COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

~~Project Title & No.~~ MUELLER MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT/ VARIANCE ED21-108 DRC2020-00078 *(revised June 30, 2023)*

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: (To be completed by the Lead Agency)

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.

Ian Landreth		Planner	3/10/22
Prepared by (Print)	Signature		Date
Steve McMasters	Steve McMasters	Steve McMasters, Principal Environmental Specialist	8/10/22
Reviewed by (Print)	Signature		Date

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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: Request by **Denise Mueller** for a Minor Use Permit / Coastal Development Permit / Variance to allow grading on slopes in excess of 30% for the construction of a two-story 1,970-square-foot residence with an attached 461-square-foot garage, and 880-square-foot of exterior deck. The project would result in approximately 3,893 square feet of site disturbance, on an approximately 0.61-acre parcel. The project is located at 2831 Alamo Drive, approximately 500 feet (west) of the intersection of Rodman Drive and Alamo Drive, in the community of Los Osos, in the Estero planning area.

A Mitigated Negative Declaration was circulated for this project on August 15, 2022 through September 13, 2022 (State Clearinghouse Number 2022080313). Since then, additional biological surveys have been completed on the project site. The revisions to this MND incorporate the updated biological information and affect Section IV., *Biological Resources.* Additionally, Mitigation Measures BIO-7 and BIO-8 have been updated to reflect the County's current language and standards regarding oak tree protection and replacement. New Mitigation Measures BIO-9 and BIO-10 have been added to address potential impacts to Northern California legless lizard and Monterey dusky-footed woodrat.

ASSESSOR PARCEL NUMBER(S): 074-457-030

Latitude: 35º 18' 2.90034" N **Longitude:** -120º 51' 2.36325" W **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area: Estero **Sub:** **Comm:** Los Osos

Land Use Category: Residential Suburban , Residential Single Family

Combining Designation: Local Coastal Plan/Program

Parcel Size: 0.61acres

Topography: Steeply sloping

Vegetation: Shrubs Monterey pines Scattered Oaks

Existing Uses: Undeveloped

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Surrounding Land Use Categories and Uses:

North:	Residential Suburban; single-family residence(s)	***East:***	Residential Suburban; single-family residence(s)
South:	Residential Single Family; single-family residence(s)	***West:***	Residential Single Family ,undeveloped single-family residence(s)

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Figure 1. Project Vicinity Map

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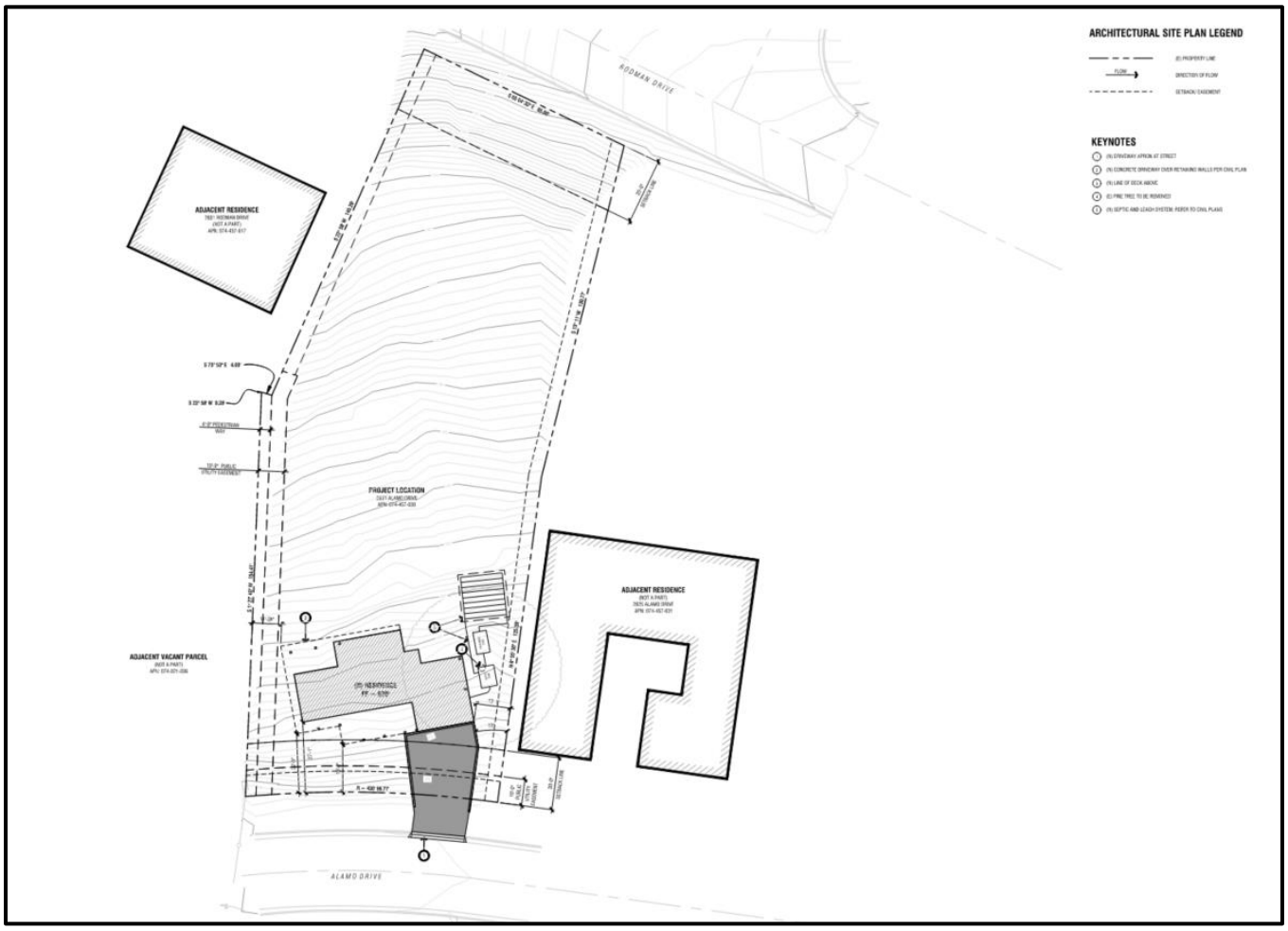

Figure 2. Site Map

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.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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 is located on a 0.61-acre parcel in the Cabrillo Estates neighborhood within the unincorporated community of Los Osos in San Luis Obispo County. The community of Los Osos is located where the Los Osos Valley meets the Pacific Ocean, south of Morro Bay and the Morro Bay Estuary. The project site is located on a prominent east-west oriented ridge that rises up from the bay to an elevation of approximately 950 feet above mean sea level (msl), helping define the southern limits of Los Osos Valley. The Montaña de Oro State Park is located approximately 0.50 mile south of the project site and extends along the coastline south of Los Osos. Because of its location on the hillside, the project site can be seen from a large portion of the community below.

The boundaries of the project site border portions of Residential Suburban/Residential Single-Family split-zoned properties under private ownership. Two large houses are located immediately south and east of the project site. A large undeveloped parcel borders a portion of the project site to the southwest. These undeveloped areas are generally well-vegetated with manzanita chaparral. Patterns of native and non-native trees can be seen along the hillside.

The project site is bordered by Alamo Drive to the south, at a street elevation of approximately 610 feet above mean sea level (msl). The project site slopes steeply downward north of Alamo Drive to a minimum elevation of 530 feet above msl along its northern border.

The primary habitat type present on the 0.64-acre parcel consists of large, dense stands of Central Coast Maritime Chaparral that is dominated by the federally-protected Morro manzanita (*Archtostaphylos morroensis*). At the southern portion of project site, adjacent to Alamo Drive, there are areas of ice plant and few individual coyote brush (*Baccharis pilularis*). In the very steep northern end of the parcel, along Rodman Drive, are clumps of pampas grass (*Cortaderia selloana*), pine trees (*Pinus sp.*), and coast live oak trees (*Quercus agrifolia*)

Project Site Visibility

Because of the project's location on the hillside, it has the potential to be seen from a large portion of the surrounding community. Although the project site is visible from a variety of areas, it is mostly identifiable only by the groupings of trees on and surrounding it.

As seen from the Cabrillo Estates and Upland Area neighborhoods, the upward viewing angle combined with the mature landscaping and residential structures greatly limits views of the project site. Where seen, the most visible aspect of the project site is its grouping of large trees. The project site has minimal visibility from most streets in the adjacent neighborhood, other than from Alamo Drive.

From many public viewpoints in neighborhoods south of Los Osos Valley Road, the project site would be obscured by intervening development, topography and vegetation.

As viewed from Pecho Road, the project site has limited visibility due to topography, vegetation, and in some areas, existing development. Los Osos is a well-established community with medium-density development and mature landscaping. As a result, from many residential areas, views of the project site are precluded by existing buildings and vegetation. However, from public roadways, parks, open space, and random gaps between development, the project site can be seen on the distant hillside. From these viewpoints, the project site is part of the visual backdrop to the community and typically seen at viewing distances of approximately 0.3 mile to 2 miles away.

Discussion

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

The proposed project includes construction of a two-story single-family residence. Implementation of the proposed project could result in short-term visual impacts associated with construction and long-term visual impacts associated with the development of the new residence. The proposed project would become somewhat more visible due to the removal of pine tree which acts as a natural buffer from offsite views. Upon project completion, the site would be restored, and the proposed project would be screened by existing topography and new tree plantings. While removal of the tree would increase visibility of the single-family residence, it would also open-up views to the natural vegetation up-slope from the project site. The proposed project would not visually extend above the primary ridgeline as seen from any public viewpoints.

From most viewing locations, following construction, the project would appear visually consistent with the existing visual character of the site. It is expected that following construction, casual observers would not readily notice the project or distinguish it from the existing condition. Therefore, impacts to scenic vistas would be *less than significant with mitigation.*

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

Because of intervening development, vegetation and topography, combined with the mostly distant viewpoints, the noticeability of the project is relatively low. Where visible, the construction of the single-family residence would be consistent with the existing visual character of the setting and not unexpected for the site. The changes caused by the project would also be visually compatible with the larger suburban/natural interface and would not limit existing views of other character or quality-defining features. From a visual character standpoint, the project would not be adding any new, unexpected elements. From vantage points throughout the community, visibility of the project site would not be visually inconsistent with the geometric forms of the residential structures that cover the hillside in the project vicinity. The removal of mature trees from the project site would change the visual characteristics of the site in terms of their form, color, and visual mass. However, other mature trees on and surrounding the project parcel would remain and views to the natural hillside vegetation behind the project site would unobscured. Therefore, impacts to scenic resources would be *less than significant*.

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

The project would not affect views of the Pacific Ocean, Morro Rock, Morro Bay, the Estuary, the Sandspit, the coastline, local beaches, or any other visual resources that define the scenic vista or the compositional quality of the overall viewshed. Although the loss of trees and construction of the proposed project would cause a visual change at the project site, the overall effect on the hillside and the scenic vista would be minimal. With implementation of Mitigation Measures AES-1 and AES-2 as described in Exhibit B of this Initial Study, which require vegetative restoration and screen planting the project would not result in an aesthetically-incompatible site open to public view. Therefore, impacts associated with aesthetically incompatible sites and visual character would *be less than significant* with mitigation.

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

The project is located on a portion of the parcel that is partially obscured from public views due to the intervening topography, steep viewing angles, and vegetation. A portion of the proposed development is expected to be intermittently visible from a small section of Pecho Road approximately 400 feet southwest from the intersection of Montana Way and Pecho Road, approximately ¾ of a linear mile from the proposed residence. The project does not propose the use or installation of highly reflective materials that would create a substantial source of glare. All proposed lighting would be downcast and shielded of which a majority would not be visible from public view. However, portions of the lighting from the proposed residence could potentially impact drivers traveling on the southbound

lane of Pecho Road. With implementation of mitigation measure AES-3, impacts associated with new sources of light and glare would be *less than significant.*

Conclusion

The proposed project has limited visibility from adjacent areas due to topography, vegetation, and existing development. The project can be seen from a more distant viewpoint but from this viewing distance, the project site occupies a very small percentage of the overall viewshed and is visually subordinate to the scenic landscape. The project would not silhouette against any ridgelines as viewed from public roadways and is considered compatible with the existing and surrounding uses. The project would consist of constructing a single-family residence which would result in the loss of existing trees and increased visibility of the new residence, causing a visual change to the project site. Implementation of mitigation measures AES-1, AES-2 and AES-3 in the Mitigation Summary Table in Exhibit B would reduce impacts to visual resources to less than significant by requiring a lighting pollution prevention plan, minimizing vegetation removal, and requiring replanting and plant screening to further reduce potential impact to the visual quality and character of the area. With implementation of these measures, potential impacts would be *less than significant*.

Mitigation

AES-1 At the time of application for construction permits, the applicant shall submit a landscape plan to the County Department of Planning and Building showing screen planting along the northern side of the single-family residence, and the following:

a. The screen plants shall include trees and/or large shrubs for the purpose of screening the single-family residence. Screen planting shall achieve a minimum 80 percent screening of the single-family residence at plant maturity;

b. Screen planting shall include evergreen trees and/or large shrubs capable of growing to a minimum height of 20 feet tall.

c. Screening plants shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High), with preference given to native species that are compatible with the surrounding native habitat and restoration plantings.

d. The screen planting shall be along the northern side of the single-family residence, at a location that provides the greatest screening benefit, while at the same time minimizes potential conflicts with the goals of the Botanical Resources Assessment (EAM 2020) regarding protection of the Morro manzanita resource.

e. Trees and/or shrubs within the screen planting area shall be maintained in perpetuity. Trees and/or shrubs within the screen planting area which die shall be replaced.

