COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Colombo Parcel Map: ED22-178; (SUB2020-00035/CO19-0075)

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.

SWCA Environmental Consultants	Brandi Cummings		12/29/2022
Prepared by (Print)	Signature		Date
Eric Hughes		Principal Environmental Specialist	12/29/2022
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: Hearing to consider a request by Karen Colombo for a phased Vesting Tentative Parcel Map (CO19-0079/SUB2020-00035) to subdivide two existing parcels, totaling 11.3 acres in size, into four parcels, ranging in size from 2.4 to 4.1 gross acres for the purpose of sale and future development of residential uses on each parcel. The project includes the phased construction of site improvements, including access, drainage, and utility easements and stormwater drainage basins. The project also includes a 34-foot-wide offer of dedication along the northeastern side of Orcutt Road along the frontage of proposed Parcels 3 and 4, to provide continuity with existing offers of dedication along Orcutt Road and Calle Crotalo. The project site is located within the Residential Suburban (RS) land use category at 3876 Orcutt Road, adjacent to the southeastern limit of the city of San Luis Obispo, in the San Luis Obispo North sub-area of the San Luis Obispo planning area.

The project would subdivide two existing parcels (Assessor's Parcel Numbers [APNs] 076-531-006 and 076-531-013), totaling 11.3 acres in size, into four parcels, ranging in size from 2.4 to 4.1 gross acres (Figure 1). Proposed Parcels 1 and 2 would be located in the northern portion of the project site and proposed Parcels 3 and 4 would be located in the southern portion (Figure 2). The project would construct Phase 1 site improvements, including a 10-foot-wide utility easement off of Calle Crotalo from the north, two drainage basins, and a 250-foot-long, 20-foot-wide access driveway. Phase 2 improvements would be constructed after the Phase 2 map is recorded and would include extending the existing gravel-based access and utility easement from Orcutt Road approximately 170 feet.

The development plan for future residential uses on the site is currently not known; however, the project would allow for the future construction of one single-family residence on proposed Parcels 1, 2, and 3 and an accessory dwelling unit (ADU) on proposed Parcels 1, 2, 3, and 4. Future development of primary residential uses on-site would be subject to the development standards described in Chapter 22.10 of the County LUO, as shown in Table 1.

Table 1. Applicable Development Standards for Primary Residential Uses

Development Characteristic	County Standard
Residential Density	One single-family dwelling and one ADU or Junior ADU per legal parcel
Maximum Allowed Height	35 feet[1]
Front Setback	25 feet[2]
Side Setbacks	10% of the lot width, to a maximum of 25 feet, but not less than 3 feet, on sites of less than 1 acre in net area, and a minimum of 30 feet on sites of 1 acre or larger in net area.
Rear Setback	10 feet on sites of less than 1 acre, 30 feet on sites of 1 acre or larger in next area[3]

[1] Height limitations for residential buildings may be adjusted to allow additional height to a maximum of 45 feet, provided that the required side, rear, and interior setbacks shall be increased 1 foot in width for each foot of height over 35 feet.

[2] Exceptions such as shallow lots (lots with an average depth of less than 90 feet), sloping lot adjustment, planned development or cluster division, lots with parkways, etc. as detailed in County LUO Section 22.10.140.

[3] Exceptions include, but are not limited to, accessory buildings and structures, commercial and industrial land use categories, decks, porches, etc. as detailed in County LUO Section 22.10.140.

ADUs may be a maximum of 1,200 square feet in size. Detached ADUs are required to comply with the same setback requirements pertaining to distance from property lines for residential accessory buildings (County LUO Section 22.30.470). Residential accessory buildings (such as detached workshops) may have a maximum area of 40% of the floor area of the principal structure and may not be located closer than 3 feet to any property line (County LUO Section 22.10.140.E.3). Attached ADUs are required to comply with the setback requirements of the primary residential use.

Proposed Parcels 3 and 4 would continue to be served by the existing well located on proposed Parcel 4 (existing Parcel 1). Water for proposed Parcels 1 and 2 would be provided by Afuera de Chorro Water Company, which has provided an intent to serve letter for the project. Construction of new septic systems would be required to serve proposed Parcels 1, 2, and 3 (proposed Parcel 4 would be served by an existing septic system).

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ASSESSOR PARCEL NUMBER: 076-531-006, 076-531-013

Latitude: 35° 15' 23.18" N **Longitude:** 120° 37' 46.70" W **SUPERVISORIAL DISTRICT #** 4

B. Existing Setting

Plan Area: San Luis Obispo **Sub:** San Luis Obispo(North) **Comm:**

Land Use Category: Residential Suburban

Combining Designation: Airport Review, Renewable Energy Overlay

Parcel Size: 11.3 acres

Topography: Nearly level to gently sloping

Vegetation: grassland, riparian, wetland, ornamental, and ruderal/disturbed

Existing Uses: Single-family residence(s), accessory structures, animal shelters, livestock, blue line creek

Surrounding Land Use Categories and Uses:

North: Residential Suburban; single-family residential dwellings ; accessory structures

East: Residential Suburban; single-family residential dwellings; undeveloped

South: Residential Suburban; single-family residential dwellings ; accessory structures

West: city of San Luis Obispo; Orcutt Road; single-family residential dwellings ; accessory structures; undeveloped

Baseline Conditions

The 11.3-acre property is characterized by relatively flat to gently sloping topography and consists of annual grassland, valley needlegrass grassland, riparian, wetland, ornamental, and ruderal/disturbed habitats. An unnamed, intermittent blue-line stream flows through the northern portion of the property. This blue-line stream consists of wetland and scrub/shrub riparian habitat and is considered a nontidal wetland dominated by trees. In addition, there are two additional drainage swales on-site, one located in the northern portion of the property, and one located in the southern portion of the property (Kevin Merk and Associates [KMA] 2021).

The property consists of existing development and improvements, including a residence, barn, various animal shelters/out-buildings, fenced areas for livestock, a paved driveway, well, septic tank, leach field, and other utilities. The residence supports ornamental landscaping. The property supports existing Pacific Gas and Electric Company (PG&E) infrastructure, including a utility corridor, along the western portion of the site, and a tower located on the southern portion of the site. Surrounding land uses include single-family residences and undeveloped areas in all directions.

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Figure 1. Project Location Map

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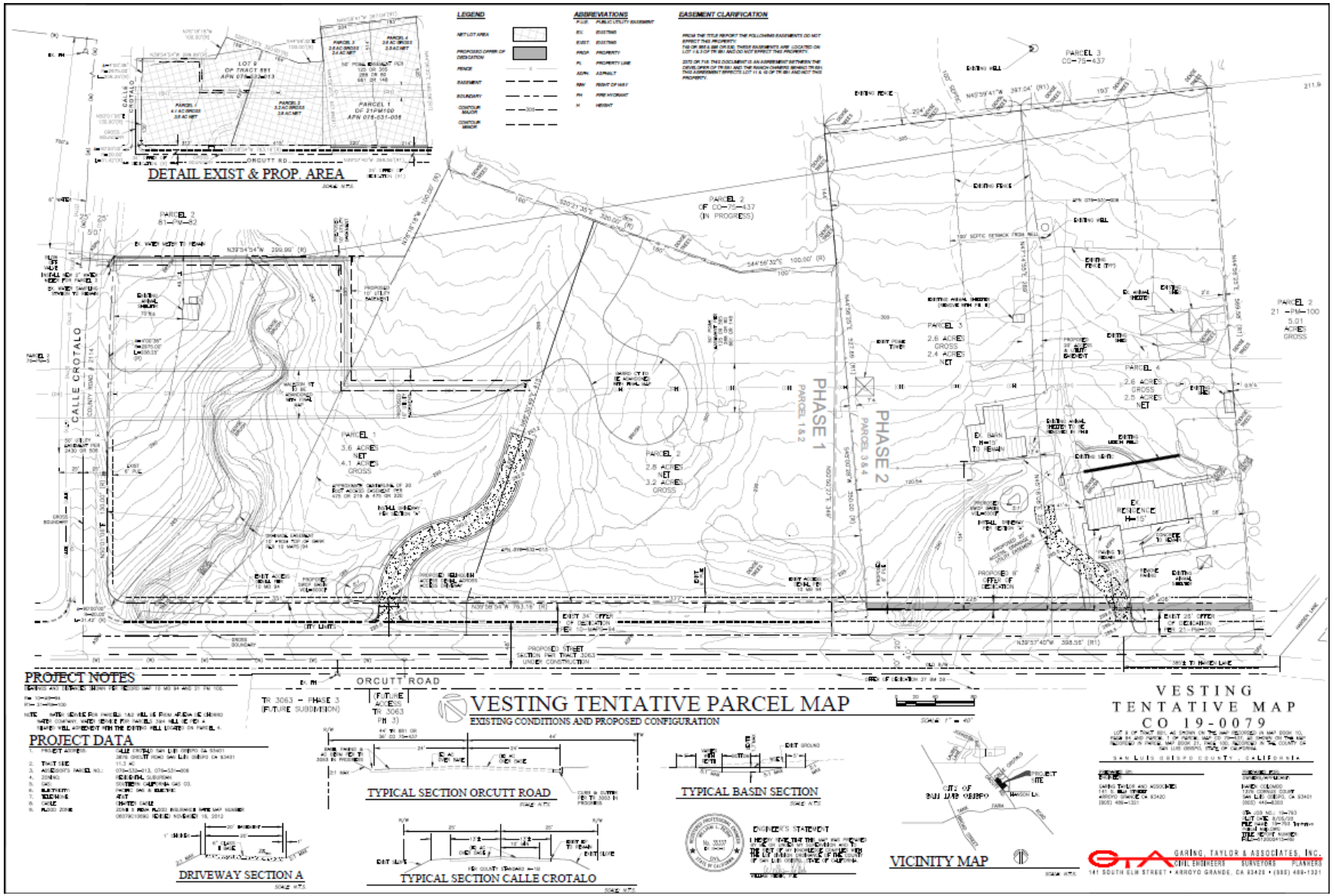

Figure 2. Site Plan Map

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.

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

California Scenic Highway Program

The California Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic Highways within San Luis Obispo County include US Highway 101 (US 101), State Route 46 (SR 46), portions of State Route 41 (SR 41), State Route 1 (SR 1), and Lake Nacimiento Drive. The project site is located approximately 2.5 miles east of US 101, which at this location is designated as eligible for designation as a scenic highway (California Department of Transportation [Caltrans] 2018).

County Conservation and Open Space Element

The County of San Luis Obispo General Plan Conservation and Open Space Element (COSE) identifies several goals for visual resources in rural parts of the county, listed below:

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

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

County of San Luis Obispo Land Use Ordinance

The County of San Luis Obispo Inland Land Use Ordinance (LUO) establishes regulations for exterior lighting (LUO 22.10.060), height limitations for each land use category (LUO 22.10.090), setbacks (LUO 22.10.140), and other visual resource protection policies. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place as set forth in the County Land Use Element.

The County of San Luis Obispo LUO also defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. Since these designated areas are considered visual resources by the County, the LUO establishes specific standards for projects located within these areas. The project is not in an SRA combining designation.

Existing Conditions

The 11.3-acre property is characterized by relatively flat to gently sloping topography and consists of annual grassland, valley needlegrass grassland, riparian, wetland, ornamental, and ruderal/disturbed habitats. An unnamed, intermittent blue-line stream flows through the northern portion of the property and there are two additional drainage swales on-site, one located in the northern portion of the property, and one located in the southern portion of the property (KMA 2021). The property consists of existing development and improvements, including a residence, barn, various animal shelters/out-buildings, fenced areas for livestock, a paved driveway, well, septic, leach field, and other utilities. The residence supports ornamental landscaping. The property supports existing PG&E infrastructure, including a utility corridor, along the western portion of the site, and a tower located on the southern portion of the site. Surrounding land uses include single-family residences and undeveloped areas in all directions.

Discussion

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints and may be officially or informally designated by public agencies or other organizations. Vistas are inherently expansive views, usually from an open area or an elevated point. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas.

The project site is not designated as an SRA by the County's LUO and is not located in the view of a scenic vista; therefore, *no impacts* would occur.

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

The project site is located approximately 2.5 miles east of US 101, which at this location is designated as eligible for designation as a scenic highway (Caltrans 2018). The project site is not visible from US 101 due to distance as well as intervening topography, vegetation, and development. Therefore, implementation of the project would not be visible within the viewshed of a designated state scenic highway, and *no impacts* would occur.

(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 site is located adjacent to the southeastern limits of the city of San Luis Obispo and is generally surrounded by single-family residences, accessory uses, and undeveloped areas in all directions. The property consists of existing development, including a residence, barn, various animal shelters/out-buildings, fenced areas for livestock, and a paved access and utility easement. The remaining portions of the project property supports grassland, riparian, wetland, ornamental, and ruderal/disturbed habitats; an unnamed, intermittent blue-line stream; and two drainage swales.

The project includes the phased implementation of site improvements, including a 10-foot-wide utility easement off of Calle Crotalo and two drainage basins during Phase 1 and the extension of the existing access and utility easement from Orcutt Road during Phase 2. Proposed site improvements would be constructed underground or at ground level and would not require deep cuts into steeply sloping areas or other components that could alter the existing visual character of the project area. Based on a reasonable case development scenario, implementation of the project would facilitate the future development of three new single-family residences and up to four ADUs, which would be consistent with the scale of surrounding residential development. Future residential development would be subject to design requirements for the RS land use designation, including height and setback limitations to avoid introducing architectural or other design features that would be inconsistent with the visual character of the surrounding area. Development of the proposed parcels would be consistent with the scale of surrounding residential development and is not anticipated to include architectural or design features that could change or otherwise degrade the existing visual character of public views; therefore, potential impacts would be *less than significant*.

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

Existing nighttime lighting within the project area consists of lighting from surrounding low-density single-family residential dwellings and vehicle headlights along Orcutt Road, Calle Crotalo, and other proximate roadways. Future buildout of three residential units and up to four ADUS would result in a limited increase of nighttime lighting in the area, which would be consistent with the scale of lighting from other surrounding low-density residential development. In addition, installation of exterior lighting would be required to comply with LUO Section 22.10.060, which requires exterior

lighting sources to be used for illumination purposes only and to be designed to direct light away from surrounding areas, to minimize light intensity, and to shield the light source from off-site areas. Adherence to LUO Section 22.10.160 would avoid creating a substantial new source of light or glare within the project region; therefore, potential impacts would be *less than significant*.

Conclusion

The project is not located within a scenic vista and is not within the viewshed of a designated scenic highway. Implementation of the project would not result in an adverse change in the existing visual character of the project area or affect day or nighttime views. Therefore, potential impacts related to aesthetic resources would be less than significant, and no mitigation measures would be necessary.

Mitigation

Mitigation is not necessary.

II. AGRICULTURE AND FORESTRY RESOURCES

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

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☒	☐

Setting

The California Department of Conservation'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. According to the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program, the project site is located on land designated as other land (DOC 2016).

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 not located within the Agriculture (AG) land use designation and is not subject to a Williamson Act contract.

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

According to the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) *Soil Survey of San Luis Obispo County, California* and the NRCS Web Soil Survey, the project site is underlain by the following soil types (NRCS 2022):

- **(158) Los Osos loam, 5 to 9 percent slopes.** This well drained soil has a very high runoff class and a depth to restrictive feature of 20 to 40 inches to paralithic bedrock. The typical soil profile includes loam, clay, sandy loam, and weathered bedrock. This soil is designated as Farmland of Statewide Importance in Table SL-2 of the County COSE.
- **(162) Los Osos-Diablo complex, 5 to 9 percent slopes.** This well drained soil has a very high runoff class and a depth to restrictive feature of 20 to 40 inches to paralithic bedrock. The typical soil profile consists of loam, clay, sandy loam, and weathered bedrock. This soil is designated as Farmland of Statewide Importance in Table SL-2 of the County COSE.

