cut, 801 cy of fill and 2,948 cy of export. The project site will be served by an existing well and will include the construction of a septic leach field to serve both residences. The project site consists of 13.4 acres located at 2281 Kiler Canyon Road about three miles west of the City of Paso Robles. The project site is in the Agriculture land use category and is in the Adelaida Sub-Area of the North County Inland Planning Area.

The project location is shown in Figure 1; an aerial view of the project vicinity is provided in Figure 2. The site plan (Figures 5 and 6) shows a 16-foot-wide all-weather access road extending to the south and east from Kiler Canyon Road through dense oak woodlands to serve the two building sites. The building site for the Phase I residence is in a bowl-shaped clearing about 135 feet upslope from the driveway on Kiler Canyon Road. The building site for the Phase II residence is located on a knoll in a relatively level clearing about 240 feet further upslope to the southeast. The septic leach field, water tanks and PV array will be constructed on relatively level ground near the top of the slope near the southern property line. The project will be constructed in two phases as summarized in Table 1.

Based on the preliminary grading plan (Figure 7) the project will involve about 13,000 sq.ft. (0.30 acres) of grading on slopes greater than 30 percent. The two dwellings will be designed to step down the slope as shown by the preliminary elevations provided in Figure 8. As shown in Figure 9, a total of 28 oak trees will be removed to construct the driveway and residences; 30 oak trees will be impacted.

Table 1 – Project Components and Phasing

Phase	Project Component	Area (Approx.)
Phase I	Construct First Single-Family Residence	2,896 sq.ft.
	19.1 kW Solar Array	900 sq.ft.
	Driveway with All-Weather Surface with Service/Ag Road	19,000 sq.ft.
	1,000 Gallon Septic Tank with Accessory Structure	300 sq.ft.
	Septic Leach Field	2,350 sq.ft.
	Two, 9,500 Gallon Water Storage Tanks	800 sq.ft.
	Misc. (pool, utilities, etc.)	3,000 sq.ft.
Sub-Total:		31,246 sq.ft.
Phase II	Convert 1,698 sq.ft. Portion of Phase I residence to Studio	1,698 sq.ft.[1]
	Construct Second Single-Family Residence	4,646 sq.ft.
	Extend Driveway with All-Weather Surface to Serve Second Dwelling	18,000 sq.ft.
	Misc. (decks, pool, utilities, etc.)	4,544 sq.ft.
Sub-total:		27,190 sq.ft.
Total Area of Disturbance:		**58,436 sq.ft.**

Source: Application materials

Notes:

1. Included in floor area of Phase I residence.

Baseline Conditions

The project site is vacant and consists of a single lot of record of 13.4 acres. Vehicular access is provided by an unimproved driveway onto Kiler Canyon Road, an un-paved public right-of-way that serves ranches and rural residences west of the City of Paso Robles. Water is provided by an existing on-site well. The topography is steep, and the site is covered with dense stands of coast live oak. Surrounding land uses include orchards, vineyards and rural residences on parcels ranging in size from 10 acres to over 100 acres. Owing to the dense vegetative cover, the project site has not been used for agriculture.

Ordinance Modification. No ordinance modifications are required for this project.

Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 026-371-003

Latitude: 35º 36' 21.40" N **Longitude:** 120.º 43'' 42.47"W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: North County **Sub:** Adelaida **Comm:** Rural

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 13.4 acres

Topography: Moderately sloping to steeply sloping

Vegetation: Oak woodland Grasses

Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses ***East:*** Agriculture; agricultural uses

South: Agriculture; agricultural uses ***West:*** Agriculture; agricultural uses

Figure 1 -- Project Location

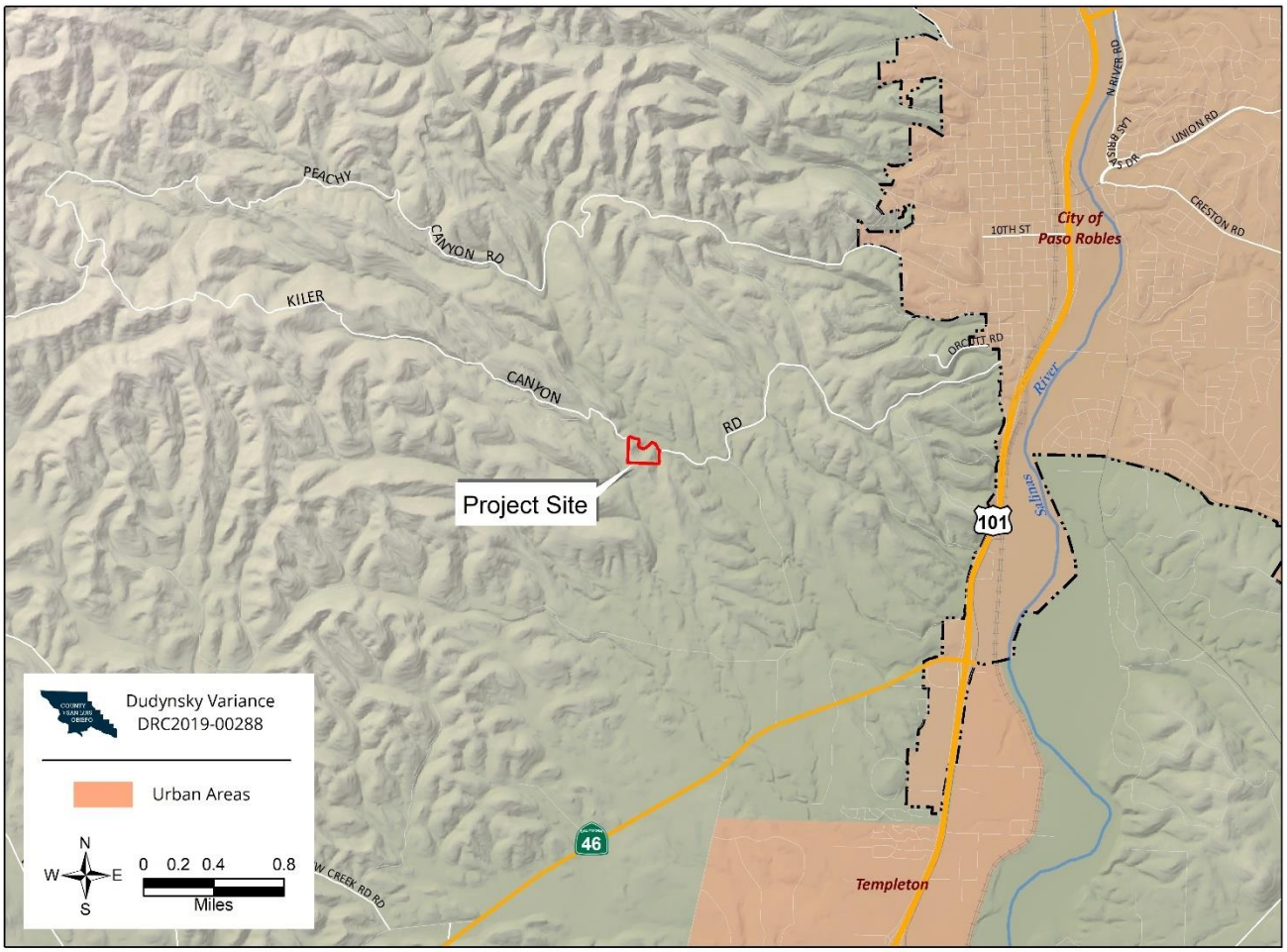


Figure 2 – Project Vicinity

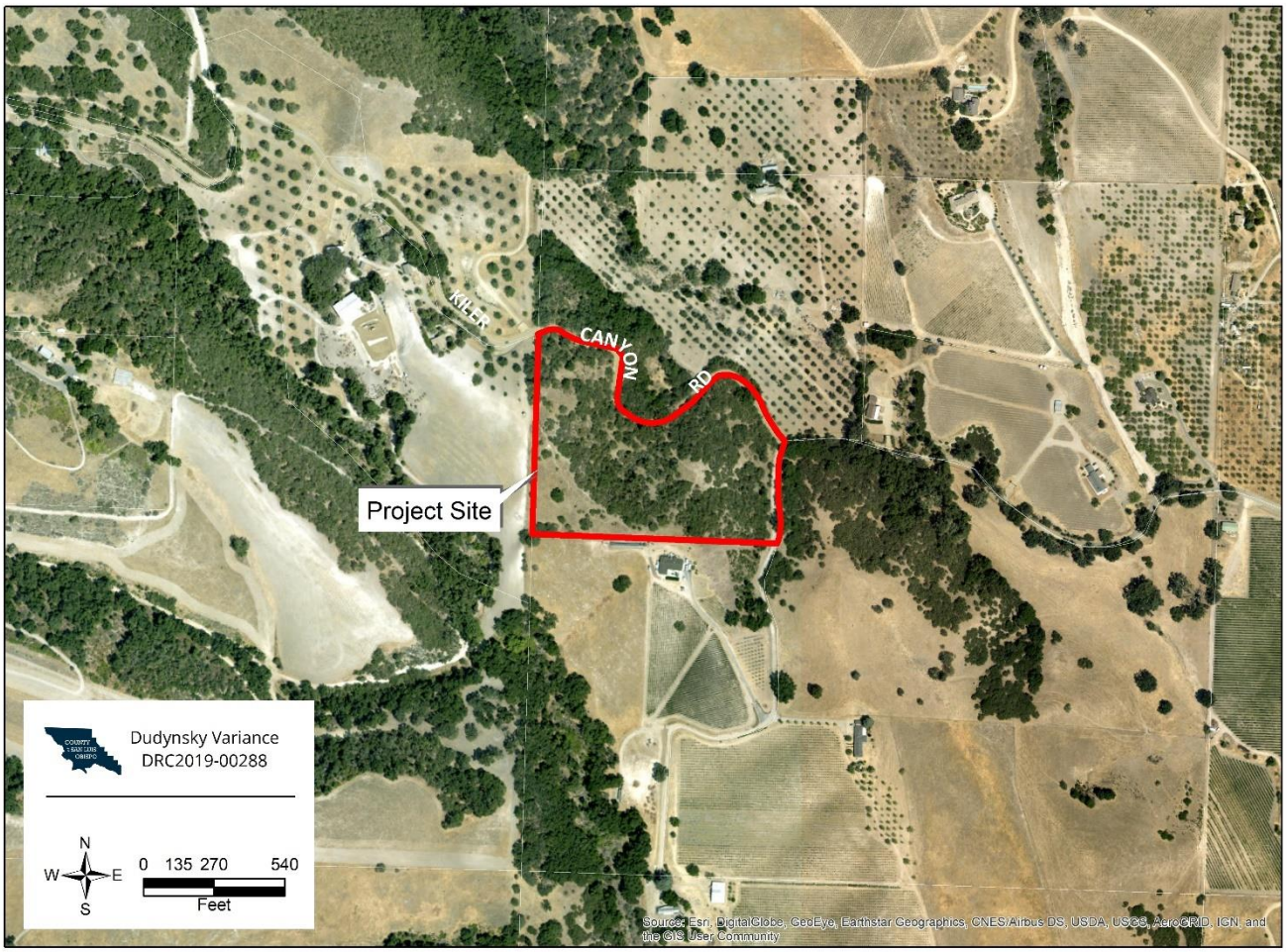


Figure 3 – Aerial View of the Project Site

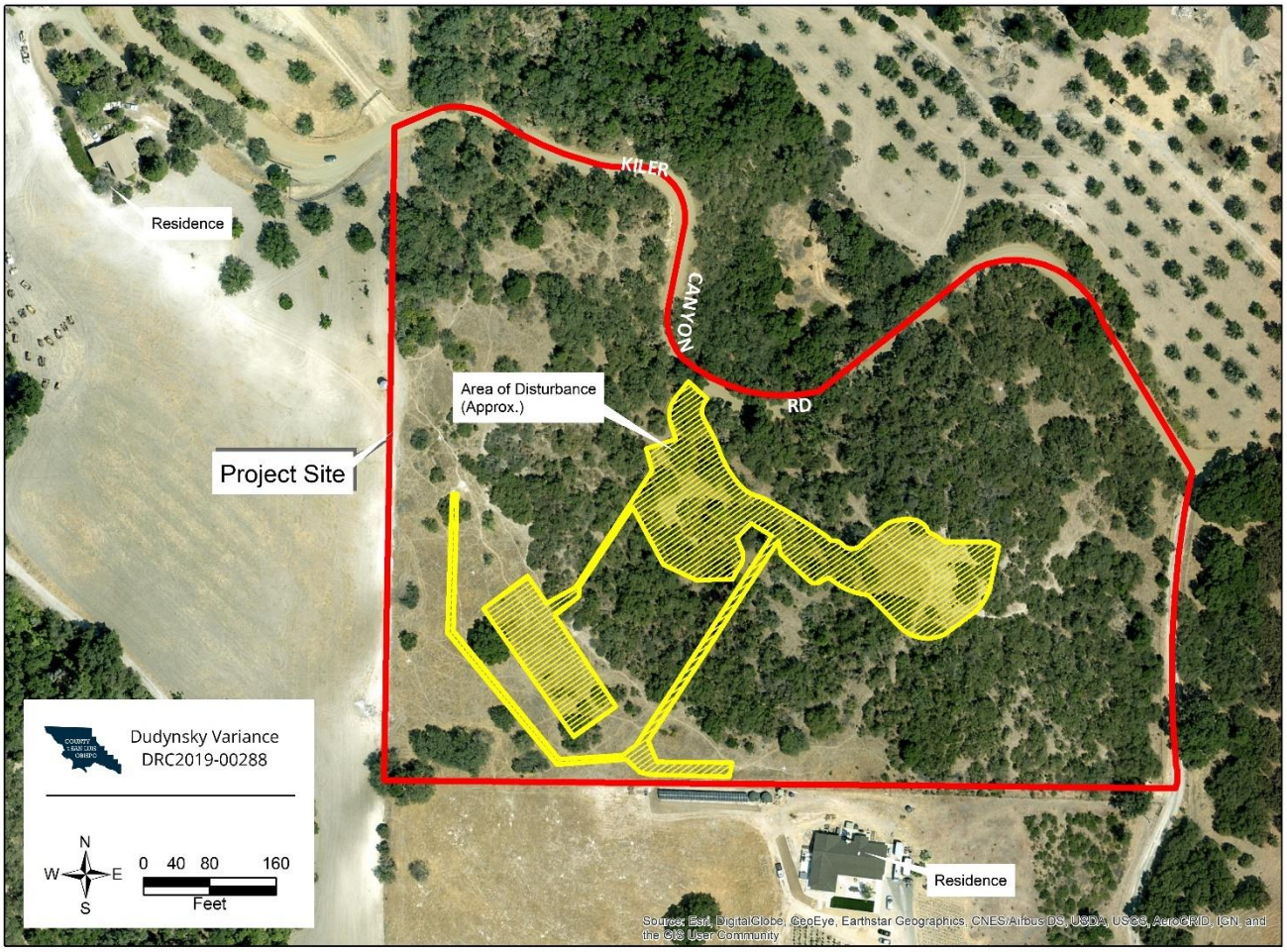
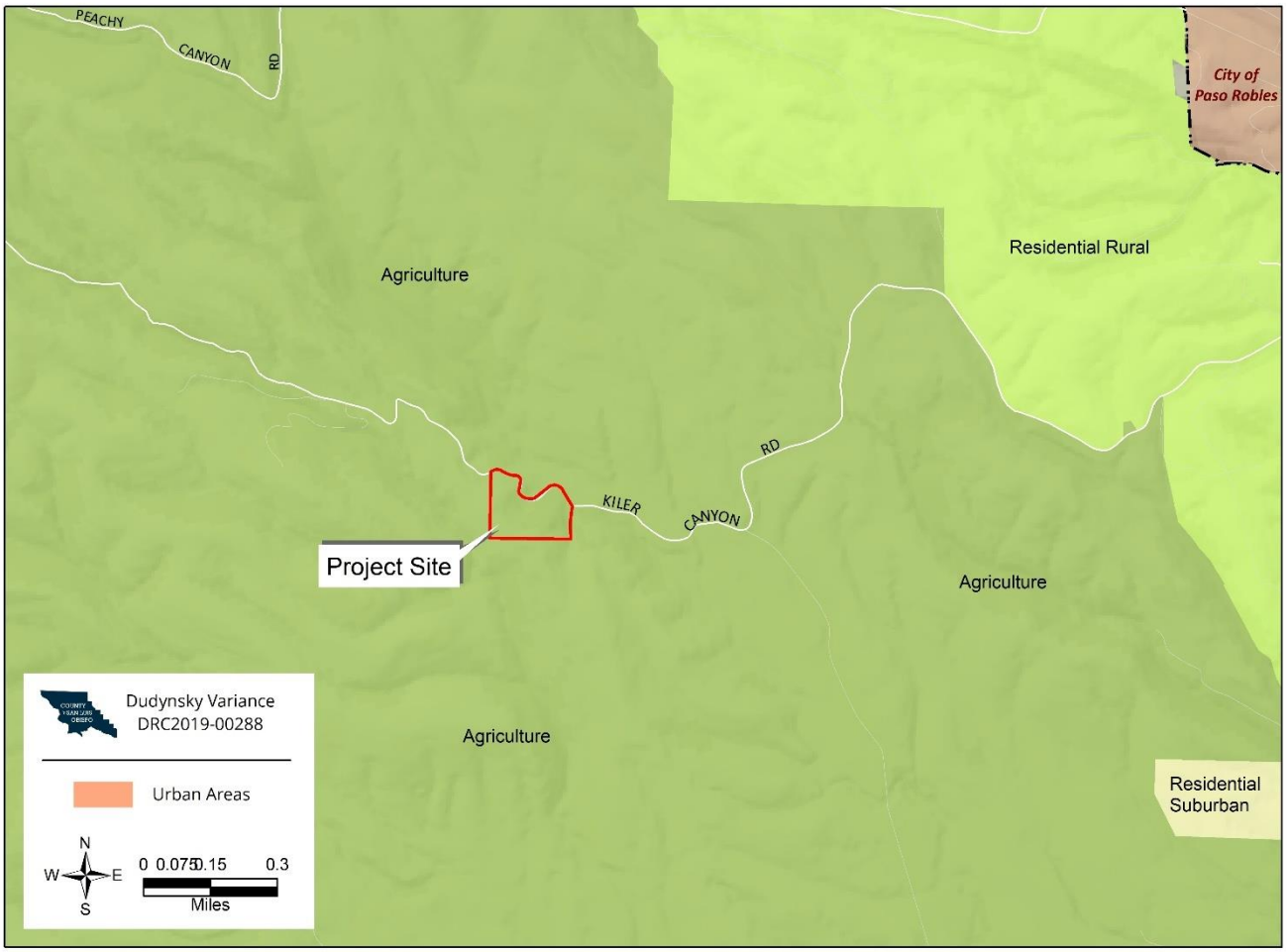


Figure 4 – Land Use Categories



Initial Study – Environmental Checklist

Figure 5 -- Overall Site Plan

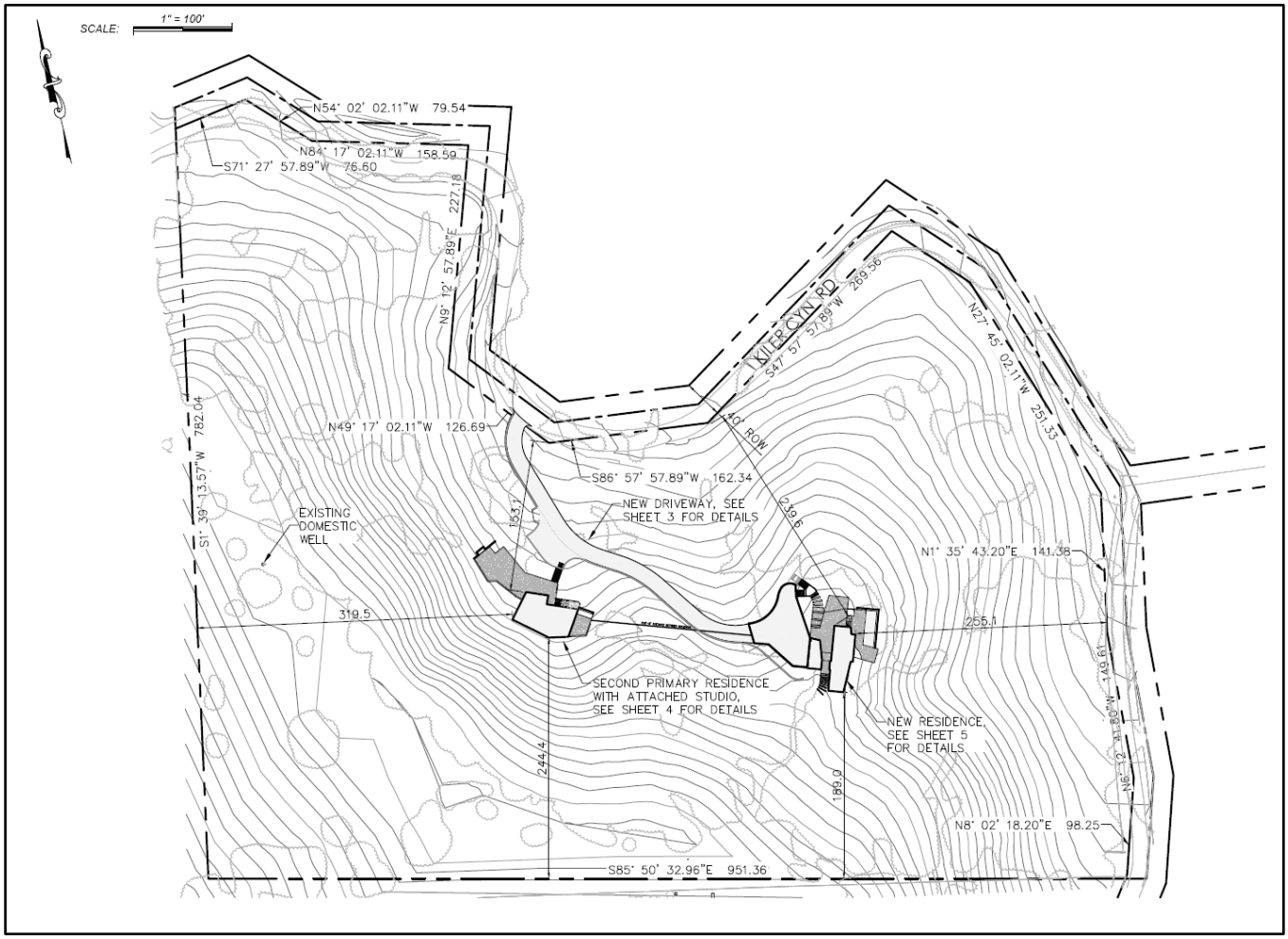
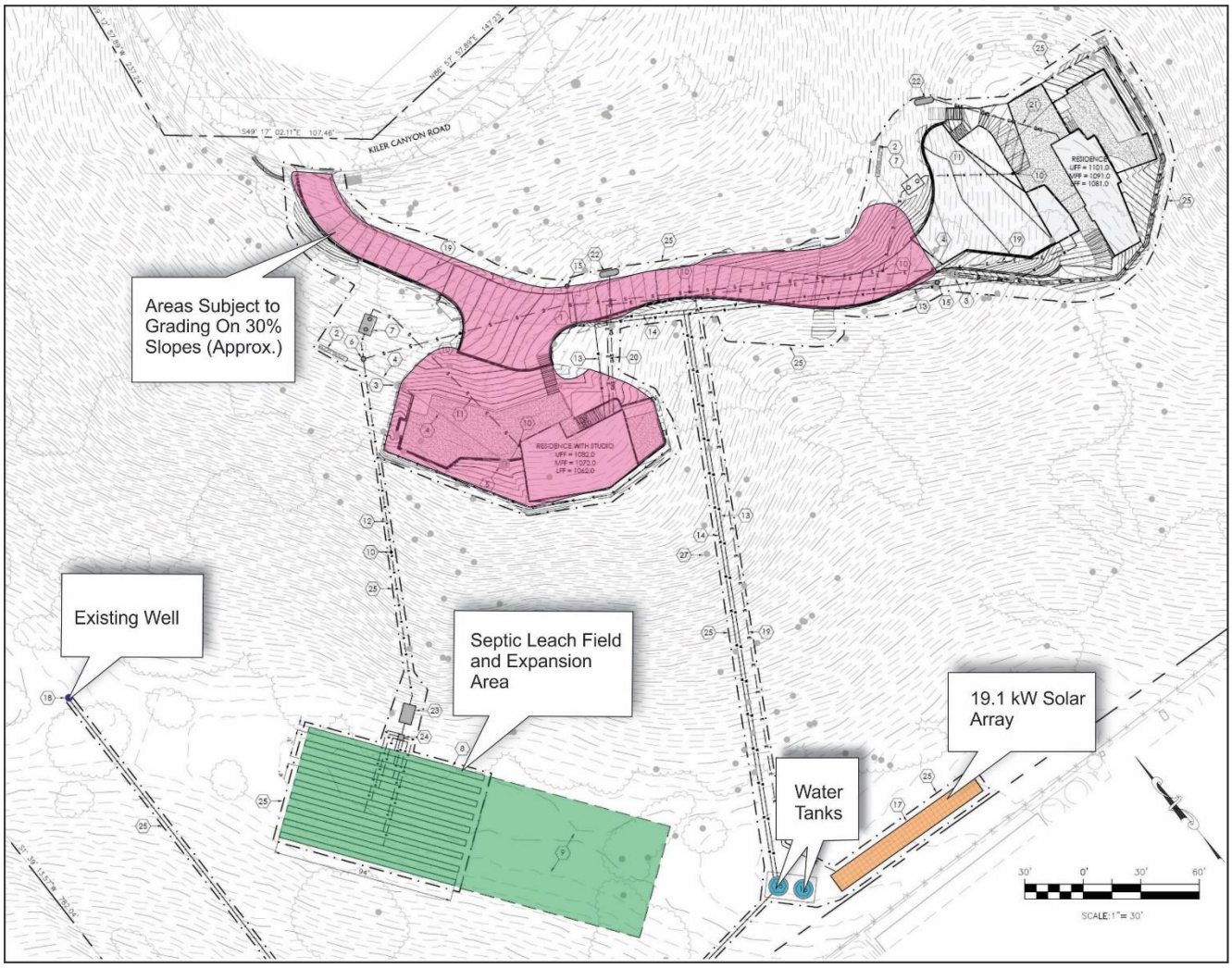