AES-2 At the time of application for construction permits, the applicant shall submit plans to the County Department of Planning and Building showing a restoration plan that includes:

a. Vegetation removal for construction access will be minimized to the greatest extent possible. Where possible, the alignment of the construction access shall be modified to save vegetation.

b. All ground disturbance shall be restored to its pre-construction landform.

c. Any trees or shrubs removed for construction access shall be replaced at a ratio of 4:1 near the location of their removal.

d. Construction access planting shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

e. Any required pruning shall be conducted by an ISA Licensed Arborist.

AES-3 Exterior Light Plan. At the time of application for construction permits, the Applicant shall prepare an Exterior Lighting Plan for permanent [and temporary] facilities to reduce nighttime lighting visual impacts. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development and shielded so that neither the lamp nor the related reflector interior surface is visible from Surrounding residences and key public views (Los Osos Valley Road and Pecho Valley Road). All lighting poles, fixtures, and hoods shall be dark colored.

Sources

See 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?	☐	☐	☐	☒

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 County of San Luis Obispo supports a unique, diverse, and valuable agricultural industry that can be attributed to its Mediterranean climate, fertile soils, and sufficient water supply. Wine grapes are regularly the top agricultural crop in the county. Top value agricultural products in the county also include fruit and nuts, vegetables, field crops, nursery products, and animals. The County of San Luis Obispo Agriculture Element includes policies, goals, objectives, and other requirements that apply to lands designated in the Agriculture land use category. In addition to the Agriculture Element, in accordance with Sections 2272 and 2279 of the California Food and Agriculture Code, the County Agricultural Commissioner releases an annual report on the condition, acreage, production, pest management, and value of agricultural products within the county. The most recent annual crop report can be found here: https://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Crop-Report.aspx.

The California Department of Conservation's 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.

Based on the FMMP, soils at the project site are within the following FMMP designation(s):

- Not Prime Farmland

Onsite soils include:

- 106 Baywood fine sand, 15 to 30 percent slopes. This very deep, somewhat excessively drained, moderately steep soil has rapid permeability and surface runoff. The hazards of wind and water

erosion are high. This soil repels water when dry but has a rapid intake rate once it becomes moist. Slope is the main limitation for development. The droughtiness of this soil makes grassed waterways and areas of permanent plant cover adjacent to roads difficult to maintain. This soil is classified as Not Prime Farmland by the NRCS. This soil has a CA Storie Index Rating of Grade 3 – Fair.

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 which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The project site is within the Agriculture land use designation and is not within lands subject to a Williamson Act contract.

According to Public Resources Code Section 12220(g), forest land is defined as 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. Timberland is defined as land, other than land owned by the federal government and land designated by the board 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. The project site is partially within an area that supports Coastal Oak Woodland at 34 to 75 percent coverage.

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?

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

(*a-b*) The project site is surrounded by residential development and undeveloped open space and there are no agricultural uses at or in proximity to the project site. Future agricultural use of the site is unlikely due to its residential location and steep slopes. The proposed project would not result in the conversion of prime agricultural land, Prime Farmland, Unique Farmland, Farmland of Statewide Importance to nonagricultural use or conflict with existing zoning for agricultural uses or the Williamson Act program. Based on the setting information described above, the project would not involve any other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use.

(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?

(*c-d*) There is no forest land, timberland, or timberland zoned Timberland Production or zoning for such uses in the project vicinity; *no impact* would occur.

(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 proposes the development of single-family residence and would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forestland to non-forest use. The project would be compatible with existing residences in the area, and would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. Therefore, *no impact would occur*.

Conclusion

No significant impacts to agricultural resources would occur; therefore, no mitigation measures are necessary.

Mitigation

None needed.

Sources

See 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

Regulatory Agencies and Standards

San Luis Obispo County is part of the South Central Coast Air Basin, (SCCAB) which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (ARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The California ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The California ARB adopted the CAAQS developed by the Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (PM_{10} and $PM_{2.5}$), ozone (O_3), nitrogen dioxide (NO_2), sulfate, carbon monoxide (CO), sulfur dioxide (SO_2), visibility reducing particles, lead (Pb), hydrogen sulfide (H_2S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The U.S. EPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO_2, ozone, PM_{10} and $PM_{2.5}$, and SO_2.

California law continues to mandate compliance with CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the case with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the county are maintained.

SLOAPCD 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.

The APCD has established thresholds for both short-term construction emissions and long-term operational emissions. 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. SLOAPCD has established thresholds of significance for each of these contaminants.

Earthwork quantities for the project are expected to include 325 CY of cut and 25 CY of fill. The total area of grading or removal of groundcover is expected to be approximately 3,893 square feet.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial and industrial development. Certain types of project can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (source emissions).

General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the APCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the APCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is

necessary for projects that exceed the screening criteria below or are within ten percent (10%) of exceeding the screening criteria.

Air Quality Monitoring

The county's air quality is measured by a total of 10 ambient air quality monitoring stations, and pollutant levels are measured continuously and averaged each hour, 24 hours a day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to state and federal air quality standards. These standards represent allowable atmospheric containment concentrations at which the public health and welfare are protected, and include a factor of safety. The SLOAPCD prepares an Annual Air Quality Report detailing information on air quality monitoring and pollutant trends in the county. The most recent Annual Air Quality Report can be found here: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2017aqrt-FINAL2.pdf.

In the county of San Luis Obispo, ozone and fine particulates (particulate matter of 10 microns in diameter or smaller; PM_{10}) are the pollutants of main concern, since exceedances of state health-based standards for these pollutants are experienced in some areas of the county. Under federal standards, the county has non-attainment status for ozone in eastern San Luis Obispo County.

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM_{10}. The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

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 the 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.

The project area has not been identified as having the potential for Naturally Occurring Asbestos.

Sensitive Receptors

Sensitive receptors are people that have 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 project is within close proximity to sensitive receptors, including a residence within 100 feet of the project site and multiple residences within 1,000 feet of the project area.

Discussion

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

Construction Impacts

The SLOAPCD CEQA Air Quality Handbook provides thresholds of significance for construction related emissions. Table 1 lists SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 1. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	Threshold (1)		
	Daily	Quarterly Tier 1	Quarterly Tier 2
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Oxides of Nitrogen (NO_X)	137 lbs	2.5	6.3 tons
Fugitive Particulate Matter (PM_{10}), Dust (2)	-	2.5 tons (2)	-

1. Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold.

As proposed, the project would result in the total disturbance of approximately 3,893 SF, including approximately 350 CY of material moved.

The SLOAPCD CEQA Air Quality Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 2 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The APCD's CEQA Handbook also clarifies that any project that would require grading of 4.0 acres or more can exceed the 2.5-ton PM_{10} quarterly threshold listed above will have an impact. As mentioned above, the project will result in approximately 3,893 SF of site disturbance.

Table 2. Standard Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Lbs/Cubic Yard of Material Moved
Diesel Particulate Matter (DPM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Oxides of Nitrogen (NO_X)	42.4	0.0935

Fugitive Particulate Matter (PM_{10})	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)

Based on the cut/fill estimates and the standard construction emission rates shown in Table 2, construction-related emissions that would result from the project were calculated and are shown in Table 3 below.

Table 3. Proposed Project Estimated Construction Emissions.

Pollutant	**Total Estimated Emissions**	**SLOAPCD Threshold**		**Threshold Exceeded?**
		Quarterly		
		Tier 1	**Tier 2**	
ROG + NO_X (combined)	0.02 tons	2.5 tons	6.3 tons	No
Diesel Particulate Matter (DPM)	0.001 tons	0.13 tons	.32 tons	No
Fugitive Particulate Matter (PM_{10})	1.4 tons	2.5 tons	-	No

As shown above, the project would not exceed any of the SLOAPCD's Tier 1 or Tier 2 thresholds for ROG, NOx, DPM, and PM10. For projects that exceed the 2.5 tons/quarter PM10 threshold, the SLOAPCD requires Fugitive PM10 Mitigation Measures.

Operational Impacts

The SLOAPCD's CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed APCD operational significance thresholds (refer to Table 1-1 of the CEQA Handbook). Based on Table 1-1 of the CEQA Handbook, the project propose a use that would have the potential to result in operational emissions that would exceed APCD thresholds. Construction related impacts would not exceed operational emissions for ROG, NOx, PM10 or DPM. Therefore, potential operational emissions would be less than significant.

Based on the volume of proposed grading, area of project site disturbance, estimated duration of the construction period, and the APCD's screening construction emission rates identified above, the project would not result in the emission of criteria pollutants that would exceed construction-related thresholds established by the SLOAPCD. Therefore, project related emissions 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?

San Luis Obispo County is currently designated as nonattainment status for federal ozone, state ozone, and state PM 10 standards. With regards to federal ozone standards, only the eastern portion

of the county is designated nonattainment. Therefore, impacts related to a cumulatively considerable net increase of a criteria pollutant would be less than significant.

(c) Expose sensitive receptors to substantial pollutant concentrations?

The project is within close proximity to sensitive receptors, including a residence within 100 feet of the project site and multiple residences within 1,000 feet of the project area; therefore, standard dust mitigation is required by the SLOAPCD CEQA Air Quality. Therefore, standard dust mitigation measures are required by the SLOAPCD CEQA Air Quality Handbook (SLOAPCD 2012). Implementation of the APCD's standard dust control mitigation measures would minimize exposure of pollutant concentrations to nearby sensitive receptors and would reduce construction-related impacts to *be less than significant*.

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

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. No long-term operational odors would be generated by the project. Therefore, potential odor-related impacts would be *less than significant.*

Conclusion

Construction-related activities associated with the project would occur within 100 feet of nearby sensitive receptors. Air quality impacts would be minimized through implementation of standard dust control and construction equipment idling mitigation described in Exhibit B of this Initial Study. The project would not generate new or substantially different long-term vehicle trips or emissions. Because this project's operational emissions fall under applicable thresholds, no additional mitigation is required. Implementation of Mitigation Measures AQ-1 and AQ-2 would reduce potential impacts related to Air Quality emissions to less than significant.

Mitigation

AQ-1 **Dust Control.** The project proposes grading areas that are within 1,000 feet of a sensitive receptor. The following measures shall be implemented to minimize nuisance impacts and to significantly reduce fugitive dust emissions:

a. Reduce the amount of the disturbed area where possible;

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the San Joaquin Valley Air District for a list of potential dust suppressants;

c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;

d. Permanent dust control measures identified in the approved project plans (e.g.,

revegetation and landscape plans, etc.) shall be implemented as soon as possible following completion of any soil disturbing activities;

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Air Pollution Control District (APCD) (*project manager add following as applicable* – "and for applications within close proximity to sensitive habitats, CA Department of Fish and Wildlife (CDFW)-compliant stabilizing methods shall be used");

g. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CA Vehicle Code Section 23114;

j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

l. All PM_{10} mitigation measures required should be shown on grading and building plans; and

m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Jackie Mansoor at 805-781-5983).

AQ-2 **Standard Construction Measures**. Based on Air Pollution Control District's (APCD) CEQA Handbook (2012), to reduce nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment. the applicant shall incorporate into the project the following "standard" construction mitigation measures:

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

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

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

d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;

h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Sources

See 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?	☐	☐	☐	☒

Setting

Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection.

Federal and State Endangered Species Acts

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

Migratory Bird Treaty Act

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

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of one acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus labata*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any Heritage Oak. The project site does not support Heritage Oaks or oak woordland, but does support individual oak trees.

~~An Oak Woodland Management Plan would not be required because the ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. In addition, the proposed project was reviewed for consistency with other local policy and regulatory documents relating to biological resources (e.g., County LUO, General Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).~~

Clean Water Act and State Porter Cologne Water Quality Control Act

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

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

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

~~The project site is not within any designated sensitive resource areas, high priority conservation areas, or undeveloped natural lands subjected to any local, regional, or state habitat conservation plan. The site is currently undeveloped and it has no existing pavement. There are no water bodies within the vicinity of project site. On site vegetation consistis of Central Maritime Chaparral, Ice Plant/Ruderal/Ornamental Vegetation, Pine Tree (canopy) and Coast Live Oak. A Botanical Report was prepared for the project by Ecological Assets Management (EAM), LLC on October 21, 2020.~~

Los Osos Communitywide Habitat Conservation Plan and Incidental Take Permit

The County of San Luis Obispo is preparing a Communitywide Habitat Conservation Plan (HCP) for the community of Los Osos. The purpose of the HCP is to "authorize the covered activities while conserving the covered species and their habitats. Implementation of a programmatic, multi-species Habitat Conservation Plan, rather than a species-by-species or project-by-project approach, will maximize the benefits of conservation measures for covered species and eliminate potentially expensive and time-consuming efforts associated with processing individual incidental take permits for each project within the proposed Habitat Conservation Plan area." (County of San Luis Obispo 2021).

As part of the HCP and Incidental Take Permit (ITP) coverage, the County is required to mitigate the effects of the covered activities on the covered species through implementation of the LOHCP conservation

program—a comprehensive program designed to avoid, minimize, and mitigate the impacts of the covered activities to the maximum extent practicable.

Participation in the HCP is voluntary and projects resulting in ground disturbance have other options for compliance with the local, state, and federal permitting requirements that are addressed through this plan. Upon issuance of the ITP by USFWS, establishment of a contract between the Implementing Entity and the County, and achievement of success criteria for the initial 15 acres of required "jump start" mitigation, the Implementing Entity will have the ability to extend take coverage to proponents of eligible projects once the initial habitat management project has achieved the performance criteria established in the LOHCP Adaptive Management and Monitoring Plan (County of San Luis Obispo 2021).