Forestland is defined in Public Resources Code Section 12220(g) 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. Portions of the project site support dense riparian woodland that provides benefits to wildlife habitat, water quality, and aesthetics.

Timberland is defined in Public Resources Code Section 4526 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 any commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any timberland.

Discussion

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

The project site is designated as other land by the FMMP (DOC 2016). Therefore, implementation of the project would not result in conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and *no impacts* would occur.

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

The project site is not located within the Agriculture land use designation and is not subject to a Williamson Act contract; therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts* would occur.

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

The project site is within the Residential Suburban land use designation and does not include land use designations or zoning for forest land or timberland. Therefore, the project would not conflict with or cause rezoning of forestland or land for timber production and *no impacts* would occur.

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

The project site is not zoned for forestland and is not considered forestland as defined by Public Resources Code section 12220(g); therefore, any tree removal required for proposed site improvements or future development of residential uses would not result in the loss of forest land or convert forest land to non-forest use and *no impacts* 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?*

Soils within the project site are designated as Farmland of Statewide Importance by Table SL-2 of the COSE, which is based on the NRCS soil classification system, as opposed to the FMMP which takes into account historical agricultural practices. However, the project site is not within the Agriculture land use designation, is located adjacent to the southeastern limits of the city of San Luis Obispo, is generally surrounded by existing residential development, and is of a size which makes it infeasible for commercial agricultural production. Based on existing site constraints, the project would not

result in a potentially significant impact associated with conversion of the project site to residential land uses.

The nearest land within the Agriculture land use designation is located approximately 400 feet south of the project site. As evaluated above, implementation of the proposed project would not directly interfere with any existing agricultural, forestland, or timber production activities. The project would not result in substantial long-term groundwater use, dust, or other emissions that could inadvertently reduce water availability for or damage crops within the project area. The project would not introduce incompatible land uses or result in other changes to the environment that could indirectly result in the conversion of farmland to non-agricultural use or forestland to non-forest use; therefore, potential impacts would be *less than significant*.

Conclusion

The project would not directly or indirectly result in the conversion of farmland, forest land, or timber land to non-agricultural uses or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. Potential impacts related to agricultural and forestry resources would be less than significant, and no mitigation measures are necessary.

Mitigation

Mitigation is not necessary.

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

Criteria Air Pollutants and Ambient Air Quality 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.

San Luis Obispo County Clean Air Plan

The San Luis Obispo County Air Pollution Control District (SLOAPCD) San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and particulate matter 10 micrometers or less in diameter (PM_{10}). The CAP presents a detailed description of the sources and pollutants that impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

SLOAPCD Criteria Pollutant Thresholds

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

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 (NO_x), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions). The SLOACPD has established several different methods for determining the significance of project operational impacts:

1. Demonstrate consistency with the most recent CAP for San Luis Obispo County;
2. Demonstrate consistency with a plan for the reduction of GHG emissions that has been adopted by the jurisdiction in which the project is located that complies with State CEQA Guidelines Section 15183.5;
3. Compare predicted ambient criteria pollutant concentrations resulting from the project to federal and state health standards, when applicable;
4. Compare calculated project emissions to SLOAPCD emission thresholds; and
5. Evaluate special conditions which apply to certain projects.

The SLOAPCD has also estimated the number of vehicular round trips on an unpaved roadway necessary to exceed the 25 pounds per day (lbs./day) threshold of significance for the emission of particulate matter (PM_{10}). According to the SLOAPCD estimates, an unpaved roadway of one mile in length carrying 6.0 round trips would likely exceed the 25 lbs./day PM_{10} threshold.

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. There is an on-site residence located within the southwestern corner of the project property and the project site is surrounded by off-site single-family residential dwellings in all directions, with nearest off-site residences located approximately 60 feet to the north and 60 feet to the south.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is located in an area identified as containing NOA by the SLOAPCD (SLOAPCD 2022).

Discussion

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

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public; therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable.

The project would facilitate the construction of three single-family residential units and may include up to four ADUs. As discussed in Section XIV, *Population and Housing*, the project would result in a limited population increase of approximately 12 residents. Based on the limited scale of proposed residential development and associated population increase, the project would not substantially affect the local area's jobs/housing balance. In addition, due to the limited increase in population growth associated with the project, the project is not anticipated to generate VMT in a manner that would exceed regional thresholds. As described in detail under Impact *(b)*, below, the project would not generate air pollutant emissions above SLOAPCD thresholds during project construction or operation. Therefore, implementation of the proposed project would be consistent with the air quality goals and objectives included in the County's 2001 CAP, and impacts related to consistency with applicable air quality plans would be *less than significant*.

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

The county of San Luis Obispo is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards (CARB 2020).

Construction Emissions

Construction activities associated with construction of the proposed improvements and future development of residential uses would result in the generation of criteria air pollutants, including ozone precursors (ROG and NO_x) and fugitive dust. Fugitive dust emissions would result from grading operations and ROG and NO_x emissions would result from the use of large diesel-fueled equipment, including scrapers, loaders, bulldozers, haul trucks, compressors, and generators. The project requires ground-disturbing activities for proposed access improvements, which includes a 10-foot-wide utility easement off of Calle Crotalo from the north, the construction of a new 20-foot-wide Class II road based access easement, which would extend approximately 250 feet from Orcutt Road, the extension of an existing gravel-based access and utility easement from Orcutt Road by approximately 170 feet, and two drainage basins. The proposed access road would result in approximately 5,00 square feet (0.12 acre) of ground disturbance and would not exceed the 4.0-acre disturbance threshold for daily fugitive dust emissions. Future ground disturbing activities would include extension of the existing access and utility easement located off of Orcutt Road and development of three single-family residences and up to four ADUs. Extension of the existing access and utility easement would result in approximately 2,000 square feet (0.05 acre) of ground disturbance and would not exceed the 4.0-acre disturbance threshold for daily fugitive dust emissions. The specific development plan for future residential and accessory uses is currently not known; however, the project would be required to implement SLOACPD-recommended construction

emission and dust control measures identified in the SLOAPCD CEQA Air Quality Handbook, which would minimize ROG+NO_x, DPM, and fugitive dust emissions. Based on the limited amount of proposed ground disturbance and required compliance with SLOAPCD requirements, implementation of the proposed project would not be expected to exceed SLOAPCD thresholds of significance during construction; therefore, impacts would be *less than significant*.

Operational Emissions

The project would allow for the future construction of residential uses on-site. Based on a reasonable case development scenario, future development would be limited in scale and would include the use of three single-family residential dwellings and up to four ADUs. Future residential development would facilitate a marginal increase in population growth and associated vehicle trips. Proposed access roads would be constructed with a gravel base made of rock and would not generate long-term dust emissions typically associated with the use of unpaved roadways. Based on the limited size and scope of future residential development, the project would not include components that could result in substantial long-term pollutant concentrations in a manner that would exceed SLOAPCD thresholds. Therefore, future residential uses would not result in a cumulatively considerable net increase in identified criteria pollutants, and operational impacts would be *less than significant.*

Based on the analysis provided above, potential impacts would be *less than significant*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

According to the SLOAPCD *CEQA Air Quality Handbook*, projects that occur within 1,000 feet of sensitive receptors have the potential to result in adverse impacts involving construction emissions (SLOAPCD 2012). There is an on-site residence located within the southwestern corner of the project property and the project site is surrounded by off-site single-family residential dwellings in all directions, with nearest off-site residences located approximately 60 feet to the north and 60 feet to the south. As evaluated above, the project would not result in construction-related or operational criteria air pollutant emissions above established SLOAPCD thresholds; however, due to the close proximity of sensitive receptor locations, Mitigation Measures AQ-1 and AQ-2 have been identified to ensure compliance with diesel idling restrictions intended to reduce exposure of DPM and fugitive dust emissions to sensitive receptor locations. With implementation of Mitigation Measures AQ-1 and AQ-2, the project would not expose sensitive receptors to substantial pollutant concentrations; therefore, impacts would be *less than significant with mitigation*.

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

Typically, construction activities have the potential to emit odors from diesel equipment, paints, solvents, fugitive dust, and adhesives. Any odors generated by construction activities would be intermittent and temporary, and generally would not extend beyond the construction area. Following construction of site improvements and future residences, the project site would be limited to residential uses and would not include any components or operational activities that would generate substantial long-term adverse odors. Therefore, odors generated by the project would be short-term, intermittent, and primarily undetectable.

The project has the potential to expose people to NOA due to the project site's location in an area with the potential for NOA to occur (SLOAPCD 2022). Mitigation Measures AQ-3 and AQ-4 have been

identified to require implementation of SLOACPD testing, notification, and disposal protocol to reduce the potential to release NOA during proposed ground disturbance activities and to mitigate health risks if NOA is detected.

The project would require the removal of an existing animal shelter and may disturb other existing on-site structures, which could contain asbestos containing material (ACM) or lead based paint. The National Emission Standard for Hazardous Air Pollutants (40 Code of Federal Regulations [CFR] 61, Subpart M, Asbestos NESHAP) and state regulations contained in Title 8 of the California Code of Regulations, Section 1529 and Title 8 of the California Code of Regulations, Section 341.6 through 341.17 require SLOAPCD to approve demolition prior to material disturbance. These requirements include but are not limited to notification within at least 10 business days of activities commencing to the SLOAPCD, an inspection by a Certified Asbestos Consultant, and applicable removal and disposal requirements of identified ACM. Mitigation Measure AQ-5 identifies the proper protocol for demolition of structures that may contain ACM. Construction-related odors would be temporary, intermittent, and undetectable and with implementation of Mitigation Measures AQ-3 through AQ-5, the project would not expose people to adverse other emissions, including NOA; therefore, potential impacts would be *less than significant with mitigation*.

Conclusion

The project would be consistent with the SLOAPCD 2001 Clean Air Plan and would not exceeds established SLOAPCD emissions thresholds during project construction or operation. Mitigation Measures AQ-1 and AQ-2 have been included to reduce DPM and fugitive dust exposure to sensitive receptors during construction and Mitigation Measures AQ-3 through AQ-5 have been identified to reduce impacts associated with potential release of NOA or disturbance of ACM. Upon implementation of the identified mitigation measures, potential impacts related to air quality would be less than significant.

Mitigation

AQ-1 **San Luis Obispo County Air Pollution Control District Fugitive Dust Mitigation Measures (Expanded List). At the time of application for grading and construction permits**, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities:

1. Reduce the amount of the disturbed area where possible;
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. 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 use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm;

3. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114;
6. "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 California Vehicle Code 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;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo County Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the San Luis Obispo County Air Pollution Control District Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).
9. 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;
10. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
11. 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 San Luis Obispo County Air Pollution Control District;
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;

13. 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; and
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 **San Luis Obispo County Air Pollution Control District Limits on Idling During Construction. At time of application for grading and construction permits**, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities when diesel-powered vehicles/equipment are in use:

1. State law prohibits idling diesel engines for more than 5 minutes. All projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following websites: https://ww2.arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf and https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2007/ordiesl07/frooal.pdf.
2. In addition, because this project is located within 1,000 feet of sensitive receptors, the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.
    a. Staging and queuing areas shall be located at the greatest distance from sensitive receptor locations as feasible;
    b. Diesel idling while equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment is recommended; and
    d. Signs must be posted and enforced at the site that specify no idling areas.

AQ-3 **Naturally Occurring Asbestos Survey. Prior to issuance of grading or construction permits**, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the County Department of Planning and Building upon completion. If the geologic evaluation determines that the project would not have the potential to disturb NOA, the applicant must file an Asbestos ATCM exemption request with the SLOAPCD.

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants

(NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

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

AQ-5 **Asbestos Containing Materials.** Demolition of on-site structures shall comply with the National Emission Standards for Hazardous Air Emissions requirements (NESHAP, 40 CFR, Part 61, Subpart M) for the demolition of existing structures. The SLOAPCD is delegated authority by the Environmental Protection Agency (EPA) to implement the Federal Asbestos NESHAP. Prior to demolition of on-site structures, the SLOAPCD shall be notified, per NESHAP requirements. Additional information may be obtained at website URL: http://slocleanair.org/ business/asbestos.php.

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?	☐	☒	☐	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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

Federal and State Endangered Species Acts

The Federal Endangered Species Act (FESA) of 1973 provides legislation to protect plant and animal species listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS). The California Endangered Species Act (CESA) of 1984 ensures legal protection for plants listed as threatened or endangered by the California Department of Fish and Wildlife (CDFW) and wildlife species formally listed as endangered or threatened. In addition, CDFW 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. CDFW also maintains a Watch List (WL) for species that were previously SSC but no longer merit SSC status, or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

In addition, the California Native Plant Society (CNPS) maintains a list of plant species ranging from presumed extinct to limited distribution, based on the following:

- California Rare Plant Ranks (CRPR)
    - 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
    - 1B: Plants rare, threatened, or endangered in California and elsewhere
    - 2A: Plants presumed extirpated in California, but common elsewhere
    - 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
    - 4: Plants of limited distribution – a watch list
- California Rare Plant Threat Ranks
    - 0.1: Seriously threatened in California

- 0.2: Moderately threatened in California
- 0.3: Not very threatened in California

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 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 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.

California Fish and Game Code

California Fish and Game Code Sections 3511, 4700, 5050 and 5515 identify a Fully Protected classification to identify and provide additional protection to those animals that were rare or faced possible extinction. Fully Protected Species (FPS) may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for scientific research, for relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (NCCP).

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 the Clean Water Act and the 2015 Clean Water Rule, USACE regulates activities in waters that are jurisdictional by rule in all cases; jurisdictional by rule, as defined; and waters requiring a case-specific evaluation. Traditional navigable waters (TNW), interstate waters, the territorial seas, and impoundments of these waters are jurisdictional by rule. Tributaries and adjacent waters are jurisdictional by rule, if they meet certain definitions as defined in the 2015 Clean Water Rule. Waters such as vernal pools, coastal prairie wetlands, prairie potholes, waters that are within the 100-year flood plain of a TNW, and waters within 400 feet of the high tide line require a case specific evaluation to determine jurisdictional status.

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.

County of San Luis Obispo General Plan 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 several key goals pertaining to biological resources within the county:

- Goal BR 1. Native habitat and biodiversity will be protected, restored, and enhanced.
- Goal BR 2. Threatened, rare, endangered, and sensitive species will be protected.
- Goal BR 3. Maintain the acreage of native woodlands, forests, and trees at 2008 levels.
- Goal BR 4. The natural structure and function of streams and riparian habitat will be protected and restored.
- Goal BR 5. Wetlands will be preserved, enhanced, and restored.
- Goal BR 6. The County's fisheries and aquatic habitats will be preserved and improved.
- Goal BR 7. Significant marine resources will be protected.

Sensitive Resource Area Designations

The County's LUO SRA combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection. The project site is not located in an SRA combining designation.

Biological Resources Survey Efforts

A Biological Resources Assessment (BRA) was prepared by Kevin Merk and Associates (KMA; KMA 2021) for the proposed project. The BRA includes the results of desktop-level background review and multiple field surveys. Background review conducted for the project included a query of the NRCS Soil Survey and a 9-quadrant search of the CDFW California Natural Diversity Database (CNDDB). A total of three field surveys were conducted for the project, including an initial survey on April 14, 2021, and two additional rare plant surveys conducted on May 25, 2021 and June 22, 2021. Field surveys were conducted within the appropriate blooming period for special-status plants (KMA 2021).

Existing Conditions

The 11.3-acre property is characterized by relatively flat to gently sloping topography and consists of annual grassland, valley needlegrass grassland, riparian, wetland, ornamental, and ruderal/disturbed habitats. The riparian, wetland, and valley needlegrass habitats are considered sensitive habitats by the CDFW (KMA 2021). The property consists of existing development and improvements, including a residence, barn, various animal shelters/out-buildings, fenced areas for livestock, a paved driveway, well, septic, leach field, and other utilities. The residence supports ornamental landscaping. The property supports existing PG&E infrastructure, including a utility corridor, along the western portion of the site, and a tower located on the southern portion of the site. Surrounding land uses include single-family residences and undeveloped areas in all directions.