Figure 6 – Preliminary Grading and Utility Plan

Initial Study – Environmental Checklist



Initial Study – Environmental Checklist

Figure 7 – Slopes

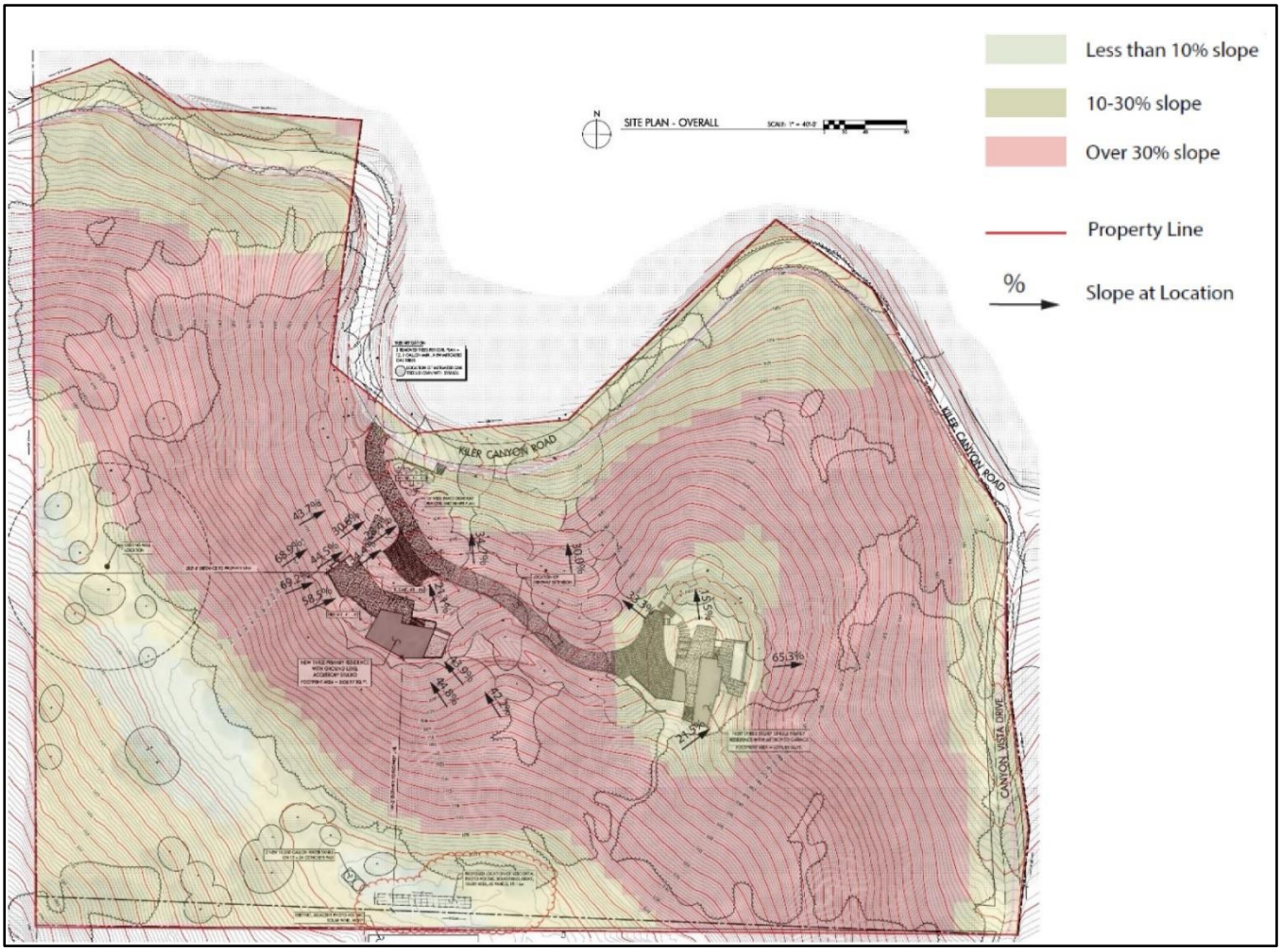
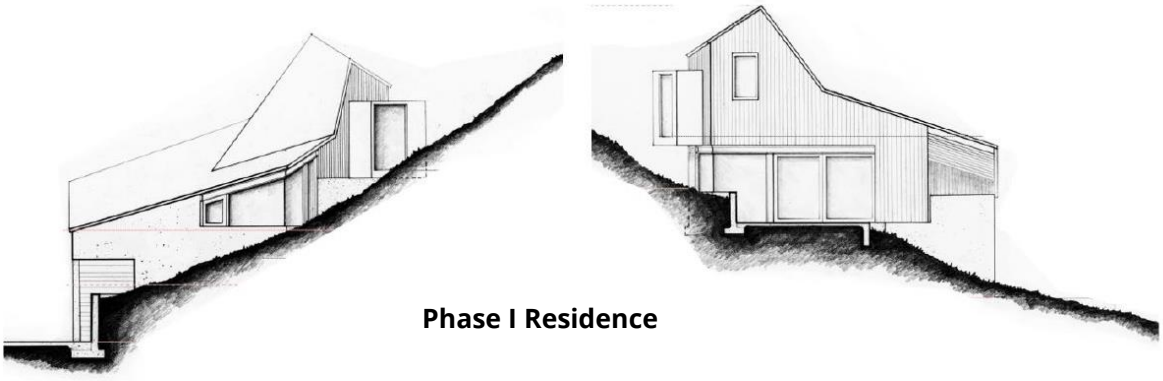


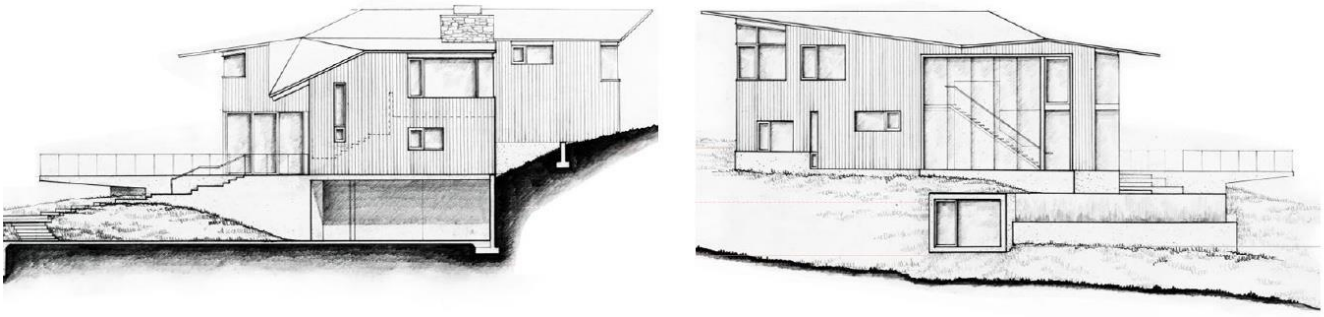
Figure 8– Elevations



WEST EXTERIOR ELEVATION OF 2ND PRIMARY RESIDENCE SCALE: 1/8" = 1'-0"
WITH ATTACHED ACCESSORY STUDIO

EAST EXTERIOR ELEVATION OF 2ND PRIMARY RESIDENCE SCALE: 1/8" = 1'-0"
WITH ATTACHED ACCESSORY STUDIO

Phase I Residence



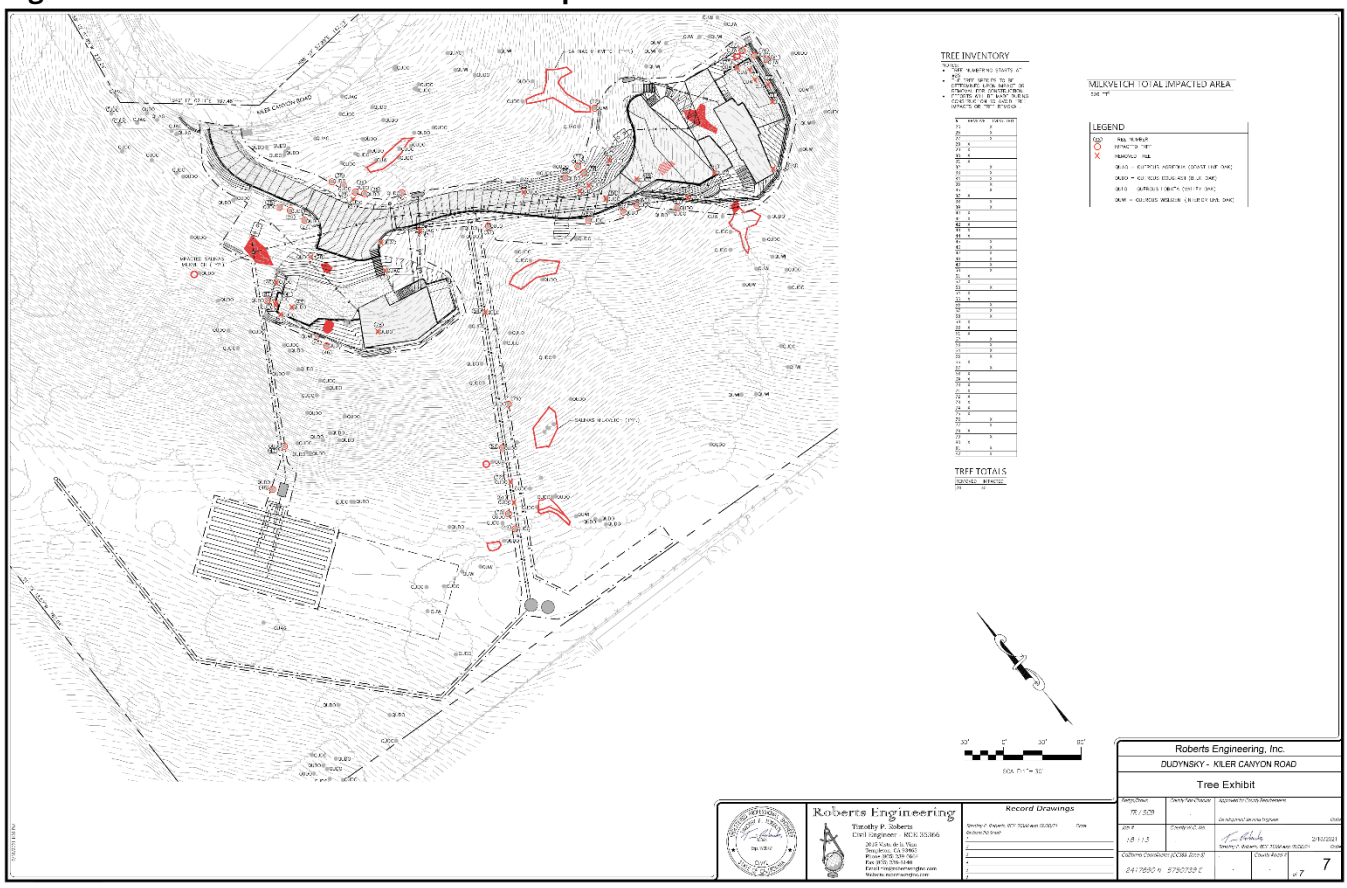
WEST EXTERIOR ELEVATION OF PRIMARY RESIDENCE SCALE: 1/8" = 1'-0"

EAST EXTERIOR ELEVATION OF PRIMARY RESIDENCE SCALE: 1/8" = 1'-0"

Phase II Residence

Initial Study – Environmental Checklist

Figure 9 – Oak Tree and Sensitive Plant Impact Areas



C. Environmental Analysis

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

I. AESTHETICS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:					
(a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting

The project site consists of 13.4 acres located in a rural area of the county west of the City of Paso Robles where the primary land use is agriculture (vineyards, orchards and livestock grazing) on parcels ranging in size from 10 acres to over 100 acres. The project site takes access from Kiler Canyon Road, a County-maintained rural collector that is unpaved in the vicinity of the project site and serves ranches and rural residences in the area. Traffic counts taken on Kiler Canyon Road west of Arbor Road in 2018 revealed 152 Average Daily Trips and 19 afternoon peak hour trips. Near the project site, Kiler Canyon Road follows a meandering path through vineyards and orchards with scattered oak-covered hillsides; the overall visual quality of the area is high.

Topography of the project site consists of steep slopes rising to the south from Kiler Canyon Road. As discussed in the Baseline Conditions, the project site is undeveloped and served by an unimproved ag road.

Conservation and Open Space Element. The Conservation and Open Space Element (COSE) identifies several goals for visual resources in rural parts of the county:

- **Goal VR 1:** The natural and agricultural landscape will continue to be the dominant view in rural parts of the county.
- **Goal VR 2:** The natural and historic character and identity of rural areas will be preserved.
- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.

Some of the strategies identified to accomplish the goals listed above include encouraging project designs that emphasize native vegetation and conforming grading to existing natural forms, as well as ensuring that new development follows the Countywide Design Guidelines to protect rural visual and historical character.

Countywide Design Guidelines. The Countywide Design Guidelines identify objectives for both urban and rural development. Rural area guidelines applicable to the project include the following:

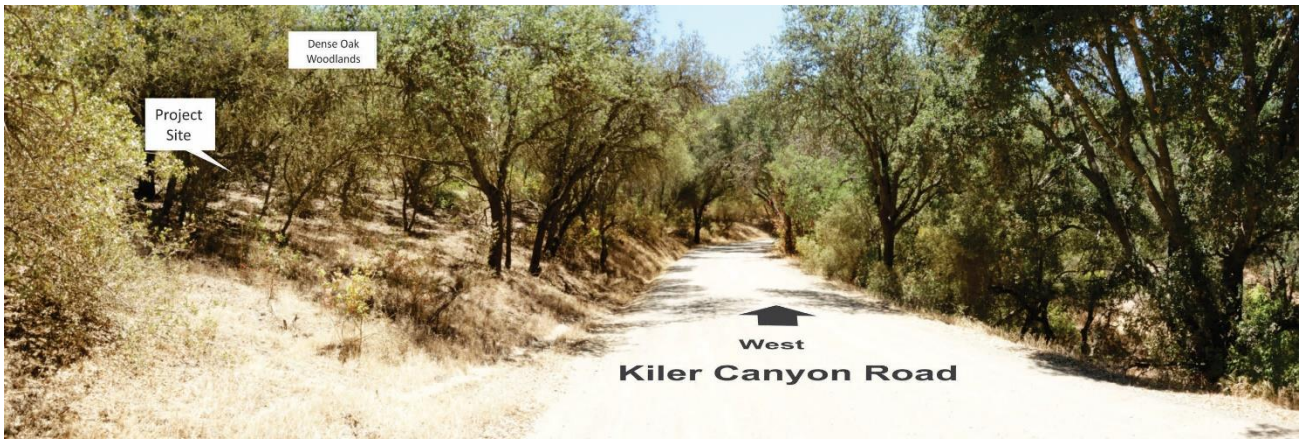
- **Objective RU-5:** Fences and screening should reflect an area's rural quality.
- **Objective RU-7:** Landscaping should be consistent with the type of plants naturally occurring in the County and should limit the need for irrigation.

Inland Land Use Ordinance. The Land Use Ordinance sets forth standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category.

Sensitive Resource Combining Designation. LUO Section 22.96.020 (C.) sets forth combining designation standards for Sensitive Resource Areas including visual resources. The project site is not within the Sensitive Resource Combining Designation area.

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1. None of the roadways in the area are identified as a Suggested Scenic Corridor by Table VR-2 of the Conservation and Open Space Element.

Figure 11 -- Views of the Project Site from Kiler Canyon Road



Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. If the project substantially degrades the scenic landscape as viewed from public roads, or designated scenic routes, or from other public or recreation areas, this would be considered a potentially significant impact on the scenic vista.

While the project vicinity has high scenic value and an appealing rural and agricultural character, it is not considered a scenic vista as it does not offer expansive public views of a highly valued landscape and is not officially or unofficially designated as a scenic vista. Therefore, the project would not result in a substantial adverse effect on a scenic vista, and *no impacts would occur.*

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

The project site is not located along, nor visible from, a designated state scenic highway or eligible state scenic highway (Caltrans 2021), or a Suggested Scenic Corridor identified by Table VR-2 of the Conservation and Open Space Element. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts* would result.

(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 proposes construction of two single family residences, an all-weather access road, as well as water tanks and a photovoltaic array. Construction will involve significant grading on slopes in

excess of 30 percent which in turn will result in cut slopes and retaining walls as high as 10 feet in some areas.

As discussed in the project description, the building site for the Phase I residence is in a bowl-shaped clearing about 135 feet upslope from the driveway on Kiler Canyon Road. The building site for the Phase II residence is in a relatively level knoll about 240 feet further upslope to the southeast. The water tanks and PV array will be constructed on relatively level ground near the top of the slope near the southern property line.

Both residences will be multi-story structures in which the building pad will be excavated from the hillside to allow the foundation to step down the slope (Figure 8). This approach will break up the apparent mass of each building and allow the structures to conform to the topography of the site. Both residences will be designed and located so that they will not "daylight" above the ridgeline when viewed from Kiler Canyon Road, the primary public viewing vantage point for the project site.

Figures 12 and 13 show areas (in green) with a line-of-sight view of the building sites for each residence. Figure 12 suggests that the residence and associated grading and roadway improvements for Phase I may be visible from a small section of Kiler Canyon Road. Figure 13 indicates that the improvements for the residence proposed for Phase II may be visible to a slightly longer stretch of Kiler Canyon Road.