Site Conditions

A Biological Resources Assessment was prepared for the project to examine existing conditions and the potential for special-status biological resources to be present within or immediately adjacent to the proposed project (Ecological Assets Management, LLC [EAM] 2023). The Biological Resources Assessment is based on literatures review and twenty-two site visiting, including focused botanical surveys, Morro manzanita surveys, and protocol-level surveys for Morro shoulderband snail (MSS). The following discussion and impact assessment is primarily based on the Biological Resources Assessment.

The project site which is primarily encumbered by large dense stands of Central Maritime Chaparral that is dominated by the federally-protected Morro manzanita (*Arctostaphylos morroensis*) (EAM 2023). The southern portion of the project site includes ice plant mat and coyote brush (*Baccharis pilularis*) and the northern portion contains clumps of pampas grass (*Cortaderia selloana)* and pine trees (*Pinus* sp.).

Based on a 9-quadrangle search of the CDFW California Natural Diversity Database (CNDDB), the following 18 special-status plant and 5 special-status wildlife species have the potential to occur in the region:

Special-Status Plants

- **Arroyo de la Cruz manzanita** *(Arctostaphylos cruzensis)*
- **Morro manzanita** *(Arctostaphylos morroensis)*
- **Hardham's evening-primrose** *(Camissoniopsis hardhamiae)*
- **Lompoc ceanothus** *(Ceanothus cuneatus var. fascicularis)*
- **San Luis Obispo ceanothus** *(Ceanothus thyrsiflorus var. obispoensis)*
- **Straight-awned spineflower** *(Chorizanthe rectispina)*
- **Popcorn lichen** *(Cladonia firma)*
- **Dune larkspur** *(Delphinium parryi ssp. Blochmaniae)*
- **Saint's daisy** *(Erigeron sanctarum)*
- **Indian Knob mountainbalm** *(Eriodictyon altissimum)*
- **Suffrutescent wallflower** *(Erysimum suffrutescens)*
- **Mesa horkelia** *(Horkelia cuneata var. puberula)*
- **Kellogg's horkelia** *(Horkelia cuneata var. sericea)*
- **Jones' bush-mallow** *(Malacothamnus jonesii)*

- **Southern curly-leaved monardella** *(Monardella 25inuate ssp. 25inuate)*
- **San Luis Obispo monardella** *(Monardella frutescens)*
- **California spineflower** *(Mucronea californica)*
- **Sand almond** *(Prunus fasciculata var. punctata)*

During the site surveys, only one special status plant species was observed, Morro manzanita, a CNPS Rank 1B.1 species, which was found throughout the project site and also on the adjacent undeveloped properties. Several coast live oak trees were also observed and constituted individual species and not a community.

Special-Status Wildlife

- **Obscure bumble bee** *(Bombus caliginosus)* – Special Animal (CDFW)
- **Morro shoulderband snail** *(Helminthoglypta walkeriana)* – Federally Threatened (USFWS)
- **Northern California legless lizard** *(Anniella pulchra)* – Species of Special Concern (CDFW)
- **Coast horned lizard** *(Phrynosoma blainvillii)* – Species of Special Concern (CDFW)
- **Monterey dusky-footed woodrat** *(Neotoma macrotis luciana)* – Species of Special Concern (CDFW)

Migratory Nesting Birds~~*The project site is not within any designated sensitive resource areas, high priority conservation areas, or undeveloped natural lands subjected to any local, regional, or state habitat conservation plan. The site is currently undeveloped and it has no existing pavement. There are no water bodies within the vicinity of project site. On site vegetation consistis of Central Maritime Chaparral, Ice Plant/Ruderal/Ornamental Vegetation, Pine Tree (canopy) and Coast Live Oak. A Botanical Report was prepared for the project by Ecological Assets Management (EAM), LLC on October 21, 2020.*~~

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During the site surveys, no special status wildlife species were observed.

~~Morro Shoulderband Snail~~

~~On December 15, 1994, USFWS listed MSS as an endangered species under the Federal Endangered Species Act (FESA). MSS are a member of the land snail family Helminthoglyptidae and are found in association with sandy soils of coastal dune and coastal sage scrub communities near Morro Bay. MSS can be found in native and nonnative habitats and are routinely observed in disturbed areas throughout Los Osos. MSS require shelter to avoid desiccation; therefore, MSS are closely associated with plants and debris that exhibit dense cover and ample contact with the ground. Plants that MSS are often found in association with include mock heather (Ericameria ericoides), seaside golden yarrow (Eriophyllum staechadifolium), deerweed (Acmispon glaber), sand almond (Prunus fasciculata), horkelia (Horkelia cuneate), and ice plant. Other plants that commonly occur in areas occupied by this species include black sage (Salvia mellifera), dune buckwheat (Eriogonum parvifolium), California sagebrush (Artemisia californica), dune lupine (Lupinus chamissonis), veldt grass (Ehrharta calycina), and California croton (Croton californicus).~~

~~The project site is at a higher elevation than the known range of MSS, which are typically found in areas of Baywood fine sand at elevations ranging from approximately 40 to 400 feet above msl. In addition, past survey efforts have determined that thick eucalyptus duff typically does not support live MSS. EAM conducted four protocol MSS surveys in the project site during appropriate protocol conditions. No live MSS or empty MSS shells were observed in the project site. Following the survey efforts, EAM coordinated with the USFWS regarding the project's potential to result in take of MSS. It is EAM's opinion that MSS does not occur on the~~

~~parcel and the project would not result in take of the species. The USFWS concurred with this opinion and issued GSWC a Non-Federal No Take Concurrence letter on May 11, 2019 (refer to Appendix C).~~

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 Plant Species~~The Botanical Report (EAM 2020) identified one special-status plant species with the potential to occur in the study area Morro Manzanita (*Arctostaphylos morroensis*). The proposed project would result in the removal of 16 Morro Manzanita. Operational personnel may not recognize the sensitive species during grading and construction activities. Incorporation of mitigation measure(s) BIO-1, BIO-2 , BIO-7 and BIO-8, which require an environmental monitor, environmental awareness training, and replanting, protection and monitoring plan – therefore, impacts would *be less than significant with mitigation.*~~

Morro Manzanita – Morro manzanita is a woody evergreen shrub in the Ericaceae family (heather family) that occurs in maritime chaparral, cismontane woodland, coastal dune, and coastal scrub communities in the areas of San Luis Obispo County around Morro Bay. Morro manzanita is listed as federally threatened, and is a CNPS Rank 1B.1 species, and prefers stabilized sand dunes or sandstones soil types at elevations less than 200 meters (660 feet) above sea level. Morro manzanita typically flowers during the months of December through March (EAM 2023).

The proposed project and associated construction activities would remove or impact nineteen (19) morro manzanita and two (2) oak trees located within the project site, which will require mitigation in the form of replacement plants and annual monitoring to ensure success. Mitigation for unavoidable impacts to mature Morro manzanita in Los Osos has previously required replanting at ratios as high as 5:1 replacement and mitigation for unavoidable impacts to mature coast live oak trees has previously required planting at ratios of 4:1 for removed oaks and 2:1 to impacted (but retained) oaks. Based on these impacts, the Applicant has prepared a Morro Manzanita and Oak Tree Impact Assessment and Restoration Plan. Mitigation Measures BIO-1 through BIO-5 would implement the Plan and require monitoring and reporting. With implementation of these measures, impacts would be *less than significant with mitigation.*

Special Status Wildlife Species

–Obscure bumble bee – This species occurs along the Pacific Coast, from southern California to southern British Columbia, with scattered records from the east side of California's Central Valley. Common plants utilized by the species includes *Ceanothus, Cirsium, Clarkia, Keckiella, Lathyrus, Lotus, Lupinus, Rhododendron, Rubus, Trifolium, and Vaccinium*. Buckbrush (*Ceanothus cuneatus*) was observed within the Survey Area and could provide a suitable food source for the species. The species is reported to nest in underground abandoned rodent nests, or above ground in tufts of grass, old bird nests, rock piles, or cavities in dead trees and leaves. There are two occurrences of this species recorded within the Los Osos area. Due to the limited available information on this species' ecology and local occurrences, it is difficult to assess whether the species is potentially present within the project site (EAM 2023). Based on the presence of large areas of potentially suitable habitat in nearby areas and the proposed development occurring on only a portion of the project site, impacts would be *less than significant.*

Morro Shoulderband Snail – On December 15, 1994, USFWS listed MSS as an endangered species under the Federal Endangered Species Act (FESA). MSS are a member of the land snail family Helminthoglyptidae and are found in association with sandy soils of coastal dune and coastal sage scrub communities near Morro Bay. MSS can be found in native and nonnative habitats and are routinely observed in disturbed areas throughout Los Osos. MSS require shelter to avoid desiccation; therefore, MSS are closely associated with plants and debris that exhibit dense cover and ample contact with the ground. Plants that MSS are often found in association with include mock heather (*Ericameria ericoides*), seaside golden yarrow (*Eriophyllum staechadifolium*), deerweed (*Acmispon glaber*), sand almond (Prunus fasciculata), horkelia (*Horkelia cuneate*), and ice plant. Other plants that commonly occur in areas occupied by this species include black sage (Salvia mellifera), dune buckwheat (*Eriogonum parvifolium*), California sagebrush (*Artemisia californica*), dune lupine (*Lupinus chamissonis*), veldt grass (*Ehrharta calycina*), and California croton (*Croton californicus*).

The project site is at a higher elevation than the known range of MSS, which are typically found in areas of Baywood fine sand at elevations ranging from approximately 40 to 400 feet above msl. In addition, past survey efforts have determined that thick eucalyptus duff typically does not support live MSS. EAM conducted four protocol MSS surveys in the project site during appropriate protocol conditions. No live MSS or empty MSS shells were observed on the project site. Following the survey efforts, EAM coordinated with the USFWS regarding the project's potential to result in take of MSS. The USFWS concurred with the opinion that MSS are unlikely to occur onsite and issued a Non-Federal No Take Concurrence letter on May 11, 2019 and again after a second set of protocol surveys on May 12, 2021.

The project's No Take Concurrence letter requires a new or extended No Take Concurrence letter prior to initiation of project construction. Alternatively, the project may seek inclusion in the County's Los Osos Habitat Conservation Plan if it is in effect prior to initiation of project construction. The requirement for a new or extended No Take Concurrence letter or inclusion in the County's Los Osos Habitat Conservation Plan is included as a project condition of approval. Therefore, impacts would be *less than significant.*

Northern California legless lizard – This lizard species occurs in moist warm loose soil in sparsely vegetated areas consisting of beach dunes, chaparral, pine-oak woodlands, desert scrub, sandy washes, and stream terraces with sycamores, cottonwoods, or oaks. Moisture is essential. In the Los Osos area, it is commonly found associated with leaf litter under trees and bushes in sunny areas and dunes stabilized with bush lupine and mock heather, and often can be found under surface objects such as rocks, boards, driftwood, and logs (EAM 2023).

In Los Osos this species is commonly found during initial grubbing/vegetation removal and is easily relocated to new areas. Based on numerous previous projects in the general vicinity, this species is likely present within the project site and construction related activities have the potential to impact the species. Mitigation Measures BIO-9 would require pre-construction surveys and relocation of any observed individuals; impacts would be *less than significant with mitigation*.

Coast horned lizard – This reptile species Inhabits open areas of sandy soil and low vegetation in valleys, foothills and semiarid mountains and can be found in grasslands, coniferous forests, woodlands, and chaparral, with open areas and patches of loose soil. This species is often found in lowlands along sandy washes and along dirt roads, and near ant hills. The species is found in Los Osos in sparsely vegetated areas with openings containing sandy soils (EAM 2023).

This species was not observed during the twenty-two surveys conducted within the project site from 2018 to2023 and based on the presence of dense maritime chaparral habitats and the limited open/sparse cover areas, the species is not expected to occur. Coast horned lizard is not expected to be present within the project site and impacts would be *less than significant.*

Monterey dusky-footed woodrat – This species is widespread throughout California within the Coast and Interior Ranges, and the low slopes of the western side of the Sierra Nevada Mountains. The species can be found inhabiting various habitats including oak woodlands, chaparral, and coastal scrub. This species or its distinctive stick nests were not observed within the project site during any of the site visits. However, this species is common to the chaparral and shrub habitats in the Los Osos area and suitable habitats are found on and adjacent to the project site. Construction activities would have the potential to impact this species. Mitigation Measure BIO-10 would require preconstruction surveys and dismantling of nests that are not able to be avoided; impacts would be *less than significant with mitigation.*

Other Nesting Birds – Suitable nesting habitat for numerous native and migratory birds is present throughout and adjacent to the Survey Area, including within the proposed project footprint. Direct impacts to nesting birds could occur from removal of vegetation during the nesting season or from indirect impacts associated with disturbances from construction equipment and other project activities. To address potential impacts to nesting birds, avoidance and minimization measures are provided in Mitigation Measure BIO-6; impacts would be *less than significant with mitigation*.

(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?

The project site supports Central Maritime Chaparral, which is a sensitive natural community that is dominated by Morro manzanita on the project site. The proposed project will result in both temporary and permanent impacts to this community (EAM 2023).

The County of San Luis Obispo Local Coastal Program and Coastal Policies define Environmentally Sensitive Habitats Areas (ESHA) as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The Local Coastal Program Policies identifies "habitats containing or supporting rare and endangered or threatened species" as ESHA. Since the Local Coastal Program defines ESHA as an area that supports rare and endangered or threatened species, those portions of the project site that support Morro manzanita are considered ESHA under the Local Coastal Program.