Hydrologic Features

An unnamed, intermittent blue-line stream flows through the northern portion of the property and consists of wetland and scrub/shrub riparian habitat and is considered a nontidal wetland dominated by trees. The blue-line stream enters the northeastern portion of the site in a low swale with a narrow band of wetland vegetation and leaves the northwestern portion of the site through a culvert under Orcutt Road. The blue-line stream passes through developed areas in the city of San Luis Obispo and eventually connects to Acacia Creek to form the East Fork of San Luis Obispo Creek. At the time of field surveys, the blue-line stream was dry. No evidence of flow during recent winter storms was visible; however, an ordinary high-water mark

(OHWM) was observed in the channel bed and a clear top of bank (i.e., break in slope leading to upland habitat) was also observed. The blue-line stream is considered to be a Palustrine system, which are nontidal wetlands dominated by trees, shrubs or persistent emergent wetland plants (KMA 2021).

In addition, there are two additional drainage swales on-site, one located in the northern portion of the property, and one located in the southern portion of the property. The northern swale was formed by surface runoff from the off-site eastern property offsite and empties into the on-site blue-line stream. The northern swale showed evidence of flowing water that only appears to occur during larger rain events. The southern swale daylights from a culvert and passes through a constructed channel, which is stabilized with concrete and rubble along its banks. At the time of field surveys, the southern swale was dry with no signs of recent flow (KMA 2021).

Special-Status Plants

Based on a query of the CNDDB and habitat conditions of the project area, there is potential for special-status grassland plant species to occur within the project area. During field surveys of the project area, five Cambria morning-glory (*Calystegia subacaulis ssp. episcopalis*) plants were observed on-site within the southeastern portion of proposed Parcel 1. In addition, the BRA identified the potential for San Luis Obispo owl's-clover (*Castilleja densiflora* var. *obispoensis*) and Pismo clarkia (*Clarkia speciosa ssp. immaculata*) to occur within the project area; however, no occurrences of these species were observed during appropriately timed rare plant surveys (KMA 2021).

Special-Status Wildlife

Based on a query of the CNDDB, habitat conditions observed during field surveys of the project site, and the habitat requirements of the special-status wildlife species known to occur within the project region, the BRA identified the potential for the following 13 special-status wildlife species to occur within the project area:

- monarch butterfly (*Danaus plexippus*, population 1)
- burrowing owl (*Athene cunicularia*)
- Cooper's hawk (*Accipiter cooperii*)
- ferruginous hawk (*Buteo regalis*)
- golden eagle (*Aquila chrysaetos*)
- great egret (*Ardea alba*)
- great blue heron (*Ardea herodias*)
- loggerhead shrike (*Lanius ludovicianus*)
- prairie falcon (*Falco mexicanus*)
- tricolored blackbird (*Agelaius tricolor*)
- white-tailed kite (*Elanus leucurus*)
- American badger (*Taxidea taxus*)
- pallid bat (*Antrozous pallidus*)

No special-status wildlife species were observed during field surveys of the project area (KMA 2021).

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?*

As previously stated, one special-status plant species occurs within the project area and there is potential for 13 special-status wildlife species to occur within the project area (KMA 2021). Potential impacts to special-status plant and wildlife species are described in detail, below.

Special-Status Plants

The project includes ground-disturbing activities for proposed site improvements and future development of residential uses, which would have the potential to result in direct removal of special-status plant species if present within the project site during construction. Five Cambria morning-glory plants occur within the riparian habitat and the southeastern portion of proposed Parcel 1; therefore, construction of site improvements and future development of residential uses on proposed Parcel 1 have the potential to adversely affect Cambria morning glory. Mitigation Measure BIO-1 has been identified to reduce impacts to Cambria morning glory through avoidance and restoration efforts. No other special-status plant species occur within the project area; therefore, with implementation of Mitigation Measure BIO-1, implementation of the proposed project would not adversely affect special-status plant species.

Special-Status Wildlife

Proposed construction activities have the potential to result in direct (i.e., take) or indirect (i.e., noise, dust, light pollution) disturbance to special-status wildlife species if present within the project area during project construction. Based on the results presented in the BRA, there is potential for 13 special-status wildlife (primarily bird) species to occur within the project area; however, no special-status wildlife species were observed during field surveys of the project area (KMA 2021).

Monarch Butterfly

Most overwintering populations of this species occur along the coast in the Pismo Beach, Los Osos, and Morro Bay areas. The riparian habitat onsite is unsuitable as a roost site for this species due to insufficient size and structure; however, individuals may periodically feed on flowering plants in the grassland habitats or within ornamental plantings around the residence (KMA 2021). Due to the mobility of this species, vegetation removal and other construction activities for site improvements and future development of residential uses would not result in disturbance to individuals that may periodically fly through the project site. Therefore, implementation of the project would not result in disturbance to roosting habitat or individuals of this species and impacts would be *less than significant*.

American Badger and Burrowing Owl

The grassland habitats, including disturbed grassland areas, provide suitable foraging and denning habitat for this species. In addition, the riparian corridor may also provide vegetated cover for American badger individuals. No potential dens were observed within the project area; however, soils on-site are friable and would provide suitable denning conditions. In addition, burrowing owls may occupy burrows onsite during the winter months (KMA 2021). Implementation of the proposed project has the potential to directly and/or indirectly impact American badger and burrowing owl if present within the project area during construction activities for proposed site improvements and

future development of residential homes. Mitigation Measure BIO-2 requires preconstruction surveys for American badger and burrowing owl and identifies the proper protocol to be implemented if these species are observed within the project area. With implementation of Mitigation Measure BIO-2, impacts to American badger or burrowing owl would be *less than significant*.

Special-Status Birds

The project site does not support dense tree cover that would provide suitable nesting habitat for special-status or migratory birds; however, riparian trees and vegetation along the on-site blue line stream may provide perching habitat (KMA 2021). Implementation of the proposed project has the potential to indirectly impact special-status and/or migratory birds if present within the project area during construction activities for proposed site improvements and future development of residential homes. Mitigation Measure BIO-3 has been identified to require preconstruction nesting bird surveys and details the proper protocol to be implemented if nesting birds are observed within the project area. With implementation of Mitigation Measure BIO-3, impacts to special-status or nesting migratory birds would be *less than significant*.

Pallid Bat

The grassland habitat on-site provides suitable foraging habitat for this species and existing structures provide marginally suitable roosting habitat for pallid bat (KMA 2021). Implementation of the proposed project has the potential to indirectly impact pallid bat if present within the project area during construction activities for proposed site improvements and future development of residential homes. Mitigation Measure BIO-4 has been identified to require preconstruction roosting bat surveys and details the proper protocol to be implemented if individuals are observed on-site. With implementation of Mitigation Measure BIO-4, impacts to pallid bat would be *less than significant*.

Based on the analysis provided above, potential impacts associated with substantial adverse effects on special-status species or their habitats 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 property consists of riparian, wetland, and valley needlegrass habitats, which are considered sensitive habitats by the CDFW (KMA 2021). These sensitive natural communities are located on proposed Parcels 1 and 2; therefore, construction activities for residential uses on proposed Parcels 1 and 2 would have the potential to adversely affect on-site riparian, wetland, and valley needlegrass habitats. Mitigation Measures BIO-5 and BIO-6 have been identified to reduce impacts to the on-site riparian and valley needlegrass habitat through avoidance and restoration of these communities. As discussed under Impact Discussion IV.(c), Mitigation Measures BIO-7 through BIO-10 have been identified to potential reduce impacts to wetland habitat through permitting requirements, preparation of a Wetland Habitat Mitigation and Monitoring Plan, and implementation of construction best management practices (BMPs). Based on implementation of Mitigation Measures BIO-5 through BIO-10, implementation of the proposed project would not have a substantial adverse effect on the riparian, wetland, or valley needlegrass habitats on-site; therefore, 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?

An unnamed, intermittent blue-line stream flows through the northern portion of the property and consists of wetland and scrub/shrub riparian habitat. This blue-line stream is consistent with the characteristics of a Palustrine system, which are nontidal wetlands dominated by trees, shrubs, or persistent emergent wetland plants. In addition, there are two additional drainage swales on-site, one located in the northern portion of the property, and one located in the southern portion of the property (KMA 2021). Future utility infrastructure on proposed Parcels 1 and 2 would potentially require ground disturbance and construction activities within the wetland area and associated riparian and valley needle grassland habitat. As discussed under Impact Discussion IV.(b), Mitigation Measures BIO-5 and BIO-6 have been identified to reduce impacts to the on-site riparian and valley needlegrass habitat through avoidance and restoration. Additionally, Mitigation Measures BIO-7 through BIO-9 have been identified to reduce impacts to wetland habitat through permitting requirements and preparation of a Wetland Habitat Mitigation and Monitoring Plan. In addition, proposed construction activities have the potential to indirectly disturb the on-site wetland habitat through an increase in erosion and other pollutants. Mitigation Measure BIO-10 requires implementation of BMPs to reduce the potential for erosion and other pollutants to enter into the identified wetland area, which would reduce the potential for construction activities to indirectly affect the on-site wetland habitat. Based on implementation of Mitigation Measures BIO-5 through BIO-10, implementation of the proposed project would not have a substantial adverse effect on a state of federally protected wetland; therefore, impacts would be *less than significant with mitigation*.

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

The project site is located adjacent to the southeastern limits of the city of San Luis Obispo and is generally surrounded by single-family residences and undeveloped land in all directions. The project site is immediately bound by Calle Crotalo and Orcutt Road to the northwest and west, respectively. However, land to the northeast and south consists of limited development and allows for some wildlife connectivity to undeveloped areas. According to the CDFW Essential Habitat Connectivity Viewer, the project site is located in an area that provides habitat connectivity and is located approximately 0.75 mile west of a mapped essential habitat corridor (CDFW 2022). The riparian corridor associated with the on-site blue drainage would provide habitat connection; however, other habitats on-site would provide limited breeding habitat or connectivity (KMA 2021). As previously evaluated, implementation of Mitigation Measures BIO-5 through BIO-10 would retain the riparian habitat on-site and allow for long-term use as a wildlife corridor. In addition, the project would result in the development of three single-family residences and up to four ADUs, which would be consistent with the scale of surrounding development and would not introduce new features (i.e., major roadways) that could otherwise preclude the use of this area as a wildlife corridor. With implementation of Mitigation Measures BIO-5 through BIO-10 to minimize impacts to the riparian habitat on-site, implementation of the proposed project would not interfere substantially with the movement of migratory species; therefore, impacts would be *less than significant with mitigation*.

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

The County's Inland LUO Chapter 22.58 establishes regulations for clear-cutting oak woodlands. There are no oak woodlands on the project site that could be adversely affected by implementation of the proposed project; therefore, *no impacts* would occur.

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

The project does not overlap with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other conservation plans. Therefore, the project would not conflict with any approved local, regional, or state habitat conservation plans, and *no impacts* would occur.

Conclusion

Mitigation Measures BIO-1 through BIO-10 have been included to avoid and/or minimize potential impacts related to special status plant and wildlife species and on-site sensitive natural communities. The project does not require the removal of any oak trees and would not conflict with a Habitat Conservation Plan. Upon implementation of the identified mitigation measure, potential impacts related to biological resources would be less than significant.

Mitigation

BIO-1 **Updated Botanical Surveys.** If development on any parcel has not occurred before 2026, a qualified botanist shall conduct additional surveys of the remaining impact areas **at time of application for construction permits**, including all permanent and temporary disturbance areas plus a 100-foot buffer within the property limits, during the appropriate blooming period (April through June) to confirm the results reported in the Biological Resources Assessment (BRA) are still valid. The surveys shall follow the protocols given in *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants* (USFWS 2000) and *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018). The botanist shall visit nearby reference populations of Cambria morning glory, if needed, to confirm that the species is in flower and identifiable at the time of the survey. Occurrences of special-status plant species onsite shall be mapped, and numbers of individual plants recorded. A report detailing the methods and results of the surveys shall be prepared for submittal to the County as a supplement to this BRA.

If project impacts cannot avoid 90% of the rare plant areas, plant salvage from the disturbance area and relocation to appropriate habitat outside the development footprint shall occur. Salvage and relocation activities shall include the collection of seed and other propagules as appropriate prior to grading activities. Seed shall be collected, cleaned, and then hand broadcasted into areas of suitable habitat outside the development area, or incorporated into the native erosion control seed mix described, below. Plant salvage shall occur during the winter and spring months when the soils are moist, and individuals shall be transplanted in similar habitat and as close to the collection site as possible.

Native Erosion Control Seed Mix

Species	Application Rate (pounds/acre)
California brome (*Bromus carinatus*)	10
purple needlegrass (*Stipa pulchra*)	5
tomcat clover (*Trifolium wildenovii*)	5
six weeks fescue (*Vulpia microstachys*)	5
Total	25

BIO-2 **Prior to the start of construction activities for Phase 1 and Phase 2 improvements and development of future residential uses**, a qualified biologist shall conduct a preconstruction den/burrow survey and establish no-work buffers around potential dens/burrows. **Within seven days prior to the start of ground-disturbing activities**, a qualified biologist shall survey the project impact area plus a 250-foot buffer within the limits of the property for potential American badger dens and burrowing owl burrows. Any potential badger dens/burrows found shall be identified with flagging or stakes, and a 200-foot no work buffer shall be flagged. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of buffer areas. Buffer areas shall be maintained until all project-related disturbances have been terminated, and then shall be removed. The techniques for burrowing owl surveys and avoidance shall follow the protocol established in California Department of Fish and Game (CDFG; CDFG 2012) *Staff Report on Burrowing Owl Mitigation, Appendix D: Breeding and Non-breeding Season Surveys and Reports*. This protocol involves full coverage visual searches of the survey area using binoculars to view owls, as well as looking for pellets, prey remains, whitewash or decoration around the burrows. The surveys shall be conducted by a qualified biologist and include the area within 250 feet of the limits of disturbance. Any occupied owl burrows shall be marked in the field, and a no-disturbance exclusion zone marked around the burrow, as follows: 160 feet during the non-breeding season (September 1 to January 31) and 250 feet during the breeding season (February 1 to August 31) (Burrowing Owl Consortium 1993).

If any potential American badger dens or burrowing owl burrows are found that cannot be avoided including buffer area, a qualified biologist shall employ wildlife trail cameras and/or a tracking medium around dens to determine whether they are active and excavate non-maternal dens to prevent re-occupation. A qualified biologist shall install wildlife trail cameras and/or tracking medium outside any potential dens that cannot be avoided and monitor those sites daily for at least three days to determine whether they are currently occupied. If the work takes place in the late spring or summer, additional measures shall be employed to determine whether dens are occupied by badger young. No dens with young shall be disturbed, and no work shall be conducted within 200 feet of maternal dens until the young have left the den. If any active burrow occupied by a single adult badger or owl are found and the buffer area cannot be avoided, CDFW shall be consulted to determine whether the animal(s) should be evicted from the den. All other possible avoidance and minimization measures shall be considered before the closure of dens is implemented.

Eviction procedures for badgers involve blocking the den incrementally by placing sticks and debris over the entrance for three days, to discourage the animal from using the den.

Only after the badger has left the den/burrow, as determined by the qualified biologist implementing the wildlife camera and/or tracking medium methods, shall the den be excavated and work proceed. Burrows shall be monitored by a qualified biologist using binoculars and/or wildlife trail cameras to determine whether they are active. The start of work shall be delayed until wintering burrowing owls have left the area. Only upon the approval from CDFW, may burrowing owls be prevented from re-entering burrows through installing one-way doors on burrow openings. Only after the badger or owl has left the den/burrow, as determined by the qualified biologist implementing the wildlife camera and/or tracking medium methods, can the burrow be excavated and thereafter work can proceed.