Figure 12 -- Areas (In Green) With A Line-of-Sight View of the Building Site for the Phase I Residence

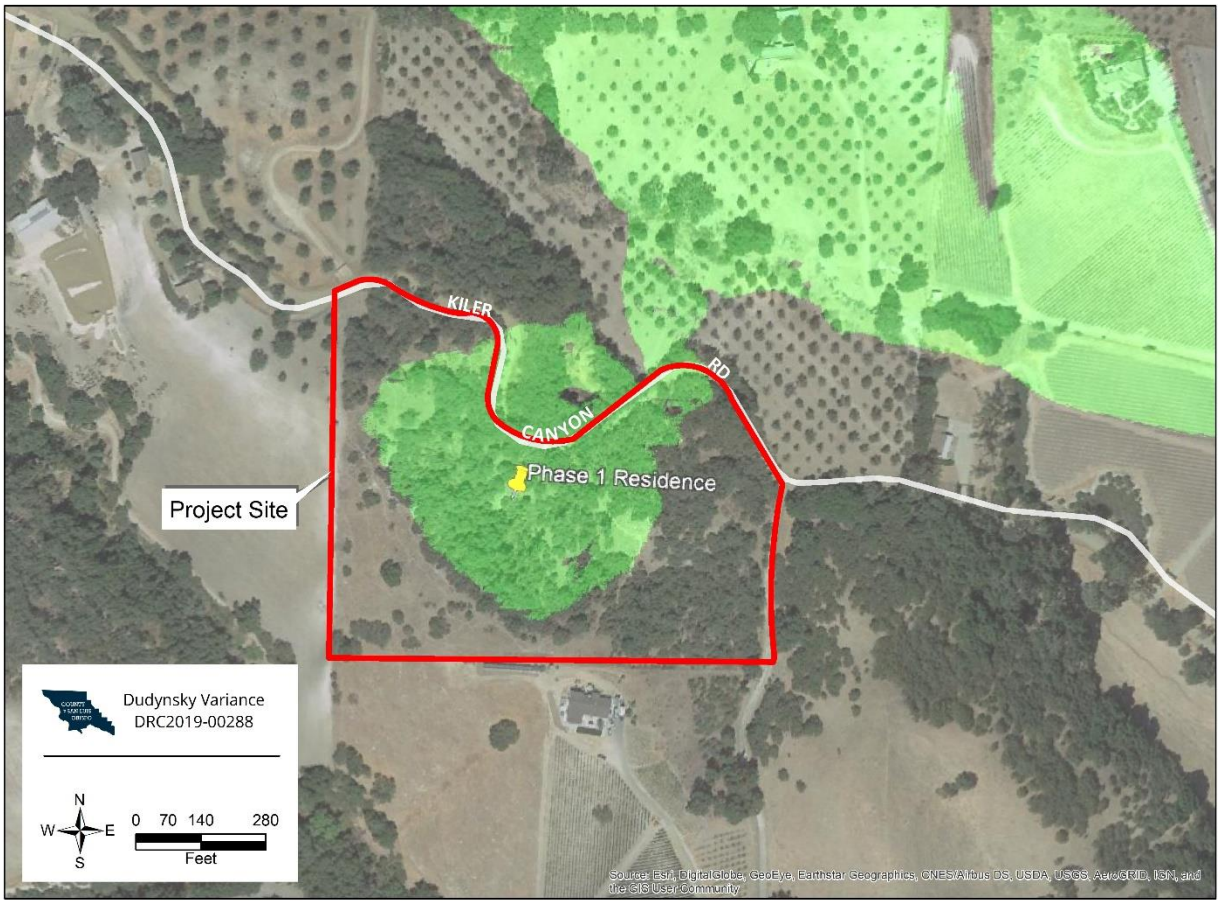
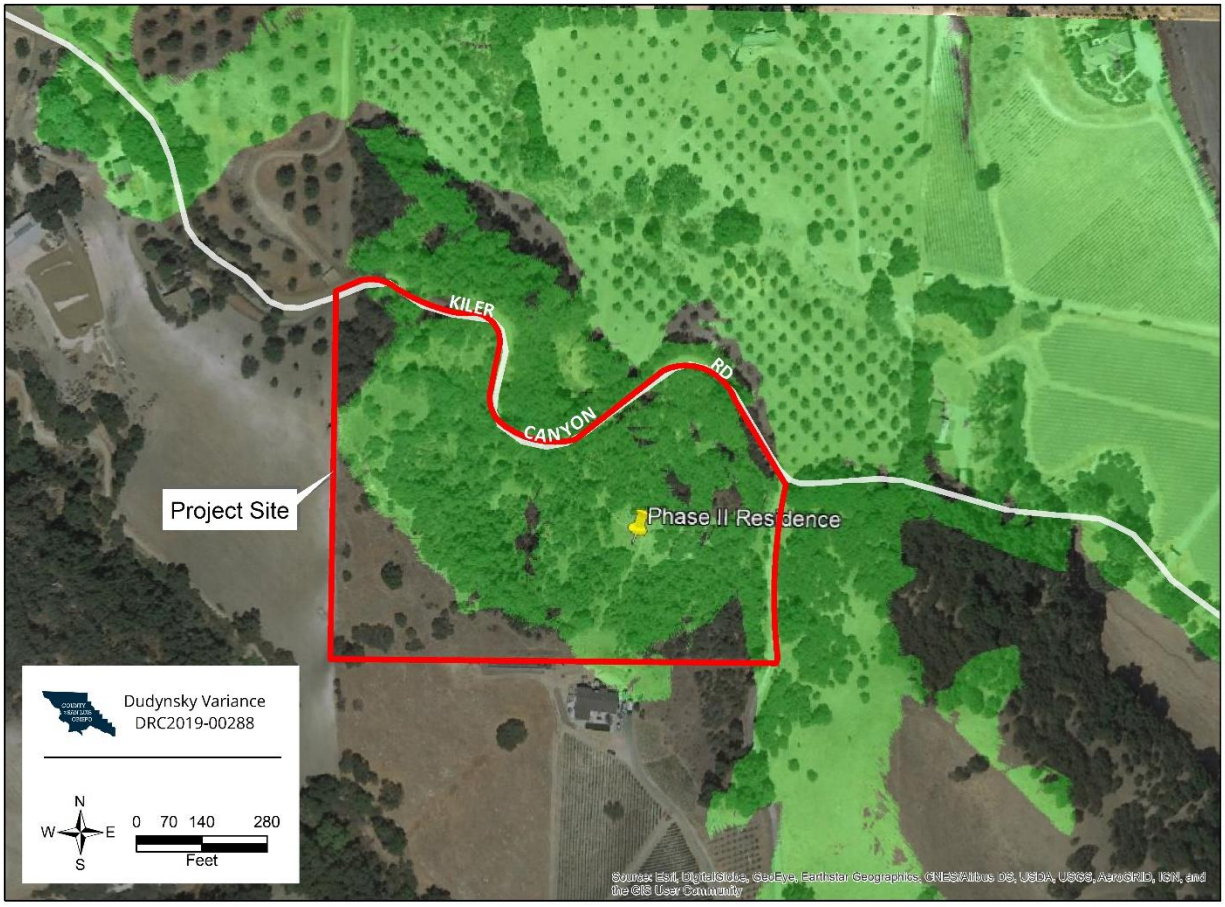


Figure 13 -- Areas (In Green) With A Line-of-Sight View of the Building Site for the Phase II Residence



The project also includes the placement of two, 9,500 gallons water storage tanks and a PV array on a relatively level area at the southern (upper) portion of the site. The water tanks would be 18 feet tall and would be placed on a foundation. The PV array would be at most 10 feet above the natural grade.

In addition to buildings, utilities and roadway improvements, the project will result in the removal of 28 mature oak trees of various sizes (Figure 9) for construction of the access roadway and building sites. Some degree of pruning of native mature trees is also likely to occur to allow construction access as well as to accommodate permanent driveway geometrics.

As designed, the project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings and will have a *less than significant impact* on public views because:

- The primary vantage for public views of the project site is Kiler Canyon Road. Near the project site, vehicular traffic is very light and opportunities to view the project site by the public are minimal.

- While the viewshed analysis provided in Figures 12 and 13 suggests that project improvements may be visible briefly from a short section of Kiler Canyon Road, the analysis does not account for the screening provided by the intervening vegetation. As shown in Figure 11, the site and associated roadway, structural and utility improvements will be substantially screened from view from Kiler Canyon Road by dense stands of oak woodland.
- Each residence will be designed to conform to the underlying slope and will be excavated into the hillside to reduce the apparent mass of each building.
- The project description includes an Oak Tree and Rare Plant Mitigation Plan (Terra Verde, May 2021) that recommends the establishment of an open space easement on the project site of sufficient area and location to permanently protect at least 172 remaining oak trees (including saplings), based on a mitigation ratio of 4:1 for oak trees to be removed, and 2:1 for oak trees that may be impacted by the project. The Mitigation Plan provides for ongoing maintenance and monitoring that will ensure the mitigation program achieves the desired objectives. Preserving the remaining oak trees on site will ensure project components will continue to be screened from public view for the life of the project.

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

The project would result in a significant impact if it subjects public viewing locations to a substantial amount of point-source lighting visibility at night, or if project illumination results in a noticeable spillover effect into the nighttime sky, increasing the ambient light over the region. The placement of lighting, source of illumination, and fixture types combined with viewer locations, adjacent reflective elements, and atmospheric conditions can affect the degree of change to nighttime views. If the project results in direct visibility of a substantial number of light sources or allows a substantial amount of light to project toward the sky, significant impacts on nighttime views and aesthetic character would result.

Because of the screening provided by the surrounding dense vegetation, and the low volume of traffic on Kiler Canyon Road, the potential for night lighting to be seen from public viewpoints in the surrounding area is low. The project will be conditioned to comply with County standards for lighting provided by LUO 22.10.060 which requires exterior lighting to be shielded and directed in such a way as to not shine offsite.

Therefore, potential impacts associated with the creation of a new source of substantial light would be *less than significant.*

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. Compliance with County standards for lighting will reduce potential impacts associated with lighting to less than significant. Therefore, impacts to aesthetic resources would be less than significant.

Mitigation

None are required.

Sources

Provided in Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:				
(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?	☐	☐	☐	☒
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
(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))?	☐	☐	☐	☒
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☒	☐	☐
(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?	☐	☐	☒	☐

Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland,

Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

Chapter 6 of the County COSE identifies resource management goals, policies, and strategies to protect agricultural soils from conversion to urban and residential uses. Important Agricultural Soils within the County are identified in Table SL-2 of the COSE and Policy SL 3.1 states that proposed conversion of agricultural lands to non-agricultural uses shall be evaluated using the applicable policies in the COSE and Agricultural Element.

Soils of the site are described in detail below. The acreage and corresponding farmland classifications are provided in Table 2.

Map Unit: 152—Linne-Calodo complex, 9 to 30 percent slopes

Linne: 30 percent

The Linne component makes up 30 percent of the map unit. Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This component is in the R015XE103CA Gravelly Fine Loamy ecological site. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 6 percent. There are no saline horizons within 30 inches of the soil surface.

Calodo: 25 percent

The Calodo component makes up 25 percent of the map unit. Slopes are 15 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or residuum weathered from calcareous sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R015XE043CA Shallow Fine Loamy ecological site. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 6 percent. There are no saline horizons within 30 inches of the soil surface.

Map Unit: 153—Linne-Calodo complex, 30 to 50 percent slopes

Linne: 30 percent

The Linne component makes up 30 percent of the map unit. Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This component is in the

R015XE103CA Gravelly Fine Loamy ecological site. Non-irrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 6 percent. There are no saline horizons within 30 inches of the soil surface.

Calodo: 25 percent

The Calodo component makes up 25 percent of the map unit. Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or residuum weathered from calcareous sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 10 to 20 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. This component is in the R015XE043CA Shallow Fine Loamy ecological site. Non-irrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 6 percent. There are no saline horizons within 30 inches of the soil surface.

Map Unit: 175—Nacimiento silty clay loam, 9 to 30 percent slopes

Nacimiento: 70 percent

The Nacimiento component makes up 70 percent of the map unit. Slopes are 9 to 30 percent. This component is on hills. The parent material consists of residuum weathered from calcareous shale and/or sandstone. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. This component is in the R015XE020CA Fine Loamy 9-13 ecological site. Non-irrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 8 percent. There are no saline horizons within 30 inches of the soil surface.

As shown in Table 2, none of the soils on the project site are considered prime farmland by either the FMMP or the COSE.

Table 2 – Farmland Classifications of the COSE and Corresponding Acreages

Soil	COSE Classification	FMMP	Acres	Impacted Acres
Linne-Calodo 9 – 30% slopes	Other Productive Soils	Grazing	1.68	0.20
Linne-Calodo 30 – 50% slopes	Not Classified	Grazing	11.63	1.1
Nacimiento Silty Clay Loam 9 – 30% slopes	Other Productive Soils	Grazing	0.09	0
		Total:	**13.40**	**1.30**

Source: Classifications based on Table SL-2 of the County General Plan's Conservation/Open Space Element

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower because they are based upon farming and open space uses as opposed to full market value. The project site is not subject to an active Williamson Act contract but there is contracted land to the southeast and northwest.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees.

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?*

The project site is 13.4 acres and is not suitable for agricultural operations because of the small area, steep terrain, dense cover of oak woodlands and generally unproductive soils. As shown in Table 2, none of the soils impacted by the project are considered Prime Farmland, Farmland of Statewide Importance or Unique Farmland. Therefore, there would be *no impact* relating to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

In addition, the project is consistent with the following policies of the Agriculture Element with regard to the protection and preservation of productive agricultural land:

AGP8: Intensive Agricultural Facilities.

a. Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.

b. Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

AGP18: Location of Improvements.

a. Locate new buildings, access roads, and structures so as to protect agricultural land.

Discussion: The project site is unsuitable for agriculture due to the factors discussed above.

AGP14: Agricultural Preserve Program.

a. Encourage eligible property owners to participate in the county's agricultural preserve program.

Discussion: The project site is not subject to an active LCA contract.

AGP24: Conversion of Agricultural Land.

a. Discourage the conversion of agricultural lands to non-agricultural uses through the following actions:

1. Work in cooperation with the incorporated cities, service districts, school districts, the County Department of Agriculture, the Agricultural Advisory Liaison Board, Farm Bureau, and affected community advisory groups to establish urban service and urban reserve lines and village reserve lines that will protect agricultural land and will stabilize agriculture at the urban fringe.

Discussion: The project site is located about three miles west of urban reserve for the City of Paso Robles.

2. Establish clear criteria in this plan and the Land Use Element for changing the designation of land from Agriculture to non-agricultural designations.

3. Avoid land redesignation (rezoning) that would create new rural residential development outside the urban and village reserve lines.

4. Avoid locating new public facilities outside urban and village reserve lines unless they serve a rural function or there is no feasible alternative location within the urban and village reserve lines.

Discussion: The project is consistent with uses that are allowable within the Agriculture land use category and does not propose a change in the land use designation.

Project impacts would be *less than significant* and *less than cumulatively considerable.*

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

The subject property is located within the Agriculture land use category and is not subject to a Williamson Act Contract; two primary residences are an allowable use. Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts 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 site does not include land use designations or zoning for forest land or timberland as defined by the Public Resources Code; *no impacts would occur.*

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

The project site supports resources that meet the definition of "forest land" as prescribed in Public Resources Code Section 12220(g):

> *"Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.*

The project will result in the removal of 28 oak trees and impacts to 38 oak trees. To mitigate for oak tree impacts, the project description includes an Oak Tree and Rare Plant Mitigation Plan (Terra Verde, May, 2021) that recommends the establishment of an open space easement on the project site of sufficient area and location to permanently protect at least 172 remaining oak trees (including saplings), based on a mitigation ratio of 4:1 for oak trees to be removed, and 2:1 for oak trees that may be impacted by the project. The Mitigation Plan provides for ongoing maintenance and monitoring that will ensure the mitigation program achieves the desired objectives.

Therefore, with implementation of the Oak Tree and Rare Plant Mitigation Plan, project impacts relating to the conversion of forest land to a non-forest use will be *less than significant with mitigation*.

(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 site is generally surrounded by agricultural lands. Surrounding agricultural uses (vineyards, orchards and grazing) would be temporarily affected by noise and dust generated during the construction phase of the project. These impacts would be temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

Therefore, potential impacts would be *less than significant.*

Conclusion

The project would result in no impacts relating to the conversion of prime farmland, land zoned for forest use to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts to agricultural resources would be *less than significant* and *less than cumulatively considerable* and no mitigation measures are necessary. With implementation of the Oak Tree and Rare Plant Mitigation Plan as required by mitigation measure BIO-7, impacts to timberland will be *less than significant* and *less than cumulatively considerable*.

Mitigation

Implement BIO-7.

Sources

Provided in Exhibit A.

III. AIR QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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:					
(a)	Conflict with or obstruct 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?	☐	☐	☒	☐
(c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
(d)	Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

Setting

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant 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 particulate matter 10 micrometers or less in diameter (PM_{10}). The CAP presents a detailed description of the sources and pollutants that 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. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

The County is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_X) as well as fugitive dust emissions (PM_{10}).

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions. The APCD Handbook includes screening criteria to determine the significance of

project impacts. According to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}).

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). Table 1-1 of the APCD's CEQA Handbook provides screening criteria based on the size of different types of projects that would normally generate sufficient motor vehicle trips that would cause an exceedance of the operational thresholds of significance for ozone precursors. A project consisting of 99 single family residences generating 970 average daily vehicle trips would be expected to exceed the 25 lbs/day operational threshold for ozone precursors.

The APCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 lbs/day threshold of significance for the emission of particulate matter (PM10). According to the APCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs/day PM10 threshold.

The prevailing winds in the project vicinity are from the north and west.

Sensitive Receptors

Sensitive receptors are people with an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptor is a single-family residence located about 70 feet south of the southerly property line and about 290 feet from the nearest portion of the area of disturbance.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's NOA Screening Map, the project site is not located in an area identified as having potential for soils containing NOA.

Developmental Burning

As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application.

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the construction of two single family residences that would typically be occupied by six total full-time residents. The project would not generate a significant number of employees and therefore would not significantly affect the local area's jobs/housing balance.

Adopted transportation control measures include, but are not limited to, a voluntary commute options program, local and regional transit system improvements, bikeway enhancements, and telecommuting programs. The voluntary commute options program targets employers in the county with more than 20 full time employees; the project consists of two single family residences and would have no employees. The project would not conflict with regional plans for transit system or bikeway improvements.

Overall, the project would not conflict with or obstruct implementation of the CAP; therefore, impacts would be *less than significant.*

(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?

The County is currently designated a non-attainment area for ozone and PM_{10} under state ambient air quality standards. Construction and operation of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_X) as well as fugitive dust emissions (PM_{10}).

Construction Emissions

Based on the project description, the project will have an area of disturbance of about 58,436 sq.ft. and will involve 3,749 cubic yards (cy) of cut, 801 cy of fill and 2,948 cy of export. Construction activities will result in the creation of construction dust, as well as short-term construction vehicle emissions. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017),

estimated construction-related emissions were calculated for the project and are shown in Table 3 below.

The project will result in the export of about 2,948 cy of cut material offsite. Assuming 10 cy per truck load and a 45-day construction period This will result in about 295 total truck trips, or about 7 trips per day. The applicant has provided an off-site spoils trucking plan that indicates trucks will travel south on Kiler Canyon Road to Arbor Road to State Route 46 then travel east to Ramada Drive to Volpi Road to a disposal area for a total of 4.4 miles. The truck trips will be temporary during the period of construction and are not expected to generate emissions that exceed the daily thresholds identified above.

Table 3 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	51.42 lbs. / day	137 lbs./day	No
	0.2570 tons [1]/ quarter	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	2.23 lbs. /day	7 lbs./day	No
	0.011 tons [2] / quarter	0.13 tons/quarter	No
Fugitive Particulate Matter (PM_{10})	0.9975 tons[3] / quarter	2.5 tons/quarter	No

Notes:

1. Based on 4,550 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 45 construction days.
2. Based 4,550 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 1.33 total acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 45 days of construction.

As shown in Table 3, project construction related emissions are not expected to exceed the daily and quarterly emissions thresholds for ozone precursors, diesel particulates and fugitive dust. Therefore, project impacts associated with the exceedance of SLOAPCD daily and quarterly emissions thresholds and will be considered *less than significant*.

Operation-Related Emissions. The project consists of two single family residences that will likely generate about 19.2 average daily trips based on 9.6 ADT per dwelling. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant* and *less than cumulatively considerable* when compared with the operational thresholds described above.

The project will require travel on a 0.3-mile, unpaved portion of Kiler Canyon Road. Based on the APCD criteria for emissions associated with travel on an unpaved road, particulate matter generated by motor vehicle associated with the project will not exceed APCD thresholds.

Overall, impacts related to exceedance of federal, state, or SLOAPCD ambient air quality standards due to operational activities would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to 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 sensitive receptor is a residence located on the adjoining parcel to the south which is about 290 feet from the area of disturbance. This residence may be occupied by sensitive receptors, and the close proximity, combined with the prevailing winds from the north and west could result in exposure to diesel particulates and fugitive dust from construction activities. As such, the project would be subject to expanded fugitive dust control measures in addition to primary measures pursuant to Land Use Ordinance Section 22.52.160.C (Construction Procedures, Air Quality Controls). These measures shall be shown on all grading and building plans in accordance with LUO Section 22.53.160C. Compliance with these measures would ensure fugitive dust emissions are adequately controlled to below 20 percent opacity limit as identified in the APCD's 401 Visible Emissions rule and that dust is not emitted offsite. Therefore, potential impacts to sensitive receptors would be *less than significant with mitigation.*

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

The project site is not located in an area identified as containing NOA by the SLOAPCD. The project does not propose to burn any onsite vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would have *no impact* relating to air pollutant emissions from such activities.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan but, construction related dust emissions and diesel emissions could adversely impact surrounding sensitive receptors. The project would have the potential to result in ROG, NOX, and DPM emissions that exceed the daily thresholds established by SLOAPCD for construction emissions. Mitigation Measures AQ-1 through AQ-2 have been identified to reduce construction-related emissions. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Mitigation

AQ-1 Fugitive Dust Construction Control Measures

Prior to issuance of grading or construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;

3. All dirt stock-pile areas shall be sprayed daily as needed;
4. 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;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-2 ROG, NO_x, DPM Emissions

The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. **Prior to issuance of any grading or construction permits**, these measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.
b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
    i. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
    ii. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
c. Maintain all construction equipment in proper tune according to manufacturer's specifications.
d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
g. Electrify equipment when possible.

h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,

i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Sources

Provided in Exhibit A.

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☒	☐	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(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?	☐	☒	☐	☐
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
(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?	☐	☐	☐	☒

Regulatory Setting

Federal Laws and Regulations

Bald and Golden Eagle Protection Act. The Bald and Golden Eagle Protection Act (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking (pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb) bald or golden eagles, including their parts, nests, or eggs. This includes substantially interfering with normal breeding, feeding, or sheltering behavior. Activities that may result in the take of a bald or golden eagle require permits; the three activities eligible for permits include to remove or relocate an eagle nest; to transport, exhibit, collect, or control eagles or eagle parts, and for incidental take of eagles.

Clean Water Act. The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all waters of the U.S. Permitting is required for filling waters of the U.S. (including wetlands). Permits may be issued on an individual basis or may be covered under approved nationwide permits.

Endangered Species Act. The federal Endangered Species Act (FESA) provides the legal framework for the listing and protection of species (and their habitats) identified as being endangered or threatened with extinction. "Critical Habitat" is a term within the FESA designed to guide actions by federal agencies and is defined as "an area occupied by a species listed as threatened or endangered within which are found physical or geographical features essential to the conservation of the species, or an area not currently occupied by the species which is itself essential to the conservation of the species." Actions that jeopardize endangered or threatened species and/or critical habitat are considered a 'take' under the FESA. "Take" under federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Projects that would result in "take" of any federally listed threatened or endangered species, or critical habitats, are required to obtain permits from the USFWS through either Section 7 (interagency consultation with a federal nexus) or Section 10 (Habitat Conservation Plan) of FESA, depending on the involvement by the federal government in permitting and/or funding of the project. Through Section 10, it is required to prepare a Habitat Conservation Plan (HCP) to be approved by the United States Fish and Wildlife Service (USFWS), which results in the issuance of an Incidental Take Permit (ITP). Through Section 7, which can only occur when a separate federal nexus in a project exists (prompting interagency consultation), a consultation by the various federal agencies involved can take place to determine appropriate actions to mitigate negative effects on endangered and threatened species and their habitat.

Migratory Bird Treaty Act. All migratory, non-game bird species that are native to the U.S. or its territories are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13), as amended under the Migratory Bird Treaty Reform Act of 2004. MBTA makes it illegal to purposefully take (pursue, hunt, shoot, wound, kill, trap, capture, or collect) any migratory bird, or the parts, nests, or eggs of such a bird, except under the terms of a valid Federal permit. Migratory non-game native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA).

State Law and Regulations

California Endangered Species Act. The California Endangered Species Act (CESA), similar to FESA, contains a process for listing of species and regulating potential impacts to listed species. State threatened and endangered species include both plants and wildlife, but do not include invertebrates. The designation "rare species" applies only to California native plants. State threatened and endangered plant species are regulated largely under the Native Plant Preservation Act in conjunction with the CESA. State threatened and endangered animal species are legally protected against "take." The CESA authorizes the California Department of Fish and Wildlife (CDFW) to enter into a memorandum of agreement for take of listed species to issue an incidental take permit for a state-listed threatened and endangered species only if specific criteria are met.

Section 2080 of the CESA prohibits the take of species listed as threatened or endangered pursuant to the Act. Section 2081 allows CDFW to authorize take prohibited under Section 2080 provided that: 1) the taking is incidental to an otherwise lawful activity; 2) the taking will be minimized and fully mitigated; 3) the applicant ensures adequate funding for minimization and mitigation; and 4) the authorization will not jeopardize the continued existence of the listed species.

California Environmental Quality Act (CEQA). CEQA defines a "project" as any action undertaken from public or private entity that requires discretionary governmental review (a non-ministerial permittable action). All "projects" are required to undergo some level of environmental review pursuant to CEQA, unless an exemption applies. CEQA's environmental review process includes an assessment of existing resources, broken up by categories (i.e., air quality, aesthetics, etc.), a catalog of potential impacts to those resources caused by the proposed project, and a quantifiable result determining the level of significance an impact would generate. The goal of environmental review under CEQA is to avoid or mitigate impacts that would lead to a "significant effect" on a given resource; section 15382 of the CEQA Guidelines defines a "significant effect" as *a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant.*

California Fish and Game Code (CFGC). The California Fish and Game Code (CFGC) is one of the 29 legal codes that form the general statutory law of California. A myriad of statutes regarding fish and game are specified in the CFGC; the following codes are specifically relevant to the proposed Project:

> California Native Plant Protection Act. Sections 1900-1913 of the California Fish and Game Code contain the regulations of the Native Plant Protection Act of 1977. The intent of this act is to help conserve and protect rare and endangered plants in the state. The act allowed the CFGC to designate plants as rare or endangered.
>
> Lake and Streambed Alteration. Section 1602 of the CFGC requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of

debris, waste, or other material into any river, stream, or lake. The state definition of "lakes, rivers, and streams" includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

Nesting Birds. Sections 3503, 3503.5 and 3513 of CFGC states that it is "unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto," and "unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird" unless authorized.