~~*(b)*~~ The grading that is required to construct the project would temporarily impact the ESHA on the project site, including impacts associated with the removal or impact of 19 Morro manzanita plants that would be required to construct the proposed manzanita. As discussed above, Mitigation Measure BIO-3 would mitigate impacts to Morro manzanita through replanting and protection. With implementation of Mitigation Measures BIO-1 through BIO-5, impacts would be *less than significant with mitigation*.

(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?*

~~(c)~~ There are no aquatic or wetland habitats located onsite or adjacent to the project site; therefore, there would be *no impact.*

~~(b-c) The County of San Luis Obispo Local Coastal Program and Coastal Policies define Environmentally Sensitive Habitats Areas (ESHA) as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." The Local Coastal Program Policies identifies "habitats containing or supporting rare and endangered or threatened species" as ESHA. Since the Local Coastal Program defines ESHA as an area that supports rare and endangered or threatened species, those portions of the project site that support Morro manzanita are ESHA under the Local Coastal Program. The grading that is required to implement the project would temporarily impact the ESHA on the project site, including impacts associated with the removal of 16 Morro manzanita plants that would be required to construct the proposed manzanita. As discussed in Mitigation Measure BIO-3 in Exhibit B Mitigation Summary Table, the removal of Morro manzanita plants (and ESHA) would be mitigated by planting Morro manzanita plants at a 4:1 replacement ratio on-site. Further, the project parcel does not contain any vernal pool or wetland habitat. Therefore, impacts would be *less than significant.*~~

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

The project site currently provides suitable nesting habitat for a variety of bird species. Common passerines and raptors may use the trees for nesting and/or foraging. The nesting habitat would be impacted by project activities including grading and vegetation/tree removal. If the project activities are conducted between March and September, the typical nesting bird season, birds may be nesting within or adjacent to the affected area and the individuals could be directly or indirectly impacted. Direct impacts may include the loss of active nests during vegetation removal. Noise or other disturbances may also cause an individual to abandon a nest resulting in an indirect impact. Mitigation Measure BIO-~~6~~ 6 has been provided to avoid impacts to nesting migratory birds protected by the MBTA. Therefore, impacts to native resident migratory species *would be less than significant with mitigation.*

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

The project is ~~expected~~ anticipated to remove two trees including one coast live oak. Per Mitigation Measures BIO-7 and BIO-8, o~~O~~ak trees will be replaced at a 4:1 ratio. ~~Additionally, one pine tree will be removed.~~ Any additional indirect impacts to coast live oaks will be mitigated by planting trees at a 2:1 ratio. In addition, the proposed project was reviewed for consistency with other local policy and regulatory documents relating to biological resources (e.g., County LUO, General Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used). Therefore, the project would not conflict with local policies or ordinances protecting biological resources and impacts would be *less than significant with mitigation.*

~~(g)~~(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 County is preparing a communitywide habitat conservation plan (HCP) for Los Osos to streamline the permitting of certain future activities by providing a program for the protection and enhancement of habitat for listed species that could be negatively impacted by such activities. The County is currently seeking a programmatic ITP from the U.S. Fish and Wildlife Service (USFWS) and is requesting a permit term of 25 years to authorize take of covered species associated with covered activities in the HCP area. The County anticipates receiving the ITP later this year. Covered activities within the HCP include commercial and residential development and redevelopment of previously owned parcels; public entity and private utility facility and infrastructure projects; public entity and private utility company activities to operate, maintain, and repair existing facilities; and activities conducted to implement the HCP conservation strategy. According to the County, adoption of the HCP and issuance of the ITP(s) will facilitate a streamlined permitting process and also provide a cohesive conservation strategy managed by one entity with a single funding source.

~~(h)~~ The proposed project would be a covered activity in the HCP; however, the County has not yet finalized the HCP and received the ITP, and, therefore, cannot begin HCP implementation. Participation in the HCP is voluntary and projects resulting in ground disturbance have other options for compliance with the local, state, and federal permitting requirements that are addressed through the HCP. Since the project is not anticipated to result in take of this species and the HCP has not been finalized, the project would not conflict with an existing HCP; therefore, *no impact* would occur. ~~The project 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. The project is not within areas identified as critical habitat or within the County's San Joaquin Kit Fox standard mitigation ratio area (County of San Luis Obispo 2007). Therefore, the project would not conflict with the provisions of an adopted plan and no impacts would occur.~~

Conclusion

The project would require the removal or impact of ~~16~~ 19 federally threatened Morro manzanita which would also result in impacts to ESHA. Mitigation Measure BIO-3 would require the project to avoid the removal of Morro manzanita and associated ESHA to the maximum extent practicable; however, if removal is necessary, identified mitigation would require Morro manzanita to be replaced at a 4:1 ratio to mitigate impacts to a less than significant level. The existing non-native pine trees impact native plant establishment and succession, including Morro manzanita and associated ESHA, and shall be removed per Mitigation Measure BIO-5 to further ~~mitigate for~~mitigate the loss of native habitats.

Removal coast live oak and pine tree could result in secondary direct and indirect impacts to nesting birds. To reduce potential impacts to less than significant, mitigation has been included that requires the trees to be removed outside the nesting bird breeding season (March through September) or surveyed by a qualified biologist to verify nesting migratory birds are not occupying the site. If nesting migratory birds are present, additional avoidance measures would apply. Implementation of Mitigation Measures BIO-1 through BIO-~~8~~ 10 in the Mitigation Summary Table in Exhibit B would reduce impacts to biological resources to be *less than significant.*

Mitigation

BIO-1 **Environmental Monitor. Prior to ground disturbing activities,** the applicant shall retain an environmental monitor approved by the County Department of Planning and Building for all

measures requiring environmental mitigation to ensure compliance with the ~~coastal~~ Coastal ~~development~~ Development ~~permit~~ Permit ~~measures~~conditions. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) facilitating the avoidance of Morro manzanita plants, as feasible; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing and access road installation) and be reduced to twice a week following initial disturbances or a frequency and duration determined by ~~Golden State Water Company~~the biologist in consultation with the County Department of Planning and Building.

BIO-2 **Worker Awareness Training. Prior to ground disturbing activities**, the environmental monitor shall conduct an environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of the special-status species that may occur in the project area, including Morro manzanita, ~~ESHA~~Environmentally Sensitive Habitat Area, ~~Morro kangaroo rat~~Monterey Dusky-footed woodrat, ~~coopers hawk~~Northern California legless lizard, and nesting birds. Topics of discussion shall include descriptions of the species' habitats, general provisions and protections afforded by ~~CEQA~~the California Environmental Quality Act, measures implemented to protect special-status species, review of the project boundaries and special conditions, the monitor's role in project activities, lines of communication, and procedures to be implemented in the event a special-status species is observed in the work area.

BIO-3 **Morro Manzanita Avoidance, Protection, and Replacement. Prior to ground disturbing activities,** the environmental monitor shall coordinate with the project contractors to facilitate the avoidance of Morro manzanita to the maximum extent possible. Such coordination will include assisting the contractors in identifying the Morro manzanita occurrences and recommending grading areas that avoid the occurrences. The contractors shall make all reasonable efforts to avoid the manzanitas. Once the Morro manzanitas that can be avoided are identified, the contractors in coordination with the environmental monitor shall install construction delineation fencing that protects the Morro manzanitas to be avoided from accidental disturbance. In some cases, avoidance will not be feasible and mitigation for each manzanita plant removed shall be at a 4~~5~~:1 ratio. The environmental monitor shall document the exact number of Morro manzanita plants that are removed and establish the final Morro manzanita replacement mitigation quantities.

~~**BIO-4 It is estimated that the project will require the removal of 16 Morro manzanita plants. To mitigate this impact, the applicant shall prepare a Morro Manzanita Replacement Plan that provides for the installation and maintenance of 64 Morro manzanita plants on the project parcel. If the environmental monitor determines that more than 16 Morro manzanita plants must be removed to accomplish the project goals, the applicant shall replace each of the removed Morro manzanita plants by planting and maintaining four Morro manzanita plants on the project parcel. If the environmental monitor determines that less than 16 Morro manzanita plants need to be removed for the project, the applicant may plant and maintain less than 64 Morro manzanita plants, provided that the final mitigation ratio is 4:1.**~~ **Prior to issuance of construction permits**, the applicant shall prepare a Morro Manzanita Replacement Plan for

review and approval by the County Department of Planning and Building and shall include:~~The Morro manzanita Replacement Plan shall include~~:

- A brief narrative of the project location, description, and purpose;
- Clearly identified parties responsible for the mitigation program and their contact information;
- A map showing and quantifying all manzanita planting areas;
- A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.
- Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- A program schedule and established success criteria for a 5-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings.
- Methods for removing nonnative species from the site, inclusive of nonnative eucalyptus and pine tree seedlings, and pampas grass (Cortaderia species).
- Methods for the removal and disposal of the eucalyptus and pine duff that occurs on the site.

~~BIO-5~~BIO-4 **Replacement Planting Irrigation.** **Prior to final inspection**~~construction permit~~ issuance, the applicant shall provide for the installation of a temporary irrigation system on the project ~~parcel~~ site that is designed to provide water to the replacement Morro manzanita replacement plantings. The temporary irrigation system shall be maintained and functional throughout the 5-year mitigation program.

~~BIO-6~~ **Pine Tree Removal.** The pine tree on the parcel deposits duff that reduces native plant success on and adjacent to the parcel. ~~**During project construction**~~**Prior to final inspection**, the applicant shall remove the pine tree that is in the parcel boundaries to maximize the survival of the replacement Morro manzanita plants and minimize the adverse effects of these nonnative species on the adjacent Morro manzanita chaparral. If mitigation for other resource areas (e.g., Aesthetics) requires the replacement of the trees, the replacement vegetation shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

BIO-5

BIO-6 **Nesting Birds.** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (February 1 through September 15). If such activities are required during this period, the applicant shall retain a County-approved biologist to conduct a nesting bird survey and determine if migratory birds are occupying the site within 14 days prior to vegetation removal or construction.

The surveys shall be conducted within 500 feet of construction areas. If nesting activity is detected, the following measures shall be implemented:

- The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- The County-approved biologist shall contact the County to determine in consultation with CDFW, an appropriate biological buffer zone around active nest sites (typically 50 feet for non-raptor species and 500 feet for raptor species). Construction activities within the established buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and,

BIO-7 **Oak Tree Replacement.** Mitigation for the loss of native oak trees shall be achieved by replanting onsite of individual oak trees and maintaining and monitoring replacement plantings for at least seven years. On-site replacement planting shall be done **within 90 days of completion of construction or at the beginning of the rainy season as determined appropriate by the County**. Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the San Luis Obispo County Planning and Building Department.

Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. **Annual monitoring reports shall be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year for 7 years**.

BIO-8 **Oak Tree Protection. Prior to and during ground disturbing activities**, the following tree protection guidelines and root protection zone shall be implemented for each tree to be retained that occurs within 50 feet of impact areas:

1. All trees to remain within 50 feet of construction or grading activities shall be marked for protection with protective fencing and their root zone fenced prior to any grading. The root zone will be defined at 1.5 times the diameter of the canopy dripline. All activities within the root zone shall be avoided to the extent feasible. If activities within the root zone cannot be avoided, the activity within this area will be considered an impact and shall be mitigated according to the OTRPP. Substantial impacts such as grading, trenching where roots are damaged or exposed would be considered a permanent impact and shall be mitigated according to the OTRPP. The applicant shall consider the use of retaining walls where appropriate to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut by a certified arborist and not left exposed above the ground surface.
2. Unless previously approved by the county, the following activities are not allowed within the root zone of existing oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months. Trimming greater than 25% of the canopy or roots would be considered an 'impacted tree' and shall be mitigated per the OTRPP measures described above. The County-approved biologist shall document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.

BIO-9 **Northern California Legless Lizard Impact Avoidance. No more than three (3) days prior to initiation of ground disturbing activities**, all areas of the project footprint, including under shrubs, shall be surveyed by a qualified biologist. Any individuals found shall be relocated to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint. A qualified biologist shall monitor all initial vegetation clearing and ground disturbing activities in areas of suitable habitat to capture and relocate individuals to an area on

the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint.

BIO-10 **Monterey Dusky-footed Woodrat Impact Avoidance. Prior to initial clearing/grubbing activities or any ground disturbing activities,** pre-construction surveys for woodrat nests shall be conducted by a qualified biologist within and immediately adjacent to the proposed project footprint. All woodrat nests shall be flagged and ground disturbing activities shall be avoided within 10 feet of the nest. If avoidance of woodrat nests is not possible, all woodrat nests within the disturbance area shall be dismantled over multiple days prior to project disturbances by a qualified biologist to entice the woodrats to leave the area and build new nests outside of the project impact area. Dismantling is recommended during the fall following the breeding season, to minimize the potential to affect reproduction and/or cause increased mortality to the species. If no woodrat nests are observed during the pre-construction surveys, additional surveys shall not be required.

~~**BIO-7** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (March through September). If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected, the following measures should be implemented:~~

- ~~The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;~~
- ~~The County-approved biologist should contact the County to determine in consultation with CDFW, an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,~~
- ~~The County-approved biologist should document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.~~

~~BIO-7 Native Trees (Oaks) –Minimizing Impacts. When trees are proposed for removal or to be impacted within their driplines/ canopies, 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".~~

~~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.