Destruction of a burrow is typically done by incrementally excavating it until it is confirmed that no animals are occupying the burrow. Excavation using hand tools is the recommended method for destroying a burrow. Use of excavating equipment can be done with extreme caution and while being monitored by a qualified biologist. After the burrow is destroyed, the excavation shall be filled with dirt and compacted to make sure that burrowing animals cannot re-enter or use the burrow during construction. If a burrowing owl or American badger is discovered inside the burrow during excavation, activities shall cease immediately and monitoring of the burrow reinitiated. Burrow destruction may proceed once it is determined that the animal has left the den.

BIO-3 **Nesting Birds. Prior to any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming) for Phase 1 and Phase 2 improvements and future residential uses**, a qualified biologist shall conduct preconstruction surveys for potential nesting birds within the recognized breeding season (February 1 to August 15) in all areas within 500 feet of proposed disturbance areas, or a lesser distance if dense vegetation renders a 500-foot survey radius infeasible. The required survey dates may be modified based on local conditions, as determined by the County-qualified biologist based on observations in the field, with the approval of the County of San Luis Obispo.

If breeding birds with active nests are found prior to or during construction, a biological monitor shall establish an avoidance buffer around the nest for ground-based construction activities and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. Buffers shall be 500 feet for raptors and 100 feet for non-raptor species. Buffers may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the County of San Luis Obispo, and must be based on evidence that a reduced buffer will not pose a threat to the success of the nest.

For active nests identified within the survey area, the biological monitor(s) shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitor(s) shall be responsible for documenting the results of the

surveys and ongoing monitoring and will provide a copy of the monitoring reports to the County.

Any trees to be removed as part of project-related construction activities will be removed outside of the nesting season to avoid additional impacts to nesting birds. If removal during the nesting season can't be avoided, trees (tree to be removed/impacted and any surrounding trees that are within 100 feet of the tree canopy to be removed/impacted) will be thoroughly surveyed by a County-qualified biologist to ensure that no nests are present. If nests are found within these trees and contain eggs or young, the biological monitor shall establish avoidance buffers as described above until the young have fledged the nest or the nest fails.

BIO-4 **Roosting Bats. Within seven days prior any site disturbance (i.e., mobilization, staging, grading or construction, tree and vegetation removal or trimming) for Phase 1 and Phase 2 improvements and future residential uses**, a qualified biologist shall conduct a preconstruction survey for roosting bats and shall install exclusion devices prior to construction/demolition, if found. A qualified biologist shall survey any outbuildings that will be removed or disturbed for sign of roosting bats such as guano, urine staining, or prey remains. If no evidence of bat roosts is found, work may proceed. If any evidence of roosting bats is found, the biologist shall conduct an exit survey to determine if the site is actively used. If an active roost site is found, the biologist shall coordinate with the County and CDFW on methods to ensure the exclusion of individuals prior to any disturbance activity. In some cases, CDFW may recommend creating new or temporary structures for displaced bats. The qualified biologist shall determine whether a maternity roost is present by carefully observing individuals on the roost. If young are present, construction shall be delayed until they have matured and can fly on their own.

When it has been determined that no young are present, the biologist shall monitor the roost in the evening when the bats leave to forage and then install bat exclusion netting or other appropriate materials to prevent bats from re-entering the roost site. The exclusion material shall be inspected the following morning to ensure that no bats have become entangled and that none remain in the structure. The exclusion material shall remain in place until the structure is demolished.

BIO-5 **Riparian Setback. At the time tract improvement plans, grading, and construction permits for future residential development**, the Vesting Tentative Parcel Map (VTPM) shall show all development components located outside of the riparian corridor and its setback area. The setback area shall be fenced to delineate its boundary and ensure its protection in the future. If development encroaches into this area, the qualified restoration ecologist shall amend the Wetland Habitat Mitigation and Monitoring Plan (HMMP) discussed under Mitigation Measure BIO-9 to include riparian habitat restoration. Upland species within the creek setback area may also be included in the plan (see Mitigation Measure BIO-6).

BIO-6 **Native Grass. At the time tract improvement plans, grading, and construction permits for future residential development** , utility installation shall be designed to meet the minimum width requirements in order to minimize effects on this sensitive natural

community. Any fill needed to construct the road shall come from areas outside of the habitat area. The limits of the extent of Valley Needlegrass Grassland shall be flagged prior to ground disturbance. If construction is planned to begin more than five (5) years after the preparation of the Biological Resources Assessment (BRA), the limits of Valley Needlegrass Grassland onsite shall be updated and delineated in the field by a qualified botanist, recorded by a global positional system (GPS) unit with submeter accuracy or qualified land surveyor, and shown on construction plans. All development components shall be located outside of this sensitive habitat to the extent feasible. If development encroaches into this area, a Valley Needlegrass Restoration and Enhancement Plan (VNREP) to be prepared and implemented onsite. The applicant shall employ a qualified restoration ecologist to design and prepare a compensatory mitigation program for Valley Needlegrass Grassland habitat. This plan may be a component of the HMMP described under Mitigation Measure BIO-5 to enhance upland areas within the Riparian or creek setback area, particularly on the north side of the drainage. Areas to be restored and enhanced shall be at least the same in extent as the area affected. The components of the HMMP shall follow the items listed in Mitigation Measure BIO-9. The Native Erosion Control Seed Mix shall also be used to stabilize and revegetate all temporarily disturbed soils onsite resulting from construction.

Native Erosion Control Seed Mix

Species	Application Rate (pounds/acre)
California brome (*Bromus carinatus*)	10
purple needlegrass (*Stipa pulchra*)	5
tomcat clover (*Trifolium wildenovii*)	5
six weeks fescue (*Vulpia microstachys*)	5
Total	25

BIO-7 **Prior to issuance of tract improvement plans, grading, or construction permits,** if any ground disturbance is proposed within the wetland area as identified on the Biological Resources Assessment (Kevin Merk Associates 2021), a qualified biologist shall conduct a Preliminary Delineation of Wetlands and Other Waters to support project Clean Water Act and California Fish and Game Code permitting. A delineation of potential USACE "waters of the United States," RWQCB "waters of the state" and CDFW jurisdictional areas shall be conducted within the project's permanent and temporary impact areas to characterize the area's vegetation, soils and hydrology. The methodology detailed in the Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0; USACE 2008) shall be employed. The locations of data points and the jurisdictional boundaries shall be recorded using a GPS with submeter accuracy and mapped on aerial photography. The delineation shall be submitted to USACE, RWQCB and CDFW as part of permit applications, and to the County for their review.

BIO-8 **Prior to issuance of tract improvement plans, grading, or construction permits,** if a delineation of potential USACE "waters of the United States," RWQCB "waters of the state" and CDFW jurisdictional areas is conducted per BIO-7, and waters are found to be

jurisdictional, the applicant shall obtain necessary permits for placing fill in jurisdictional areas. During project planning phases, the applicant shall initiate consultation with regulatory agencies prior to submitting permit applications. Once the development footprint has been finalized, the impact area and methods and materials for construction can be determined as needed to complete the applications for a Clean Water Act Section 404 Permit from USACE, a Clean Water Act Section 401 Water Quality Certification from RWQCB, and a California Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW. As a component of the application packages, the Preliminary Delineation of Wetlands and Other Waters would be submitted along with other required documentation. The applicant would be required to provide the County with proof of permit acquisition or a determination from each agency that a permit is not required. Even if permitting is not required by these three agencies, compensatory mitigation would still be required under County policies and CEQA.

BIO-9 **Prior to issuance of tract improvement plans, grading, or construction permits,** if a delineation of potential USACE "waters of the United States," RWQCB "waters of the state" and CDFW jurisdictional areas is conducted per BIO-7, and waters are found to be jurisdictional, the applicant shall prepare and implement a Wetland Habitat Mitigation and Monitoring Program (HMMP). A compensatory mitigation program shall be designed by a qualified wetland/restoration ecologist in coordination with regulatory agencies to ensure no net loss of Wetland habitat onsite. The HMMP shall follow current guidelines developed by the USACE, RWQCB and CDFW and detail the location of the mitigation site where Wetland habitat will be restored and/or created; techniques to be used; plant species to be used and propagule source; maintenance techniques and schedule; success criteria to meet the goals of the restoration effort; monitoring techniques and schedule for at least five years; and, remedial actions if success criteria are not met. The area to be restored shall meet the minimum requirements set forth by the agencies during the permitting process and by the County during the CEQA review process. The qualified wetland ecologist will work with the applicant to implement the HMMP and conduct annual monitoring and reporting requirements until the final success criteria are attained. The mitigation site and buffer area shall be fenced to prevent human activities and ensure the site's permanent protection.

BIO-10 **During construction activities for Phase 1 and Phase 2 improvements and future residential uses**, the following erosion and sedimentation control methods shall be installed and implemented:

1. If possible, the potential for erosion and sedimentation shall be minimized by scheduling construction to occur outside of the rainy season (typically October 15 through April 15), if possible.
2. Prior to start of construction, the setback area along the unnamed drainage shall be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access and disturbance, to avoid unnecessary damage and potential erosion. The limits of disturbance shall be outside of the setback area and shown on the site plans.

3. A Sediment and Erosion Control Plan may be required by the County and shall be prepared by a qualified engineer. The use of silt fence, straw wattles, erosion control blankets, straw bales, sandbags, fiber rolls and other appropriate techniques should be employed to protect the drainage features on and off the property. Biotechnical approaches using native vegetation shall be used as feasible. All areas with soil disturbance shall have appropriate erosion controls and other stormwater protection BMPs installed to prevent erosion potential. All sediment and erosion control measures shall be installed per the engineer's requirements, and in place prior to October 15. Methods that are not biodegradable shall be removed after vegetation has become established and following the end of the rainy season (late-spring or summer).
4. Spill kits shall be maintained on the site, and a Spill Response Plan shall be in place.
5. No vehicles or equipment shall be refueled within 50 feet of drainage features unless a bermed and lined refueling area is constructed. No vehicles or construction equipment shall be stored overnight within 100 feet of these areas unless drip pans or ground covers are used. All equipment and vehicles should be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills. Construction staging areas shall attain zero discharge of stormwater runoff into these habitats.
6. No concrete washout shall be conducted on the site outside of an appropriate containment system. Washing of equipment, tools, etc. shall not be allowed in any location where the tainted water could enter onsite drainages.
7. The use of chemicals, fuels, lubricants, or biocides shall be in compliance with all local, state, and federal regulations. All uses of such compounds shall observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other state and federal legislation.
8. All project-related spills of hazardous materials within or adjacent to the project site shall be cleaned up immediately.

Areas with disturbed soils shall be restored under the direction of the project engineer in consultation with a qualified restoration ecologist as needed. Methods may include recontouring graded areas to blend in with existing natural contours, covering the areas with salvaged topsoil containing native seedbank from the site, and/or applying the native seed mix shown on the project plans supplemented with species identified, below. Native seed mix shall be applied to the graded areas through either direct hand seeding or hydroseeding methods. Seeding with the native erosion control seed mix shall be provided on all disturbed soil areas prior to the onset of the rainy season (by October 15).

Native Erosion Control Seed Mix

Species	Application Rate (pounds/acre)
California brome (*Bromus carinatus*)	10
purple needlegrass (*Stipa pulchra*)	5
tomcat clover (*Trifolium wildenovii*)	5
six weeks fescue (*Vulpia microstachys*)	5
Total	25

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

The project is located in an area 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 currently the subject of debate, as those boundaries may have changed over time.

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 habitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

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.

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

A Cultural Resources Survey was prepared by Central Coast Archaeological Research Consultants (CCARC; CCARC 2021) for the proposed project to determine the presence and the likelihood of presence of cultural resources within the project area. The Cultural Resources Survey includes the results and findings of background review and a pedestrian survey of the project area. A records search was conducted at the Central Coast Information Center (CCIC) located at the University of California, Santa Barbara and the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) to identify any previously recorded cultural resources within the project area. The records search was negative for previously recorded resources. A pedestrian field survey was conducted within the project area and no cultural resources or evidence of cultural resources were observed.

Discussion

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

The property consists of existing development and improvements, including a residence, barn, various animal shelters/out-buildings, fenced areas for livestock, a paved driveway, well, septic, leach field, and other utilities. The Cultural Resources Survey did not identify the existing structures as historical resources that could be eligible for listing in the CRHR (CCARC 2021). Because there are no historical resources within or directly adjacent to the project site, implementation of the project would not cause a substantial adverse change in the significance of a historical resource, and *no impacts* would occur.

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

The project requires ground-disturbing activities for a 10-foot-wide utility easement off of Calle Crotalo from the north, the construction of a new 20-foot-wide Class II road based access easement, which would extend approximately 250 feet from Orcutt Road, the extension of an existing gravel-based access and utility easement from Orcutt Road by approximately 170 feet, and two drainage basins and future residential uses. A records search of the site files was conducted at the CCIC in order to determine whether any previously recorded cultural resources have been recorded on or near the project area. The records search did not identify any known previously recorded archaeological resources within the project area. A field survey of the project site was conducted, and no visible surface archaeological resources were found. Based on the results of the Cultural Resources Survey prepared for the project, there are no known cultural archaeological resources within the project area and the site has low potential for subsurface resources (CCARC 2021).

Because there are no known archaeological resources within the project area, implementation of the project would not result in adverse change to known archaeological resources. However, there is still some potential for inadvertent discovery of unknown cultural resources if present within the proposed area of disturbance. The project would be required to comply with LUO Section 22.10.040 for the protection of unknown cultural resources as a result of inadvertent discovery. Per LUO

Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. Based on required compliance with the County's LUO and the limited amount of proposed ground disturbance and excavation activities, the project is not anticipated to result in adverse impacts to known or unknown cultural archaeological resources and impacts would be *less than significant.*

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

The project would require limited ground disturbance and excavation activities, which reduces the potential to uncover or disturb unknown human remains if present within the project area. Further, the project would be required to comply with California Health and Safety Code Section 7050.5 and LUO Section 22.10.040, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the Native American Heritage Council (NAHC). Based on required compliance with Health and Safety Code Section 7050.5 and LUO Section 22.10.040, implementation of the proposed project is not anticipated to disturb human remains; therefore, potential impacts would be *less than significant*.

Conclusion

There are no known historical or archaeological cultural resources within the project area. Based on required compliance with Health and Safety Code Section 7050.5 and LUO Section 22.10.040, implementation of the proposed project is not anticipated to disturb unknown cultural resources. Therefore, potential impacts related to cultural resources would be less than significant, and no mitigation would be necessary.

Mitigation

Mitigation is not necessary.

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. PG&E utilizes clean energy sources, including 50% from renewable energy sources and 43% from other greenhouse gas (GHG) free energy sources (PG&E 2021).

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

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

State Building Code Requirements

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

Vehicle Fuel Economy Standards

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

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

rulemaking to adopt new standards. Until that rulemaking has been completed, the current standards remain in effect.

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

In January 2012, the CARB approved the Advanced Clean Cars Program, which combines the control of GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2022).

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

Local Energy Plans and Policies

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

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[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 County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on

environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100). The project is not located within the Renewable Energy Area combining designation.

Discussion

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

The project would require the use of fossil fuels, electricity, and natural gas for construction vehicles and equipment during construction of proposed site improvements and future construction of residential dwellings. Proposed energy use during construction would be short-term and limited in scale and would not result in unnecessary, wasteful, or inefficient energy consumption. Although not necessary to reduce energy use during construction, implementation of Mitigation Measure AQ-1 identified in Section III, *Air Quality*, would ensure compliance with state and local diesel-idling restrictions and the use of alternative fuels as applicable to ensure avoidance of unnecessary, wasteful, and inefficient energy consumption during construction; therefore, energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources.

Implementation of the project would result in the future operation of three single-family residential dwellings and may include the operation of up to four ADUs. The project's operational electricity needs would be supplied by PG&E, which sources 50% from renewable energy sources and 43% from other GHG free energy sources (PG&E 2021). Natural gas service would be provided by SoCalGas, which has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra 2019). By using electricity from PG&E and natural gas from SoCalGas, the project would reduce the long-term use of non-renewable energy resources.