Regional Water Quality Control Board**.** The Regional Water Quality Control Board (RWQCB) not only regulates impacts to water quality in federal waters of the U.S. under Section 401 of the Clean Water Act, but they also regulate any isolated waters that are impacted under the state Porter Cologne Act utilizing a Waste Discharge Requirement. Discharge of fill material into waters of the State not subject to the jurisdiction of the USACE pursuant to Section 401 of the Clean Water Act may require authorization pursuant to the Porter Cologne Act through application for waste discharge requirements or through waiver of waste discharge requirements.

Special Status Species and Sensitive Habitat Regulations

Special status species are those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the USFWS under the FESA; those listed or proposed for listing as rare, threatened, or endangered by the CDFW under the CESA; animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants with a California Rare Plant Rank (CRPR) of 1, 2, 3, or 4.

California Natural Diversity Database (CNDDB)

"Special Plants" and "Special Animals" are broad terms used to refer to all the plant and animal taxa inventoried by the CNDDB, regardless of their legal or protection status (CNDDB 2020a and 2020b). The Special Plants list includes vascular plants, high priority bryophytes (mosses, liverworts, and hornworts), and lichens. The Special Animals list is also referred to by the California Department of Fish and Wildlife (CDFW) as the list of "species at risk" or "special status species."

According to the CNDDB (2020a, 2020b), Special Plants and Animals lists include: taxa that are officially listed or proposed for listing by California or the Federal Government as Endangered, Threatened, or Rare; taxa which meet the criteria for listing, as described in Section 15380 of CEQA Guidelines; taxa deemed biologically rare, restricted in range, declining in abundance, or otherwise vulnerable; population(s) in California that may be marginal to the taxon's entire range but are threatened with extirpation in California; and/or taxa closely associated with a habitat that is declining in California at a significant rate. Separately, the Special Plants List includes taxa listed in the California Native Plant Society's Inventory of Rare and Endangered Plants of California, as well as taxa determined to be Sensitive Species by the Bureau of Land Management, U.S. Fish and Wildlife Service, or U.S. Forest Service. The Special Animals List distinctively includes taxa considered by the CDFW to be a Species of Special Concern (SSC) and taxa designated as a special status, sensitive, or declining species by other state or federal agencies.

Federal and State Endangered Species Listings

The Federal and California Endangered Species Acts are the regulatory documents that govern the listing and protection of species, and their habitats, identified as being endangered or threatened with extinction (see Sections 1.5.1 and 1.5.2). Possible listing status under both Federal and California ESA includes Endangered and Threatened (FE, FT, CE, or CT). Species in the process of being listed are given the status of either Proposed Federally Endangered/Threatened, Candidate for California Endangered/Threatened (PE, PT, CCE, or CCT). The CESA has one additional status: Rare (CR).

Global and State Ranks

Global and State Ranks reflect an assessment of the condition of the species (or habitats, see 1.6.6 below) across its entire range. Basic ranks assign a numerical value from 1 to 5, respectively for species with highest risk to most secure. Other ranking variations include rank ranges, rank qualifiers, and infraspecific taxon ranks. All Heritage Programs, such as the CNDDB use the same ranking methodology, originally developed by The Nature Conservancy and now maintained and recently revised by NatureServe. Procedurally, state programs such as the CNDDB develop the State ranks. The Global ranks are determined collaboratively among the Heritage Programs for the states/provinces containing the species. Rank definitions, where G represents Global and S represents State, are as follows:

- **G1/S1:** Critically imperiled globally/in state because of extreme rarity (5 or fewer populations).
- **G2/S2:** Imperiled globally/in state because of rarity (6 to 20 populations).
- **G3/S3:** Vulnerable; rare and local throughout range or in a special habitat or narrowly endemic (on the order of 21 to 100 populations).
- **G4/S4:** Apparently secure globally/in state; uncommon but not rare (of no immediate conservation concern).
- **G5/S5:** Secure; common, widespread, and abundant.
- **G#G#/S#S#:** Rank range - numerical range indicating uncertainty in the status of a species, (e.g., G2G3 more certain than G3, but less certain that G2).
- **G/S#?:** Inexact numeric rank
- **Q:** Questionable taxonomy - Taxonomic distinctiveness of this entity is questionable.
- **T#:** Infraspecific taxa (subspecies or varieties) – indicating an infraspecific taxon that has a lower numerical ranking (rarer) than the given global rank of species.

California Rare Plant Ranks

Plant species are considered rare when their distribution is confined to localized areas, their habitat is threatened, they are declining in abundance, or they are threatened in a portion of their range.

The California Rare Plant Rank (CRPR) categories range from species with a low threat (4) to species that are presumed extinct (1A). All but a few species are endemic to California. All of them are judged to be vulnerable under present circumstances, or to have a high potential for becoming vulnerable. Threat ranks are assigned

as decimal values to a CRPR to further define the level of threat to a given species. The rare plant ranks and threat levels are defined below.

- **1A:** Plants presumed extirpated in California and either rare or extinct elsewhere.
- **1B:** Plants rare, threatened, or endangered in California and elsewhere.
- **2A:** Plants presumed extirpated in California, but common elsewhere
- **2B:** Plants rare, threatened, or endangered in California, but more common elsewhere
- **4:** Plants of limited distribution - a watch list
- **0.1:** Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)
- **0.2:** Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
- **0.3:** Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

California Department of Fish and Wildlife Animal Rank

The California Department of Fish and Wildlife (CDFW) assigns one of three ranks to Special Animals: Watch List (WL), Species of Special Concern (SSC), or Fully Protected (FP). Unranked species are referred to by the term Special Animal (SA).

Animals listed as Watch List (WL) are taxa that were previously designated as SSC, but no longer merit that status, or taxa that which do not yet meet SSC criteria, but for which there is concern and a need for additional information to clarify status.

Animals listed as California Species of Special Concern (SSC) may or may not be listed under California or federal Endangered Species Acts. They are considered rare or declining in abundance in California. The Special Concern designation is intended to provide the CDFW biologists, land planners, and managers with lists of species that require special consideration during the planning process to avert continued population declines and potential costly listing under federal and state endangered species laws. For many species of birds, the primary emphasis is on the breeding population in California. For some species that do not breed in California but winter here, emphasis is on wintering range. The SSC designation thus may include a comment regarding the specific protection provided such as nesting or wintering.

Animals listed as Fully Protected (FP) are those species considered by CDFW as rare or faced with possible extinction. Most, but not all, have subsequently been listed under the CESA or FESA. Fully Protected species may not be taken or possessed at any time and no provision of the California Fish and Game code authorizes the issuance of permits or licenses to take any Fully Protected species.

Sensitive Habitats

A Sensitive Natural Community is a state-wide designation given by CDFW to specific vegetation associations of ecological importance. Sensitive Natural Communities rarity and ranking involves the knowledge of range and distribution of a given type of vegetation, and the proportion of occurrences that are of good ecological integrity (CDFW 2018a). Evaluation is conducted at both the Global (G) and State (S) levels, resulting in a rank

ranging from 1 for very rare and threatened to 5 for demonstrably secure. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities in California and may need to be addressed in the environmental review processes of CEQA and its equivalents.

Environmental Setting

A biological resources assessment (BRA) was prepared for the project site in 2020 by Terra Verde Environmental Consulting (Terra Verde, September 2020) which included field surveys and an assessment of potential project impacts to sensitive biological resources. The study is incorporated herein by reference and available for review in its entirety at the Department of Planning and Building, 976 Osos Street, Suite 200 San Luis Obispo. The following is a summary of the findings and recommendations of that study.

The project site is located within the Templeton U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. It is situated in the southeastern foothills of the Santa Lucia Mountain Range in the Upper Salinas River Valley. The site is located approximately two miles west of Highway 101 and the Salinas River. Topography on site is steep, sloping up from Kiler Canyon Road toward a u-shaped ridgeline that divides the property. Elevation ranges from approximately 1,000 to 1,170 feet (304 to 356 meters). The site is undeveloped, and primarily vegetated in mixed oak woodland. No drainages or aquatic habitat was identified on site. There is a water tank on the ridge near the western boundary of the property and a capped well to the east of the tank. There are no access roads within the project site. The surrounding landscape consists of mostly agricultural land with occasional rural residential developments and fragmented patches of intact native habitat.

Methodology

Prior to conducting field surveys, Terra Verde staff reviewed relevant literature and scientific databases pertaining to sensitive resources known to occur in the project vicinity, which included the following:

- Aerial photographs (Google Earth 1994 – 2020) and preliminary development site plans • USGS Templeton 7.5-minute topographic quadrangle maps (USGS 2020)
- Online Soil Survey of San Luis Obispo County, California (Natural Resources Conservation Service [NRCS] 2020)
- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) list of state and federally listed special-status species documented within the Templeton 7.5-minute quadrangle and the surrounding eight quadrangles (Adelaida, Atascadero, Creston, Estrella, Morro Bay North, Paso Robles, Santa Margarita, and York Mountain) (CDFW 2020)
- CNDDB map of special-status species that have been documented within a 5-mile radius of the project site (CDFW 2020)
- Consortium of California Herbaria (CCH) online database of plant collections (CCH 2020)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the California Valley 7.5-minute quadrangle and the surrounding eight quadrangles (CNPS 2020a)
- United States Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS 2020a)
- USFWS National Wetland Inventory map (USFWS 2020b)

A list of regionally occurring, special-status species was compiled based on records reported in the scientific database queries (see Appendix B of the BRA – Regionally Occurring Special-status Species Table). This list was used to inform the field survey efforts and determine appropriate survey periods for special-status plant species with the potential to occur on the site.

Following the review of literature and scientific databases, Terra Verde botanist Kristen Nelson and biologist Patrick Scott completed a field survey of the property on May 04, 2020. The survey consisted of a habitat assessment and vegetation community classification, botanical and wildlife species inventory, analysis of the potential for special-status botanical and wildlife species to occur on site, and an inventory of mature oak trees located within 50 feet of proposed development limits. A follow-up survey was completed by Ms. Nelson and Terra Verde biologist Sara Snyder on July 30, 2020, which focused on oak tree mapping and identification of sensitive resources along the proposed utility trench lines. The total survey area included the entire area of proposed development and an approximately 200-foot buffer on all sides where access was feasible, as well as a visual scan of the surrounding habitat features (see Appendix A of the BRA – Figure 2).

A summary of field surveys completed on site is provided in Table 4.

Table 4 -- Summary of Field Surveys

Date	Survey Type	Personnel	Survey Area
5/4/20	Botanical and wildlife inventory, habitat assessment, oak tree inventory	Kristen Nelson Patrick Scott	Development footprint and 100-foot buffer
7/30/20	Botanical and wildlife inventory, habitat assessment, oak tree inventor	Kristen Nelson Sara Snyder	Underground utility trenching limits and 50-foot buffer

Surveys were conducted on foot to ensure complete visual coverage of the survey area. During each survey, all botanical and wildlife species observed, including those detected by indirect sign (i.e., tracks, scat, skeletal remains, dens, burrows, or vocalizations) were documented (see Appendix C of the BRA - Botanical and Wildlife Species Observed).

Botanical species identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California,* 2nd edition (Baldwin et al. 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson Flora Project 2020). Vegetation communities and land cover types were characterized, and natural communities were classified using the second edition of *A Manual of California Vegetation* (MCV) classification system (Sawyer et al. 2009) as well as updates in the MCV Online (CNPS 2020b). MCV vegetation community classifications were also compared to community descriptions for CDFW-designated sensitive natural communities.

The habitat requirements for each regionally occurring special-status species identified in the scientific database queries were analyzed and compared to the type and quality of habitats observed on site during the field survey. The potential for many species to occur within the project site was eliminated due to lack of suitable habitat, elevation, appropriate soils/substrate, and/or known distribution of the species. Special-status species for which suitable habitat was identified are discussed in-depth below, and those determined to have no potential to occur based upon a lack of suitable habitat are not discussed (see Appendix B of the BRA for a complete list of regionally occurring species that were evaluated).

The field surveys and background research completed by Terra Verde are of sufficient detail and biological expertise to identify potentially occurring special-status wildlife species and identify habitats that have the potential to support sensitive resources and/or special-status species. The May 2020 survey was timed to coincide with the typical blooming and/or fruiting period for regionally occurring special-status botanical species for which suitable habitat exists on site. Spring is an active period for wildlife of the region when reproductive activities, such as nestbuilding, increased foraging, or increased den excavation provide improved visibility and more frequent sign. However, migratory and transient wildlife species such as many birds and large mammals may only be seasonally present within the project area. Further, some species are nocturnal and therefore may not have been detected during the surveys. As such, recommendations have been made for the avoidance of special-status wildlife species and resources deemed to have potential to occur, based on an assessment of habitat conditions on site.

Habitats and Vegetative Communities

The site supports of a diverse assemblage of mixed oak woodland, chaparral, and grassland habitats. Three soil units and three natural vegetation communities were documented within the survey area. Although suitable habitat for various common and special-status plants and wildlife species exists on the project site, the surrounding areas have been subjected to regular anthropogenic disturbances (i.e., farming). Historical and current land management practices have greatly reduced the potential for sensitive biological resources within the bounds of the project site.

A total of 109 vascular plant taxa were identified in the survey area, of which 27 (25 percent) are non-native and 82 (75 percent) are native. Vegetation communities were assessed and classified based on vegetation composition, structure, and density. The property totals approximately 13 acres, most of which consists of intact mixed oak woodland, with patches of buckbrush chaparral and annual grassland (Figure 14) (see Appendix D of the BRA – Representative Site Photographs). Natural vegetation communities observed within the survey area are described in detail below.

Mixed Oak Forest and Woodland (10.4 acres)

Most of the site supports a dense oak woodland dominated by blue oak (*Quercus douglasii*), with coast live oak (*Q. agrifolia*), interior live oak (*Q. wislizeni*), *and* foothill pine (*Pinus sabiniana*) co-dominating in a mixed tree canopy. Valley oak (*Q. lobata*) is also present at low cover. The understory is mostly open and herbaceous, dominated by annual grasses with occasional dense patches of Italian thistle (*Carduus pycnocephalus*). Western poison oak (*Toxicodendron diversilobum*) and creeping snowberry (*Symphoricarpos mollis*) form patchy shrub cover in the understory. This community also intergrades with areas of chaparral habitat on site.

This species composition was used in determining the community classification, which most closely corresponds with the *Quercus* (*agrifolia, douglasii, garryana, kelloggii, lobata, wislizeni*) Forest and Woodland Alliance (mixed oak forest and woodland) in the MCV classification system. This habitat occurs in valleys and on gentle to steep slopes with moderately deep soils at elevations between 820 and 6,560 feet (250 and 2,000 meters). This community provides valuable habitat for nesting birds, large and small mammals, reptiles, and other wildlife.

Buckbrush Chaparral (0.62 acre)

A swath of dense buckbrush (*Ceanothus cuneatus* var. *cuneatus*)-dominated chaparral borders the southern edge of the mixed oak woodland on site. The shrub canopy is co-dominated by big berry

manzanita (*Arctostaphylos glauca*) and toyon (*Heteromeles arbutifolia*), with western poison oak and herbaceous species forming a sparse understory.

This species composition was used in determining the community classification, which most closely corresponds with the *Ceanothus cuneatus* Shrubland Alliance (buckbrush chaparral) in the MCV classification system. This habitat typically occurs on ridges and upper slopes in shallow, rocky, and well-drained soils at elevations below 5,900 feet (1,800 meters). This community provides valuable habitat for nesting birds, small mammals, reptiles, and other wildlife.

Wild Oats and Annual Brome Grasslands (3.6 acres)

The southwestern corner of the site and openings in the mixed oak woodland support annual grassland habitat dominated by ripgut grass (*Bromus diandrus*), wild oat (*Avena fatua*), soft chess (*Bromus hordeaceus*), and native and native forbs including purple owl's clover (*Castilleja exserta*), hairy vetch (*Vicia villosa*), and yellow star-thistle (*Centaurea solstitialis*). In addition, Salinas milkvetch (*Astragalus macrodon*), a special-status species with a California Rare Plant Rank (CRPR) of 4.3, was documented in association with this community throughout the site (see Appendix E of the BRA - California Natural Diversity Database Field Survey Forms).

This species composition was used in determining the community classification, which most closely corresponds with the *Avena* spp. – *Bromus* spp. Herbaceous Semi-Natural Alliance (wild oats and annual brome grasslands) in the MCV classification system. This habitat occurs in foothills, waste places, rangelands, and openings in woodlands at elevations below 7,217 feet (2,200 meters). This community may provide habitat for nesting birds, small mammals, and other wildlife.

Wildlife

The terrestrial habitat observed within and adjacent to the project site provides suitable habitat for a variety of common and special-status wildlife species. In particular, mixed oak woodland and chaparral habitats provide suitable nesting opportunity for various raptor and passerine bird species. These habitats also provide cover for a variety of wildlife, as well as edible fruits.

Grassland habitat observed within and adjacent to the project site may also provide suitable nesting habitat for ground nesting birds and foraging opportunities for transient or resident wildlife. Small mammals and lagomorphs associated with grasslands, shrublands, and oak woodlands provide prey for carnivore species.

During the surveys, staff observed black-tailed deer (*Odocoileus hemionus columbianus)*, Merriam's chipmunk (*Tamias merriami*), Botta's pocket gopher (*Thomomys bottae)*, western side-blotched lizard (*Uta stansburiana*), and numerous avian species. Scattered woodrat middens were also observed throughout the site.

Sensitive Resources

The results of the background research for the area surrounding the proposed project site indicated that 2 sensitive natural communities, 60 special-status botanical species, and 39 special-status wildlife species occur in the project region. The habitat requirements for each of these species were compared to the type and quality of habitat on site. This assessment narrowed the list of potentially occurring species to 16 special-status botanical species and 9 special-status wildlife species. A discussion of the sensitive resources deemed to have potential to occur on site is below.

Special-status Plant Species

Terra Verde determined that suitable habitat is present on site for 16 special-status botanical species. In addition to species listed on the federal and California Endangered Species Acts (ESAs), special-status botanical species are those that are assigned a California Rare Plant Rank (CRPR) by the California Native Plant Society (CNPS 2020c). Additionally, individual oak trees (*Quercus* spp.) and oak woodlands are considered a sensitive resource by the State of California and the County of San Luis Obispo.

The following paragraphs provide a description of the special-status plant species that have the potential to occur on site. However, field surveys were completed during the appropriate blooming period for these species, and only one was observed in the survey area: Salinas milkvetch. Appropriate avoidance, minimization, and mitigation measures are discussed below. No other special-status plant species are expected to be impacted as a result of proposed project activities.

Hoover's Bent Grass (Agrostis hooveri), CRPR 1B.2

Hoover's bent grass is a perennial grass that is endemic to the coastal ranges of San Luis Obispo County. This species occurs in dry, sandy soils in association with open chaparral and oak woodland communities. It has been documented at elevations under 1,968 feet (600 meters). The typical blooming period is from April to August (Jepson Flora Project 2020).

Documented threats to this species include development, vegetation clearing, and competition from non-native plants (CNPS 2020a). According to CNDDB records (CDFW 2020), the nearest documented occurrence is approximately 5.5 miles northwest of the project site.

Salinas Milkvetch (Astragalus macrodon), CRPR 4.3

Salinas milkvetch is a perennial herb that is known to occur on the Inner and Outer South Coast Ranges. This species typically grows on eroded pale shales, sandstone soils, or serpentine alluvium in openings of chaparral, cismontane woodland, and valley and foothill grassland habitat at elevations between 656 and 5,085 feet (200 and 1,550 meters). The typical blooming period is from April to June (Jepson Flora Project 2020). According to CCH records (2020), the nearest documented occurrence is approximately 1.25 miles northwest of the project site. In addition, Salinas milkvetch was documented in openings of chaparral and woodland throughout the survey area during both the May and July surveys. Portions of this population will be impacted by the proposed development. As such, avoidance, minimization, and mitigation measures are provided in below.

Dwarf Calycadenia (Calycadenia villosa), CRPR 1B.1

Dwarf calycadenia is an annual herb that is known to occur along the length of the Outer South Coast Ranges, from northern Monterey County to central Santa Barbara County. This species typically occurs in association with grassland and openings in foothill woodland on dry, rocky hills and ridges at elevations ranging from 820 to 2,788 feet (250 to 850 meters). The typical blooming period is from May to September (Jepson Flora Project 2020). According to CNDDB records (CDFW 2020), the nearest documented occurrence is approximately six miles northwest of the project site.

San Luis Obispo Owl's-clover (Castilleja densiflora subsp. obispoensis), CRPR 1B.2

San Luis Obispo owl's-clover is an annual herb that is endemic to San Luis Obispo County. Specifically, it is known to occur mostly in coastal areas along the Outer South Coast Ranges from just south of Ragged Point to Avila Beach, with several populations occurring in the Irish Hills of west-central San

Luis Obispo County. This species typically occurs in coastal grasslands at elevations below 1,312 feet (400 meters) and may be somewhat tolerant of disturbance. The typical blooming period is from March to June (Jepson Flora Project 2020). Documented threats to this species include development and grazing (CNPS 2019a). According to CNDDB records (CDFW 2020a), the nearest documented occurrence is approximately six miles northeast of the site.

Lemmon's Jewelflower (Caulanthus lemmonii), CRPR 1B.2

Lemmon's jewelflower is an annual herb that is endemic to California. It is known to occur throughout the Inner and Outer South Coast Ranges and along the western foothills of the San Joaquin Valley, with some populations extending east along the Transverse Ranges and into the northwest corner of the Mojave Desert. This species typically occurs in grassland, chaparral, and scrub communities at elevations ranging from 262 to 3,609 feet (80 to 1,100 meters). The typical blooming period is from March to May (Jepson Flora Project 2020).

According to CNDDB records (CDFW 2020), the nearest documented occurrence is less than one mile northeast, and a second is located less than five miles northeast of the project site.

Douglas' spineflower (Chorizanthe douglasii), CRPR 4.3

Douglas' spineflower is an annual herb that occurs along the South Coast Ranges of Monterey, San Benito, and San Luis Obispo Counties. This species typically grows in open sandy or gravelly soil, and may be associated with openings of cismontane woodland, chaparral, coastal scrub, lower montane coniferous forest, or foothill grassland at elevations between 656 and 5,249 feet (200 and 1,600 meters). The typical blooming period is April to July (Jepson Flora Project 2020). According to CCH records (2020), the nearest documented occurrences are more than 10 miles northeast and northwest of the project site.

Straight-awned spineflower (Chorizanthe rectispina), CRPR 1B.3

Straight-awned spineflower is an annual herb that is known to occur in few, disjunct populations throughout the Outer South Coast Ranges of Monterey and San Luis Obispo Counties. This species typically grows in open sandy or gravelly soil, and may be associated with openings of cismontane woodland, chaparral, and coastal scrub at elevations between 656 and 1,968 feet (200 and 600 meters). The typical blooming period is from May to July (Jepson eFlora Project 2020). According to CNDDB records (CDFW 2020), the nearest documented occurrence is more than 10 miles northwest of the project site.