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

ii. 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 (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

c. 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-8 Native Tree (Oaks) – Replacement/Planting. The project proposes remove up to 1 (oak) trees. These are considered individual (oak) trees with replacement planting to be conducted on-site. A "Tree Replacement Plan" (Plan) shall be prepared to address the following replacement elements.

Per the 'Native (oak) Tree Inventory' specified in the previous measure, the applicant will be replacing "in-kind" trees at the following ratios:

1. For each tree identified for removal, four (4) seedlings will be planted (4 total).

Existing volunteer in-kind seedlings on the subject property may be substituted for up to 25% of the required replacement trees when the following criteria can be met for each seedling. These would be clearly marked in the field and on the Plan:

It is considered in excellent health with evidence of vigorous growth;

It is less than two feet tall and can be easily caged or tubed;

It is not located within the construction boundaries;

It is outside remaining (oak) tree canopy dripline but within 20 feet;

It will be caged from browsing animals (caging securely staked to the ground); deer fencing would be installed in areas with known deer populations;

A three foot radius around the seedling is hand-weeded, and heavily mulched (no less than 3" deep) or a 6x6-foot weed mat is installed after initial weeding at the base of the seedling trunk;

It's future root zone is not near any area that will be receiving supplemental moisture during the summer;

It is no closer than 10 feet from any other seedling being protected/ planted (with an overall average of 20 foot spacing).

All of these measures should be completed prior to commencement of any grubbing or grading activities on the site and the area fenced for protection from construction equipment. Should the seedling die or be determined in poor health during follow-up monitoring, the Plan should note that a replacement seedling would be planted or protected, and the above measures would be applied.

Protection of newly planted trees is needed and shall include the following measures on the Plan,:

An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than (seven) years (for oak trees) (unless determined successfully established by monitor);

Caging to protect roots from burrowing animals will be installed when the tree is planted, and be made of material that will last no less than (seven) years (for oak trees).

~~Each shelter should include the following, unless manufacture instructions recommend a more successful approach:~~
~~Shelter will be secured with stake that will last at least (seven) years; metal stake will be used if grazing could occur on site;~~
~~Height of shelter will be no less than three (3) feet;~~
~~Base of shelter will be buried into the ground;~~
~~Top of shelter will be securely covered with plastic netting, or better, and last for no less than (seven) years;~~
~~If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.~~
~~Replanting should be completed in the late fall or winter month's (October to January). If planting cannot occur during these optimal months, a 'landscape irrigation plan' shall be prepared and installed. It should show how plants will be watered on a regular basis. If planting occurs outside of optimal months, a thorough watering will be completed at the time of planting. Planting stock shall be from deep one-gallon containers. Replant areas will be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil will be carefully removed during initial grading and stockpiled for spreading over graded areas to be replanted (setting aside enough for 6-12" layer for entire tree replant area). Planting hole depths should exceed container depths sufficiently to avoid roots from turning upwards. Soil returned around containers will be compacted sufficiently to eliminate air pockets.~~
~~Average tree planting densities should be no greater than one tree every 20 feet and shall average no more than four planted trees per 2,000 sq. ft. This average planting density, and respective area needed, will be reflected on the Plan.~~
~~Location of newly planted trees will adhere to the following, whenever possible:~~
~~on the north side of and at the canopy/dripline edge of existing mature native trees;~~
~~on north-facing slopes;~~
~~close to drainage swales/gullies (except when riparian habitat present);~~
~~where topsoil is present;~~
~~at least 25 feet away from continuously wet areas (e.g. lawns, leach lines, seeps, etc.);~~
~~random and clustered planting patterns to create natural appearance;~~
~~planting locations away from known animal populations (e.g., squirrels, gophers).~~
~~The following planting and maintenance measures will be shown on the Plan and implemented to improve successful establishment:~~
~~Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);~~
~~Regular mulching and weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant; herbicides should be avoided;~~
~~Adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period;~~
~~Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);~~
~~Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.).~~
~~When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).~~

~~The 'Tree Replacement Plan' shall include success criteria and adaptive management provisions to ensure that at (seven) years from planting there is no net loss of trees when compared to those removed/ impacted and that those replanted trees are alive and in a vigorous and healthy condition.~~

Sources

See 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 therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, and immigrant settlers.

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 which a lead agency determines to be historically significant or significant. The architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural records of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence.

The County of San Luis Obispo LUO Historic Site (H) combining designation is applied to areas of the county to recognize the importance of archeological and historic sites and/or structures important to local, state, or national history. Standards are included regarding minimum parcel size and permit processing requirements for parcels with an established structure and Historic Site combining designation. For example, all new structures and uses within an H combining designation require Minor Use Permit approval, and applications

for such projects are required to include a description of measures proposed to protect the historic resource identified by the Land Use Element (CZLUO 23.07.100).

San Luis Obispo County was historically occupied by two Native American tribes: the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is not known, as those boundaries may have changed over time.

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. Based on the COSE, the project is not located in a designated Archaeological Sensitive Area or Historic Site.

Discussion

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

The project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts* would occur.

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

No archeological or historical resources are known or expected to occur within or adjacent to the project site. In the unlikely event that resources are uncovered during grading activities, implementation of CZLUO 23.07.104 (Archaeologically Sensitive Areas) 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. 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 site area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and CZLUO 23.07.104 (Archaeologically Sensitive Areas) 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 CZLUO, 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 archaeological or historical resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive archaeological resources or human remains are discovered during project construction activities, adherence with County CZLUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

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

In 2010, the EWP established a goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to

account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

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

The County CZLUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The CZLUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (CZLUO 23.07.044).

The project is not located in the County's Renewable Energy Area Combining Designation. The Renewable Energy (RE) Area Combining Designation is used to encourage and support the development of local renewable energy resources, conserving energy resources, and decreasing reliance on environmentally costly energy sources.

Discussion

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

Construction of the proposed project is not expected to result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. As for the operation of the project, based on the provided design plans, the project would likely not result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. The project will be required to comply with Title 24, California's building energy efficiency standards. The project would utilize connections to existing nearby power sources. Energy use would be limited to powering the residence. Therefore, the project's impact on energy resources would be *less than significant.*

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

Implementation of the project would not result in a significant new energy demand and there are no project components or operations that would conflict with the EWP or any other state or local plan for renewable energy or energy efficiency. Compliance with State laws and regulations, including the most recent Building Code requirements, will ensure the project continues to reduce energy demands and greenhouse gas emissions, through, for example, increasing state-wide requirements that energy be sourced from renewable resources. Therefore, *no impact* would occur.

Conclusion

The project would not result in a significant energy demand during short-term construction or long-term operations and would not conflict with state or local renewable energy or energy efficiency plans. Therefore, potential impacts related to energy would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (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 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 that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point, Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County's 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.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The

California Building Code (CBC) currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

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

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

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. According the NRCS, Baywood fine sand, 15 to 30 percent slopes underlying the site is characterized as having a high erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to steep slopes, shallow depth to bedrock, and slow percolation. However, a Soils Engineering Report prepared by GeoSolutions, Inc (GeoSolutions Inc., October 2019) concluded that the site was suitable for the proposed project.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (CZLUO 23.07.080).

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils

The project site is on steep slopes, and the soil on the site have a low shrink-swell (expansive) potential. According to the County's land use view, the project site is not located within the County's Geological Study Area and has a moderate landslide risk and low liquefaction potential. The nearest known fault line is an unknown potentially capable fault that crosses through the northern portion of the project site. There are no known serpentine rock locations on the project site. There are no other notable geologic features such as ultramafic rock/soils.

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 closest known fault is an unknown potentially capable fault that crosses through the northern portion of the project site. A Soils Engineering Report was prepared for the project site by prepared by GeoSolutions, Inc (GeoSolutions Inc., October 2019) and provided similar conclusions for the project and provided recommendations for site preparation, grading, and foundations. In addition, the proposed project would be subject to professional engineering and construction standards to ensure the project is constructed in a stable manner. Therefore, the potential for impacts related to surface ground rupture to occur at the project site is low, and potential impacts would be *less than significant.*

(a-ii) Strong seismic ground shaking?

The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. The project would not be open to the public. Therefore, impacts related to the production of strong seismic ground shaking would be *less than significant*.

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

(a-iv) Landslides?

Based on the County Safety Element Liquefaction Hazards Map and the County Safety Element Landslides Hazards Map, the project site is located in an area with low potential for liquefaction and moderate potential for landslides. The soils engineering report prepared for the site determined that based on the consistency and relative density of the in-situ soils the potential for seismic liquefaction of soils at the site is low. The geotechnical reports provide recommendations for site preparation, grading, and foundations. Incorporation of the preliminary geotechnical recommendations as well as professional engineering standards and CBC requirements would ensure the project is designed to adequately address potential liquefaction and landslide related impacts. Therefore, potential impacts would be *less than significant*.

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

The project would result in a total disturbance of approximately 3,893 square feet, including approximately 25 cubic yards of cut and 325 cubic yards of fill. The greatest potential for onsite erosion to occur would be during the initial site preparation and grading during construction. A sedimentation and erosion control plan is required for all construction and grading projects (CZLUO Section 23.05.036) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. 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) (for projects that disturb more than 1.0 acre of land) which may include the preparation of a Storm Water Control Plan to further minimize

onsite sedimentation and erosion. The soils engineering report prepared a slope stability analysis and determined the tested section reflect stable conditions. There are no concerns of loss of topsoil as a result of the project. Therefore implementation of an erosion control plan and SWPPP result in project impacts being *less than significant*.

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

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is located in an area with slopes susceptible to local failure or landslide.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk. The project is not located within the GSA combining designation, based on the soils engineering report, the site is suitable for the proposed 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?

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is located within an area known to contain expansive soils as defined in the Uniform Building Code. The project site is located on soil units with low shrink-swell (expansive) potential. The Soils Engineering Report prepared for the project contains recommendations for expansive soils to be incorporated into the project design (GeoSolutions Inc., October 2019). Therefore, impacts to life or property related to expansive soils would *be less than significant.*

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

The project includes the construction of a single-family residence and proposes the installation of septic tanks or disposal systems. The Soils Engineering Report prepared for the project included an analysis of the proposed septic tanks and included recommendations on excavation depths and alternative realignments to adequately support the use of the proposed septic tanks. Therefore, there would be *no impact.*

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

There are no known unique paleontological resources or unique geological features located within the project site and the area has a low potential for encountering important fossils. Therefore, impacts would be *less than significant.*

Conclusion

Based on compliance with existing regulations and recommendations in the Soils Engineering Report, implementation of the sedimentation and erosion control measures as specified in project plans, and compliance with the measures outlined in the County's LUO and codes, impacts to geologic and soil resources would be less than significant.

Mitigation

None required.

Sources

See 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 gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), 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 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 ARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

In October 2008, the CARB published its Climate Change Proposed Scoping Plan, which is the state's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32, which codifies the Statewide goal of reducing emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels) and the adoption of regulations to require reporting and verification of statewide GHG emissions. The Scoping Plan included CARB-recommended GHG reductions for each sector of the state's GHG emissions 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 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 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.

Pursuant to Section 8203 (g) of the Title 3, Division 8, Chapter 1 of the California Code of Regulations, beginning January 1, 2022, CDFA will require cultivation applicants to disclose the greenhouse gas emission intensity (per kWh) of their utility provider and show evidence that the electricity supplied is from a zero net energy source.

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.

In March 2012, the SLOAPCD approved thresholds for GHG emission impacts, and these thresholds were incorporated into their CEQA Air Quality Handbook. For GHG emissions, the Air Quality Handbook recommended applying a 1,150 MTCO2e 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 AB32 and the 2008 Climate Change Scoping Plan. However, in 2015, the California Supreme Court issued an opinion in the Center for Biological Diversity vs California Department of Fish and Wildlife ("Newhall Ranch") which 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 2012 Handbook are AB 32 based and project horizons are now beyond 2020, the SLO County APCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the County, as the lead agency, recommends a bright-line threshold of 690 MTCO2e for the following reasons.

- According to an update of the County's EnergyWise Plan prepared in 2016, 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. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators, published in 2019 by the California Air Resources Board, in 2017, emissions from GHG emitting activities statewide were 424 million MTCO2e, which is 7 million MTCO2e below the 2020 GHG Limit of 431 million MTCO2e established by AB 32. Therefore, application of the 1,150 MTCO2e 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.

As discussed above, Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extend the state's GHG reduction goals to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. Since SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year, a reasonable SB 32-based working threshold would be 40 percent below the 1,150 MTCO2e Bright Line threshold, or 1,150 x 0.6 = 690 MTCO2e. Therefore, for the purpose of evaluating the significance

of GHG emissions for a project after 2020, a project estimated to generate 690 MTCO2e or more GHG is assumed to have a significant adverse impact that is cumulatively considerable.

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 used to determine the approximate GHG emissions per square foot associated with construction and operation of a single-family residence and accessory dwelling unit based on an energy use factors for construction and operation. These emission factors were then multiplied by the total area for the proposed project to estimate the project's construction-related and annual operational carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 1~~Table 1~~).

Table 1 - Projected Project GHG Emissions Without Mitigation

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year)
		Construction[1]	Operation	
Existing/Baseline GHG Emissions				0
Single-family residence	1 dwelling	n/a	4.2[1]	4.2
Net Change (Increase)				**4.2**

Notes:

1. Based on 18,000 kWhr/household/year.

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

As shown in Table 1~~Table 1~~, project-related GHG emissions will be well below the threshold of 690 MTCO2e. Therefore, potential impacts associated with GHG emissions and applicable plans and policies adopted for the purpose of reducing GHG emissions would be *less than significant.*

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

The proposed project would be required to comply with existing state regulations, which include increased energy conservation measures, reduced potable water use, increased waste diversion, and other actions adopted to achieve the overall GHG emissions reduction goals identified in SB 32 and EO S-3-05. The project would not conflict with the control measures identified in the CAP, EWP, or other state and local regulations related to GHG emissions and renewable energy. The project would be generally consistent with the property's existing land use and would be designed to comply with the California Green Building Code standards. Therefore, the project would be consistent with applicable plans and programs designed to reduce GHG emissions and potential impacts would be *less than significant*.