In addition, future building design would be required to adhere to Title 24 of the California Energy Code (CEC) and CBC 2019 Building Energy Efficiency Standards to further reduce operational energy use through implementation of green building and energy efficient building design features. Based on the use of clean energy sources and required compliance with the CEC and the CBC, operation of the project is not anticipated to result in potentially significant environmental impacts due to wasteful or otherwise inefficient use of energy resources during operation. Therefore, the project would not result in unnecessary, wasteful, or inefficient energy use during project construction or operation, and impacts would be *less than significant.*

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

As previously evaluated, proposed construction activities would require the use of energy in the form of diesel fuel and gasoline for worker and construction vehicles and equipment. The energy consumed during construction would be temporary and would not represent a significant or wasteful demand on available resources, which would be consistent with applicable renewable energy plans.

In order to be compliant with the County's COSE and EWP, the project would be required to reduce GHG emissions where feasible in energy consumption. The project would be provided electricity by

PG&E, 50% from renewable energy sources and 43% from other GHG-free energy sources (PG&E 2021). By utilizing PG&E for electricity, 93% of the project's electricity demand would be sourced from renewable energy or GHG-free energy sources, which is consistent with the County's COSE and EWP. Further, future residential uses would be required to comply with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to ensure compliance with energy efficient building design to reduce operational energy use. Therefore, the project would be compliant with applicable energy efficiency plans and impacts would be *less than significant*.

Conclusion

The project would be provided energy from GHG-free sources and would be subject to Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards for energy efficient building design. The project would not result in excessive energy use during construction or operation and would be consistent with applicable energy efficiency plans. Therefore, impacts would be less than significant, and no mitigation is necessary.

Mitigation

Mitigation is not necessary.

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?	☐	☒	☐	☐

		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. Late quaternary faults associated with the Los Osos fault zone are located approximately 3.5 miles southwest of the project site (DOC 2015).

The County's Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the county. Other nearby faults include the Oceanic fault, approximately 2.2 miles northeast and the Edna fault zone located approximately 4.2 miles southwest of the project site (DOC 2015).

Ground shaking refers to the motion that occurs in response to local and regional earthquakes. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Ground shaking can endanger life and safety due to damage or

collapse of structures or lifeline facilities. The CBC includes requirements that structures be designed to resist a certain minimum seismic force resulting from ground motion.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. 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. Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. According to the County's General Plan Safety Element Maps, the project site is located in an area with low and moderate landslide potential and low and moderate liquefaction potential.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. Typically, soils that are comprised of clay or clay materials are considered expansive soils. The project site is underlain by Los Osos loam, 5 to 9 percent slopes, and Los Osos-Diablo complex, 5 to 9 percent slopes, (NRCS 2022). These soils primarily consist of loam with some clay and clay materials; therefore, soils at the site have low to moderate risk for expansion.

The County Local Agency Management Program (LAMP) develops minimum standards for the treatment and disposal of sewage through onsite wastewater treatment systems. The LAMP is the culmination of the actions required by Assembly Bill 885 and the State Water Resources Control Board to develop regulations and standards for onsite wastewater treatment systems. The County of San Luis Obispo LAMP is designed to protect surface water and groundwater from contamination while providing flexibility in design criteria in consideration of local conditions. LAMP standards also include requirements for minimum subdivision parcel size for parcels served by septic systems (County of San Luis Obispo 2020).

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

Discussion

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

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

The nearest Alquist-Priolo fault zone is the Los Osos fault zone, and there are associated late quaternary faults located approximately 3.5 miles southwest of the project site (DOC 2015). However, the project site is not underlain by an Alquist-Priolo fault zone; therefore, rupture of a known Alquist-Priolo fault would not occur under the project site, and *no impacts* would occur.

(a-ii) Strong seismic ground shaking?

The project site is located in a seismically active region and there is always potential for seismic ground shaking to occur. Late quaternary faults associated with the Los Osos fault zone are located approximately 3.5 miles southwest of the project site and other nearby faults include the Oceanic fault, approximately 2.2 miles northeast and the Edna fault zone, approximately 4.2 miles southwest of the project site (DOC 2015). Future development of residential uses would be required to be constructed in accordance with seismic design standards included in the most recent CBC and other engineering standards to adequately withstand earthquake loads and associated risk, including seismic ground shaking. Adherence to the CBC and other applicable engineering standards would reduce and minimize the risk of loss, injury, or death associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

According to the County's General Plan Safety Element Maps, the proposed project site is located in an area with low to moderate potential for liquefaction. Future residential development would be required to comply with seismic design standards included in the most recent CBC and other engineering standards to adequately withstand earthquake loads and associated risk, including liquefaction. Adherence to the 2019 CBC and other applicable engineering standards would reduce and minimize the risk of loss, injury, or death associated with liquefaction; therefore, impacts would be *less than significant.*

(a-iv) Landslides?

According to the County's General Plan Safety Element Maps, the project site is located in an area with low to moderate potential for landslides. The project is located on relatively flat to gently sloping land and does not require extensive cut and fill activity or deep cuts into steep slopes, which further reduces the risk for landslides to occur. The project would be constructed in accordance with requirements of the most recent CBC to adequately withstand and minimize risk associated with landslides. Based on existing site conditions and required compliance with the CBC, new development would not result in the risk of loss, injury, or death associated with landslides; therefore, impacts would be *less than significant.*

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

The project requires ground-disturbing activities for a 10-foot-wide utility easement off of Calle Crotalo from the north, the construction of a new 20-foot-wide Class II road based access easement, which would extend approximately 250 feet from Orcutt Road, the extension of an existing gravel-based access and utility easement from Orcutt Road by approximately 170 feet, and two drainage basins and future residential uses. Proposed ground disturbing activities have the potential to increase erosion and loss of topsoil at the project site that could runoff into the on-site blue-line stream and surrounding areas. Mitigation Measure BIO-10 requires the implementation of construction BMPs to reduce potential impacts related to soil erosion and loss of topsoil. In addition, per LUO Section 22.52.120, an Erosion and Sedimentation Control Plan is required for all construction and grading projects to minimize potential short- and long-term impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Following construction activities, the project site would be limited to residential uses and would not include any long-term activities that could generate

substantial soil erosion or loss of topsoil. Based on implementation of Mitigation Measure BIO-10 and required compliance with LUO Section 22.52.120, potential impacts related to soil erosion and loss of topsoil would be *less than significant with mitigation.*

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

As previously described, the project site is located in an area with low to moderate potential for landslide and liquefaction to occur. Additionally, the project site is not located in an area with known land subsidence (USGS 2022). The project would be constructed in accordance with the most recent CBC to adequately withstand and minimize risk associated with potential ground-failure events; therefore, potential impacts related to ground failure 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?

Soils at the project site soils primarily consist of loam with some clay and clay materials and have low to moderate risk for expansion. The project would be required to comply with Section 18 of the CBC, which requires geotechnical investigations to be conducted by a qualified engineer prior to development to determine soil conditions at the site and provide design recommendations to be implemented in final design and construction plans. Based on required compliance with the CBC, new development would not result in the risk to life or property as a result of development on expansive soils; therefore, impacts would be *less than significant.*

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

There is an existing septic and leach field located on proposed Parcel 4 (existing Parcel 1). Construction of additional septic infrastructure would be required for proposed Parcels 1, 2, and 3. Development of additional septic infrastructure would be required to be designed in accordance with the County's LAMP, which develops minimum standards for the treatment and disposal of sewage through onsite wastewater treatment systems. Final design of the septic leach fields would be subject to County approval. Therefore, future development of additional septic infrastructure would be designed in a manner that is consistent with soil conditions at the site, and impacts would be *less than significant*.

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

The project site is underlain by older alluvium (Qoa), which has a low paleontological sensitivity (USGS 2004; SWCA 2003). Based on the low paleontological sensitivity of the underlying geologic unit, there is low potential for intact paleontological resources to be present within the proposed area of disturbance. Further, excavation activities for construction of site improvements and future development residential land uses and improvements would be limited in scale and would not require deep excavation or cuts into the bedrock, which further reduces the potential to adversely affect paleontological resources. Based on the low paleontological sensitivity of the underlying geologic unit and the limited excavation activity, the project would not disturb paleontological resources; therefore, impacts would be *less than significant*.

Conclusion

Based on required compliance with the most recent CBC and other engineering standards, the project would not result in risk of loss, injury, or death associated with seismic activity, ground-failure, or development on expansive soils. With implementation of Mitigation Measure BIO-10 and required compliance with LUO Section 22.52.120, impacts related to a short-term increase in erosion would be less than significant. Construction of additional septic infrastructure would be subject to County approval. The project would not result in disturbance to paleontological resources. Therefore, upon implementation of the identified mitigation, potential impacts related to geology and soils would be less than significant.

Mitigation

Implement Mitigation Measure BIO-10.

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

GHGs 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 (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement). Carbon dioxide is the most abundant GHG and is estimated to represent approximately 80% to 90% of the principal GHGs that are currently affecting the earth's climate. According to the CARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

The CARB *Draft 2022 Scoping Plan Update*, dated May 10, 2022, identifies a plan to reach carbon neutrality by 2045 or earlier. The Draft 2022 Scoping Plan is the first plan that adds carbon neutrality as a science-based guide beyond established emission reduction targets. It identifies a feasible path to achieve carbon neutrality by 2045, or earlier, while also assessing the progress the state is making towards reducing its GHG emissions by at least 40% below 1990 levels by 2030, as called for in Senate Bill (SB) 32 and laid out in the 2017 Scoping Plan. Specifically, this plan:

- Identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40% below 1990 emissions by 2030.
- Identifies a technologically feasible, cost-effective path to achieve carbon neutrality by 2045 or earlier.
- Focuses on strategies for reducing California's dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs.
- Integrates equity and protecting California's most impacted communities as a driving principle throughout the document.
- Incorporates the contribution of natural and working lands to the state's GHG emissions, as well as its role in achieving carbon neutrality.
- Relies on the most up-to-date science, including the need to deploy all viable tools to address the existential threat that climate change presents, including carbon capture and sequestration as well a direct air capture.
- Evaluates multiple options for achieving our GHG and carbon neutrality targets, as well as the public health benefits and economic impacts associated with each.

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

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

The initial Scoping Plan was first approved by the 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 the CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

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

In March 2012, the SLOAPCD approved thresholds for GHG impacts, which were incorporated into their 2012 *CEQA Air Quality Handbook*. The handbook recommended applying a 1,150 metric tons of CO_2 equivalent ($MTCO_2e$) per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a "gap analysis" and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with Assembly Bill (AB) 32 and the 2008 Climate Change Scoping Plan, which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32-based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the handbook are AB 32-based, and project horizons are now

beyond 2020, the SLOAPCD no longer recommends the use of these thresholds in CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

- **No-net Increase:** The 2017 Scoping Plan states that no-net increase in GHG emissions relative to baseline conditions "is an appropriate overall objective for new development" consistent with the Court's direction provided by the Newhall Ranch case. Although a desirable goal, the application of this threshold may not be appropriate for a small project where it can be clearly shown that it will not generate significant GHG emissions (i.e., de minimus: too trivial or minor to merit consideration).
- **Carbon Neutrality:** The Draft 2022 Scoping Plan Update identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40% below 1990 emissions by 2030. Multiple legal tools are open to local jurisdictions to support this approach, including a climate action plan, sustainability plan, or inclusion of a plan for reduction of GHG emissions and climate actions within a jurisdiction's general plan. Any of these can help align zoning, permitting, and other local tools with climate action.
- **Lead Agency Adopted Defensible GHG CEQA Thresholds:** Under this approach, a lead agency may establish SB 32-based local operational thresholds. As discussed above, SB 32 requires the state to reduce GHG levels by 40 below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the CARB, emissions of GHGs statewide in 2017 were 424 million $MTCO_2e$, which was 7 million $MTCO_2e$ below the 2020 GHG target of 431 million $MTCO_2e$ established by AB 32. Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other statewide and local efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB 32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impacts and would be consistent with state and local GHG reduction goals.

Because SB 32 requires the state to reduce GHG levels by 40% below 1990 levels by the year 2030, the application of an interim "bright line" SB 32-based working threshold that is 40% below the 1,150 $MTCO_2e$ Bright Line threshold (1,150 x 0.6 = 690 $MTCO_2e$) would be expected to produce comparable GHG reductions "in the spirit of" the targets established by SB 32. Therefore, for the purpose of evaluating the significance of GHG emissions for a project after 2020, GHG emissions estimated to be less than 690 $MTCO_2e$ per year are considered *de minimis* (too trivial or minor to merit consideration) and would have a less-than-significant impact that is less than cumulatively considerable and consistent with state and local GHG reduction goals. This threshold is herein referred to as the County's interim GHG threshold.

Discussion

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

During construction, fossil fuels and natural gas would be used by construction equipment and worker vehicles, which would result in a short-term increase in GHG emissions. GHG emissions generated during construction would be temporary in nature and would be typical of other similar construction activities in the county. Construction contractors would be required to comply with state and local diesel-idling limitations, including limiting idling to 5 minutes or less, which would

reduce GHG-emissions during equipment and vehicle use during construction. Although not required to reduce construction-related GHG-emissions, Mitigation Measure AQ-1 included in Section III, *Air Quality*, would require diesel idling restrictions and the use of alternative fuel as applicable. Based on required compliance with diesel-idling restrictions, construction of the proposed project is not anticipated to generate substantial greenhouse gas emissions in a manner that would have a significant effect on the environment.

Implementation of the project would allow for the future construction of three new single-family residential dwellings and up to four ADUs. Operational GHG emissions would primarily be generated by vehicle trips and residential energy use. As described in Section XIV, *Population and Housing*, the project has the potential to generate a population of approximately 12 residents. Based on the marginal population increase associated with future residential development, the project would be expected to result in a limited number of operational vehicle trips and would not generate a substantial increase in vehicle miles traveled (see Section XVII, *Transportation* for further discussion). As such, the project would not generate a substantial amount of operational GHG emissions from vehicle trips. Further, future residential development would be constructed in accordance with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to reduce operational energy use, which would also reduce operational GHG emissions from energy use. The project would be provided electricity by PG&E, which sources energy from clean energy resources, including 50% from renewable energy sources and 43% from other GHG free energy sources (PG&E 2021). By utilizing PG&E for electricity, 69% of the project's electricity demand would be sourced from GHG-free energy sources.

Based on the limited scale of proposed development, required compliance with the CEC and the CBC, and proportional electricity from GHG-free sources, the project is not anticipated to result in substantial GHG emissions that could result in adverse environmental impacts; therefore, potential impacts would be *less than significant*.

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

As described under Impact Discussion VIII(a), the project would result in a small quantity of annual GHG emissions over the life of the project and would not exceed the County's interim GHG emissions significance threshold, which was calculated to be consistent with the statewide GHG reduction goals identified in SB 32. Residential development associated with the project would also be required to be constructed in accordance with Title 24 of the CEC and CBC 2019 Building Energy Efficiency Standards to reduce operational energy use, which would minimize operational GHG emissions from building energy use. Overall project consistency with the EWP and the Regional Transportation Plan/Sustainable Communities' Strategy (RTP/SCS) prepared by the San Luis Obispo Council of Governments (SLOCOG) is evaluated below.

<u>EnergyWise Plan Consistency</u>

As discussed in Section VI. *Energy*, above, the EWP, adopted in 2011, serves as the County's GHG reduction strategy. The GHG-reducing policy provisions contained in the EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. While the horizon year for the EWP goals has passed, the policies within the EWP are generally still useful in evaluating a project's consistency with the County's GHG reduction strategies.

The GHG reduction measures contained in the EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7 encourages energy efficient new development and provides incentives for new development to exceed California's Green Building Standards Code (CALGreen) energy efficiency standards. A summary of the project's consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development is provided in Table 2, below.