Yellow-flowered Eriastrum (Eriastrum luteum), CRPR 1B.2

Yellow-flowered eriastrum is an annual herb that is endemic to the Inner and Outer South Coast Ranges of Monterey and San Luis Obispo Counties. This species typically occurs in rocky or gravelly soils on drying slopes in association with chaparral, broadleaf forest, and woodland communities. It is known to occur at elevations below 3,280 feet (1,000 meters). The typical blooming period is from May to June (Jepson eFlora Project 2020). Documented threats to this species include grazing, vehicles, and possibly development (CNPS 2020a).

According to CNDDB records (CDFW 2020), the nearest documented occurrence is approximately 6.5 miles northwest of the project site.

San Benito Poppy (Eschscholzia hypecoides), CRPR 4.3

San Benito poppy is an annual herb that is known to occur throughout the Inner and Outer South Coast Ranges, with some occurrences extending into the adjacent portions of the Sacramento and San Joaquin Valleys. This species occurs in grassy openings of woodland and chaparral habitats at elevations between 656 and 5,249 feet (200 and 1,600 meters). The typical blooming period is from March to June (Jepson Flora Project 2020). According to CCH records (CDFW 2020), the nearest documented occurrence is approximately 1.25 miles north of the project site.

Ojai Fritillary (Fritillaria ojaiensis), CRPR 1B.2

Ojai fritillary is a perennial herb that is known to occur in the Outer South Coast Ranges and the western Transverse Ranges. It typically occurs on rocky slopes and in river basins associated with broadleaf forest, chaparral, woodland, and coniferous forest communities.

This species is known to occur at elevations between 984 and 1,640 feet (300 and 500 meters). The typical blooming period is from February to May (Jepson Flora Project 2020).

Documented threats to this species include road maintenance and recreational activities (CNPS 2020a). According to CNDDB records (CDFW 2020), the nearest documented occurrence is approximately 10 miles south of the project site.

Jones' Bush-mallow (Malacothamnus jonesii), CRPR 4.3

Jones' bush-mallow is a shrub up to 3 meters tall that is known to occur in disjunct populations in the Inner North Coast Ranges and Outer South Coast Ranges. This species occurs in open chaparral and woodland habitat. It is known to occur at elevations ranging from 820 to 22,723 feet (250 to 830 meters). The typical blooming period may span from May to July (Jepson Flora Project 2020). According to CCH records (2020), several occurrences of this species are documented within one mile of the project site.

Carmel Valley Bush-mallow (Malacothamnus palmeri var. involucratus), CRPR 1B.2

Carmel Valley bush-mallow is a shrub up to 2.5 meters tall that is known to occur in several disjunct populations along the immediate coast and the Inner South Coast Ranges of Monterey and San Luis Obispo Counties. This taxon typically occurs in valleys in association with chaparral, woodland, and scrub communities. It is known to occur at elevations ranging from 98 to 2,624 feet (30 to 800 meters). The typical blooming period spans from May to July (Jepson Flora Project 2020). Documented threats include development (CNPS 2020a).

According to CNDDB records (CDFW 2020), the nearest documented occurrence of this species is more than 10 miles north of the project site.

Santa Lucia Bush-mallow (Malacothamnus palmeri var. palmeri), CRPR 1B.2

Santa Lucia bush-mallow is a shrub up to 2.5 meters tall that is known to occur in several disjunct populations along the immediate coast and the Inner South Coast Ranges of Monterey and San Luis Obispo Counties. This taxon is typically in association with chaparral communities of interior valleys and foothills. It is found at elevations ranging from 98 to 2,624 feet (30 to 800 meters). The typical blooming period may span from May to July (Jepson Flora Project 2020). Documented threats to this species include altered fire regimes (CNPS 2020a).

According to CNDDB records (CDFW 2020), the nearest documented occurrence is approximately 9.5 miles west of the project site.

Hooked Popcornflower (Plagiobothrys uncinatus), CRPR 1B.2

Hooked popcornflower is an annual herb that is known to occur in several populations along the Inner South Coast Ranges in Monterey and San Luis Obispo Counties. This species typically grows in rocky or sandy soil in association with chaparral, woodland, and grassland habitats.

It is known to occur at elevations ranging from 984 to 1,968 feet (300 to 600 meters). The typical blooming period spans from April through May (Jepson Flora Project 2020). According to CNDDB records (CDFW 2020), the nearest documented occurrence is more than 10 miles northwest of the project site.

Chaparral ragwort (Senecio aphanactis), CRPR 2B.2

Chaparral ragwort is an annual herb that is known to occur in scattered populations along the Inner and Outer South Coast Ranges as well as the south coast from the Bay Area to Baja California. This species typically grows in dry, open, rocky areas and alkaline flats in association with chaparral, woodland, and coastal scrub habitats. It is known to occur at elevations ranging from 33 to 1,804 feet (10 to 550 meters). The typical blooming period may span from February through May (Jepson Flora Project 2020). Potential threats to this species include development (CNPS 2020a). According to CNDDB records (CDFW 2020), the nearest documented occurrence is more than 10 miles west of the project site.

San Gabriel ragwort (Senecio astephanus), CRPR 4.3

San Gabriel ragwort is a perennial herb that is known to occur in several disjunct populations along the coastal mountains from Monterey County to the southwestern corner of San Bernardino County. This species typically grows on steep, rocky slopes in association with chaparral, coastal scrub, and oak woodland habitats. It is known to occur at elevations ranging from 1,312 to 4,921 feet (400 to 1,500 meters). The typical blooming period for this species is from April to June (Jepson Flora Project 2020). According to CCH (2020), the nearest documented occurrence is approximately 7.5 miles west of the project site.

Native Oak Trees (*Quercus* spp.), Protected under California Environmental Quality Act (CEQA) (Senate Bill 1334/Kuehl Bill and California Public Resources Code 21083.4).

Impacted and removed trees may require mitigation in the form of on-site plantings or offsite protection of existing oak woodland.

Special-status Wildlife Species

Suitable habitat for nine special-status wildlife species was identified in the survey area, in addition to nesting habitat for migratory bird species. Special-status wildlife species are those that have been given special protection status by CDFW or the California and federal ESAs.

Descriptions of these special-status wildlife species are provided below, and recommended avoidance, minimization, and mitigation measures are provided below.

Sensitive Amphibian Species

California Red-legged Frog (CRLF; Rana draytonii), Federal Threatened / State Species of Special Concern (CSC)

CRLF require permanent or semi-permanent bodies of water such as lakes, streams, and ponds with plant cover for foraging and breeding. Reproduction occurs in aquatic habitats from late November to early April. Egg masses are laid in the water following breeding, often on emergent vegetation. Following metamorphosis, juvenile frogs may remain in the breeding ponds or disperse into uplands regardless of topography. CRLF have been documented dispersing over two miles from aquatic habitat. Dispersing frogs may seek refuge in small mammal burrows or soil fractures. This species is known to occur from Mendocino County to Northern Baja California and eastward through the Northern Sacramento Valley and Sierra Nevada foothills at elevations below 5,000 feet (1,525 meters) (Zeiner et al. 1988-1990a).

According to CNDDB records (CDFW 2020), the nearest documented occurrences are approximately 5.35 miles south of the project site. No potential breeding habitat (i.e., deep pools with emergent vegetation and overhanging cover) was identified within the survey area. However, a review of aerial imagery indicates that three potentially suitable breeding ponds are present on adjacent properties, within 0.75 mile of the project site. Ephemeral drainages adjacent to the site may provide dispersal corridors for this species and suitable upland habitat is also present.

Coast Range Newt (Taricha torosa), State CSC

Coast range newt is found along the coast and coast range mountains in California from Mendocino County south to San Diego County at elevations below 4,200 feet (1,280 meters). This species may be found in habitats such as wet forests, oak woodland, chaparral, and rolling grasslands. Newts are terrestrial species which enter slow moving streams, side channels, or pools for aquatic breeding. Breeding may occur from late December through April. Females attach egg masses to submerged branches, vegetation, or rocks just below the surface of the water. Larvae transform and begin to live on land at the end of the summer or early fall (Thompson et al. 2016).

According to CNDDB records (CDFW 2020), the nearest documented occurrence is approximately 4.65 miles west of the project site. Ephemeral drainages adjacent to the site may contain sufficient breeding habitat for coast range newt. Suitable upland refugia is present throughout the project site in the oak woodland (i.e. under fallen leaves and rotting logs) and grasslands.

Sensitive Mammal Species

American Badger (Taxidea taxus), State CSC

The range of American badger covers most of North America including throughout California, except for the North Coast region (Del Norte, Humboldt, Mendocino, Sonoma, and Marin Counties). They prefer open and arid habitats such as grasslands, meadows, savannahs, open canopy desert scrub, and open chaparral. They are predators of fossorial rodents and are adept at quickly excavating deep burrows to access their prey. As such, where badgers are present, the landscape is dotted with large soil tailings. American badgers shelter in burrows they have excavated and, while they are known to traverse a relatively small home range (up to 2.5 acres) they move among burrows frequently. They can be active at all times of day but are primarily nocturnal. This species occurs at elevations below 12,000 feet (3,660 meters).

Mating is typically from May through September but, because of delayed implantation, cubs are not born until early spring (Zeiner et al. 1988-1990b). Habitat conversion is a threat to this species.

According to CNDDB records (CDFW 2020), the nearest observation of this species was a roadkill, recorded in 2003, approximately three miles southeast of the project site on Highway 101. In addition, based on local biological knowledge, this species is known to be present on lands surrounding the project site and is regionally common. The project site provides forage and suitable habitat for American badgers.

Monterey Dusky-footed Woodrat (Neotoma macrotis luciana), State CSC

Monterey dusky-footed woodrat is a mostly nocturnal species that occurs along Coastal California between Monterey Bay and Morro Bay. This species occurs in a variety of habitats but prefers areas with dense vegetative cover. It builds and occupies middens, which are made from sticks, bark, and leaves at the base of trees, in understory shrubs and on tree limbs. Threats to this species includes loss of habitat due to development and agriculture (Zeiner et al. 1988-1990c).

According to CNDDB records (CDFW 2020), a few occurrences have been documented within 5 to 10 miles of the project site. Middens were observed in numerous locations throughout the woodland and scrub habitat of the project site.

Mountain Lion (Puma concolor) – Southern California/Central Coast Evolutionary Significant Unit, State Candidate

Mountain lions' range throughout most of California from sea level to alpine meadows, with the exception of xeric regions of the Mojave and Colorado deserts in southeastern California. It is primarily a predator of small to large mammals but will also feed on birds, fish, insects, grass, and berries. Mountain lions are typically active at night and during dusk and dawn. Timing of reproduction can vary but, in California, most births occur in spring. Litter size is usually two to four young. Young remain with the mother until they are about two years old.

Individual home ranges can be between three and fifteen square miles, and male home ranges are typically larger than those of females. Habitat fragmentation due to development and associated roads and power transmission corridors restricts movement and increases proximity and encounter rates with humans, which can be detrimental to mountain lion populations (Zeiner et al. 1988 – 1990a).

Mountain lions in Southern California and Central Coast Regions were recently given Candidate status under the California ESA and therefore have not previously been tracked by CNDDB (CDFW 2020). However, based on the known ecology of the species, mountain lions likely inhabit the adjacent undeveloped lands and dense riparian habitats near the project site. As such, there is potential for mountain lions to use the project site.

Pallid Bat (Antrozous pallidus), State CSC

Pallid bat is common at low elevations throughout California and occurs in a variety of habitats including grasslands, shrublands, woodlands, and mixed conifer forest. This species is most common in open, dry habitats with rocky areas for roosting, but may occasionally have day roosts in hollow trees and buildings. Night roosts generally occur in more open areas such as porches and open buildings (Zeiner et al. 1988-1990e).

The nearest documented occurrences of this species are approximately 10.35 miles north of the project site. The large oak trees in and around the project site may provide potential day roosting habitat for pallid bats.

Sensitive Reptile Species

Coast horned lizard (Phrynosoma blainvillii), State CSC

Coast horned lizards occur in semi-arid mountains of western and southern California at elevations up to 8,000 feet. This species inhabits grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose, sandy soil. It is frequently found near native ant hills because these ants are its preferred food source. This species may also forage on beetles, wasps, grasshoppers, flies, and caterpillars. The breeding season is from May to September, and nests are constructed in loose soil (Zeiner et al. 1988-1990f). Habitat conversion to housing and agriculture and the spread of non-native ants (i.e. Argentine ants) have caused this species to decline. Historically, this lizard was extensively exploited by the pet and curio trade (Nafis 2018).

According to CNDDB records (2020), the nearest observation of this species was 11.15 miles north of the project site. Woodlands and grasslands on the project site provide suitable habitat for coast horned lizard. Additionally, numerous native ant mounds and other prey items were observed during the field survey.

Northern California Legless Lizard (Anniella pulchra), State CSC

Northern California legless lizard occurs in sparsely vegetated areas such as beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. This species prefers moist, warm, and loose soil; can be found in leaf litter; and will seek refuge under surface objects such as rocks, boards, and logs.

Threats to this species include loss of habitat due to development, agriculture, sand mining, off-road vehicle recreation, and invasive plants (Nafis 2018).

According to CNDDB (2020) records, the nearest documented occurrence is approximately 2.45 miles southwest of the project site. Leaf litter and fallen branches in the understory of oak woodland habitat on the project site may provide suitable habitat for this species.

Migratory Nesting Birds and Sensitive Avian Species

Golden eagle (*Aquila chrysaetos*), State Fully Protected

Golden eagle is designated as a Fully Protected species by the CDFW. Fully Protected species may not be taken under any circumstances, and authorization for take may not be granted.

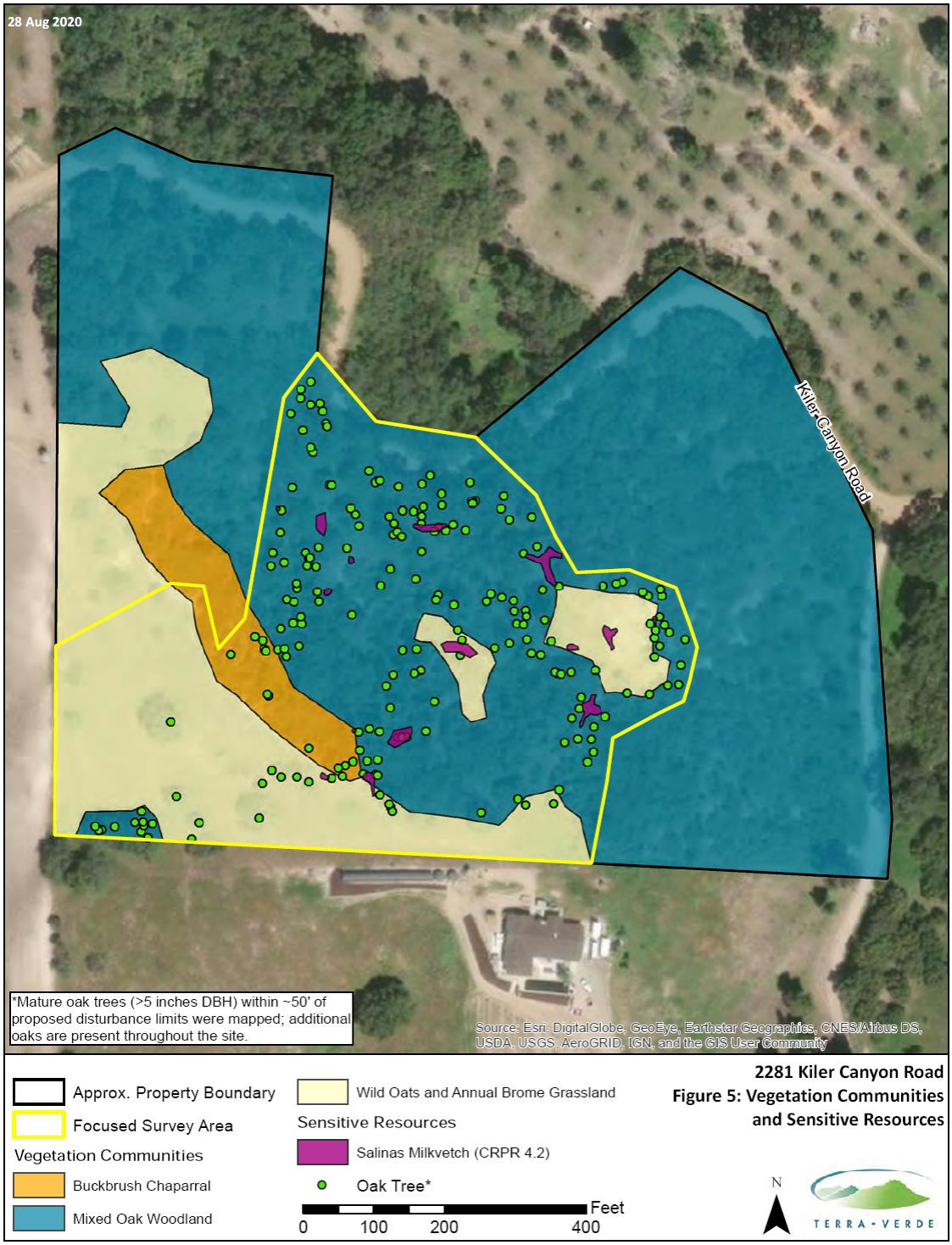
Golden eagle is also protected under the federal Bald and Golden Eagle Protection Act. Golden eagles typically occur in semi-open and open habitats and are most common in hilly and mountainous areas with large trees for nesting and open hunting grounds where prey is abundant. This species may abandon nests in early incubation if disturbed by humans (Zeiner et al. 1988-1990g).

According to CNDDB (2020) records, the nearest documented occurrence is approximately 5.45 miles northeast of the project site. Local biological knowledge supports that this species is present in the area with multiple observations between Templeton and Paso Robles. No suitably sized trees are present on site to support nesting; however, this species may be observed foraging on or adjacent to the project site.

Sensitive and Critical Habitats

There is no designated or proposed sensitive or critical habitat for any species within the project area.

Figure 14 – Vegetative Communities



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?*

Special-Status Plants

Salinas Milkvetch

Terra Verde determined that suitable habitat is present on site for 16 special-status botanical species. However, field surveys were completed during the appropriate blooming period for these species, and only one was observed in the survey area: Salinas milkvetch. Salinas milkvetch was identified and mapped within the survey area, including some areas proposed for development. Direct impacts to this species will include removal of individual plants and intact seed banks that occur within and immediately adjacent to work areas, as well as permanent conversion of occupied habitat. Indirect impacts to special-status plants in adjacent areas may result from dust emissions during construction, altered hydrology, or the spread of non-native and invasive plant species to areas not previously impacted. Mitigation Measure BIO-7 requires the collection and re-seeding of Salinas milkvetch in suitable areas of the open space easement. Impacts to other special-status botanical species are not expected and with mitigation, the impacts to Salinas Milkvetch are considered *less than significant with mitigation*.

Oak Trees

A majority of the project site consists of oak woodland. According to the project plans, a total of 28 oak trees will be removed. In addition, trimming and/or disturbance within the critical root zone of 30 trees will be impacted. Impacts to and removal of individual oak trees and oak woodland habitat are protected under CEQA via Senate Bill 1334 (Kuehl Bill) and California Public Resources Code 21083.4.

Impacts to, or removal of, mature oak trees (i.e., greater than five inches in diameter at breast height) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. Mature coast live, interior live, valley, and blue oak trees compose the mixed oak woodland habitat on site. Based on the current site plans, it is expected that oak trees will be removed and impacted as a result of the proposed development. Impacts to oak trees may include trimming, compaction or excavation within the critical root zone (typically defined as 1.5 times the distance from the trunk to the drip line), and placement of year-round or summer watering within the critical root zone.

The BRA included an assessment of the impacts associated with the proposed residential development to native habitats and sensitive resources. During this assessment, it was determined that a total of 58 oak (*Quercus* [*Q.*] sp.) trees measuring 5 inches diameter at breast height (DBH) or greater and 626 square feet (sf) of grassland habitat containing Salinas milkvetch (*Astragalus macrodon*) may be impacted as a result of planned development. Through consultation with the County, it was determined that removed oak trees (28) will be mitigated at a 4 to 1 ratio and other impacted oak trees (30) will be mitigated at a 2 to 1 ratio, for a total of 172 mitigation trees.

Oak Tree and Rare Plant Mitigation Plan

The project includes an Oak Tree and Rare Plant Mitigation Plan (Terra Verde, May 2021) that sets forth a program for the permanent protection of oak trees and milkvetch habitat. The Mitigation Plan is incorporated herein by reference and available for review in its entirety at the Department of Planning and Building, 976 Osos Street, Suite 200 San Luis Obispo. The overall goals of the plan are to ensure that the mitigation strategies implemented will successfully fulfill the purpose and intent of County-required mitigation. The goals for mitigation of anticipated impacts at the Kiler Canyon property are as follows:

- Mitigate for impacts to oak trees such that the overall impacts to the oak woodland habitats are less than significant. And,
- Mitigate for impacts to Salinas milkvetch populations by expanding upon unimpacted populations on the property by broadcasting or spreading collected seed and topsoil.

On-site planting of oak trees is a typical County mitigation strategy; however, the areas of the property that will remain undeveloped have extensive oak woodland canopy, grasslands containing Salinas milkvetch, and/or steep slopes which do not provide enough space nor conducive environment to plant replacement trees to complete the needed mitigation. The applicant's future plans for the limited space that could be used for plantings are not compatible with oak restoration areas. Terra Verde assessed the intact oak woodland habitat on site and determined that numerous areas are suitable for mitigating oak tree impacts through the establishment of a private open space easement (Figure 15).

The County will typically establish a minimum required oak woodland easement area of 1,000 sf per replacement oak tree for mitigation of project impacts, representing the average area of a mature oak canopy. This equates to an open space easement of 4,000 sf per oak tree removed, and 2,000 sf per oak tree impacted (e.g., County 2018). Therefore, the minimum area required for an open space easement to mitigate for the project's impacts is 172,000 sf (3.95 acres). Alternatively, up to 25 percent of the mitigation requirement (43 of 172 trees) may be met by protecting small saplings on site. The remaining 129 mitigation trees would be offset as an on-site easement with a minimum area of 129,000 sf (2.96 acres).

Salinas milkvetch is ranked by the California Native Plant Society as a 4.3 on the California Rare Plant Rank list. Prior to construction activities, mature seed will be collected from plants and spread across suitable habitat on the property outside of the impact zone. Topsoil underneath and surrounding the populations that will be impacted will be salvaged, stockpiled on-site during construction, and then spread over temporary disturbance areas. Collected seed will be broadcast by hand within oak woodland easement areas or other suitable areas that are not within the construction footprint to enhance and expand upon unimpacted populations on the property.

With implementation of the Oak Tree and Rare Plant Mitigation Plan, project impacts to oak trees and rare plants will be *less than significant with mitigation*.

Figure 15 -- Oak Tree and Rare Plant Mitigation Areas

Special Status Wildlife

American Badger

Direct impacts to American badgers may occur as a result of construction-related activities including crushing, trampling, vehicle strikes, and/or entombment. Increased short- and long-term anthropogenic activity in the vicinity of viable populations has potential to indirectly impact this species as a result of permanent habitat conversion, increased light pollution, and primary and secondary exposure to agricultural or residential-use chemicals including rodenticides.

Monterey Dusky-footed Woodrat

Direct impacts to Monterey dusky-footed woodrat may occur during construction as a result of crushing and trampling by vehicles and equipment. Indirect impacts to this species could include removal of habitat, increased light pollution, and potential primary and secondary exposure to agricultural or residential-use chemicals including rodenticides.