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to greenhouse gas emissions would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
(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 (Cortese) List 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. Government Code section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC's) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board's (SWRCB's) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: https://calepa.ca.gov/sitecleanup/corteselist/. The project site is not located within close proximity to any site included on the Cortese List, EnviroStor database, or GeoTracker database.

The California Health and Safety Code provides regulations pertaining to the abatement of fire related hazards and requires that local jurisdictions enforce the California Building Code, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The County Safety Element 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 is located within a high fire hazard severity zone, and, based on the County's response time map, it will take approximately 15-20 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 County also 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.

Discussion

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

The project does not propose the routine transport, use or disposal of hazardous substances. Any commonly-used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. *No impacts* associated with the routine transport of hazardous materials would occur.

(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?*

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, potential impacts would be *less than significant.*

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

The project site is not located within 0.25 mile of an existing or proposed school facility; 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 a search of the California Department of Toxic Substance Control's EnviroStar database, the State Water Resources Control Board's Geotracker database, and CalEPA's Cortese List website, there are no hazardous waste cleanup sites within the project site. 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 project site is not located within 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?*

Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility

service or road closures would occur as a result of project implementation. Any construction-related detours would include proper signage and notification and would be short-term and limited in nature and duration. Therefore, potential 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 within a wildland area, and based on the County Safety Element, the project is located within a very high fire hazard severity zone. The project is designed in accordance with State adopted fire safety standards and would be required to adhere to a project specific fire safety plan. These measures will ensure that no people or structures are either directly or indirectly exposed to a significant risk of loss, injury, or death involving wildland fires. Therefore, impacts would be *less than significant.*

Conclusion

The project does not propose the routine transport, use, handling, or disposal of hazardous substances. It is not located within proximity to any known contaminated sites and is not within close proximity to populations that could be substantially affected by upset or release of hazardous substances. With adherence to a fire safety plan, project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation or interfere with any adopted emergency response or evacuation plan. Therefore, potential impacts related to hazards and hazardous materials would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 Central Coast Regional Water Quality Control Board (RWQCB) has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the County. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the Clean Water Act (CWA) requires states to maintain a list of bodies of water that

are designated as "impaired". A body of water is considered impaired when a particular water quality objective or standard is not being met.

The RWQCB's Water Quality Control Plan for the Central Coast Basin (Basin Plan; 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 Regional Board implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The U.S. Army Corps of Engineers (USACE), through Section 404 of the CWA, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. are typically identified by the presence of an ordinary high water mark (OHWM) and connectivity to traditional navigable waters or other jurisdictional features. The State Water Resources Control Board (SWRCB) and nine RWQCBs regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, or have the potential to impact waters of the State. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the state. The project is not located within a groundwater basin.

The County 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 County 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 Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (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 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by the San Luis Obispo County LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The County Safety Element 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. All development located in a 100-year flood zone is subject to Federal Emergency Management Act (FEMA) regulations. The County Land Use Ordinance designates a Flood Hazard

(FH) combining designation for areas of the County that could be subject to inundation by a 100-year flood or within coastal high hazard areas. Development projects within this combining designation are subject to FH permit and processing requirements, including, but not limited to, the preparation of a drainage plan, implementation of additional construction standards, and additional materials storage and processing requirements for substances that could be injurious to human, animal or plant life in the event of flooding. The project site is not located within a Flood Hazard combining designation. The nearest stream to the project site is an unnamed tributary located approximately 0.6 miles south of the project site.

Discussion

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

The project proposes approximately 3,893 square feet of site disturbance and the movement of approximately 325 cubic yards of cut and 25 cubic yards of fill materials. The project is on steep slopes and the project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use. Project grading will create exposed graded areas subject to increased soil erosion and down- gradient sedimentation. Adherence to the County's LUO for sedimentation and erosion control (Section 23.05.036) will adequately address these impacts. Additionally, landscaping and stockpiles will be properly managed during construction to avoid material loss due to erosion.

To reduce construction-related surface water quality impacts, the project will be subject to Section 23.05.040 of the County's Land Use Ordinance (Title 23) which requires a drainage plan. Compliance with this plan will direct surface flows in a non-erosive manner through the site.

The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant.

Existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect 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?*

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by the Sustainable Groundwater Management Act (SGMA). The project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge; therefore, the project would not interfere with sustainable management of the groundwater basin. Potential impacts associated with groundwater supplies would *be less than significant.*

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

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

The project site is not located in proximity to any surface stream or body of water that would be subject to risk associated with erosion or siltation as the result of project construction or operation. Per the LUO, the project would be subject to a sedimentation and erosion control plan to minimize construction and grading impacts. The plan is required to be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. The project would be required to submit an erosion control plan, consistent with County standards and is not expected to result in any substantial erosion or siltation on or off site. Therefore, the impact is considered *less than significant.*

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

The proposed project will be required to submit a drainage plan, consistent with County standards. The project is not expected to result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. Therefore, the impact is considered *less than significant.*

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding 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 proposed project shall submit a drainage plan, consistent with County standards. Therefore, it is not expected that the project would result in substantial increases to the rate or amount of surface runoff which could result in flooding on or off site. The proposed location of the single-family dwelling would be outside of the 100-year flood hazard area. The project would be at a great enough distance from the potential flood area to not be considered at risk of hazards associated with periodic flooding, including the possible release of pollutants. Therefore, impacts would be *less than significant.*

The project would not substantially increase the amount of impervious surface area or the rate and volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity 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. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts* would occur.

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

Based on the County Safety Element, the project site is not located within a 100-year flood zone or within an area that would be inundated if dam failure were to occur. 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 (DOC 2019). 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?

Development such as construction of single-family residences will not require special attention to water use beyond what is required in the Building Ordinance and existing Land Use Ordinance requirements. The project will not conflict or obstruct implementation of a water quality control plan or sustainable management plan.

Conclusion

The project site is not within the 100-year flood zone and does not include existing drainages or other surface waters. The project does not propose alterations to existing water courses or other significant alterations to existing on-site drainage patterns. Therefore, potential impacts related to hydrology and water quality would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

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 proposed agricultural reservoirs are located in an area zoned as Agriculture by the County of San Luis Obispo. The project sites are surrounded by avocado orchards, grazing land, and single-family residences. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., Coastal County Land Use Ordinance, Estero Area Plan, etc.).

Discussion

(a) Physically divide an established community?

The proposed project is located on an existing parcel and would not involve any components that would physically divide the rural community. The project would utilize the existing circulation system and onsite roads for access and would not require the construction of offsite infrastructure. Therefore, there would be *no impact.*

(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 site is located in an area surrounded by single-family residences and undeveloped land. The project site is zoned as Residential Single-family by the County of San Luis Obispo and no zoning changes are proposed. Single-family dwellings are a compatible use for land use designation since they are consistent with the development allowed within the Residential Single-family land use category. The project was found to be consistent with standards and policies set forth in the County General Plan, Local Coastal Plan, the Estero Area Plan, Los Osos Community 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 Public Works Department. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be *less than significant.*

Conclusion

No significant land use or planning impacts would occur.

Mitigation

None required beyond County ordinance.

Sources

See 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?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 (Public Resources Code 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 2011a):

- **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 County 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 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?

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, *no impacts* would occur.

(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?

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low. Therefore, *no impacts* would occur.

Conclusion

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

Mitigation

None required.

Sources

See Exhibit A.

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?	☐	☐	☒	☐

Initial Study – Environmental Checklist

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

Setting

The San Luis Obispo County Noise Element of the 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, 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 (dB). A-weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear.

The existing ambient noise environment of the project site is characterized by light traffic on Old Creek Road. The nearest existing off-site noise-sensitive land uses are residential parcels to the west with the closest receptors being single-family residences located at the end of Cottontail Creek Road, 0.95 miles west of the

project site. There are no other noise-sensitive receptors within 1 mile of the project site. The project site is not located within an Airport Review 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?*

The County of San Luis Obispo 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 3. 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 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 Table O in the CZLUO), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County CZLUO 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.*

The project does not propose any uses or features that would generate a significant permanent source of mobile or stationary noise sources. Ambient noise levels at the project site and in surrounding areas after project implementation would not be significantly different than existing levels. Therefore, potential operational noise impacts would be *less than significant.*

Based on the limited nature of construction and operation activities, and the lack of sensitive noise receptors in the area, 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 does not propose substantial grading/earthmoving activities, pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. 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 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 County LUO standards. No long-term operational noise or ground vibration would occur as a result of the project. The project is not located in close proximity to noise-sensitive receptors. Therefore, potential impacts related to noise would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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)?	☐	☐	☐	☒

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

Setting

The County of San Luis Obispo General Plan Housing Element 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 provides limited financing to projects relating to affordable housing throughout the county.

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 is not expected to cause any substantial population growth as it would be providing only for one single-family residence. The project does not include the construction of businesses or the extension or establishment of roads, utilities, or other infrastructure that would induce substantial development and population growth in new areas. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. Therefore, the project would not directly or indirectly induce substantial growth and *no impacts* would occur.

(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, *no impacts* would occur.

Conclusion

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

Mitigation

None required.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (CAL FIRE), which has been under contract with the County of San Luis Obispo 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 to 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. The project would be served by County Fire Station #15 – South Bay, located approximately 1 mile to the northeast of the project site. Based on the County's response time map, it will take approximately 5 - 10 minutes to respond to a call regarding fire or life safety.

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 nearest sheriff station is the Coast substation in Los Osos, located approximately 1.25 miles to the northeast of the project site.

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project is within the San Luis Coastal Unified School District, which includes one elementary school.

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. The project is located within the Community of Los Osos which supports several parks and recreational areas.

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 (State Government Code 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 required to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. Based on the limited nature of development proposed, the project would not result in a significant increase in demand for fire protection services. The project would be served by existing fire protection services and would not result in the need for new or altered fire protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant.*

Police protection?

The project does not propose a new use or activity that would require additional police services above what is normally provided for similar surrounding land uses. The project would not result in a significant increase in demand for police protection services and would not result in the need for new or altered police protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's 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 and Housing, the project would not induce a substantial increase in population growth and would not result in the need for additional school services or facilities to serve new student populations. Therefore, potential 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, impacts related to other public facilities would be *less than significant.*

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 required.

Sources

See Exhibit A.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

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 would not result in a 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, no impacts would occur.

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 required.

Sources

See 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 project site would be accessed off Old Creek Road a County maintained two lane road.

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

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

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

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

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County's General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. There are no bus stops within 1 mile of the project site, and there are no proximate bike or pedestrian facilities.

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. 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. 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.*

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

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities and is below the trip threshold identified by the State and would not be considered significant. 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)?

The project proposes the construction of a single-family residence and driveway. This residence and driveway are designed in such a way so as to avoid any hazardous design feature and to avoid conflict with existing uses which may be considered incompatible. Therefore, impacts would be *less than significant.*

(d) Result in inadequate emergency access?

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 *no impacts* would occur.

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. Therefore, potential impacts related to transportation would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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 California Register of Historical Resources; or

    b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

AB 52 consultation letters were sent to four tribes on July 2, 2021: Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak tityu tityu yak tiłhini. No comments were received.

As noted in Section V. Cultural Resources, the project is located in an area historically occupied by the Obispeño Chumash and Salinan.

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)?

No resources have been found on site or within the project scope which would be considered a "historical resource" according to Public Resources Code section 5020.1(k). Therefore, impacts would be *less than significant.*

(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.

No resources have been found on site or within the project scope which would be considered significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Therefore, impacts would be *less than significant.*

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with County 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 and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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 proposed project includes construction of a single-family residence which proposes the use of an on-site septic system, and the replacement and expansion of existing underground electrical. Regulations and guidelines on proper wastewater system design and criteria are found within the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (California OWTS Policy), and the California Plumbing Code. The California OWTS Policy includes the option for public agencies in California to prepare and implement a Local Agency Management Program (LAMP), subject to approval by the Central Coast Water Board. Once adopted, the LAMP will ensure local agency approval and permitting of on-site wastewater treatment systems protective of groundwater quality and public health and will incorporate updated standards applicable to onsite wastewater treatment systems. At this time, the California OWTS Policy standards supersede San Luis Obispo County Codes in Title 19. Until the County's LAMP is approved, the County

permitting authority is limited to OWTS that meet Tier 1 requirements, as defined by the California OWTS Policy and summarized in the County's Updated Criteria Policy Document BLD-2028 (dated 06/21/18). All other onsite wastewater disposal systems, including all seepage pit systems, must be approved and permitted through the Central Coast Water Board.

For onsite wastewater treatment (septic) systems, there are several key factors to consider for a system to operate successfully, including the following:

- Sufficient land area to meet the criteria for as currently established in Tier 1 Standards of the California OWTS Policy; depending on rainfall amount, and percolation rate, required parcel size minimums will range from one acre to 2.5 acres;

- The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);

- The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on percolation rates]);

- The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);

- Potential for surface flooding (e.g., within 100-year flood hazard area); - Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances); and

- Distance from creeks and water bodies (100-foot minimum).

See Section VII Geology and Soils, for each soil type found within the parcel boundary and relative septic compatibility. Soils on this site had the following potential septic system constraints: steep slopes, shallow depth to bedrock, and slow percolation.