Table 2. EnergyWise Plan Measure 7 Consistency Analysis

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	Specific design features of future residential development are currently not known; however, the project would be required to be consistent with all 2019 CBC Energy Efficiency Standards, CEC, and 2019 Green Building Code standards to ensure new development is energy efficient.
Encourage new projects to provide ample daylight within the structure through the use of lighting shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	Specific design features of future residential development are currently not known; however, the project would be required to be constructed in accordance with all 2019 CBC Energy Efficiency Standards, CEC, and 2019 Green Building Code standards to ensure new development is energy efficient.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	The project does not propose new parking lots.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	The project site is not located north of the Cuesta Grade.

2019 Regional Transportation Plan/Sustainable Communities Strategy

The 2019 RTP, which was adopted by the SLOCOG Board in June 2019, includes the region's SCS, and outlines how the region will meet or exceed its GHG reduction targets by creating more compact, walkable, bike-friendly, and transit-oriented communities; preserving important habitat and agricultural areas; and promoting a variety of transportation demand management and system management tools and techniques to maximize the efficiency of the transportation network. The project does not include development of retail, business, or commercial uses that would be open to the public; therefore, land use planning strategies, such as mixed-use development and planning compact communities, are generally not applicable. The project would result in the establishment of activities that are residential in nature and would not result in employment opportunities or a substantial population increase in the project area. However, as discussed in Section XVII, *Transportation*, the project is not expected to exceed existing VMT thresholds during construction or operation, which is consistent with the 2019 RTP.

Based on the analysis provided above, the project would be consistent with applicable state and local policies and programs intended to reduce GHG emissions and potential impacts would be *less than significant*.

Conclusion

The project would be compliant with GHG reduction standards during construction and operation through compliance with diesel idling restrictions, CEC and green building standards, and other applicable GHG-reduction strategies. Although not required to reduce GHG emissions during project construction, implementation of Mitigation Measure AQ-1 would require implementation of diesel-idling restrictions. Therefore, potential impacts related to GHG emissions would be less than significant, and no mitigation measures would be necessary.

Mitigation

No mitigation is necessary.

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 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. According to the California Department of Forestry and Fire Protection (CAL FIRE) Fire Hazard Severity Zone (FHSZ) viewer, the project site is located in a moderate FHSZ within a state responsibility area (SRA) (CAL FIRE 2022). The project site has an estimated response time of approximately 0-5 minutes. 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.

Based on a query of the California Department of Toxic Substances Control (DTSC) EnviroStor database and the SWRCB GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). The nearest airport is San Luis Obispo County Regional Airport, located approximately 1.4 miles southwest of the project site. The nearest school is Sinsheimer Elementary School located approximately 1 mile northwest of the project site.

Discussion

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

The proposed project is anticipated to require limited quantities of hazardous substances including, but not limited to, gasoline, diesel fuel, hydraulic fluid, solvents, oils, and paints during construction, which has the potential to result in an accidental spill or release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws to ensure the proper handling, transport, and storage of hazardous materials, including California Code of Regulations (CCR) Title 22 Division 4.5. Additionally, Mitigation Measure BIO-10 included in Section IV, *Biological Resources*, requires spill kits to be present on-site to further reduce the potential to create a significant hazard to the public. Following completion of construction activities, the project would be limited to the operation of residential uses and would not require the routine transport, use, or disposal of hazardous substances. Based on required compliance with applicable federal and state environmental and workplace safety laws, potential impacts associated with routine transport, use, or disposal of hazardous materials would be *less than significant.*

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

The project does not include the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. As previously evaluated, construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, and construction contractors would be required to comply with applicable state and local regulations, such as CCR Title 22 Division 4.5, to reduce the potential for accidental hazardous material release during construction. Additionally, Mitigation Measure BIO-10 included in Section IV, *Biological Resources*, requires spill kits to be present on-site to further reduce the potential to create a significant hazard to the public. Following completion of future construction activities, the project would be limited to residential and accessory uses, which may include the transport, use, or disposal of limited quantities of household cleaners, paints, fuel, fertilizers, or other common potentially hazardous substances, which would be consistent with existing on-site uses. Disposal of household hazardous substances would be subject to the County's Household Hazardous Waste Program and would be properly disposed of at Cold Canyon Landfill.

The project does not require soil disturbance within or adjacent to existing major roadways that could release aerially deposited lead (ADL) if present within the soil. As evaluated in Section III, *Air Quality*, the project has the potential to expose people to NOA due to the project site's location in an area with the potential for NOA to occur (SLOAPCD 2022). Mitigation Measures AQ-3 and AQ-4 have been identified to require implementation of SLOACPD testing, notification, and disposal protocol to

reduce the potential to release NOA during proposed ground disturbance activities and mitigate health risks if NOA is detected. Additionally, removal of existing on-site structure has the potential to disturb ACM or lead based paint. Mitigation Measure AQ-5 identifies the proper protocol for demolition of structures that may contain ACM. With implementation of Mitigation Measures AQ-3 through AQ-5, the project would not expose people to NOA or ACM.

Based on required compliance with applicable federal and state environmental and workplace safety laws and implementation of Mitigation Measures AQ-3 through AQ-5, the project is not anticipated to create significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment; therefore, impacts would be *less than significant with mitigation.*

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

The nearest school is Sinsheimer Elementary School located approximately 1 mile northwest of the project site. Therefore, the proposed project would not emit hazardous emissions or handle acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school, and *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 query of the DTSC EnviroStor database and the SWRCB GeoTracker database, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). The project site is not located on or adjacent to a site that is on a list of hazardous materials sites pursuant to Government Code Section 65962.5; therefore, the project would not create a significant hazard to the public or the environment related to disturbance in a hazardous materials site and *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 located within Safety Zone 6 of the San Luis Obispo County Regional Airport, located approximately 1.4 miles southwest of the project site. Implementation of the proposed project would subdivide two existing parcels into four new lots. Per Table 4-2 of the 2021 ALUP, there is no limit on dwelling units per gross acre within Safety Zone 6; therefore, a four-parcel subdivision would be an allowable density. The project would allow for the future development of three new single-family residences and up to four ADUs and would not result in design or other features that could create a hazard to existing aviation patterns. In addition, per the 2021 ALUP, future residential development would be located outside of the 60 dB CNEL noise contour, which is consistent with noise policies included in the 2021 ALUP. Based on the project's consistency with the 2021 ALUP, implementation of the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area; therefore, impacts would *be less than significant*.

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

The project includes the construction of site improvements, including an access, drainage, and utility easement from Calle Crotalo during Phase 1 improvements and an extension of the existing access and utility easement from Orcutt Road during Phase 2 improvements. Proposed access improvements would be required to comply with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements to ensure adequate emergency access to and from the site. The project would facilitate a limited increase in population growth and vehicle trips within the project area; therefore, the project would not facilitate substantial growth in a manner that would conflict with emergency response or evacuation efforts within the project area. Further, the project is not anticipated to require any permanent road closures or traffic controls that could result in notable impacts to emergency response or evacuation efforts in the project area. Based on required compliance with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements and the limited growth associated with the proposed project, the project would not interfere with an emergency response or evacuation plan; 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 site is located adjacent to the southeastern limits of the city of San Luis Obispo in a moderate FHSZ within an SRA and is surrounded by low-density single-family residences, accessory structures, and undeveloped land in all directions (CAL FIRE 2022). Implementation of the project would result in the future development of up to three residential dwelling units and four ADUs that would be constructed in accordance with CFC and CBC requirements to reduce risk associated with wildfire ignition and exposure of project occupants to wildfire risk. In addition, the project would be required to implement design recommendations identified by CAL FIRE/County Fire to ensure adequate ability to provide fire protection services to the proposed project. Based required compliance with CFC, CBC, and CAL FIRE/County Fire requirements, implementation of the project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires; therefore, impacts would be *less than significant*.

Conclusion

Based on required compliance with applicable federal and state environmental and workplace safety laws, the project would not result in significant hazards related to the routine transport, use, or disposal of hazardous materials. With implementation of Mitigation Measures AQ-3 through AQ-5, the project would not create a significant hazard to the public involving hazardous materials. The project site is not located within 0.25 mile of a school or within or adjacent to a previously recorded hazardous materials site. Based on required compliance with CFC, CBC, County of San Luis Obispo Public Works, and CAL FIRE/County Fire requirements, the project would not result in risk associated with wildfire or emergency response efforts. project would be consistent with the San Luis Obispo County Regional Airport 2021 ALUP, which is intended to reduce aviation-related hazards to nearby land uses. Therefore, upon implementation of identified mitigation measures, potential impacts related to hazards and hazardous materials would be less than significant.

Mitigation

Implement Mitigation Measures AQ-3 through AQ-5.

X. HYDROLOGY AND WATER QUALITY

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	(i) Result in substantial erosion or siltation on- or off-site;	☐	☒	☐	☐
	(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
	(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☒	☐	☐
	(iv) Impede or redirect flood flows?	☐	☐	☒	☐
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

Setting

The RWQCB Water Quality Control Plan for the Central Coast Basin (Basin Plan; RWQCB 2019) describes how the quality of surface water and groundwater in the Central Coast Region should be managed to provide the highest water quality reasonably possible. The Basin Plan outlines the beneficial uses of streams, lakes, and other water bodies for humans and other life. There are 24 categories of beneficial uses, including, but not limited to, municipal water supply, water contact recreation, non-water contact recreation, and cold freshwater habitat. Water quality objectives are then established to protect the beneficial uses of those water resources. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements to individuals, communities, or businesses whose discharges can affect water quality.

The LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of 0.5 acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

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

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C1069G (effective date 11/16/2012), the project site is located within Zone X, an area with minimal flood hazard (FEMA 2020). In addition, the project site is not located in the County's Flood Hazard combining designation.

An unnamed, intermittent blue-line stream flows through the northern portion of the property. The blue-line stream enters the northeastern portion of the site in a low swale with a narrow band of wetland vegetation and leaves the northwestern portion of the site through a culvert under Orcutt Road. The blue-line stream passes through developed areas in the city of San Luis Obispo and eventually connects to Acacia Creek to form the East Fork of San Luis Obispo Creek. At the time of field surveys, the blue-line stream was dry. In addition, there are two additional drainage swales on-site, one located in the northern portion of the property, and one located in the southern portion of the property (KMA 2021).

Discussion

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

An unnamed, intermittent blue-line stream flows through the northern portion of the property and there are two additional drainage swales on-site, one located in the northern portion of the property, and one located in the southern portion of the property (KMA 2021). The proposed 20-foot-wide access, drainage, and utility easement from Calle Crotalo would require the construction of two 36-inch culverts over the on-site blue-line stream. Additionally, the northern drainage swale would also require the construction of a crossing structure; however, the exact design is currently not known. The project requires ground-disturbing activities for a 10-foot-wide utility easement off of Calle Crotalo from the north, the construction of a new 20-foot-wide Class II road based access easement, which would extend approximately 250 feet from Orcutt Road, the extension of an existing gravel-based access and utility easement from Orcutt Road by approximately 170 feet, and two drainage basins and future residential uses. Ground disturbance and construction equipment and vehicle use have the potential to increase erosion and other pollutants at the site that could runoff into the on-site blue line stream, drainage swales, and surrounding areas. Mitigation Measure BIO-10 requires the implementation of BMPs during project construction to reduce the potential to adversely affect water quality of the on-site blue line stream and drainage swales. In addition, per LUO Section 22.52.120, an Erosion and Sedimentation Control Plan is required for all construction and grading projects to minimize potential short- and long-term impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. If future development of residential uses would disturb greater than 1-acre of soils, development would be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) with BMPs. Based on implementation of Mitigation Measure BIO-10 and required compliance with LUO Section 22.52.120, the project would not violate any water quality standards or waste discharge requirements; therefore, potential impacts would be *less than significant with mitigation*.

(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 site is located outside of the San Luis Obispo Valley Groundwater Basin (SLO Basin; DWR Bulletin 118 Basin No. 3-09). Existing development on the 11.3-acre property primarily consists of a residence, barn, various animal shelters/out-buildings, fenced areas for livestock, and a paved driveway. The remaining portions of the property consist of undeveloped areas that allow for natural groundwater recharge. In addition, an unnamed, intermittent blue-line stream flows through the northern portion of the property and there are two additional drainage swales located on-site that allow for natural groundwater recharge (KMA 2021). Construction of access easements and future development of three single-family residential dwellings and up to four ADUs would increase the amount of impervious surface area on-site, which would reduce the amount of natural area that allows for groundwater infiltration. However, future development of the site would primarily avoid the on-site blue line stream and drainage swales; therefore, the site would retain area that allow for natural groundwater recharge. In addition, the project includes the construction of three stormwater control basins on Parcel 1, which would also allow for groundwater recharge at the site.

There is an existing well that provides water to existing residential and accessory uses on the project site. This well would also provide water for additional residential and accessory uses facilitated by the proposed project on proposed Parcels 3 and 4. Afuera de Chorro Water Company has reviewed the project and has provided an intent to serve letter to provide water for a future residence on proposed Parcels 1 and 2. Based on the intent to serve letter provided by the Afuera de Chorro Water Company, there would be adequate water supply to serve the proposed project.

Therefore, the project is not anticipated to substantially interfere with groundwater recharge or decrease groundwater supply and impacts 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 requires ground-disturbing activities for a 10-foot-wide utility easement off of Calle Crotalo from the north, the construction of a new 20-foot-wide Class II road based access easement, which would extend approximately 250 feet from Orcutt Road, the extension of an existing gravel-based access and utility easement from Orcutt Road by approximately 170 feet, and two drainage basins and future residential uses. In addition, the project includes the construction of two 36-inch culverts over the on-site blue-line stream. The northern drainage swale would also require the construction of a crossing structure; however, the exact design is currently not known. Construction of crossing structures and proposed ground disturbance has the potential to increase erosion and other pollutants at the site that could runoff into the on-site blue line stream, drainage swales, and surrounding areas. Mitigation Measure BIO-10 requires the implementation of construction BMPs to minimize potential impacts related to erosion during construction. In addition, per LUO Section 22.52.120, an Erosion and Sedimentation Control Plan is required for all construction and grading projects to minimize potential short- and long-term impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. If future development of residential uses would disturb greater than 1-acre of soils and would be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a SWPPP with BMPs. Following construction activities, the project would be limited to residential land uses and would not include any components or features that could generate long-term erosion or siltation at the project site. Based on implementation of Mitigation Measure BIO-10 and required compliance with LUO Section 22.52.120, impacts related to substantial erosion and siltation would be *less than significant with mitigation*.

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

The project includes the construction of a new access easements and the future development of three single-family residential dwellings, up to four ADUs, and additional site improvements that would increase the amount of impervious surface area onsite. The project site is located within an MS4 stormwater management area and would be subject to implementation of a stormwater control plan (SWCP) in accordance with County regulations or RWQCB PCRs for long-term stormwater control measures at the project site. The project includes the construction of three stormwater control basins on proposed Parcel 1 to contain flows at the project site. Proposed stormwater control measures would be subject to County approval prior to implementation on-site. Based on required installation of County-approved stormwater control measures, implementation

of the project is not anticipated to increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; therefore, impacts 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?

As previously evaluated, future development would increase the amount of impervious surface area onsite, which has the potential to increase surface runoff from the site. However, the project includes the construction of three stormwater control basins on proposed Parcel 1, which would be subject to County review and approval. In addition, the on-site blue-line stream would be retained to maintain existing drainage conditions at the site. Mitigation Measure BIO-10 would require the implementation of construction BMPs to reduce the potential for erosion and other pollutants to runoff from the project site. Further, in accordance with LUO Section 22.52.120, preparation and approval of an Erosion and Sedimentation Control Plan to minimize the amount of erosion at the site that could runoff and contribute to polluted runoff within stormwater drainage systems. Based on implementation of Mitigation Measure BIO-10 and required compliance with LUO Section 22.52.120 and implementation of County-approved stormwater control measures, implementation of the project is not anticipated to contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; therefore, impacts would be *less than significant with mitigation*.