Mountain Lion

With its vicinity to the Santa Lucia Mountain Range and availability of prey, particularly deer, this site may be within the home range of a mountain lion. Direct impacts may occur during construction as a result of vehicle strikes. Indirect impacts to this species could occur as a result of increased short- and long-term anthropogenic activity in the vicinity and potential primary and secondary exposure to agricultural or residential-use chemicals including rodenticides. Development of the site may also reduce the quality of habitat for important prey species.

Pallid Bat

Direct and indirect impacts to pallid bats may occur if they are roosting on site. It is expected that oak trees will be removed; therefore, direct and indirect impacts may occur if roosting habitat is removed or roosting bats are deterred. In addition, potential primary and secondary exposure to agricultural or residential-use chemicals may occur.

Special-status Amphibians and Reptiles

If CRLF or coast range newt are using the drainages and ponds in the vicinity of the project site, juveniles and adults may disperse through the upland habitat on site, particularly during the rainy season. If individual CRLF, coast range newt, coast horned lizards, or northern California legless lizards are present on-site during construction, they could be crushed or trampled by vehicles and equipment. In addition, there is potential for these species to use small mammal burrows on site.

As such, excavation or crushing of burrows during construction may result in direct impacts to these species. Direct impacts to coast horned lizards may also occur as a result of vehicle strikes if this species is basking on roadways.

Sensitive and Nesting Birds

Direct impacts to golden eagles and other bird species are most likely to occur if construction activities take place during the typical avian nesting season, generally February 1 through September 15, and as early as January for golden eagles. Direct and indirect impacts may occur if tree trimming or removal is required. For example, these actions can destroy nests, remove nesting habitat, or cause disturbance that may lead to nest failure or otherwise harass nesting, resident, or transient birds. In addition, the potential for primary and secondary exposure to agricultural and residential-use chemicals, including rodenticides, may occur.

In sum, potential impacts to special status wildlife are considered *less than significant with mi*tigation.

In 2018, a petition to list four species of bumblebee as endangered was received by the California Fish and Game Commission, and the California Department of Fish and Wildlife (CDFW) was tasked with evaluating available scientific information to determine if listing was warranted.

The four bumble bee species are: Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*). CDFW's Evaluation Report was completed in April 2019 and it was determined that, based on information in the petition, the four species are warranted for listing as endangered under the California Endangered Species Act (CESA).

The Fish and Game Commission accepted the petition for consideration at their June 2019 meeting, and CDFW is now completing additional analysis to determine if the species will meet the listing criteria. During the approximately one-year review period, the four bumble bee species are identified as candidate species as defined by Section 2068 of the Fish and Game Code, and thereby are afforded all legal protections under CESA consistent with listing as endangered. CDFW's final evaluation report is expected in late December 2020.

The BRA prepared for the project assessed the potential for bumblebees to occur on the project site and concluded that suitable habitat is not present.

(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?

According to the BRA, there are no riparian or other sensitive habitats present on the project site. Therefore, there will be *no impacts* to riparian habitat or other sensitive natural communities.

(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?

There are no wetland or vernal pool resources within the area of disturbance or on nearby properties that would be impacted by the project. Therefore, there would be *no impact* to state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.).

(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?

Wildlife Corridors

Maintaining connectivity between areas of suitable habitat is critical for the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife needs contiguous habitats for the acquisition of food, access to mates and suitable habitat that supports reproduction, migration, and rest, and for the successful dispersal of young.

The project site is in an agricultural area of northern San Luis Obispo County, in the eastern foothills of the southern Santa Lucia Range. Due to agricultural practices surrounding the project site, connectivity of the project site to adjacent areas of natural habitat is fragmented. Although not contiguous, strips of natural habitat exist to the west, particularly in drainages and ridgelines, providing movement corridors for numerous wildlife species and limited habitat for some wildlife and natural populations of plants to persist. The project as planned may reduce the quality of natural habitat on site but is not expected to increase the current level of habitat fragmentation in the region. No new passage barriers are proposed within aquatic habitat.

Migratory Birds

In addition to those species protected by the state or federal ESA, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act and the CDFW Fish and Game Code. Collectively, these and other international regulations make it unlawful to collect, sell, pursue, hunt, or kill native migratory birds, their eggs, nests, or any parts thereof. The laws were adopted to eliminate the commercial market for migratory bird feathers and parts, especially those of larger raptors and other birds of prey.

Avian species can be expected to occur within and adjacent to the project site during all seasons and throughout construction of the proposed project. The potential to encounter and disrupt these species is highest during the nesting season (generally February 1 through September 15) when nests are likely to be active, and eggs and young are present. Oak woodland, chaparral, and grassland habitats provide suitable foraging and nesting habitat for many species.

Therefore, potential impacts associated with wildlife movement are considered *less than significant with mitigation.*

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

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. Potential project impacts to native trees (oaks) are discussed above under item a.). Potential impacts are considered *less than significant with mitigation*.

(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?

The project site is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and there would be *no impact.*

Conclusion

Based on the biological findings in the vicinity, there is the potential for special status sensitive species to occur on site. However, the on-site biological assessments found very low potential habitat that will be conducive in the long term to support such species. Based on the existing topography and site condition, the proposed project is not anticipated to result in potential significant impacts to special status sensitive species. Pre-construction surveys are required prior to site disturbance to ensure no presence and if found, applicable mitigation protocols such as avoidance and minimization shall be implemented accordingly. In addition, the recommended mitigation measures would effectively minimize temporary construction effects on sensitive biological resources by (1) limiting construction to occur when adverse impacts to hydrology and water quality can be avoided, (2) confirming the absence of sensitive species within the project impact limits during vegetation clearing and initial ground disturbance, (3) limiting equipment and personnel from entering areas where special-status species may be impacted, (4) limiting the potential for erosion, fuel, chemical spills, or other runoff that could adversely impact water quality and adjacent aquatic habitats, (5) minimizing the disturbance area needed for construction access and related effects (i.e., dust, noise, vibration, etc.), (6) reducing the likelihood of attracting or introducing predators of special-status species, and (7) preventing the primary or secondary poisoning of wildlife in the project vicinity.

Upon implementation of mitigation measures BIO-1 through BIO-13 to reduce potential impacts to special-status plants, special-status wildlife, and native oak trees, potential impacts to biological resources would be *less than significant*.

Mitigation

BIO-1 Environmental Awareness Training

An environmental awareness training shall be presented to all construction personnel by a qualified biologist **prior to the start of project activities**. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by discretionary permits, an overview of the ESA, implications of noncompliance with the ESA, and required avoidance and minimization measures. Training materials shall be provided to the County Planning and Building Department **prior to issuance of grading or construction permits**.

BIO-2 Site Maintenance and General Operations

Prior to issuance of grading or construction permit, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

The following general measures are recommended to minimize impacts during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.
- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential environmental contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent contaminated water and/or spilled fuel from leaving the site.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.

BIO-3 Lighting

Prior to issuance of grading or construction permits, plans shall show that any temporary construction lighting or permanent lighting introduced for new developments shall avoid nighttime illumination of suitable habitat features for special-status species (i.e. adjacent grassland, chaparral, and oak woodland). **During project construction**, temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas. Exterior lighting shall be in accordance with International Dark Sky Association guidelines for reducing light pollution for the benefit of wildlife.

BIO-4 Special-status Botanical Species

Prior to issuance of grading or construction permit, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

The following specific recommendations are made to reduce the anticipated impacts to special status plant populations to the maximum extent feasible:

- **Prior to the start of construction**, updated botanical surveys will be completed during the appropriate seasons (i.e., approximately April through July) within all proposed disturbance areas. Surveys will include identification and mapping of the current extent of all special-status plant populations.

- To the extent feasible, ground disturbance will be minimized in areas where special-status plant populations have been mapped during 2020 surveys and all subsequent surveys.

- During the appropriate season (i.e., approximately June through August) **prior to the start of construction**, mature seed will be collected from individual plants that will be removed as a result of the proposed development. This seed will be temporarily stored in paper bags or envelopes in a cool, dry location. Collected seed will be spread in areas of suitable habitat on site that will not be disturbed as part of the proposed development. In particular, the seed should be used to enhance and expand upon existing population patches that were mapped throughout the site.

- The top four to six inches of topsoil will be salvaged during initial grading and stored separately. Stored topsoil will be spread in temporary disturbance areas (e.g., road edges, and utility trench lines) following the completion of construction.

If a mitigation plan is deemed necessary, it will be submitted for approval to the appropriate agencies prior to the start of construction and include the following, at a minimum:

- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.

- Quantify the anticipated impacts to special-status plant species, either in acres of occupied habitat or number of individuals impacted.

- Include a description of the mitigation activities proposed for each. As appropriate, the measures will include:

    - A detailed description of topsoil salvage procedures and long-term soil stockpile storage methods;

    - Methods and timing of any proposed seed collection and storage;

    - Locations and demarcation of full-time avoidance areas during construction;

    - Locations and methods for restoration, replanting, and/or reseeding (e.g., decompaction, recontouring, scarification, mulching, hand broadcasting, hydroseeding, and weed control); and

    - Short- and/or long-term monitoring protocols and/or vegetative growth success criteria.

- Include a requirement for photographic documentation and a post-implementation report.

BIO-5 Native Trees – Avoidance Measures

Prior to issuance of grading or construction permit, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

a. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;

b. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.

c. When located in "high" or 'very high" fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;

d. Locate all non-native landscaping that requires summer watering and leach lines outside the trees' dripline and root zone;

e. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/canopy;

f. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak's root zones.

BIO-6 Native Trees (Oaks) – Minimizing Impacts

At the time of building permit application and during construction, the following measures shall be completed to minimize native tree (oak) impacts:

a. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan" on construction plans.

b. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

c. To minimize impacts from tree trimming, the following approach shall be used:

    i. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers)

and 5) retain the natural shape of the tree.

ii. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.

iii. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

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

BIO-7 Oak Tree and Rare Plant Mitigation Plan

The applicant shall implement the Oak Tree and Rare Plant Mitigation Plan (report) dated May 2021 prepared by Terra Verde Environmental Consultants. The plan shall incorporate the following minimum components:

- The collection and re-seeding of Salinas milkvetch in suitable areas of the open space easement.
- A description of implementation methods.
- One of the following options for mitigation of oak tree impacts:

a. Removed oak trees (28) shall be mitigated at a 4 to 1 ratio and other impacted oak trees (30) shall be mitigated at a 2 to 1 ratio, for a total of 172 mitigation trees; and

A maintenance and monitoring plan including criteria for assessing the performance of the mitigation plan and a requirement for annual reporting to the County.

- OR -

b. Establishment of a permanent open space easement on the project site with a minimum area of 172,000 square feet, or 3.95 acres, of contiguous, viable, mature oak area as determined by the County and outlined in Figure 2 of the project's Oak and Rare Plant Mitigation Plan.

- OR -

c. Alternatively, up to 25 percent of the mitigation requirement (43 of 172 trees) may be met by protecting small saplings on site. The remaining 129 mitigation trees would be offset as an on-site easement with a minimum area of 129,000 sf (2.96 acres); and

A maintenance and monitoring plan including criteria for assessing the performance of the mitigation plan and a requirement for annual reporting to the County.

BIO-8 Preconstruction Survey for American Badger

A qualified biologist shall complete a preconstruction **survey within 30 days prior to the start of initial project activities** to ensure American badgers are not present within proposed work areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least three days to determine if they are occupied. If the qualified biologist determines that potential dens may be active, an exclusion buffer shall be established within 50 feet of the den and the appropriate resource agencies shall be contacted for further guidance. If active dens are found during the breeding and rearing season, no activity shall occur within 200 feet of the den without agency guidance and approval.

BIO-9 Preconstruction Survey for Monterey Dusky-footed Woodrat

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

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

BIO-10 Special Considerations to Avoid or Minimize Impacts to Mountain Lions

Because mountain lions are large, highly mobile predators, and no denning habitat exists on site, a preconstruction survey targeted to mountain lions will not produce helpful results. Therefore, assuming mountain lions will use the project site, the general avoidance and minimization measures listed in Section 4.2.1 of the project's Biological Resources Assessment dated September 2020 will avoid or minimize impacts to mountain lions. In particular, the measure related to the use of rodenticides is important. Anticoagulant rodenticides, such as brodifacoum, bromadiolone, difenacoum, and difethialone as well as other pesticides and herbicides have negative effects on mountain lion populations in Southern California and the Central Coast. Therefore, the use of these products on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of mountain lions.

Prior to issuance of grading or construction permit, the general avoidance and minimization measures listed in Section 4.2.1 of the project's Biological Resources Assessment dated September 2020 measures shall be incorporated into the construction phase of the project and shown on all applicable plans.

BIO-11 Preconstruction Surveys for Pallid Bat

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

BIO-12 Preconstruction Survey and Monitoring for Special-status Amphibians and Reptiles

A qualified biologist shall conduct a preconstruction survey immediately **prior to the start of work** within 50 feet of suitable habitat for Northern California legless lizard, coast horned lizard, coast range newt, and CRLF. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, or vegetation removal including tree removal) within suitable habitat. If Northern California legless lizards, coast horned lizards, or coast range newts are discovered during surveys and monitoring, they will be hand captured and relocated to suitable habitat outside the area of impact. If CRLF are discovered, they shall be allowed to leave on their own volition and the resource agencies shall be contacted.

BIO-13 Preconstruction Survey for Sensitive and Nesting Birds

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

Sources

Provided in Exhibit A.

V. CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	☐	☐	☐	☒
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Setting

San Luis Obispo County possesses a rich and diverse cultural heritage and has an abundance of historic and prehistoric cultural resources dating as far back as 9,000 B.C. The County protects and manages cultural resources in accordance with the provisions detailed by CEQA and local ordinances.

As defined by CEQA, a historical resource includes:

1. A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).
2. Any object, building, structure, site, area, place, record, or manuscript that 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.

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance.

Discussion

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

The project is undeveloped and does not contain any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. Therefore, the project would result in *no impacts* associated with an adverse change in the significance of historical resources.

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

The project site is located in an area that would not be considered culturally sensitive due to a lack of physical features typically associated with prehistoric occupation, no evidence of prehistoric

archaeological remains was noted on the property during the county site visit. There is no exposed bedrock that could be used for mortars and no creeks or ephemeral drainages.

In the unlikely event that resources are uncovered during grading activities, implementation of LUO 22.10.040 (Archaeological Resources) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. This protocol would ensure full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources.

Therefore, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

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

Based on existing conditions, buried human remains are not expected to be present in the area proposed for development. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Conclusion

No historical resources are known or expected to occur within or adjacent to the areas proposed for development. Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

Mitigation

None required.

Sources

Provided in Exhibit A.

VI. ENERGY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		☐	☒	☐
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?		☐	☒	☐

Setting

Local Utilities

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a customer remains on their existing electric rate plan and pays a modest additional fee on a per kilowatt-hour (kWh) basis for clean solar power. The fee depends on the type of service, rate plan, and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019).

Local Energy Plans and Policies

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG 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 GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources.

State Building Code Requirements

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. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA), on behalf of the Department of Transportation, issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO_2) per mile for the fleet of cars and light-duty trucks by the model year 2025.

In January 2017, EPA Administrator Gina McCarthy signed a Final Determination to maintain the current GHG emissions standards for the model year 2022-2025 vehicles. However, on March 15, 2017, EPA Administrator Scott Pruitt and Department of Transportation Secretary Elaine Chao announced that EPA intends to reconsider the Final Determination. On April 2, 2018, EPA Administrator Scott Pruitt officially withdrew the January 2017 Final Determination, citing information that suggests that these current standards may be too stringent due to changes in key assumptions since the January 2017 Determination. According to the EPA, these key assumptions include gasoline prices and overly optimistic consumer acceptance of advanced technology vehicles. The April 2nd notice is not EPA's final agency action, and the EPA intends to initiate rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect. (EPA 2017, EPA 2018).

As part California's overall approach to reducing pollution from all vehicles, the California Air Resources Board (CARB) has established standards for clean gasoline and diesel fuels and fuel economies of new vehicles. CARB has also put in place innovative programs to drive the development of low-carbon, renewable, and alternative fuels such as their Low Carbon Fuel Standard (LCFS) Program pursuant to California Assembly Bill (AB) 32 and the Governor's Executive Order S-01-07.

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules

will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Discussion

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

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

Construction Activities

During construction activities, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the county. Based on the size and scope of proposed earthwork and building construction, the project would not have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. In addition, project contractors save costs by avoiding the wasteful, inefficient, or unnecessary consumption of energy resources, such as idling. Therefore, potentially significant environmental impacts associated with the consumption of energy resources during construction would be avoided and project construction activities would not result in a conflict with a state or local plan for renewable energy or energy efficiency. Therefore, project construction impacts associated with energy use would be *less than significant.*

Project Operations

Electricity and Natural Gas Use. There are no occupied buildings or accessory structures on the project site; therefore, there is no existing energy demand other than occasional use of the existing well. The project's operational electricity needs would be met by a connection to PG&E infrastructure. Natural gas is provided by Southern California Gas Company. In addition, the project proposes a 900 square foot ground-mounted solar array capable of producing 19.1 kilowatts (kW) of electricity. Assuming 8,000 kW hr/ year per residence, the array will generate sufficient energy to meet the daytime demand of both residences. In the absence of on-site energy storage, both residences will need to connect to electricity service provided by PG&E.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. A new single-family residence is subject to compliance with these standards. Lastly, the residences will be required to comply with the relevant provisions of the 2016 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.

Therefore, project impacts associated with electricity and natural gas use are considered *less than significant* and *less than cumulatively considerable*.

Fuel Use. Ongoing operation of the project would result in fuel use associated with motor vehicle trips associated with residential occupancy. All vehicles used by residents would be subject to applicable state and federal fuel economy standards and State-mandated smog inspections.

Based on adherence to applicable state and federal vehicle fuel regulations and the size and scope of proposed activities, project fuel use would not result in a potentially significant environmental impact and would not be wasteful, inefficient, or unnecessary.

Therefore, potential impacts associated with potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources and potential conflict with state or local plans regarding renewable energy or energy efficiency would be *less than significant.* and *less than cumulatively considerable.*

Conclusion

The project would not result in a potentially significant energy demand and inefficient energy use during long-term operations that would be considered wasteful, inefficient and unnecessary. Potential impacts related to energy would be *less than significant* and *less than cumulatively considerable*.

Mitigation

None are required.

Sources

Provided in Exhibit A.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	(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.	☐	☐	☐	☒
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☒	☐	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

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 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 are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos.

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 nearest potentially capable fault line is located approximately 2 miles to the south.

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. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with moderate landslide risk potential and low to moderate liquefaction potential.

The project is located entirely on the Paso Robles formation which is considered to have a low to moderate sensitivity for fossils (County of Monterey 2014, SWCA Environmental Consultants 2019).

Geotechnical Study

A geotechnical engineering report was prepared for the project site by Beacon Geotechnical, Inc. in March of 2020 which is incorporated by reference and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. The findings and recommendations of the investigation are summarized below. This study is based on the location of the improvements as described in the project description and as shown in Figure 6.

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 site is not located within an Alquist-Priolo Fault Hazard Zone. The potential for ground rupture at the site during ground shaking is considered low. The closest known Quaternary age fault is the Holocene age active Rinconada fault located approximately 1.2 miles east of the Site. Therefore, there would be *no impact* associated with potential impacts related to the rupture of a known earthquake fault.

(a-ii) Strong seismic ground shaking?

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.

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. Implementation of the project in compliance with relevant construction codes and incorporating the recommendations of the geotechnical study prepared for the project site, 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 Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the geotechnical investigation concludes that, based on the quality and conditions of the soils on site and the absence of shallow groundwater, the potential for liquefaction and/or lateral spreading is considered low

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?

Based on the Safety Element Landslide Hazards Map and the geotechnical investigation, the project site is located in an area with a moderate potential for landslide risk. However, the geotechnical study prepared for the project site states that the site topography and exposed soil types indicate that the potential for landslides is minimal. In addition, a review of the geologic map of the Templeton Quadrangle mapped by Thomas W. Dibblee, Jr. did not reveal any mapped landslides at this site or in the area.

Therefore, potential adverse effects associated with landslides and impacts would be *less than significant.*

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

The project will result in the disturbance of approximately 58,436 square feet (sf) of disturbance and will include 3,749 cubic yards (cy) of cut, 801 cy of fill and 2,948 cy of export. Construction will involve significant grading on slopes in excess of 30 percent (Figure 7) which in turn will result in cut slopes and retaining walls as high as 10 feet in some area.

During site preparation and grading/leveling activities, there would be a potential for erosion to occur. The project application materials include a detailed preliminary grading, grading and erosion control plan that includes drainage collection and conveyance infrastructure to ensure runoff does not cause erosion or adversely impact the quality of downstream surface or groundwater bodies.

Section 22.51.120 of the LUO requires any project that would change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C.. Compliance with these mandatory BMPs will ensure water quality is protected.

In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. Upon implementation of the recommended mitigation measures, impacts related to soil erosion would be *less than significant with mitigation*.

(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?

As discussed above under item a-iv, based on the Safety Element Landslide Hazards Map and the geotechnical investigation, the project site is located in an area with moderate landslide risk. Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site. The project would be required to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions as well as the recommendations of the geotechnical report prepared for the project. 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?

According to the 2020 geologic investigation, the potential for expansive soil at the site is considered low based on laboratory testing. The foundation recommendations recommended by the 2020 geotechnical report will be incorporated into the design as a condition of approval. In addition, the access driveway and residences will be required to comply with applicable CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant.*

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

The project includes a new septic tank for each residence and an area for the construction of a new shared septic leach field at the top of the slope near the southern property line. The geotechnical report for the project site included a percolation test which recommends that the septic leach field be designed to reflect a percolation rate of 40 minutes per inch. Regardless, the project will be conditioned to comply with the relevant provisions of County and RWQCB wastewater disposal standards. Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant.*

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

The project is located entirely on the Paso Robles formation which is considered to have a low to moderate sensitivity for fossils (County of Monterey 2014, SWCA Environmental Consultants 2019). Potential impacts to paleontological resources would be *less than significant.*

Conclusion

The project site is not subject to significant geologic hazards associated with expansive soils, landslides and shallow groundwater. Compliance with the relevant provisions of the CBC and with Incorporation of the findings and recommendations of the 2020 geologic investigation, impacts associated with geology and geologic hazards would be *less than significant with mitigation*.

Mitigation

GEO-1 **Prior to issuance of grading and construction permits,** the applicant shall show evidence that the material proposed for export associated with the project has an approved receiver site with a valid grading permit to receive the material. Construction permits shall not be issued until the applicant has provided proof that any exported material will be placed on an approved site with valid permits (City or County project).

GEO-2 **Prior to issuance of grading and construction permits**, all plans submitted for grading and construction permits shall incorporate the recommendations of the Geotechnical Engineering Report prepared for the project site dated by Beacon Geotechnical, Inc. dated March 10, 2020.

Sources

Provided in Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
(b)	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Setting

Greenhouse gasses (GHGs) are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide (CO_2) is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate. According to the California Air Resources Board (CARB), transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published the *Climate Change Proposed Scoping Plan*, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. The Scoping Plan included CARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet the following goals:

- Reduce GHG emissions to 1990 levels by 2020;
- Reduce GHG emissions to 40% below 1990 levels by 2030;
- Reduce GHG emissions to 80% below 1990 levels by 2050.

The initial Scoping Plan was first approved by CARB on December 11, 2008 and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

When assessing the significance of potential impacts for CEQA compliance, an individual project's GHG emissions will generally not result in direct significant impacts 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. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts that were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the Global Warming Solutions Act (AB32) and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020 and the SLOAPCD no longer recommends the use of these thresholds for CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- Consistency with a Qualified Climate Action Plan: CAPs conforming to CEQA Guidelines § 15183 and 15183.5 would be qualified and eligible for project streamlining under CEQA.