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 Mission County Disposal.

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 proposes the use of a community water system and private wastewater disposal and would not require the expansion of existing community facilities. 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?*

The project would be subject to the County's Title 19 (Building and Construction Ordinance, Sec.19.20.238), states that no grading or building permit shall be issued until either the water purveyor provides a written statement that potable water service will be provided (community systems), or an on-site well is installed, tested and certified to meet minimum capacity requirements and Health Department approval. The project proposes the use the existing community water system. The project

is a single-family residence which is expected to use a relatively small amount of water each year. Additionally, to conserve water, the project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.240), which requires specific water-conserving fixtures for domestic use. Therefore, impacts 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 would utilize an onsite septic system and would not substantially increase demands on existing wastewater collection, treatment, and disposal facilities. The project does not include new connections to wastewater treatment facilities; therefore, *no impact* 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?

Construction activities would result in the generation of minimal solid waste materials. The proposed project is a single-family residence with attached garage and ADU which is expected to generate a limited amount of solid waste and will likely not result in the impairment 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 is required to abide by federal, state, and local management reduction statutes and regulations related to solid waste. Therefore, the project will comply with all statutes and regulations related to solid waste, and impacts will be *less than significant.*

Conclusion

The project proposes to install an onsite wastewater treatment (septic) system and is not expected to create any solid waste in excess of state and local standards. The project would utilize an existing well for domestic water uses. Therefore, potential impacts to utilities and service systems would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See 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 the California Department of Forestry and Fire Protection (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 located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The Moderate Hazard designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in high or very high fire severity zones. The project is located within a high fire hazard severity zone, and, based on the County's response time map, it will take approximately 15-20 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 County of San Luis Obispo Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, the development and implementation of mitigation efforts to reduce the threat of fire, requiring fire resistant material to 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 has prepared an Emergency Operations Plan (EOP) to outline the emergency measures that are essential for protecting the 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?

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. 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 project site contains steep slopes and substantial vegetation. The proposed project would have the highest fire risk during construction as construction vehicles have the ability to spark wildfires when operating machinery around the surrounding maritime vegetation. The project proponent would be required to adhere to a Fire Safety Plan prepared by Cal Fire / County Fire including criteria for clearing vegetation, combustible building materials, driveway width, and water storage tanks to lessen fire risk within the project site. 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 is accessed by Alamo Drive which is a county-maintained road. The project proposes to construct a new driveway that meets Cal Fire standards. Emergency water is provided by an existing hydrant on the corner of Alamo Drive and Rodman Drive which is maintained by Golden State Water Company. Automatic fire sprinklers will be installed consistent with Cal Fire standards. Therefore, 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 project is located on a site with very steeply sloping topography, is outside of any flood hazard zone and is in an area with high to very high potential for landslide. It is not expected that the project would 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. Therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

None required.

Sources

See 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

(e) *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?*

Potential impacts to aesthetics, air quality, and biological resources have been identified but would be mitigated to a level of less than significant. Compliance with all the mitigation measures identified in Exhibit B would ensure that project implementation 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, or reduce the number or restrict the range of a rare or endangered plant or animal. Implementation of the project would not eliminate important examples of the major periods of California history or pre-history. Therefore, the anticipated project-

related impacts are *less than significant* with incorporation of the mitigation measures included in Exhibit B.

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

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

(g) 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 included in Exhibit B – Mitigation Summary Table would further reduce potential adverse effects on human beings; therefore, impacts would be *less than significant with mitigation.*

Conclusion

With the implementation of the mitigation measures listed in Exhibit B – Mitigation Summary Table, impacts would be reduced to less than significant with mitigation.

Mitigation

None required.

Sources

See Exhibit A.

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	**Not Applicable**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**In File****
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**Not Applicable**
☒	Los Osos Community Services District	**In File****
☒	Other Cabrillo Estates Architectual Review Comittee	**In File****
☐	Other _____	**Not Applicable**

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

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

- ☒ Project File for the Subject Application

County Documents

- ☒ Coastal Plan Policies
- ☒ Framework for Planning (Coastal)
- ☒ General Plan (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 (Coastal)
- ☐ Building and Construction Ordinance
- ☐ Public Facilities Fee Ordinance
- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ Estero Area Plan , Los Osos Community Plan
- ☐ 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

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

CAL FIRE. 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at < https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/ >

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Available at: <https://www.envirostor.dtsc.ca.gov/public/>

California Department of Transportation (Caltrans). 2008. Scenic Highway Guidelines. October 2008.

California State Water Resources Control Board. 2012. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19th, 2012.

County of San Luis Obispo. 2021. Los Osos Habitat Conservation Plan (HCP). Available at: https://www.slocounty.ca.gov/Departments/Planning-Building/Community-Engagement/Active-Planning-Projects/Los-Osos-Habitat-Conservation-Plan-(HCP).aspx. Accessed December 18, 2021.

United States Geological Survey (USGS). 2021. Areas of Land Subsidence in California. Available at: <https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html>

U.S. Fish and Wildlife Service (USFWS). 2021. National Wetlands Inventory Surface Waters and Wetlands. May 3, 2021. Available at: <https://www.fws.gov/wetlands/data/Mapper.html>

Geo Solutions. Soils Engineering Report (APN: 074-457-030). October 21, 2019.

Ecological Assets. Morro Manzanita and Coast Live Oak Restoration Plan for 2831 Alamo Drive (APN 074-457-030). October 21, 2020.

Ecological Assets Management, LLC. Botanical Survey. October 21, 2019.

Letter from Leilani Takano, Assistant Field Supervisor, California Department of Fish and Wildlife, March 11, 2019.

Letter from Dell Wells, Captain / Deputy Fire Marshal, CalFire, July 12, 2020.

Letter from David Grim, County of San Luis Obispo Department of Public Works, July 6, 2020.

Letter from George Hinkins, Cabrillo Estates Architectural Review Committee, Los Osos, April 15, 2021.

Exhibit B - Mitigation Summary

The applicant has agreed to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property

Aesthetics

AES-1 **Screening Plan.** At the time of application for construction permits, the applicant shall submit a landscape plan to the County Department of Planning and Building showing screen planting along the northern side of the single-family residence, and the following:

a. The screen plants shall include trees and/or large shrubs for the purpose of screening the single-family residence. Screen planting shall achieve a minimum 80 percent screening of the single-family residence at plant maturity;

b. Screen planting shall include evergreen trees and/or large shrubs capable of growing to a minimum height of 20 feet tall.

c. Screening plants shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High), with preference given to native species that are compatible with the surrounding native habitat and restoration plantings.

d. The screen planting shall be along the northern side of the single-family residence, at a location that provides the greatest screening benefit, while at the same time minimizes potential conflicts with the goals of the Botanical Resources Assessment (EAM 2020) regarding protection of the Morro manzanita resource.

~~e.~~ *Trees and/or shrubs within the screen planting area shall be maintained in perpetuity. Trees and/or shrubs within the screen planting area which die shall be replaced.*

e. ~~.~~

AES-2 **Vegetation Restoration Plan.** At the time of application for construction permits, the applicant shall submit plans to the County Department of Planning and Building showing a restoration plan that includes:

~~f.~~a. Vegetation removal for construction access will be minimized to the greatest extent possible. Where possible, the alignment of the construction access shall be modified to save vegetation.

~~g.~~b. All ground disturbance shall be restored to its pre-construction landform.

~~h.~~c. Any trees or shrubs removed for construction access shall be replaced at a ratio of 4:1 near the location of their removal.

~~i.~~d. Construction access planting shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

j.e. Any required pruning shall be conducted by an ISA Licensed Arborist.

AES-3 **Exterior Light Plan.** At the time of application for construction permits. The Applicant shall prepare an Exterior Lighting Plan for permanent [and temporary] facilities to reduce nighttime lighting visual impacts. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned "down and into" the development and shielded so that neither the lamp nor the related reflector interior surface is visible from Surrounding residences and key public views (Los Osos Valley Road and Pecho Valley Road). All lighting poles, fixtures, and hoods shall be dark colored.

Air Quality

AQ-1 **Fugitive PM10 Mitigation Measures. Upon application for construction permits,** all required PM_{10} measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

a. Reduce the amount of the disturbed area where possible;

b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stock pile areas should be sprayed daily as needed;

d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;

e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;

f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;

g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

l. All of these fugitive dust mitigation measures shall be shown on grading and building plans.

~~m.~~ 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. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

m.

AQ-2 **Standard Mitigation Measures for Construction Equipment. Upon application for construction permits,** all standard mitigation measures for construction equipment shall be shown on applicable grading or construction plans and made applicable during grading and construction activities as described below.

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

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

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

d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;

e. Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5-minute idling limit;

g. Diesel idling shall be avoided to the greatest extent feasible throughout the duration of construction activities. No idling in excess of 5 minutes shall be permitted as described above;

h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors whenever possible;

i. Electrify equipment when feasible;

j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and

k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Biological Resources

BIO-1 **Environmental Monitor. Prior to ground disturbing activities,** the applicant shall retain an environmental monitor approved by the County Department of Planning and Building for all measures requiring environmental mitigation to ensure compliance with the Coastal Development Permit conditions. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) facilitating the avoidance of Morro manzanita plants, as feasible; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing and access road installation) and be reduced to twice a week following initial disturbances or a frequency and duration determined by the biologist in consultation with the County Department of Planning and Building.

BIO-2 **Worker Awareness Training. Prior to ground disturbing activities**, the environmental monitor shall conduct an environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of the special-status species that may occur in the project area, including Morro manzanita, Environmentally Sensitive Habitat Area, Monterey Dusky-footed woodrat, Northern California legless lizard, and nesting birds. Topics of discussion shall include descriptions of the species' habitats, general provisions and protections afforded by the California Environmental Quality Act, measures implemented to protect special-status species, review of the project boundaries and special conditions, the monitor's role in project activities, lines of communication, and procedures to be implemented in the event a special-status species is observed in the work area.

BIO-3 **Morro Manzanita Avoidance, Protection, and Replacement. Prior to ground disturbing activities,** the environmental monitor shall coordinate with the project contractors to facilitate the avoidance of Morro manzanita to the maximum extent possible. Such coordination will include assisting the contractors in identifying the Morro manzanita occurrences and recommending grading areas that avoid the occurrences. The contractors shall make all reasonable efforts to avoid the manzanitas. Once the Morro manzanitas that can be avoided are identified, the contractors in coordination with the environmental monitor shall install construction delineation fencing that protects the Morro manzanitas to be avoided from accidental disturbance. In some cases, avoidance will not be feasible and mitigation for each manzanita plant removed shall be at a 5:1 ratio. The environmental monitor shall document the exact number of Morro manzanita plants that are removed and establish the final Morro manzanita replacement mitigation quantities.

Prior to issuance of construction permits, the applicant shall prepare a Morro Manzanita Replacement Plan for review and approval by the County Department of Planning and Building and shall include:

- A brief narrative of the project location, description, and purpose;
- Clearly identified parties responsible for the mitigation program and their contact information;
- A map showing and quantifying all manzanita planting areas;
- A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.
- Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- A program schedule and established success criteria for a 5-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings.
- Methods for removing nonnative species from the site, inclusive of nonnative eucalyptus and pine tree seedlings, and pampas grass (Cortaderia species).
- Methods for the removal and disposal of the eucalyptus and pine duff that occurs on the site.

BIO-4 **Replacement Planting Irrigation. Prior to final inspection**, the applicant shall provide for the installation of a temporary irrigation system on the project site that is designed to provide water to the replacement Morro manzanita replacement plantings. The temporary irrigation system shall be maintained and functional throughout the 5-year mitigation program.

BIO-5 **Pine Tree Removal.** The pine tree on the parcel deposits duff that reduces native plant success on and adjacent to the parcel. **Prior to final inspection**, the applicant shall remove the pine tree that is in the parcel boundaries to maximize the survival of the replacement Morro manzanita plants and minimize the adverse effects of these nonnative species on the adjacent Morro manzanita chaparral. If mitigation for other resource areas (e.g., Aesthetics) requires the replacement of the trees, the replacement vegetation shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

BIO-6 **Morro shoulderband snail.** Prior to construction or ground-disturbing activities, the applicant shall obtain a new or extended no-take concurrence letter from the U.S. Fish and Wildlife Service. The following measures shall be implemented to further avoid and/or minimize potential impacts to Morro shoulderband snail during proposed construction activities:

1. A biologist approved by the USFWS will conduct a preconstruction survey of the work area no more than 48 hours prior to the initiation of site work. The biologist will notify the USFWS of the results of the survey immediately following the survey efforts. No live Morro shoulderband snails will be captured and relocated during these efforts.

2. A USFWS-approved biologist will conduct a preconstruction environmental awareness training session for all construction personnel involved in site disturbance. The training is intended to inform the permittees, construction crews, field supervisors, and equipment operators about identifying Morro shoulderband snails and its habitat and non-native refugia, the status of the species, and proposed avoidance and minimization.

3. If Morro shoulderband snail(s) are found in the project area at any time, or if project activities are not complete in one year, all project activities shall cease and coordination with the Ventura Fish and Wildlife Office would be required.