(c-iv) Impede or redirect flood flows?

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C1069G (effective date 11/16/2012), the project site is located within Zone X, an area with minimal flood hazard (FEMA 2020). In addition, the project site is not located in the County's Flood Hazard combining designation. As a result, flood flows are not anticipated to occur within the project area. In addition, the project would be subject to the implementation of a SWCP in accordance with County regulations or RWQCB PCRs for long-term stormwater control measures at the project site. The project includes the construction of three stormwater control basins on proposed Parcel 1 to contain flows at the project site. Proposed stormwater control measures would be subject to County approval prior to implementation. In addition, the on-site blue-line stream would be retained to maintain existing drainage conditions at the site. Therefore, the project would not be expected to impede or redirect flood flows and impacts would be *less than significant*.

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

The project site is not located within a mapped flood hazard zone or within the County's Flood Hazard combining designation (FEMA 2020). According to the Department of Conservation's San Luis Obispo County Tsunami Inundation Map, the project is not within a tsunami inundation area. Seiches occur as a series of standing waves induced by seismic shaking or land sliding into an impounded body of water. The project site is not located in proximity to any impounded body of water that would be subject to seiche. The project is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation; therefore, *no impacts* would occur.

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

The project site is not located within the Edna SLO Basin (Basin No. 3-09) and would not be subject to sustainable management requirements identified in the SLO Basin Groundwater Sustainability Plan (GSP). There is an existing well that provides water to existing residential and accessory uses on the project site. This well would also provide water for additional residential and accessory uses facilitated by the project on proposed Parcels 3 and 4. Afuera de Chorro Water Company has reviewed the project and has provided an intent to serve letter to provide water for a future residence on Parcels 1 and 2. Based on the will-serve letter provided by the Afuera de Chorro Water Company, there would be adequate water supply to serve the proposed project.

The project site is under the jurisdiction of the Central Coast RWQCB and would be subject to the Central Coast Water Quality Control Plan (Basin Plan), which sets water quality objectives and criteria to protect water quality in the Central Coast region (RWQCB 2019). The project would be subject to preparation and approval of a SWCP in accordance with County regulations or RWQCB PCRs to control long-term stormwater runoff and LUO Section 22.52.120 to control short- and long-term erosive runoff from the project site. Additionally, Mitigation Measure BIO-10 would require the implementation of construction BMPs to reduce the potential for erosion and other pollutants to runoff from the project site. If future development of residential uses would disturb greater than 1-acre of soils, development would be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a SWPPP with BMPs. Based on implementation of Mitigation Measure BIO-10 and required compliance with RWQCB and County regulations, the project would be consistent with water quality protection efforts included in the Central Coast RWQCB Basin Plan; therefore, impacts would be *less than significant with mitigation*.

Conclusion

With implementation of Mitigation Measure BIO-10 and required compliance with RWQCB and the County's LUO, the project would not result in adverse impacts related to water quality, groundwater quality, or stormwater runoff. The project is not within a flood hazard, tsunami, or seiche zone and would not risk release of pollutants due to project inundation. The project would be consistent with requirements of the SLO Basin GSP and the RWCB Basin Plan. Therefore, with implementation of the identified mitigation, impacts related to hydrology and water quality would be less than significant.

Mitigation

Implement Mitigation Measure BIO-10.

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?	☐	☐	☐	☒

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	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?	☐	☒	☐	☐

Setting

The County LUE provides policies and standards for the management of growth and development in each unincorporated community and rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The LUE identifies strategic growth principles to define and focus the county's pro-active planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project area is designated for Rural Suburban land uses. The project site is also within the Airport Review (AR) combining designation.

Discussion

(a) Physically divide an established community?

Implementation of the project would result in the subdivision of two existing parcels, totaling 11.3 acres in size, into four parcels. Based on a reasonable case development scenario, implementation of the proposed project would facilitate the future development of three new single-family residences and up to four ADUs and associated site improvements, which would be limited to the project property. Therefore, the project would not result in the removal or blockage of existing public roadways or other circulation paths and would not otherwise include any features that would physically divide an established community, and *no impacts* would occur.

(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 within the Residential Suburban land use category in the San Luis Obispo North sub area of the San Luis Obispo planning area. As evaluated throughout this Initial Study, the project would be consistent with the property's land use designation and the guidelines and policies for development within the San Luis Obispo Area Plan, inland LUO, and COSE. Further, the project was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the SLOAPCD CAP, and other land use policies for this area. The project would also be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Department of Public Works. The project would be required to implement Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10 to mitigate potential impacts associated with Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality, which is consistent with the identified plans and policies intended to avoid or mitigate adverse environmental effects.

The project site is located within Safety Zone 6 of the Airport Influence Area. A four-lot subdivision would be an allowable land use density within Safety Zone 6 per 2021 ALUP Policy G-4. The project would not result in design or other features that could create a hazard to existing aviation patterns. In addition, per the 2021 ALUP, future residential development would be located outside of the 60 dB CNEL noise contour, which is consistent with noise policies included in the 2021 ALUP.

As evaluated above, the project would be consistent with the 2021 ALUP, and upon implementation of the identified mitigation, the project would not conflict with other local policies or regulations adopted for the purpose of avoiding or mitigating environmental effects; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Implementation of the proposed project would not physically divide an established community. Upon implementation of mitigation measures identified throughout this document, the project would be consistent with the County's LUO, COSE, General Plan, San Luis Obispo Area Plan, SLOAPCD CAP, and other applicable documents. The project would be consistent with the San Luis Obispo County Regional Airport ALUP. Therefore, impacts would be less than significant upon implementation of the identified mitigation measures.

Mitigation

Implement Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10.

XII. MINERAL RESOURCES

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

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (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 2011):

- **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 of San Luis Obispo Land Use Ordinance (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 Land Use Element 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. The project site is not located within the EX or EX1 combining designation.

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?

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

The project site is not located within the EX or EX1 combining designation and there are no known mineral resources in the project area. The project would not be located on land that is zoned or designated for mineral extraction; therefore, the project would not result in the loss of availability of a known mineral resource or result in the loss of availability of a locally-important mineral resource recovery site, and *no impacts* would occur.

Conclusion

No impacts to mineral resources would occur as a result of the project, and no mitigation is necessary.

Mitigation

Mitigation is not necessary.

XIII. NOISE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
(c)	For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Setting

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

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

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

- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

All sound levels referred to in the Noise Element are expressed in A-weighted decibels (dBA). A-weighting deemphasizes the very low and very high frequencies of sound in a manner similar to the human ear. There is an on-site residence located within the southwestern corner of the project property and the project site is surrounded by off-site single-family residential dwellings in all directions, with nearest off-site residences located approximately 60 feet to the north and 60 feet to the south.

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

Table 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, noise level standards are increased by 10 db.

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

Discussion

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

Existing ambient noise levels in the project area are primarily dominated by vehicle traffic along Calle Crotalo and Orcutt Road as well as noise from surrounding residential land uses. During project construction, noise from construction activities may intermittently dominate the noise environment in the immediate project area. The project would require the use of typical construction equipment (dozers, excavators, etc.) during proposed construction activities. According to the Federal Highway Administration (FWHA), noise from standard construction equipment generally range from 80 dBA to 85 dBA at 50 feet from the source, as shown in Table 4, below.

Table 4. Construction Equipment Noise Emission Levels

Equipment Type	Typical Noise Level (dBA) 50 ft From Source
Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper	85
Heavy Truck	84
Crane, Mobile	83

Concrete Pump	82
Backhoe, Compactor	80

Source: FHWA 2018

There is an on-site residence located within the southwestern corner of the project parcel and the project site is surrounded by off-site low-density single-family residences in all directions of the project site. Construction-related noise would be short-term, intermittent and would not result in a permanent increase in ambient noise within the project area. According to LUO Section 22.10.120.A.4, construction noise is exempt from the County's noise standards between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on weekends. Proposed construction activities would be limited to the hours specified in the LUO.

The project would not include the development of new incompatible land uses that would generate noise in excess of surrounding residential land uses or the County's noise standards. Therefore, following development of future residential development, operational noise generated by the project would be consistent with the level and scale of surrounding residential land uses. The project would not generate a substantial increase in temporary or permanent ambient noise levels; therefore, potential impacts would be *less than significant*.

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

According to LUO Section 22.10.170, construction-related vibration is exempt from the County's vibration standards between the hours of 7:00 a.m. and 9:00 p.m. The project does not include pile-driving or other high-impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Standard construction equipment would generate some groundborne noise and vibration during ground disturbance activities; however, these activities would be limited in duration and consistent with other standard construction activities. In addition, any groundborne noise or vibration generated by short-term construction activities would be limited to the immediate work area and is not anticipated to disturb nearby residential land uses. Operation of the project does not include new features that could generate substantial groundborne noise. 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 located approximately 1.4 miles northeast of San Luis Obispo County Regional Airport within Safety Zone 6. However, the project site is located outside of the airport's projected noise contours. Therefore, implementation of the proposed project would not expose people residing or working in the area to excessive noise levels and *no impacts* would occur.

Conclusion

The project would not generate a substantial increase in temporary or permanent ambient noise levels and would not generate groundborne noise in a manner that would result in disturbance. The project is located outside of projected noise contours associated with San Luis Obispo County Airport. Therefore, potential impacts related to noise would be less than significant, and no mitigation is necessary.

Mitigation

Mitigation is not necessary.

XIV. POPULATION AND HOUSING

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

Setting

The County's current Housing Element (2020-2028) is intended to facilitate the provision of needed housing in the context of the General Plan Land Use Element and related ordinance. It is also intended to meet the requirements of State law. It contains a number of relevant goals, objectives, policies, and implementation programs to ensure the County meets its goals of meeting the housing needs while remaining consistent with State law.

There is an existing residence located within the southwestern corner of the project property.

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 includes the subdivision of two parcels, totaling 11.3 acres in size, into four parcels within the Residential Suburban land use designation. Based on a reasonable case development scenario, the proposed parcel map and subdivision would facilitate the development of three new single-family residences and up to four ADUs on the project property. Based on the reasonable-case development scenario and an average of 2.51 persons per household within the county and the assumption that ADUs have approximately 1/3 the household size of a standard dwelling unit, the project has the potential to result in a marginal population increase of approximately up to 12 people (U.S. Census Bureau 2021). The project does not include the development of new commercial or office land uses that could increase long-term employment opportunities and facilitate population growth within the county. Additionally, the project would not result in additional

resource capacity or removal of a barrier to growth that could otherwise facilitate population growth. Short-term construction activities may generate temporary construction-related employment opportunities; however, temporary employment opportunities generated by the project are anticipated to be filled by the local workforce and would not result in a substantial population increase within the county. Therefore, the project would result in a marginal increase of up to 12 residents within the Residential Suburban land use designation and would not induce substantial or unplanned population growth, and impacts would be *less than significant*.

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

There is an existing residence located within the southwestern corner of the project property, on Parcel 4. However, the project does not include the demolition or removal of this residence. The project would not result in the removal or displacement of existing structures or people; therefore, *no impacts* would occur.

Conclusion

The proposed project would not result in substantial or unplanned population growth and would not displace existing housing or necessitate the construction of replacement housing elsewhere. Therefore, potential impacts related to population and housing would be less than significant, and no mitigation is necessary.

Mitigation

No mitigation is necessary.

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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Parks?	☐	☐	☒	☐
Other public facilities?	☐	☐	☒	☐

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the nearest station to the project site would be CAL FIRE / San Luis Obispo County Fire Station 21, located approximately 1.4 miles southwest of the project site. Emergency response times to the project range from 0 to 5 minutes.

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: Coast Station in Los Osos, North Station in Templeton, and South Station in Oceano. The project would be served by the South Station in Oceano, located approximately 11.4 miles southwest 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 site is located within the San Luis Coastal Unified School District (SLCUSD).

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

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public services. A public facility fee program (i.e., development impact fee program) has been adopted to address impacts related to public facilities (county) and schools (CGC Section 65995 et seq.). The fee amounts are assessed annually by the County based on the type of proposed development and the development's proportional impact and are collected at the time of building permit issuance. Public facility fees are used as needed to finance the construction of and/or improvements to public facilities required to 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 facilitate the future development of three single-family residential dwellings and up to four ADUs that would result in a population increase of approximately 12 people. Based on the limited scale of proposed residential development and associated population growth, the project would result in a limited increase in demand on fire protection services. The project would be subject to standard Public Facilities Fees to offset the project's demand on existing fire protection services. Based on the limited population increase and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded fire protection services and impacts would be *less than significant*.

Police protection?

Implementation of the proposed project has the potential to facilitate a population increase of approximately 12 people as a result of the development of three single-family residential dwellings and up to four ADUs. Due to the limited scale of proposed development and associated growth, the project would result in a limited increase in demand on police protection services. The project would be subject to standard Public Facilities Fees to offset the project's demand on existing police protection services. Based on the limited population increase and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded police protection services; therefore, impacts would be *less than significant*.

Schools?

Implementation of the proposed project would result in three new single-family residences and up to four ADUS that may marginally increase the number of school aged children in the area. Therefore, implementation of the project has the potential to result in a slight increase in demand on the SLCUSD. The project would be required to pay Public Facilities Fees to offset its demand on the SLCUSD. Based on the marginal increase of school-aged children and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded SLCUSD facilities; therefore, impacts would be *less than significant*.

Parks?

Implementation of the proposed project would result in a marginal population increase of approximately 12 people that may increase demand on existing public recreation facilities. The project would be subject to the payment of standard Public Facilities Fees (including Quimby fees) to offset its demand on existing public recreation facilities. Therefore, based on the limited population increase and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded public recreational facilities, and impacts would be *less than significant*.

Other public facilities?

Implementation of the proposed project would result in a marginal increase in population of approximately 12 people, which has the potential to result in a slight increase in demand on other public facilities within the project region. The project would be subject to the payment of standard Public Facilities Fees to account for an increased demand on existing public services. The project would not facilitate the need for additional or expanded public services; therefore, potential impacts would be *less than significant*.

Conclusion

Implementation of the project would result in a limited number of new residential dwellings and associated limited population growth and would be subject to the payment of Public Facilities Fees to offset its demand on public services and facilities. Therefore, potential impacts related to public services would be less than significant, and no mitigation would be required.

Mitigation

No mitigation is necessary.

XVI. RECREATION

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

Setting

The Parks and Recreation Element of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county. Within the County's unincorporated areas, there are currently 23 parks, three golf courses, four trails/staging areas, and eight Special Areas that include natural areas, coastal access, and historic facilities currently operated and maintained by the County.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public 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 proposed subdivision would facilitate the future development of three single-family residential dwellings and there is potential for the development of up to two ADUs and two JADUs on-site. As evaluated in Section XIV, *Population and Housing*, based on the reasonable-case development scenario and an average of 2.51 persons per household within the county and the assumption that ADUs have approximately 1/3 the household size of a standard dwelling unit, the project has the potential to result in a marginal population increase of approximately up to 12 people (U.S. Census Bureau 2021). The project does not include new commercial or office development that could generate new long-term employment opportunities and short-term construction-related employment opportunities are expected to be filled by the local workforce. Therefore, the project would result in a limited population increase of up to 12 people, which would result in a marginal increase in the use of existing recreational facilities in the area. The project would be subject to the payment of Public Facilities Fees (including Quimby fees) to offset its demand on public recreational facilities. Based on the limited population increase associated with the proposed project and the payment of Public Facilities Fees, the project would not increase the use of existing recreational facilities in a manner that would result in substantial physical deterioration of these facilities; therefore, impacts would be *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 development of new or expanded recreational facilities; therefore, *no impacts* related to adverse physical effects on the environment as a result of construction or expansion of recreational facilities would occur.

Conclusion

The project would not increase the use of existing recreational facilities in a manner that would result in physical deterioration and does not include the construction of new or expanded recreational facilities that could result in adverse environmental impacts. Therefore, potential impacts related to recreation would be less than significant, and mitigation would not be necessary.