  The County of San Luis Obispo EnergyWise (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. Therefore, the EWP is not considered a qualified GHG reduction strategy for assessing the significance of GHG emissions generated by projects with a horizon year beyond 2020.

- No-net Increase: The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "*is an appropriate overall objective for new development*" consistent with the Court's direction provided by the Newhall Ranch case which demonstrated that no-net GHG increase was feasible and defensible. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (i.e., di minimus: too trivial or minor to merit consideration).

- Lead Agency Adopted Defensible GHG CEQA Thresholds: Under this approach, a lead agency may establish SB 32-based local operational thresholds:

  - *Meeting Local GHG Emission Targets with Best Management Practices*

    On April 23, 2020, the Sacramento Metropolitan Air Quality Management District (SMAQMD) adopted Greenhouse Gas Thresholds for Sacramento County. This substantial evidenced based document sets SB 32-based local GHG emission targets for 2030 by evaluating the GHG inventory for local emission sectors relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. Relative to business-as-usual, the document considered the commercial and residential sector emission reductions needed from new development to help achieve the SB 32 goal. To help secure these reductions, best management practices were established for new development.

  - *GHG Bright-line and Efficiency Thresholds*

SB 32 based local bright-line and operational efficiency thresholds can be established by evaluating local emission sectors in a jurisdiction's GHG inventory relative to statewide sector inventories and the state's GHG reduction target of 40% below 1990 levels. This approach is found in earlier drafts of SMAQMD's SB 32 threshold work and the AEP Climate Change Committee may provide guidance on a similar approach.

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e below the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline[1]. Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030, the application of an interim "bright line" SB32-based working threshold that is 40 percent below the 1,150 $MMTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MMTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, emissions estimated to be less than 690 $MMTCO_2e$ per year GHG are considered *de minimus* (too trivial or minor to merit consideration) and will have a less than significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals.

Discussion

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

The California Energy Emissions Model (CalEEMod) was utilized to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 5). The estimated emissions were then compared with the interim threshold of 690 MMTCO2e per year to determine significance.

[1] AB32 and SB32 require GHG emissions to be reduced to 1990 levels by the year 2020. The EnergyWise Plan assumes that the County's 1990 GHG emissions were about 15% below the levels identified in the 2006 baseline inventory.

Table 5 –Projected Operational GHG Emissions

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e/sf$)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation[1]
		Construction	Operation	
Single Family Residence	2	n/a	4.20	8.40

Sources: County of San Luis Obispo Department of Planning and Building, 2020, CalEEMOD version 2016.3.2

As shown in Table 5, project related GHG emissions will be well below the 690 MTCO2e interim threshold. As stated above, a project estimated to generate less than 690 MMTCO2e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, potential impacts associated with GHG emissions would be *less than significant and less than cumulatively considerable*.

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

Energy inefficiency contributes to higher GHG emissions which in turn may conflict with the following state and local plans for energy efficiency.

2011 EnergyWise Plan (EWP). As discussed above, the County of San Luis Obispo EnergyWise plan (EWP), adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7. encourages energy efficient new development and provides incentives for new development to exceed Cal Green energy efficiency standards. The following is a summary of project consistency with the relevant supporting actions identified in the EWP for promoting energy efficiency in new development.

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	All new energy using fixtures will satisfy current energy efficiency requirements.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	The proposed dwelling will be subject to current building codes relating to energy efficiency.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	

San Luis Obispo County 2019 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's Sustainable Communities Strategy and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, transit-oriented communities, preserving important habitat and agricultural areas, and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The RTP and SCS provide guidance for the development and management of transportation systems county-wide to help achieve, among other objectives, GHG reduction goals. The RTP/SCS recommend strategies for community planning such as encouraging mixed-use, infill development that facilitate the use of modes of travel other than motor vehicles.
The project consists of two single family residences located in a predominantly agricultural area.

As discussed in Section III. Air Quality, the project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would result in the construction and occupancy of two single family residences that would typically be occupied by a total of six residents. Therefore, would not significantly affect the local area's jobs/housing balance.

California Air Resources Board (CARB) 2017 Scoping Plan. Pursuant to AB 32, the California Air Resources Board (CARB or Board) prepared and adopted the initial Scoping Plan to "*identify and make recommendations on direct emissions reductions measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and non-monetary incentives*" in order to achieve the 2020 goal, and to achieve "*the maximum technologically feasible and cost-effective GHG emissions reductions*" by 2020 and maintain and continue reductions beyond 2020. AB 32 requires CARB to update the Scoping Plan at least every five years.

The 2017 Climate Change Scoping Plan recommends strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05. These strategies include the following:

- Implement SB350 which is aimed at Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 2030 Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario) -- Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.
- Implement 59 Various SB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030.2030 California Sustainable Freight Action Plan aimed at improving freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.
- Implement the 2030 Post-2020 Cap-and-Trade Program which is aimed at reducing GHGs across the largest GHG emissions sources.

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project.

However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled.
Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions.

Conclusion

GHG emissions would be *less than significant and less than cumulatively considerable* and consistent with plans adopted to reduce GHG emissions.

Mitigation

None are required.

Sources

Provided in Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(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?	☐	☒	☐	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2021; California Department of Toxic Substance Control [DTSC] 2021).

The County has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project would be located within the State Responsibility Area in a moderate fire hazard severity zone. Based on the Safety Element map of response times, it would take approximately 10-15 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project is not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

Discussion

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

Construction activities may involve the use of oils, fuels, and solvents. In the event of a leak or spill, persons, soil, and vegetation down-slope from the site may be affected. The use, storage, and transport of hazardous materials is regulated by DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use of hazardous materials on the project site for construction and maintenance is required to be in compliance with local, state, and federal regulations. In addition, compliance with best management practices (BMPs) for the use and storage of hazardous materials would also address impacts. These BMPs may include, but are not limited to, the following:

- Determining whether a product constitutes a hazardous material in accordance with federal and state regulations;
- Properly characterizing the physical properties, reactivity, fire, and explosion hazards of the various materials;
- Using storage containers that are appropriate for the quantity and characteristics of the materials;
- Properly labeling of containers and maintaining a complete and up to date inventory;
- Ongoing inspection and maintenance of containers in good condition;
- Proper storage of incompatible, ignitable and/or reactive wastes;

Project operations would involve the intermittent use of small amounts of household hazardous materials such as fertilizer and pesticides that are not expected to be acutely hazardous.

The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, including, but not limited to, preparation of a fire safety plan. Compliance with the Uniform Fire Code and the recommendations of CalFire will ensure that potential impacts associated with hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would 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?

Oils, gasoline, lubricants, fuels, and other potentially hazardous substances would be used and temporarily stored onsite during construction activities. A spill or leak of these materials under accident conditions during construction activities could create a potentially significant hazard to the surrounding environment. Mitigation measures HAZ-1 and HAZ-2 have been recommended to reduce potential impacts associated with upset or accident conditions during project construction.

Through required compliance with these standards, potential operational hazards associated with the use of ethanol onsite would be effectively minimized. Therefore, potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation.*

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

The closest school facility is located approximately 3 miles east of the project site in the community of Templeton. Therefore, the project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

(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?

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the project site is not listed on or located in close proximity to a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts* would occur.

(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?

The nearest airstrip in proximity to the project site is the Paso Robles Airport located approximately 10 miles northeast of the site. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impacts would occur.*

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

The project does not require any road closures and would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically

interfere with County hazard mitigation or emergency plans; 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?

The project is located in a Very High Fire Hazard Severity Zone. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter of March 8, 2020, including, but not limited to construction of an all-weather access road to each residence and implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant.*

Conclusion

The project may include the use of potentially hazardous materials during construction. Mitigation measures have been identified below to reduce potential impacts associated with routine transport, use, and disposal of these materials, as well as potential hazards associated with upset and accident conditions and wildland fire risk. Upon implementation of measures HAZ-1 and HAZ-2, potential impacts associated with hazards and hazardous materials would be *less than significant with mitigation.*

Mitigation

HAZ-1 Equipment Maintenance and Refueling

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

HAZ-2 Spill Response Protocol

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

Sources

Provided in Exhibit A.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(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:				
	(i) Result in substantial erosion or siltation on- or off-site;	☐	☒	☐	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(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	☐	☐	☒	☐
	(iv) Impede or redirect flood flows?	☐	☐	☐	☒
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2017) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Department of Public Works is responsible for ensuring that new construction sites implement Best Management Practices (BMPs) during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a SWPPP to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

The project water demand would be served by an existing groundwater well that has been used intermittently for grazing activities. Two new 9,500-gallon water tank will serve the new residences.

The project is located immediately west of the Atascadero Basin as identified by the Department of Water Resources Bulletin 118 and has therefore not been assigned a Level of Severity III by the County Resource Management System.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas.

Discussion

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

The project will result in the disturbance of approximately 58,436 square feet (sf) including about 13,000 sf of disturbance on slopes greater than 30 percent, and will include 3,749 cubic yards (cy) of cut, 801 cy of fill and 2,948 cy of export. Accordingly, a sedimentation and erosion control plan will be

required to minimize the potential for soil erosion, which will be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

All potentially hazardous materials proposed to be used onsite would be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards and Mitigation Measures HAZ-1 and HAZ-2, maintaining a minimum setback from the nearest creek or water feature, and compliance with existing County and state water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant.*

(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 water demand would be served by an existing groundwater well. Water demand associated with the project, assuming two single family residences, is estimated as follows:

Indoor Water Use:	0.06 AFY
Outdoor Water Use:	0.52 AFY
Total:	0.58 AFY

Sources: Pacific Institute Water Demand (2003), City of Satna Barbara Water Demand Factors (1989)

Project impacts relating to water are not expected to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin and project impacts are considered *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?

The project will result in the disturbance of approximately 58,436 square feet (sf) including 13,000 sf of disturbance on slopes greater than 30 percent, and will include 3,749 cubic yards (cy) of cut, 801 cy of fill and 2,948 cy of export. A sedimentation and erosion control must be prepared to minimize the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project application materials include an engineering geotechnical investigation and a detailed preliminary grading, grading and erosion control plan that includes drainage collection and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies.

The project would be required to comply with all National Pollution Discharge Elimination System (NPDES) requirements and prepare a SWPPP that incorporates BMPs during construction. Water quality protection measures would include protection of stockpiles, protection of slopes, protection

of all disturbed areas, protection of access roads, and perimeter containment measures. Therefore, compliance with relevant State and county does, together with implementation of the recommendations of the engineering geotechnical report (Beacon Geotechnical, Inc., March 10, 2020) potential impacts associated with erosion and siltation from substantial alteration of the existing on-site drainage pattern would be *less than significant with mitigation.*

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

The project application materials include a detailed preliminary grading, grading and erosion control plan that includes drainage collection and conveyance infrastructure to ensure runoff does not adversely impact the quality of downstream surface or groundwater bodies.

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The preliminary grading, drainage, and erosion control plan prepared for the project also identifies measures such as hydroseeding of all disturbed surfaces and installation of fiber rolls throughout the site to slow runoff and capture sediment. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

(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?

The project would be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. Based on required compliance with applicable state and County drainage and stormwater control regulations, the project's impacts associated with increased surface runoff resulting in exceedance of the capacity of existing or planned drainage systems or provide substantial additional sources of polluted runoff would be *less than significant.*

(c-iv) Impede or redirect flood flows?

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. Therefore, *no impacts would occur.*

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (CDOC 2021). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur.*

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

The project site is not in an area subject to a groundwater management plan. As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, potential

impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant.*

Conclusion

With application of State and county codes together with implementation of the engineering geotechnical report, the project will result in *less than significant impacts* associated with water supply, water quality and hydrology.

Mitigation

Implement mitigation measures GEO-1 and GEO-2.

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☒	☐
(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?	☐	☒	☐	☐

Setting

The LUO was established to guide and manage the future growth in the county in accordance with the County of San Luis Obispo General Plan; regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; minimize adverse effects on the public resulting from inappropriate creation, location, use, or design of buildings or land uses; and protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan.

The Land Use Element (LUE) of the County of San Luis Obispo General Plan provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project parcel and surrounding properties are all within the Agriculture land use designation. The project site is currently undeveloped.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas.

The project site is located within the Adelaida Sub-Area of the North County Planning Area and is not subject to any Combining Designations.

Initial Study – Environmental Checklist

Discussion

(a) Physically divide an established community?

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *impacts would be less than significant.*

(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 project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the San Luis Obispo 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 County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with aesthetic resources, air quality, biological resources, and hazardous materials; therefore, with mitigation, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects and impacts would be *less than significant with mitigation.*

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with air quality, biological resources, hazards and hazardous materials, hydrology and water quality, and transportation.

Mitigation

Implement mitigation measures, AQ-1 and AQ-2, BIO-1 through BIO-13, GS-1 and GS-2, and HAZ-1 and HAZ-2.

Sources

Provided in Exhibit A.

XII. MINERAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (California PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2015):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

The LUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The state geologist has designated a mineral resource area of statewide or regional significance pursuant to California PRC Sections 2710 et seq. (SMARA); and
3. Major public utility electric generation facilities exist or are proposed.

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

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?

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is located within an area that has been evaluated for mineral resources but is not near an active mine (CGS 2021).

In addition, 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. The project is not located within a designated mineral resource zone area or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

(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?

The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

Conclusion

No impacts to mineral resources would occur and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(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?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(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?	☐	☐	☐	☒

Setting

The Noise Element of the County of San Luis Obispo General Plan provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the Noise Element is to minimize future noise conflicts. The Noise Element identifies the major noise sources in the county (highways and freeways, primary arterial roadways and major local streets, railroad operations, aircraft and airport operations, local industrial facilities, and other stationary sources) and includes goals, policies, and implementation programs to reduce future noise impacts. Among the most significant polices of the Noise Element are numerical noise standards that limit noise exposure within noise-sensitive land uses and performance standards for new commercial and industrial uses that might adversely impact noise-sensitive land uses.

Noise sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings
- Schools (preschool to secondary, college and university, and specialized education and training)
- Health care services (e.g., hospitals, clinics, etc.)
- Nursing and personal care
- Churches
- Public assembly and entertainment
- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities

- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The LUO establishes acceptable standards for exterior and interior noise levels and describe how noise shall be measured. Exterior noise level standards are applicable when a land use affected by noise is one of the sensitive uses listed in the Noise Element. Exterior noise levels are measured from the property line of the affected noise-sensitive land use.

Table 5 -- Maximum allowable exterior noise level standards[1]

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime [2]
Hourly Equivalent Sound Level (L_{eq}, dB)	50	45
Maximum level, dB	70	65

[1] When the receiving noise-sensitive land use is outdoor sports and recreation, the noise level standards are increased by 10 db.

[2] Applies only to uses that operate or are occupied during nighttime hours.

The existing ambient noise environment is characterized by marginal traffic on Shell Creek Road and connecting roadways, as well as noise associated with ongoing agricultural operations on the project site and surrounding properties. The nearest sensitive receptors are offsite residences located about 1.0 mile to the south (about 1.5 miles from the cultivation area) and about 0.75 miles to the north of the project site (about 2.75 miles from the cultivation area).

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?*

Construction Impacts. The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

According to the 2005 Federal Highway Administration's Roadway Construction Noise Mode Database, noise associated with heavy construction equipment can range from about 73 to 101 dBA for non-impact equipment. Noise levels 50 feet from stationary equipment can range from 68 to 88 dBA, with. Table 6 provides an estimate of noise generated by temporary construction activities that may be used for the project.

Table 6 -- Estimate of Noise from Construction Equipment

Equipment	Quantity	dBA at 50 Feet[1]	dBA at Nearest Property Line (290 Feet[3])	dBA at Nearest Off-Site Residence (340 Feet[3])
Backhoe	1	78		
Dozer	1	82		
Excavator	1	81		
Dump Truck	1	76		
Generator	1	81		
Pickup Truck	2	75		
Total:	**7**	**87[2]**	**72**	**70**

Notes:

1. Source: Federal Highway Administration's Roadway Construction Noise Mode Database.
2. Assumes all equipment are operating concurrently.
3. Assumes noise attenuates (diminishes) at a rate of 6 dB per doubling of distance (OSHA Technical Manual, Section III, Chapter 5).

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. As shown in Table 6, construction related noise associated with the listed equipment is not expected to temporarily exceed the maximum hourly daytime levels allowed by the County's noise standards at the nearest property line, assuming noise attenuates (diminishes) at a rate of 6 dB per doubling of distance. Sound levels are expected to be at or below the 70 dBA level at the nearest residence, assuming a distance of 340 feet from the area of construction. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be *less than significant*.

Operational Impacts. Operational noise will be limited to motor vehicle traffic and home ownership. Therefore, operational noise will be below than County standards and impacts would be *less than significant*.

Impacts associated with the generation of a substantial temporary or permanent increase in ambient noise levels would be *less than significant.*

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

The project will not involve the use of pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. In addition, construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of

persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

(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 nearest airstrip in proximity to the project site is Paso Robles Airport located approximately 10 miles to the east. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per LUO standards. Operational noise levels will be less than the standards set forth in the LUO and are considered less than significant. No other potentially significant impacts were identified, and no mitigation measures are necessary.

Mitigation

None are required.

Sources

Provided in Exhibit A.

XIV. POPULATION AND HOUSING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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)?	☐	☐	☒	☐
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

Setting

The Housing Element of the County of San Luis Obispo General Plan recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with state housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. 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 provide limited financing to projects relating to affordable housing throughout the county.

The project site is currently developed with a single-family residence, which would not be impacted by implementation of the project.

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 project proposes construction of two single family residences that could be occupied by as many as six total persons. Employed residents would not require new or additional housing as a result of the proposed project. The project would not generate new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of new roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant.*

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, impacts would be *less than significant.*

Conclusion

No impacts to population and housing would occur and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in 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:				
	Fire protection?	☐	☐	☒	☐
	Police protection?	☐	☐	☒	☐
	Schools?	☐	☐	☒	☐
	Parks?	☐	☐	☒	☐
	Other public facilities?	☐	☐	☐	☒

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #30, located approximately 4 miles east of the project site in the City of Paso Robles. Emergency personnel would be able to reach the site within 5-10 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is in the community of Templeton.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Paso Robles School District.

Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to the serve new development, including fire protection, law enforcement, schools, parks, and roads.

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 project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, which include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The County Fire Department/CAL FIRE has provided a referral response letter (March 8, 2020) for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

Police protection?

The project would be subject to public facility fees to offset the project's cumulative contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant.*

Schools?

As discussed in Section XIV, Population/Housing, the project would not induce population growth and would not result in the need for additional school services or facilities. However, the project would be subject to school impact fees, pursuant to California Education Code Section 17620, to help fund construction or reconstruction of school facilities. Therefore, impacts would be *less than significant*.

Parks?

As discussed in Section XIV, Population and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional parks or recreational services or facilities to serve new populations; therefore, potential impacts would be *less than significant.*

Other public facilities?

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, there would be *no impacts* related to other public facilities.

Conclusion

The project does not propose development that would substantially increase demands on public services and would not induce population growth that would substantially increase demands on public services. The project would be subject to payment of development impact fees to reduce the project's negligible contribution to increased demands on public services and facilities. Therefore, potential impacts related to public services would be less than significant and no mitigation measures are necessary.

Mitigation

None are necessary.

Sources

Provided in 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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

Setting

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities 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.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The Bikeways Plan is updated every 5 years and was last updated in 2016. The plan identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

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 project proposes the construction of two single family residences that could be occupied by as many as six persons. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development

impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant.*

(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 does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant.*

Conclusion

The project would not result in the significant increase in use, construction, or expansion of parks or recreational facilities. Therefore, potential impacts related to recreation would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

XVII. TRANSPORTATION

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

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, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county.

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site is currently undeveloped and generates a very low volume of traffic. The project site takes access from Kiler Canyon Road, a County-maintained rural collector that is unpaved in the vicinity of the project site and serves ranches and rural residences in the area. Traffic counts taken on Kiler Canyon Road west of Arbor Road in 2018 revealed 152 Average Daily Trips and 19 afternoon peak hour trips. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

In 2013 SB 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 SB 743 and identified 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. Also, in December of 2018, the Office of Planning and Research (OPR) published a Technical Advisory on the Evaluation of Transportation Impacts in CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

The County's Framework for Planning (Inland) includes the Land Use and Circulation Elements of the County of San Luis Obispo 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. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities serving of the project site.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. Motor vehicle trips associated with the project are expected to be about 9.6 trips per day per residence (19.2 total average daily trips). Construction activities will require temporary construction trips to and from the site, including up to 7 truck trips per day associated with the export of excavated materials.

Because of the rural character of the area and the low volume of traffic, project construction would noticeably impact traffic operations on Kiler Canyon Road but would not reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. The project is not likely to generate foot or bicycle traffic or generate public transit demand and would have a less than impact on levels of service/conditions for these facilities.

Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be *less than significant*.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

(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.

The project's potential VMT impacts have been calculated using the County's Thresholds of Significance and Sketch VMT tool – an estimation tool designed to calculate potential changes in VMT from a proposed development, based on the SLOCOG Regional Travel Demand Model.

The project is not expected to generate a significant increase in construction-related or operational traffic trips or VMT because:

- Two single family residences would typically generate about 19.2 trips per day which is considerably less than the 110 ADT threshold identified in the 2018 VMT Technical Advisory.
- The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts 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)?

All access improvements from Kiler Canyon Road will be constructed consistent with County standards. Therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

All access improvements from Kiler Canyon Road will be constructed consistent with County standards. The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and impacts would be *less than significant*.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant.

Mitigation

None are required.

Sources

Provided in Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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:				
	(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	☐	☐	☐	☒
	(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.	☐	☐	☒	☐

Setting

Approved in 2014, 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 CRHR; or
    b. Included in a local register of historical resources as defined in subdivision (k) of California PRC 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 California PRC Section 5024.1(c).

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.

Recognizing that tribes have specific expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

In accordance with AB 52 Cultural Resources requirements, outreach to the Salinan Tribe of Monterey and San Luis Obispo Counties, tiṭu tiṭu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council.

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)?

Due to the lack of features typically associated with native occupation, the project site is not expected to contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, there would be *no impact* related to a substantial adverse change in the significance of tribal cultural resources.

(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.

As discussed in Section V. Cultural Resources, due to the lack of features typically associated with native occupation, the project site is not expected to contain any known tribal cultural resources. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040), would reduce potential impacts to *less than significant*.

Conclusion

Cultural resources are not expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with LUO standards and State Health

and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be *less than significant with mitigation.*

Mitigation

None are required.

Sources

Provided in Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(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?	☐	☐	☒	☐
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
(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?	☐	☐	☐	☒
(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?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

The County Department of Public Works provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will serve" letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the county rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for on-site wastewater treatment systems are provided by the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy).

Per the County's Stormwater Program, the Department of Public Works is responsible for ensuring that new construction sites implement BMPs during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage

under the SWRCB's Construction General Permit. PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county. The project would be served by an existing well for water and portable restrooms. The project's energy needs would be provided by PG&E and Southern California Gas Company.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo; Chicago Grade Landfill, located near the community of Templeton; and Paso Robles Landfill, located east of the city of Paso Robles. The project's solid waste needs would be served by Cold Canyon Landfill.