If the applicant is unable to obtain a new or extended no-take concurrence from the U.S. Fish and Wildlife Service, the project would be eligible for coverage under the current proposed terms of County of San Luis Obispo's ("County") Los Osos Habitat Conservation Plan ("LOHCP") awaiting U.S. Fish and Wildlife Service final approval and issuance of an Incidental Take Permit ("ITP"). Following the effective date of the County's ITP and LOHCP, but prior to issuance of grading or construction permits, the project proponent shall secure a Certificate of Inclusion ("COI") from the County, which would confer take coverage under the ITP. The project proponent shall comply with the terms of the COI and ITP, which includes compliance with the LOHCP. If the County finds that the project proponent is out of compliance with the terms of the COI and ITP, the County has the authority to revoke the COI. Without a valid COI, all work relating to the project shall cease immediately.

BIO-7 **Northern California legless lizard. No more than three (3) days prior to initiation of ground disturbing activities**, all areas of the project footprint, including under shrubs, shall be surveyed by a qualified biologist. Any individuals found shall be relocated to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint. A qualified biologist shall monitor all initial vegetation clearing and ground disturbing activities in areas of suitable habitat to capture and relocate individuals to an area on the parcel consisting of appropriate habitat at least 50 feet outside the project development footprint.

BIO-8 **Monterey Dusky-footed Woodrat Impact Avoidance. Prior to initial clearing/grubbing activities or any ground disturbing activities,** pre-construction surveys for woodrat nests shall be conducted by a qualified biologist within and immediately adjacent to the proposed project footprint. All woodrat nests shall be flagged and ground disturbing activities shall be avoided within 10 feet of the nest. If avoidance of woodrat nests is not possible, all woodrat nests within the disturbance area shall be dismantled over multiple days prior to project disturbances by a qualified biologist to entice the woodrats to leave the area and build new nests outside of the project impact area. Dismantling is recommended during the fall following the breeding season, to minimize the potential to affect reproduction and/or cause increased mortality to the species. If no woodrat nests are observed during the pre-construction surveys, additional surveys shall not be required.

BIO-9 **Nesting Birds.** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (February 1 through September 15). If such activities are required during this period, the applicant shall retain a County-approved biologist to conduct a nesting bird survey and determine if migratory birds are occupying the site within 14 days prior to vegetation removal or construction.

The surveys shall be conducted within 500 feet of construction areas. If nesting activity is detected, the following measures shall be implemented:

- The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- The County-approved biologist shall contact the County to determine in consultation with CDFW, an appropriate biological buffer zone around active nest sites (typically 50 feet for non-raptor species and 500 feet for raptor species). Construction activities within the established buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and,
- The County-approved biologist shall document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.

BIO-10 **Oak Tree Replacement.** Mitigation for the loss of native oak trees shall be achieved by replanting onsite of individual oak trees and maintaining and monitoring replacement plantings for at least seven years. On-site replacement planting shall be done **within 90 days of completion of construction or at the beginning of the rainy season as determined appropriate by the County**. Seedling planting will be based on a minimum replacement ratio of 4:1 for oak trees removed and a minimum replacement ratio of 2:1 ratio for oak trees impacted (i.e., disturbance within the root zone area).

Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores and shall consist of 54-inch tall, welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the San Luis Obispo County Planning and Building Department.

Replacement oak trees shall be planted no closer than 20 feet on center on average and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. As feasible, replacement trees shall be planted in a natural setting at the canopy/dripline edge of existing mature native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. Planting locations shall not result in a displacement of existing sensitive plants or habitats. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked "weed mat" or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. **Annual monitoring reports shall be**

prepared by a qualified arborist/botanist and submitted to the County by October 15 each year for 7 years.

BIO-11 **Oak Tree Protection. Prior to and during ground disturbing activities**, the following tree protection guidelines and root protection zone shall be implemented for each tree to be retained that occurs within 50 feet of impact areas:

1. All trees to remain within 50 feet of construction or grading activities shall be marked for protection with protective fencing and their root zone fenced prior to any grading. The root zone will be defined at 1.5 times the diameter of the canopy dripline. All activities within the root zone shall be avoided to the extent feasible. If activities within the root zone cannot be avoided, the activity within this area will be considered an impact and shall be mitigated according to the OTRPP. Substantial impacts such as grading, trenching where roots are damaged or exposed would be considered a permanent impact and shall be mitigated according to the OTRPP. The applicant shall consider the use of retaining walls where appropriate to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut by a certified arborist and not left exposed above the ground surface.
2. Unless previously approved by the county, the following activities are not allowed within the root zone of existing oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to three years); grading (includes cutting and filling of material); compaction (e.g., regular use of vehicles); placement of impermeable surfaces (e.g., pavement); disturbance of soil that impacts roots (e.g., tilling).

~~**BIO-7**~~ The applicant shall minimize trimming of oak trees to remain onsite. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months. Trimming greater than 25% of the canopy or roots would be considered an 'impacted tree' and shall be mitigated per the OTRPP measures described above.**~~Prior to ground disturbing activities,~~** ~~the applicant shall retain an environmental monitor approved by the County Department of Planning and Building for all measures requiring environmental mitigation to ensure compliance with the coastal development permit measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) facilitating the avoidance of~~

Morro manzanita plants, as feasible; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing and access road installation) and be reduced to twice a week following initial disturbances or a frequency and duration determined by Golden State Water Company in consultation with the County Department of Planning and Building.

BIO-7 Prior to ground disturbing activities, the environmental monitor shall conduct an environmental awareness training for all construction personnel. The environmental awareness training shall include discussions of the special-status species that may occur in the project area, including Morro manzanita, ESHA, Morro kangaroo rat, coopers hawk, and nesting birds. Topics of discussion shall include descriptions of the species' habitats, general provisions and protections afforded by CEQA, measures implemented to protect special-status species, review of the project boundaries and special conditions, the monitor's role in project activities, lines of communication, and procedures to be implemented in the event a special-status species is observed in the work area.

BIO-7 Prior to ground disturbing activities, the environmental monitor shall coordinate with the project contractors to facilitate the avoidance of Morro manzanita to the maximum extent possible. Such coordination will include assisting the contractors in identifying the Morro manzanita occurrences and recommending grading areas that avoid the occurrences. The contractors shall make all reasonable efforts to avoid the manzanitas. Once the Morro manzanitas that can be avoided are identified, the contractors in coordination with the environmental monitor shall install construction delineation fencing that protects the Morro manzanitas to be avoided from accidental disturbance. In some cases, avoidance will not be feasible and mitigation for each manzanita plant removed shall be at a 4:1 ratio. The environmental monitor shall document the exact number of Morro manzanita plants that are removed and establish the final Morro manzanita replacement mitigation quantities.

It is estimated that the project will require the removal of 16 Morro manzanita plants. To mitigate this impact, the applicant shall prepare a Morro Manzanita Replacement Plan that provides for the installation and maintenance of 64 Morro manzanita plants on the project parcel. If the environmental monitor determines that more than 16 Morro manzanita plants must be removed to accomplish the project goals, the applicant shall replace each of the removed Morro manzanita plants by planting and maintaining four Morro manzanita plants on the project parcel. If the environmental monitor determines that less than 16 Morro manzanita plants need to be removed for the project, the applicant may plant and maintain less than 64 Morro manzanita plants, provided that the final mitigation ratio is 4:1. The Morro manzanita Replacement Plan shall include:

- A brief narrative of the project location, description, and purpose;
- Clearly identified parties responsible for the mitigation program and their contact information;
- A map showing and quantifying all manzanita planting areas;

- A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;
- Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;
- Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.
- Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;
- A program schedule and established success criteria for a 5-year maintenance, monitoring and reporting program that is structured to ensure the success of the mitigation plantings.
- Methods for removing nonnative species from the site, inclusive of nonnative eucalyptus and pine tree seedlings, and pampas grass (Cortaderia species).
- Methods for the removal and disposal of the eucalyptus and pine duff that occurs on the site.

BIO-15 Prior to construction permit issuance, the applicant shall provide for the installation of a temporary irrigation system on the project parcel that is designed to provide water to the replacement Morro manzanita replacement plantings. The temporary irrigation system shall be maintained and functional throughout the 5-year mitigation program.

BIO-7 The pine tree on the parcel deposits duff that reduces native plant success on and adjacent to the parcel. **During project construction,** the applicant shall remove the pine tree that is in the parcel boundaries to maximize the survival of the replacement Morro manzanita plants and minimize the adverse effects of these nonnative species on the adjacent Morro manzanita chaparral. If mitigation for other resource areas (e.g., Aesthetics) requires the replacement of the trees, the replacement vegetation shall be of species not listed by the Cal-IPC as invasive (Watch, Limited, Moderate, or High).

BIO-7 To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted outside of the migratory bird breeding season (March through September). If such activities are required during this period, the applicant should retain a County-approved biologist to conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected, the following measures should be implemented:

- The project should be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
- The County-approved biologist should contact the County to determine in consultation with CDFW, an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone will be prohibited until the young have fledged the nest and achieved independence; and,
- The County-approved biologist should document all active nests and submit a letter report to the County and CDFW documenting project compliance with the MBTA and applicable project mitigation measures.

BIO-7 **Native Trees (Oaks) - Minimizing Impacts**. When trees are proposed for removal or to be impacted within their driplines/ canopies, the following measures shall be completed to minimize native tree (oak) impacts:

C. 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".

C. 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:

ii. 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.

ii. 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 (Figure 1). Unless a hazardous or unsafe situation exists, trimming will be done only during the winter for deciduous species.

C. 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-8 Native Tree (Oaks) – Replacement/Planting. The project proposes remove up to 1 (oak) trees. These are considered individual (oak) trees with replacement planting to be conducted on-site. A "Tree Replacement Plan" (Plan) shall be prepared to address the following replacement elements.

EE. Per the 'Native (oak) Tree Inventory' specified in the previous measure, the applicant will be replacing "in-kind" trees at the following ratios:

1. For each tree identified for removal, four (4) seedlings will be planted (4 total).

GG. Existing volunteer in-kind seedlings on the subject property may be substituted for up to 25% of the required replacement trees when the following criteria can be met for each seedling. These would be clearly marked in the field and on the Plan:

0. It is considered in excellent health with evidence of vigorous growth;

0. It is less than two feet tall and can be easily caged or tubed;

0. It is not located within the construction boundaries;

0. It is outside remaining (oak) tree canopy dripline but within 20 feet;

0. It will be caged from browsing animals (caging securely staked to the ground); deer fencing would be installed in areas with known deer populations;
0. A three foot radius around the seedling is hand-weeded, and heavily mulched (no less than 3" deep) or a 6x6-foot weed mat is installed after initial weeding at the base of the seedling trunk;
0. It's future root zone is not near any area that will be receiving supplemental moisture during the summer;
0. It is no closer than 10 feet from any other seedling being protected/ planted (with an overall average of 20 foot spacing).

All of these measures should be completed prior to commencement of any grubbing or grading activities on the site and the area fenced for protection from construction equipment. Should the seedling die or be determined in poor health during follow-up monitoring, the Plan should note that a replacement seedling would be planted or protected, and the above measures would be applied.

QQ. Protection of newly planted trees is needed and shall include the following measures on the Plan,:

0. An above-ground shelter (e.g., tube, wire caging) will be provided for each tree, and will be of sturdy material that will provide protection from browsing animals for no less than (seven) years (for oak trees) (unless determined successfully established by monitor);
0. Caging to protect roots from burrowing animals will be installed when the tree is planted, and be made of material that will last no less than (seven) years (for oak trees).

Each shelter should include the following, unless manufacture instructions recommend a more successful approach:

0. Shelter will be secured with stake that will last at least (seven) years; metal stake will be used if grazing could occur on site;
0. Height of shelter will be no less than three (3) feet;
0. Base of shelter will be buried into the ground;
0. Top of shelter will be securely covered with plastic netting, or better, and last for no less than (seven) years;
0. If required planting is located in areas frequented by deer, tube/caging heights will be increased to at least four feet or planting(s) will be protected with deer fencing.

ZZ. Replanting should be completed in the late fall or winter month's (October to January). If planting cannot occur during these optimal months, a 'landscape irrigation plan' shall be prepared and installed. It should show how plants will be watered on a regular basis. If planting occurs outside of optimal months, a thorough watering will be completed at the time of planting. Planting stock shall be from deep one-gallon containers. Replant areas will be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil will be carefully removed during initial grading and stockpiled for spreading over graded areas to be replanted (setting aside enough for 6-12" layer for entire tree replant area). Planting hole depths should exceed container depths sufficiently to avoid roots from turning upwards. Soil returned around containers will be compacted sufficiently to eliminate air pockets.

~~AAA. Average tree planting densities should be no greater than one tree every 20 feet and shall average no more than four planted trees per 2,000 sq. ft. This average planting density, and respective area needed, will be reflected on the Plan.~~

~~BBB. Location of newly planted trees will adhere to the following, whenever possible:~~

~~0. on the north side of and at the canopy/dripline edge of existing mature native trees;~~

~~0. on north-facing slopes;~~

~~0. close to drainage swales/gullies (except when riparian habitat present);~~

~~0. where topsoil is present;~~

~~0. at least 25 feet away from continuously wet areas (e.g. lawns, leach lines, seeps, etc.);~~

~~0. random and clustered planting patterns to create natural appearance;~~

~~0. planting locations away from known animal populations (e.g., squirrels, gophers).~~

~~JJJ. The following planting and maintenance measures will be shown on the Plan and implemented to improve successful establishment:~~

~~0. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);~~

~~0. Regular mulching and weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant; herbicides should be avoided;~~

~~0. Adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period;~~

~~0. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);~~

~~0. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.).~~

~~0. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).~~

~~QQQ.~~3. ~~The 'Tree Replacement Plan' shall include success criteria and adaptive management provisions to ensure that at (seven) years from planting there is no net loss of trees when compared to those removed/ impacted and that those replanted trees are alive and in a vigorous and healthy condition.~~