Mitigation

No mitigation is necessary.

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 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; preparing a Regional Transportation Plan (RTP); programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. 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 as well as the Cities within the county in facilitating the development of the RTP.

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon,

October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts.

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

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.

Discussion

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

The subject property is located adjacent to the southeastern limits of the city of San Luis Obispo and would not be applicable to existing mixed-land use development or pedestrian and bicycle accessibility standards included in the 2019 RTP, the County's Bikeways Plan, and the County's Circulation Element. The project would result in three new single-family residential dwellings and up to four ADUs in the Residential Suburban land use designation. Based on the limited scale of proposed development and associated population growth, the project is not anticipated to generate a substantial number of additional vehicle trips. Further, the project site is located is not located in a road fee area and would not be subject to the payment of applicable fees for the maintenance of other public roadways in the area. Therefore, 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 Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that do not indicate substantial evidence that a project would generate a potentially significant level of VMT, that are consistent with an SCS or general plan, or that would generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (California Governor's Office of Planning and Research [OPR] 2018).

The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon, October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. The proposed project would facilitate the future development of three single-family residential dwellings and up to four ADUs. Based on the County VMT Program, the project would be expected to generate a limited increase in vehicle trips that would fall below the suggested screening threshold of 110 trips/day identified in the State guidance; 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 includes the construction of site improvements, including an access, drainage, and utility easement from Calle Crotalo during Phase 1 improvements and extension of the existing access and utility easement from Orcutt Road during Phase 2 improvements. The project also includes a 34-foot-wide offer of dedication along Orcutt Road. Proposed access improvements would be required to comply with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements to reduce potential hazards related to road design and accommodate emergency vehicle access. Further, the project would not include the development of new land uses that could introduce a new incompatible uses along nearby roadways. Based on required compliance with County Public Works and CAL FIRE road design standards, construction of additional access roads would not substantially increase roadway hazards; therefore, potential impacts would be *less than significant*.

(d) Result in inadequate emergency access?

As previously stated, the project includes the construction of an access, drainage, and utility easement from Calle Crotalo during Phase 1 improvements and extension of the existing access and utility easement from Orcutt Road during Phase 2 improvements. Proposed access improvements would be required to comply with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements to ensure adequate emergency access to and from the site. Based on required compliance with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements, the project would not result in inadequate emergency access; therefore, potential impacts would be *less than significant*.

Conclusion

The project would be consistent with the 2019 RTP, 2016 Bikeways Plan, and the County's Circulation Element and would not generate vehicle trips that would exceed existing VMT thresholds. In addition, the project would be consistent with CAL FIRE and County Public Works standards for site access and driveway design; therefore, impacts related to transportation would be less than significant, and no mitigation is required.

Mitigation

No mitigation is necessary.

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 I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☒	☒

Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the CRHR; or
    b. Included in a local register of historical resources as defined in California PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth California PRC Section 5024.1.

In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

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

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)?

(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 I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Pursuant to AB 52, the County provided notice to local California native tribes with geographic and/or cultural ties to the project region. Referral letters were sent to tribal representatives on June 7, 2020. Fred Collins of the Northern Chumash Tribal Council (NCTC) responded that NCTC had no further comments. Patti Dunton of the Salinan Tribe of Monterey and San Luis Obispo Counties (STMSLO) requested that a Phase I Archaeological Surface Survey be completed. The Phase I Survey was provided to STMSLO on December 1, 2022, and no additional comments have been received. No tribes requested consultation or provided information regarding significant tribal cultural resources to date.

Based on the Cultural Resources Survey conducted for the proposed project, there are no known cultural or tribal cultural resources located within or adjacent to the project site and there is low potential for unknown cultural or tribal cultural resources to occur (CCARC 2021). The project would be required to comply with LUO Section 22.10.040 in the event of inadvertent discovery of a cultural resource. Per LUO Section 22.10.040, in the event an unknown cultural resource site is encountered, all work within the vicinity of the find must be halted until a qualified archaeologist is retained to evaluate the nature, integrity, and significance of the find. In addition, the project would be required to comply with Health and Safety Code Section 7050.5, which identifies the proper protocol in the event of inadvertent discovery of human remains, including the cessation of work within the vicinity of the discovery, identification of human remains by a qualified coroner, and if the remains are identified to be of Native American descent, contact with the NAHC. Based on required compliance with the County's LUO and Health and Safety Code Section 7050.5, the project is not anticipated to

result in adverse impacts to known or unknown cultural archaeological resources and impacts would be *less than significant.*

Conclusion

Based on compliance with the County's LUO and Health and Safety Code Section 7050.5, impacts related to tribal cultural resources would be considered less than significant, and no mitigation would be required.

Mitigation

No mitigation is necessary.

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?	☐	☐	☒	☒

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Setting

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

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

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 would be provided solid waste services by San Luis Garbage and Cold Canyon Landfill.

Discussion

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

The project includes the construction of site improvements, including an access, drainage, and utility easement from Calle Crotalo during Phase 1 improvements and extension of the existing access and utility easement from Orcutt Road during Phase 2 improvements. Proposed utility infrastructure would be constructed and installed within the footprint of the proposed project. As evaluated throughout this Initial Study, the project has the potential to result in adverse impacts related to Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality. Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10 have been included to avoid and/or minimize adverse impacts to less-than-significant levels. Therefore, upon implementation of the identified mitigation measures, installation of utility infrastructure is not anticipated to result in adverse impacts to the environment; therefore, potential impacts would be *less than significant with mitigation*.

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

The project site is located outside of the San Luis Obispo Valley Groundwater Basin (DWR Bulletin 118 Basin No. 3-09). There is an existing well located on Parcel 4 that provides water for existing residential and accessory uses on existing Parcel 1 and would also provide water for additional residential and accessory uses facilitated by the proposed project on proposed Parcels 3 and 4. Afuera de Chorro Water Company has reviewed the project and has provided an intent to serve letter to provide water for a future residence on proposed Parcels 1 and 2. Based on the will-serve letter provided by the Afuera de Chorro Water Company, there would be adequate water supply to serve the proposed project; therefore, potential 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?

Proposed parcels 1 through 4 would be served by onsite septic systems. The project would not require connection to a wastewater treatment provider; therefore, *no impacts* would occur.

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

During construction, the project would result in a short-term increase in construction-related solid waste. According to the County's Integrated Waste Management Authority (IWMA), construction waste would be subject to California's Green Building Standards Code (CALGreen) Sections 4.408 and 5.408, which requires diversion of at least 75 percent of construction waste (IWMA 2022). Based on required compliance with CALGreen regulations, construction of the project would not generate solid waste in excess of local infrastructure capacity.

The project would facilitate the future development of three single-family residential dwellings and up to four ADUs. According to the CalRecycle Estimated Solid Waste Generation Rates, operation of 7 residential units would result in approximately 85.61 pounds of solid waste per day (CalRecycle 2019). Proposed solid waste calculations are shown in Table 5, below.

Table 5. Estimated Solid Waste Generation Rates

Waste Generation Source	Generation Rate	Unit of Measure	Proposed Development	Total
Residential	12.23	lb./household/day	7 residential units	85.61 pounds
			Total	**85.61 pounds**

Source: CalRecycle Estimated Solid Waste Generation Rates (2019)

Implementation of the project would result in a long-term increase in operational solid waste generation. Future residential development would be provided solid waste services by San Luis Garbage and Cold Canyon Landfill. According to the California Department of Resources Recycling and Recovery (CalRecycle), Cold Canyon Landfill has a maximum permitted capacity of 23,900,000 cubic yards and maximum capacity of 1,650 tons of solid waste per day. The estimated closure date of Cold Canyon Landfill is December 2040 (CalRecycle 2020). In addition, the project would be required to comply with County-implemented recycling and organic waste disposal programs during operation, which would reduce the amount of solid waste taken to Cold Canyon Landfill. Cold Canyon Landfill would have adequate available capacity to support the increase of solid waste; therefore, impacts would be *less than significant*.

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

The project would be serviced by San Luis Garbage and Cold Canyon Landfill, which are fully compliant with existing local and state regulations related to disposal of solid waste. As evaluated above, construction and operation of the project is not expected to generate solid waste in excess of state or county regulations for solid waste. In addition, the project would be required to comply with CALGreen regulations during construction and County-implemented recycling and organic waste

disposal programs during operation, which would be consistent with federal, state, and local solid waste reduction goals; therefore, impacts would be *less than significant*.

Conclusion

The project would require the expansion and installation of utility infrastructure to support proposed development. Implementation of Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10 would reduce potential adverse environmental impacts to less-than-significant levels. Water would be provided by GSWC, which would have adequate capacity to the project and the project would not require connection to a wastewater provider. The project would not generate solid waste in exceedance of state or county regulations. Therefore, upon implementation of the identified mitigation measures, potential impacts would be less than significant.

Mitigation

Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10.

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

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.

CAL FIRE Hazard Severity Zones

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. 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, from Monterey County in the north to Santa Barbara County in the south. A lack of 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 moderate, high or very high fire severity zones. According to the CAL FIRE FHSZ viewer, the project site is located in a moderate FHSZ within an SRA (CAL FIRE 2022).

County Emergency Operations Plan

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. 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.

County Safety Element

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.

California Fire Code

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.

Discussion

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

The project site is located adjacent to the southeastern limits of the city of San Luis Obispo in a moderate FHSZ within an SRA (CAL FIRE 2022). The project includes the construction of site improvements, including an access, drainage, and utility easement from Calle Crotalo during Phase 1 improvements and extension of the existing access and utility easement from Orcutt Road during Phase 2 improvements. Proposed access improvements would be required to comply with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements to ensure adequate emergency access to and from the site. The project would facilitate a limited increase in population growth and vehicle trips within the project area; therefore, the project would not facilitate substantial growth in a manner that would conflict with emergency response or evacuation efforts within the project area. Further, the project is not anticipated to require any permanent road closures or traffic controls that could result in notable impacts to emergency response or evacuation efforts in the project area. Based on required compliance with County of San Luis Obispo Public Works Department and CAL FIRE/County Fire requirements and the limited growth associated with the proposed project, the project would not interfere with an emergency response or evacuation plan; therefore, 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 11.3-acre project property is characterized by relatively flat to gently sloping topography and is surrounded by low-density single-family residences, accessory structures, and undeveloped land in all directions. The project site is located in a moderate FHSZ in an SRA (CAL FIRE 2022). Implementation of the project would result in the future development of up to three residential dwelling units and up to four ADUs that would be constructed in accordance with CFC and CBC requirements to reduce risk associated with wildfire ignition and exposure of project occupants to wildfire risk. In addition, the project would be required to implement design recommendations identified by CAL FIRE/County Fire to ensure adequate ability to provide fire protection services to the proposed project. Based required compliance with CFC, CBC, and CAL FIRE/County Fire requirements, the project is not anticipated to significantly exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire in an SRA or a very high FHSZ; therefore, 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 site is located in a moderate FHSZ in an SRA (CAL FIRE 2022). The project includes the construction of site improvements, including an access, drainage, and utility easement from Calle Crotalo during Phase 1 improvements and extension of the existing access and utility easement from Orcutt Road during Phase 2 improvements. Proposed easements would be constructed in accordance with applicable CFC, CBC, CAL FIRE, and County Public Works requirements to reduce wildfire risk associated with installation of utility infrastructure and to ensure adequate emergency access to the site. In addition, proposed utility infrastructure would primarily be installed underground, which would further reduce the risk of accidental wildfire ignition at the project site. Based on required compliance with applicable CFC, CBC, CAL FIRE, and County Public Works requirements, the project would not exacerbate wildfire risk within an SRA or a very high FHSZ; therefore, potential impacts would be *less than significant.*

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

The project site is located in a moderate FHSZ in an SRA and in an area with low and moderate potential for landslide and low potential for flooding to occur. Future residential development would be constructed in accordance with CBC and CFC regulations to reduce risk associated with wildfire and post-wildfire events. Based on required compliance with the CBC and CFC regulations, implementation of the project would not 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 within an SRA or very high FHSZ; therefore, impacts would be *less than significant*.

Conclusion

The project is located in a moderate FHSZ in an SRA. Based on required compliance with CFC, CBC, CAL FIRE, and County Public Works development requirements for future residential development and associated site improvements, the proposed project and associated activities would not result in significant adverse impacts related to wildfire and, no mitigation is necessary.

Mitigation

Mitigation is not necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

Based on the analysis provided in individual resource sections above, the project has the potential to disturb sensitive biological resources and unknown cultural and/or tribal cultural resources. Mitigation Measures BIO-1 through BIO-10 have been identified and would reduce potential impacts related to sensitive biological resources to less than significant. Additionally, adherence to LUO Section 22.10.040 would reduce impacts to unknown cultural and/or tribal cultural resources if present within the project area. Therefore, potential impacts would be *less than significant with mitigation*.

(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)?

Based on the nature of proposed development and the analysis provided in resource sections above, the project would have the potential to result in environmental impacts associated with Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality that could have a cumulative effect with other development projects in the project region. Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10 have been identified to reduce potential environmental impacts associated with the project to a less-than-significant level. Other past and future development projects requiring a discretionary permit in the project region would also be subject to applicable mitigation measures to reduce potential impacts associated with these impact issue areas. Therefore, based on the implementation of project-level mitigation measures and discretionary review and CEQA review of other projects within the project area, potential impacts would be *less than cumulatively considerable with mitigation*.

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

Based on the nature and scale of proposed development and the analysis provided in individual resource areas sections above, the project has the potential to have environmental effects that could result in substantial adverse effects on human beings. Potential impacts associated with air quality and hazards and hazardous materials would be reduced to less-than-significant levels with the implementation of Mitigation Measures AQ-1 through AQ-5 and BIO-10. Therefore, potential impacts associated with environmental effects that would cause substantial adverse effects on human beings would be *less than significant with mitigation*.

Conclusion

Potential impacts associated with mandatory findings of significance would be less than significant with mitigation.

Mitigation

Implement Mitigation Measures AQ-1 through AQ-5 and BIO-1 through BIO-10.

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	**In File**
☐	County Agricultural Commissioner's Office	**Not Applicable**
☒	County Airport Manager	**None**
☒	Airport Land Use Commission	**In File**
☒	Air Pollution Control District	**None**
☐	County Sheriff's Department	**Not Applicable**
☒	Regional Water Quality Control Board	**None**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (Cal Fire)	**In File**
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	City of San Luis Obispo	**None**
☐	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/Inland)
- ☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
  - ☒ Agriculture Element
  - ☒ Conservation & Open Space Element
  - ☐ Economic Element
  - ☐ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element/Project List
  - ☒ Safety Element
- ☒ Land Use Ordinance (Inland/Coastal)
- ☒ Building and Construction Ordinance
- ☒ Public Facilities Fee Ordinance
- ☒ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☒ SLO Airport Land Use Plan
- ☒ Energy Wise Plan
- ☒ SLO Planning Area
- ☐ Design Plan
- ☐ Los Ranchos- Edna Valley Specific Plan
- ☒ Annual Resource Summary Report
- ☒ SLOCOG 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

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

California Air Resources Board (CARB). 2020. Maps of State and Federal Area Designations. Available at: https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations. Accessed September 26, 2022.

———. 2022. Advanced Clean Cars Program. Available at: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program. Accessed September 23, 2022.

California Department of Conservation (DOC). 2015. Fault Activity Map of California. Available at: https://maps.conservation.ca.gov/cgs/fam/. Accessed September 23, 2022.

———. 2016. California Important Farmland Finder. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed September 23, 2022.

California Department of Fish and Wildlife (CDFW). 2022. Essential Habitat Connectivity Viewer. Available at: https://apps.wildlife.ca.gov/bios/?bookmark=648. Accessed September 23, 2022.

California Department of Forestry and Fire Protection (CAL FIRE). 2022. Fire Hazard Severity Zone Viewer. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed September 23, 2022.

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