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 project, as conditioned, would not result in a substantial increase in the demand for water, wastewater, or stormwater collection, treatment, or disposal facilities. The project would not result in a substantial increase in energy demand, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. Therefore, impacts would 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?*

As discussed in Section X, Hydrology and Water Quality, an existing well serves the project site. A four-hour well pump test, conducted by Filipponi & Thompson Drilling Inc. on October 26, 2018, confirmed the minimum flow rate of 18 gallons per minute. This is sufficient to serve the proposed development. Impacts related to water supplies would be *less than significant.*

(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 includes a new septic tank for each residence and an area for the construction of a new shared septic leach field at the top of the slope near the southern property line. Therefore, *no impacts would occur.*

(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 nearest landfill to the site is the Chicago Grade Landfill, located approximately 10 miles to the southeast. The landfill has a remaining capacity of approximately four million cubic yards as of 2019. Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. Local landfills have adequate permit capacity to serve the project and the project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be *less than significant*.

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

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management

and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant.*

Conclusion

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be *less than significant.*

Mitigation

None are required.

Sources

Provided in Exhibit A.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐
(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?	☐	☐	☒	☐

Setting

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located within the State Responsibility Area and a "Very High" fire hazard severity zone, and, based on CalFire's referral response letter of March 8, 2020, it would take approximately 5 minutes to respond to a call regarding fire or life safety.

The County Emergency Operations Plan (EOP) addresses several overall policy and coordination functions related to emergency management. The EOP includes the following components:

- Identifies the departments and agencies designated to perform response and recovery activities and specifies tasks they must accomplish;

- Outlines the integration of assistance that is available to local jurisdictions during disaster situations that generate emergency response and recovery needs beyond what the local jurisdiction can satisfy;
- Specifies the direction, control, and communications procedures and systems that will be relied upon to alert, notify, recall, and dispatch emergency response personnel; alert the public; protect residents and property; and request aid/support from other jurisdictions and/or the federal government;
- Identifies key continuity of government operations; and
- Describes the overall logistical support process for planned operations.

Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

The Safety Element of the County of San Luis Obispo General Plan 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. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

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.

The County EOP outlines the emergency measures that are essential for protecting public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access including a turnaround on the project site. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project.

Based on the County's Land Use View tool and Dam and Levee Failure Plan, the project is not located within an area that would be inundated in the event of a dam failure. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, no impacts related to emergency plans would occur.

Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant.*

(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?*

The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 5 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to site to accommodate emergency vehicle access, vegetation clearing or trimming, and installation of two, 9,500-gallon water storage tanks for fire protection. The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE in their referral response letter dated March 8, 2020, including, but not limited to, preparation of a fire safety plan and the applicant will be required to comply with the requirements of the plan for the life of the project. Compliance with the Uniform Fire Code and the recommendations of CalFire will ensure that potential impacts associated with slope, prevailing winds, and other factors will be *less than significant*.

The residences will be located on moderate to relatively steep slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the north and west. As described in Section 6, Geology and Soils, the potential for landslides in the project area is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris.

Therefore, potential impacts would be *less than significant*.

(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?*

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and installation of a water storage tank for fire protection. These infrastructure improvements would reduce fire risk. Therefore, potential impacts would be *less than significant.*

(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?*

The residence would be located on moderate to relatively steep slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the west. As described in Section 6, Geology and Soils, the potential for landslides in the project area is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows. The project includes the construction of two residences and design elements that would expose people or structures to significant fire risk. However, compliance with the requirements set forth by the recommendations of CalFire in their referral letter of March 8, 2020, and County construction standards, impacts would be *less than significant*.

Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be less than significant and no mitigation measures are necessary.

Mitigation

None are required.

Sources

Provided in Exhibit A.

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

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, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not 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, 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. Therefore, impacts would be *less than significant with mitigation incorporated.*

(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)?

The State CEQA Guidelines define cumulative impacts as "two or more individual effects that, when considered together, are considerable or which compound or increase other environmental impacts." Section 15355 of the State CEQA Guidelines further states that individual effects can be various changes related to a single project or the change involved in several other closely related past, present, and reasonably foreseeable future projects. The State CEQA Guidelines state that the discussion of cumulative impacts should reflect the severity of the impacts as well as the likelihood of their occurrence. However, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. Furthermore, the discussion should remain practical and reasonable in considering other projects and related cumulatively considerable impacts.

Aesthetics

The discussion of cumulative impacts relates to the potential for the project to contribute to an aggregate change in visual quality from the surrounding public viewing areas, taking into consideration existing as well as proposed development. The discussion addresses visual quality in two ways: 1) the combined effect of each of the visible project features when seen together as a single project; and 2) how this project may contribute to a change in visual quality when viewed along with other existing and reasonable future development in the area (per CEQA Guidelines, Section 15130).

The individual project elements when viewed together will result in development that will not be highly visible from offsite. Because of their locations on the parcel the residential structures will benefit from screening by the existing stands of native trees.

Therefore, the completed project will not be seen by surrounding resident or by travelers on Kiler Canyon Road and impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be less than cumulatively considerable.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would have no impact on important farmland and would not result in the conversion of surrounding farmland to another use. In addition, potential impacts to forest land or timberland would be mitigated by implementation of the Oak Tree and Rare Plant Mitigation Plan. The project would not result in a conflict with existing zoning for agricultural use or with the existing Williamson Act contract. Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the project's potential impacts to agriculture and forestry resources is considered *less than cumulatively considerable*.

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would not exceed SLOAPCD thresholds of significance for construction emissions. However, construction related emissions could adversely impact sensitive receptors on the adjoining

parcel to the south. With implementation of recommended mitigation measures AQ-1 and AQ-1, project construction, operational, and cumulative impacts would be *less than cumulatively considerable with mitigation*.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats. With implementation of measures BIO-1 through BIO-13 potential impacts to biological resources would be less than significant.

Based on the mitigation measures identified to reduce potential project impacts, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be *less than cumulatively considerable with mitigation*.

Cultural Resources

The analysis provided in Section V. Cultural Resources concludes that project development would not result in significant impacts to cultural resources and project related impacts are considered less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural resources would be *less than cumulatively considerable*.

Energy

The analysis provided in Section VI. Energy concludes that the project's contribution to the overall increased demand for electricity and natural gas would not have the potential to result in potentially cumulatively considerable environmental impacts the wasteful, inefficient and unnecessary use of energy because the residence would be required to comply with relevant building codes relating to energy conservation. Therefore, the project's environmental impacts associated with energy use would be *less than cumulatively considerable*.

Geology and Soils

As discussed in Section VII. Geology and Soils, the project is not located within an Alquist-Priolo Fault Hazard Zone and would be required to comply with the CBC, the March 2020 engineering geology investigation, and other applicable standards to ensure the effects of ground instability or a potential seismic event would be minimized through compliance with current engineering practices and techniques. With implementation of mitigation measures GS-1 and GS-2, project related impacts to soils and geologic resources are considered *less than cumulatively considerable with mitigation*. Based on the underlying geologic formation, the project's potential impacts to previously unknown paleontological resources would be less than significant.

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 8.40 metric tons of CO_2. As stated in Section VIII., a project estimated to generate less than 690 MMTCO2e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

Therefore, cumulative impacts associated with GHG emissions would be *less than cumulatively considerable*.

Hazards and Hazardous Materials

As discussed in Section IX. Hazards and Hazardous Materials, construction activities may include the use of hazardous materials that could result in potential hazards through routine transport, use, and disposal as well as under upset or accident conditions. Mitigation measures HAZ-1 and HAZ-2 have been identified to reduce potential impacts by restricting the location of equipment maintenance, refueling and other potentially hazardous activities, and identifying the appropriate response protocol for immediate cleanup of any spills.

Project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable with mitigation.*

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, the project water demand is estimated to be 0.58 AFY which will have a negligible effect on groundwater resources. As discussed in Section X., the project is not located in an identified groundwater basin and the well and water supply system were demonstrated to adequate for both residences. With implementation of mitigation measures GEO-1 and GEO- for the protection of surface water quality, project impacts are considered *less than cumulatively considerable with mitigation*.

Noise

As discussed in Section XIII, Noise, project related noise associated with construction activities and outdoor cultivation would be less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the subject project to potential noise impacts is considered *less than cumulatively considerable*.

Population and Housing

The most recent projection of regional growth for San Luis Obispo County is the 2050 Regional Growth Forecast (RGF) for San Luis Obispo County, prepared and adopted by SLOCOG in 2017. Using the Medium Scenario, the total county population, housing, and employment for both incorporated and unincorporated areas is projected to increase at an average annual rate of 0.50% per year. Between 2015 and 2050, the County's population is projected to increase by 44,000, or about 1,260 residents per year. Within the unincorporated area, the population is expected to increase by about 19,500 residents, or about 557 per year. Employment is expected to increase by about 6,441, or about 184 per year.

The project could be expected to be occupied by about six residents. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

The project would be subject to adopted public facility (County) and school (CGC Section 65995 et seq.) fee programs to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable projects, the contribution of the subject project to potential public services impacts would be *less than cumulatively considerable*.

Transportation

As discussed in Section XVII, Transportation, the project would not result in a conflict with a plan or policy addressing the circulation system or increase hazards due to a geometric design feature. Therefore, the project's potential traffic impacts would be *less than cumulatively considerable*.

County Fire / CalFire requirements, as described in the referral response letter of March 8, 2020, will be enforced as a condition of approval.

The County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the project being considered, a lead agency may analyze the project's VMT qualitatively.

The most recent estimate of total VMT for the county is from 2013, at which time total VMT per day was estimated to be 7,862,000 VMT. Assuming a 1% annual growth in VMT during the intervening 6 years, the current daily total is estimated to be around 8,333,720 VMT. Accordingly, the VMT associated with other development throughout the county is estimated to result in a marginal increase in the total county VMT. The marginal increase in VMT is not expected to result in a reduction of the level of service on county streets and intersections.

Moreover, each new project will be required to mitigate the project-specific impacts to the transportation network. Such mitigation may include, but is not limited to, the installation of roadway and intersection improvements necessary to serve the project and the payment of applicable road improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable development, the contribution of the subject project to roadway impacts would be *less than cumulatively considerable*.

Other Impact Issue Areas

Based on the project's less-than-significant impacts and the discretionary review of all surrounding reasonably foreseeable future development, the project's potential impacts associated with the following issue areas would be *less than cumulatively considerable*:

- Land Use Planning;
- Mineral Resources;
- Recreation;
- Tribal Cultural Resources;
- Utilities and Service Systems; and
- Wildfire.

(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. In addition, implementation of mitigation measures AQ-1 and AQ-2, HAZ-1 and HAZ-2, and identified in in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be *less than significant with mitigation.*

Initial Study – Environmental Checklist

Conclusion

Potential impacts would be less than significant upon implementation of mitigation measures identified in the resource sections above.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

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
☒	County Public Works Department	**In File****
☐	County Environmental Health Services	**None**
☐	County Agricultural Commissioner's Office	**None**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**None**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**None**
☐	Community Services District	**Not Applicable**
☒	Other Building	**Not Applicable**
☒	Other AB 52 Tribes	**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 Department of Planning and Building.

- ☒ Project File for the Subject Application

County Documents

- ☐ Coastal Plan Policies
- ☒ Framework for Planning (Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ North County Area Plan/Adelaida Sub Area
- ☐ Design Plan
- ☐ Specific Plan
- ☐ Annual Resource Summary Report
- ☐ Circulation Study

Other Documents

- ☒ Clean Air Plan/APCD Handbook
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☐ Archaeological Resources Map
- ☐ Area of Critical Concerns Map
- ☐ Special Biological Importance Map
- ☐ CA Natural Species Diversity Database
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

Initial Study – Environmental Checklist

The project application materials are incorporated by reference in their entirety and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo. In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Project-Specific Studies

Beacon Geotechnical, Inc., March 10, 2020, Geotechnical Engineering Report for Two Single Family Residence and Access Driveway Kiler Canyon Road

Terra Verde Environmental Consulting, LLC, May 2021, Oak Tree and Rare Plant Mitigation Plan,

Terra Verde Environmental Consulting, LLC, Biological Resources Assessment, 2281 Kiler Canyon Road,

Other County References

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Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

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State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <http://geotracker.waterboards.ca.gov/>

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Exhibit B - Mitigation Summary Table

Per Public Resources Code Section 21081.6, the following measures also constitute the mitigation monitoring and/or reporting program that would reduce potentially significant impacts to less than significant levels. These measures would become conditions of approval (COAs) should the project be approved. The Lead Agency (County) or other Responsible Agencies, as specified in the following measures, are responsible to verify compliance with these COAs.

Air Quality

AQ-1 Fugitive Dust Construction Control Measures

Prior to issuance of grading or construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. 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;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

AQ-2 ROG, NO_x, DPM Emissions

The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. **Prior to issuance of any grading or construction permits**, these measures shall be shown on grading and building plans:

a. Implement Mitigation Measure AQ-1, as identified above.

b. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

iii. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,

iv. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

c. Maintain all construction equipment in proper tune according to manufacturer's specifications.

d. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).

e. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.

f. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.

g. Electrify equipment when possible.

h. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,

i. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Biological Resources

BIO-1 Environmental Awareness Training

An environmental awareness training shall be presented to all construction personnel by a qualified biologist **prior to the start of project activities**. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by discretionary permits, an overview of the ESA, implications of noncompliance with the ESA, and required avoidance and minimization measures. Training materials shall be provided to the County Planning and Building Department **prior to issuance of grading or construction permits**.

BIO-2 Site Maintenance and General Operations

Prior to issuance of grading or construction permit, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

The following general measures are recommended to minimize impacts during active construction:

- The use of heavy equipment and vehicles shall be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing. No work shall occur outside these limits.

- Project plans, drawings, and specifications shall show the boundaries of all work areas on site and the location of erosion and sediment controls, limit delineation, and other pertinent measures to ensure the protection of sensitive habitat areas and associated resources.
- Secondary containment such as drip pans shall be used to prevent leaks and spills of potential environmental contaminants.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas. Sandbags and/or absorbent pads shall be available to prevent contaminated water and/or spilled fuel from leaving the site.
- Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
- The use of pesticides (including rodenticides) and herbicides on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of sensitive species that may be using the site.

BIO-3 Lighting

Prior to issuance of grading or construction permits, plans shall show that any temporary construction lighting or permanent lighting introduced for new developments shall avoid nighttime illumination of suitable habitat features for special-status species (i.e. adjacent grassland, chaparral, and oak woodland). **During project construction**, temporary construction lighting will be kept to the minimum amount necessary and shall be directed toward active work areas and away from open spaces. To minimize the effects of future exterior lighting on special-status wildlife species, all outdoor lighting fixtures shall be positioned and/or shielded to avoid direct lighting of off-site natural habitat areas. Exterior lighting shall be in accordance with International Dark Sky Association guidelines for reducing light pollution for the benefit of wildlife.

BIO-4 Special-status Botanical Species

Prior to issuance of grading or construction permit, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

The following specific recommendations are made to reduce the anticipated impacts to special status plant populations to the maximum extent feasible:

- **Prior to the start of construction**, updated botanical surveys will be completed during the appropriate seasons (i.e., approximately April through July) within all proposed disturbance areas. Surveys will include identification and mapping of the current extent of all special-status plant populations.
- To the extent feasible, ground disturbance will be minimized in areas where special-status plant populations have been mapped during 2020 surveys and all subsequent surveys.
- During the appropriate season (i.e., approximately June through August) **prior to the start of construction**, mature seed will be collected from individual plants that will be removed as a result of the proposed development. This seed will be temporarily stored in paper bags or

envelopes in a cool, dry location. Collected seed will be spread in areas of suitable habitat on site that will not be disturbed as part of the proposed development. In particular, the seed should be used to enhance and expand upon existing population patches that were mapped throughout the site.

- The top four to six inches of topsoil will be salvaged during initial grading and stored separately. Stored topsoil will be spread in temporary disturbance areas (e.g., road edges, and utility trench lines) following the completion of construction.

If a mitigation plan is deemed necessary, it will be submitted for approval to the appropriate agencies prior to the start of construction and include the following, at a minimum:

- Discuss the proposed construction methods, construction schedule, and the implementation schedule of activities proposed as part of the plan.
- Quantify the anticipated impacts to special-status plant species, either in acres of occupied habitat or number of individuals impacted.
- Include a description of the mitigation activities proposed for each. As appropriate, the measures will include:
    - A detailed description of topsoil salvage procedures and long-term soil stockpile storage methods;
    - Methods and timing of any proposed seed collection and storage;
    - Locations and demarcation of full-time avoidance areas during construction;
    - Locations and methods for restoration, replanting, and/or reseeding (e.g., decompaction, recontouring, scarification, mulching, hand broadcasting, hydroseeding, and weed control); and
    - Short- and/or long-term monitoring protocols and/or vegetative growth success criteria.
- Include a requirement for photographic documentation and a post-implementation report.

BIO-5 Native Trees – Avoidance Measures

Prior to issuance of grading or construction permit, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

To avoid impacts to individual native (oak) trees, the following aspects will be integrated into the project design:

g. Locate all structures, and construction activities, outside of the tree dripline, and where possible outside of the tree's root zone;

h. Consider siting driveway location outside of the tree dripline(s); where this is not possible, trimming to about 15 vertical feet of any encroaching limbs should be done before any construction activities begin to avoid these limbs being irreparably ripped/broken by large vehicles.

i. When located in "high" or 'very high" fire severity zones, make all efforts to locate development at least 30 feet, preferably 100 feet, from existing trees to avoid trimming or removing trees as a part of a fuel modification program to protect structures from wildland fires;

j. Locate all non-native landscaping that requires summer watering and leach lines outside the trees' dripline and root zone;

k. Before siting structure location, consider where utility lines will be located to avoid trenching within the tree dripline/canopy;

l. When the site requires substantial grading near oaks, consider surface drainage aspects (oaks rely on surface water) to retain similar drainage characteristics to oak's root zones.

BIO-6 Native Trees (Oaks) – Minimizing Impacts

At the time of building permit application and during construction, the following measures shall be completed to minimize native tree (oak) impacts:

e. Grading and/or construction plans shall provide a 'Native Tree (Oak) Inventory' and show locations of all native trees within 25 feet of the proposed project limits (including ancillary elements, such as trenching); For each of the trees shown, they shall be marked with one of the following 1) to be removed, 2) to be impacted, or 3) to remain intact/protected. This should be noted as the "Native Tree Impact Plan" on construction plans.

f. For trees identified as 'impacted' or 'to remain protected' they shall be marked in the field as such and protected to the extent possible. Protective measures shall be visible to work crews and be able to remain in good working order for the duration of the construction work. Waterproof signage at protective edge is recommended (e.g., "TREE PROTECTION AREA – STAY OUT"). Grading, trenching, compaction of soil, construction material/equipment storage, or placement of fill shall not occur within these protected areas.

g. To minimize impacts from tree trimming, the following approach shall be used:

   iv. Removal of larger lower branches shall be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs" (due to wind), 2) reduce number of large limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, creates greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree.

   v. If trimming is unavoidable, no more than 10% of the oak canopy shall be removed.

   vi. If trimming is done, either a skilled certified arborist will be used, or trimming techniques accepted by the International Society of Arboriculture will be used. Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

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

BIO-7 Oak Tree and Rare Plant Mitigation Plan

The applicant shall implement the Oak Tree and Rare Plant Mitigation Plan (report) dated May 2021 prepared by Terra Verde Environmental Consultants. The plan shall incorporate the following minimum components:

- The collection and re-seeding of Salinas milkvetch in suitable areas of the open space easement.
- A description of implementation methods.
- One of the following options for mitigation of oak tree impacts:

d. Removed oak trees (28) shall be mitigated at a 4 to 1 ratio and other impacted oak trees (30) shall be mitigated at a 2 to 1 ratio, for a total of 172 mitigation trees; and

A maintenance and monitoring plan including criteria for assessing the performance of the mitigation plan and a requirement for annual reporting to the County.

- OR -

e. Establishment of a permanent open space easement on the project site with a minimum area of 172,000 square feet, or 3.95 acres, of contiguous, viable, mature oak area as determined by the County and outlined in Figure 2 of the project's Oak and Rare Plant Mitigation Plan.

- OR -

f. Alternatively, up to 25 percent of the mitigation requirement (43 of 172 trees) may be met by protecting small saplings on site. The remaining 129 mitigation trees would be offset as an on-site easement with a minimum area of 129,000 sf (2.96 acres); and

A maintenance and monitoring plan including criteria for assessing the performance of the mitigation plan and a requirement for annual reporting to the County.

BIO-8 Preconstruction Survey for American Badger

A qualified biologist shall complete a preconstruction **survey within 30 days prior to the start of initial project activities** to ensure American badgers are not present within proposed work areas. If potential dens are discovered, they shall be monitored with a remote camera or tracking medium for at least three days to determine if they are occupied. If the qualified biologist determines that potential dens may be active, an exclusion buffer shall be established within 50 feet of the den and the appropriate resource agencies shall be contacted for further guidance. If active dens are found during the breeding and rearing season, no activity shall occur within 200 feet of the den without

agency guidance and approval.

BIO-9 Preconstruction Survey for Monterey Dusky-footed Woodrat

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

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

BIO-10 Special Considerations to Avoid or Minimize Impacts to Mountain Lions

Because mountain lions are large, highly mobile predators, and no denning habitat exists on site, a preconstruction survey targeted to mountain lions will not produce helpful results. Therefore, assuming mountain lions will use the project site, the general avoidance and minimization measures listed in Section 4.2.1 of the project's Biological Resources Assessment dated September 2020 will avoid or minimize impacts to mountain lions. In particular, the measure related to the use of rodenticides is important. Anticoagulant rodenticides, such as brodifacoum, bromadiolone, difenacoum, and difethialone as well as other pesticides and herbicides have negative effects on mountain lion populations in Southern California and the Central Coast. Therefore, the use of these products on the property shall be in compliance with all local, state, and federal regulations to avoid primary and secondary poisoning of mountain lions.

Prior to issuance of grading or construction permit, the general avoidance and minimization measures listed in Section 4.2.1 of the project's Biological Resources Assessment dated September 2020 measures shall be incorporated into the construction phase of the project and shown on all applicable plans.

BIO-11 Preconstruction Surveys for Pallid Bat

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

BIO-12 Preconstruction Survey and Monitoring for Special-status Amphibians and Reptiles

A qualified biologist shall conduct a preconstruction survey immediately **prior to the start of work** within 50 feet of suitable habitat for Northern California legless lizard, coast horned lizard, coast range newt, and CRLF. Surveys will be conducted by gently disturbing scrub understory and upper layers of oak tree duff. Construction monitoring shall also be conducted by a qualified biologist during all initial ground disturbing and vegetation removal activities (e.g., grading, grubbing, vegetation trimming, or vegetation removal including tree removal) within suitable habitat. If Northern California legless lizards, coast horned lizards, or coast range newts are discovered during surveys and monitoring, they will be hand captured and relocated to suitable habitat outside the area of impact. If CRLF are discovered, they shall be allowed to leave on their own volition and the resource agencies shall be contacted.

BIO-13 Preconstruction Survey for Sensitive and Nesting Birds

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

Geology and Soils

GEO-1 Prior to issuance of grading and construction permits, the applicant shall show evidence that the material proposed for export associated with the project has an approved receiver site with a valid grading permit to receive the material. Construction permits shall not be issued until the applicant has provided proof that any exported material will be placed on an approved site with valid permits (City or County project).

GEO -2 Prior to issuance of grading and construction permits, all plans submitted for grading and construction permits shall incorporate the recommendations of the Geotechnical Engineering Report prepared for the project site dated by Beacon Geotechnical, Inc. dated March 10, 2020.

Hazards and Hazardous Materials

HAZ-1 Equipment Maintenance and Refueling

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

HAZ-2 Spill Response Protocol

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