



**Hill Street Terraces IS/MND: ED22-190; (TR 3135 / SUB2021-00035)**


**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.


|   |   |  |
|---|---|--|
| <input type="checkbox"/> Aesthetics                       | <input type="checkbox"/> Greenhouse Gas Emissions                 | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Agriculture & Forestry Resources | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Recreation                         |
| <input checked="" type="checkbox"/> Air Quality           | <input type="checkbox"/> Hydrology & Water Quality                | <input type="checkbox"/> Transportation                                |
| <input checked="" type="checkbox"/> Biological Resources  | <input checked="" type="checkbox"/> Land Use & Planning           | <input type="checkbox"/> Tribal Cultural Resources                     |
| <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Mineral Resources                        | <input checked="" type="checkbox"/> Utilities & Service Systems        |
| <input type="checkbox"/> Energy                           | <input type="checkbox"/> Noise                                    | <input type="checkbox"/> Wildfire                                      |
| <input type="checkbox"/> Geology & Soils                  | <input type="checkbox"/> Population & Housing                     | <input checked="" type="checkbox"/> 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.

Peter Mye, SWCA  1/18/2023  
 Prepared by (Print) Signature Date

Eric Hughes  1/23/2022  
 Reviewed by (Print) Signature Date  
 Eric Hughes, Principal Environmental Specialist

## 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 Briar Rose Estates LLC and Monte J. Cool for a Planned Development (TR 3135) and Subdivision (SUB2021-00035) to subdivide an approximately 2.66-acre parcel into 25 lots and allow for grading and construction of 24 single-family residences and associated on- and off-site improvements (project). The project includes a request to modify the allowable height for walls and fences required by *County of San Luis Obispo Inland Land Use Ordinance* (LUO) Section 22.10.080 in order to allow for up to a 12-foot-tall retaining wall with an attached six-foot fence along the eastern property boundary. The project would require a total of approximately 128,200 square feet (2.94 acres) of ground disturbance, including approximately 3,720 cubic yards of cut and 13,367 cubic yards of fill. The project site is located at 695 Hill Street within the community of Nipomo in the Residential Multi-Family land use category. The project site is in the South County Inland sub area of the South County planning area.

#### **Subdivision**

The project would include the subdivision an existing 2.66-acre parcel (Assessor's Parcel Number [APN] 092-578-003) into 25 lots ranging in size from 2,991 square feet (0.07 acre) to 35,129 square feet (0.8 acre) (Figures 1 and 2). The project site would be accessed via Hill Street from the north and Kelly Court from the south. The project would require demolition of two existing residences and two other on-site structures associated with the residences. The project would require a total of approximately 128,200 square feet (2.94 acres) of ground disturbance with a maximum excavation depth of 3 feet. In addition, the project would include the removal of 42 trees, including 21 cypress trees (*Cupressus* spp.), two coast live oak (*Quercus agrifolia*) trees, one pine tree (*Pinus* spp.), and 18 ornamental or fruit trees. Implementation of the project has the potential to generate approximately 80 new residents and approximately 157 new vehicle trips.

#### **Residential Development**

The project would include the construction of 24 two-story, three- to four-bedroom detached single-family units on lots ranging in size from 2,991 square feet (0.07 acre) to 3,674 square feet (0.08 acre). There is also potential for the future development of up to six junior accessory dwelling units (JADUs) on the project site.

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The development plan would include the following five types of residential units that would be constructed on-site:

- **Plans 1 and 2.** A residential unit constructed under these plans would include a 1,446-square-foot ground floor, an 845-square-foot top floor, and a 60-square-foot covered porch. The four-bedroom unit option would increase the size of the top floor to 1,050 square feet. Proposed Lots 14 through 17 and 20 through 24 would be constructed under Plan 1 and Lot 13 would be constructed under Plan 2.
- **Plan 3.** A residential unit constructed under this plan would include a 1,446-square-foot ground floor, an 845-square-foot top floor, a 60-square-foot covered porch, and a 100-square-foot patio. The four-bedroom unit option would increase the size of the top floor to 1,050 square feet. Proposed Lots 1, 9, 10, 18, and 19 would be constructed under this plan.
- **Plan 4.** A residential unit constructed under this plan would include a 1,506-square-foot ground floor, an 845-square-foot top floor, and a 60-square-foot covered porch. The four-bedroom unit option would increase the size of the top floor to 1,050 square feet. Proposed Lots 2, 5, 6, 8, and 12 would be constructed under this plan.
- **Plan 5.** A residential unit constructed under this plan would include a 1,502-square-foot ground floor, a 658-square foot top floor, and a 60-square-foot covered porch. The four-bedroom unit option would increase the size of the top floor to 812 square feet. Proposed Lots 3, 4, 7, and 11 would be constructed under this plan.

Each residential unit would include a two-car garage, a 16-foot-long driveway, and yard space with an outdoor use easement. Proposed residential development would be constructed in accordance with the County's Small Lot Ordinance (County LUO Section 22.30.475) to allow for outdoor use easements between the proposed lots to provide one 10-foot-wide private yard between units rather than two separate 5-foot-wide private yards. No development would occur within the easement areas. Residential development constructed in accordance with County LUO Section 22.30.475 would also allow for differing architectural stylings, including eave overhangs, building offsets, and building material textures. Proposed exterior design materials would include stucco, wood siding, and neutral paint colors. Proposed units would generally have a maximum height of 32.65 feet above the natural grade and would also include energy-efficient lighting, water-conserving fixtures, and drought-tolerant landscaping.

### ***Common Community Gathering Area***

The project would include a 7,200-square-foot common community gathering area on the proposed 35,129-square-foot lot (Lot 25). This area would include a 4,000-square-foot turf play area as well as tables and benches to provide recreational opportunities to residents. This area would also include 10 guest parking spaces, underground stormwater retention basins, and landscaping. An additional 2,806-square-foot community area would be constructed between proposed Lots 9 and 10 and would include a 4-foot-wide pedestrian walkway and benches. This area would allow for pedestrian access to the project site from Blume Street.

### ***Proposed On-Site and Off-Site Improvements***

#### *Proposed Cerro Lane*

The project would construct Cerro Lane, a 24-foot-wide and approximately 540-foot-long road to connect to Hill Street from the north and Kelly Court from the south. The proposed road would be aligned in a north-south direction through the central portion of the property and would include a 4-foot-wide sidewalk along

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the eastern side of the road and 24-inch roll curbs on both sides of the road. Cerro Lane would provide public and emergency access to the proposed residential units and the common community gathering area.

The project would include the construction of a 10-foot-wide pedestrian access and drainage easement along the western portion of the property and a 5-foot-wide drainage easement along the eastern portion of the property. A 4-foot-wide pedestrian walkway would be constructed in an east–west direction through Cerro Lane to connect the eastern residential units to the proposed pedestrian walkway between Lots 9 and 10. A retaining wall is proposed along the eastern property boundary and would include an open fence design along the top of the wall. Underground stormwater retention chambers would be constructed along the western portion of the property and within the proposed common community gathering area. The project would also include off-site road improvements along Hill Street, Blume Street, and Kelly Court, including road widening, curb and gutter installation, sidewalk construction, and utility infrastructure expansion.

### *Proposed Utilities*

The project would require expanded water, stormwater, drainage, electrical, and natural gas infrastructure to serve the 24 individual residential parcels, internal roadway, and common areas. The project includes the installation of underground stormwater retention chambers within the common community gathering area and along the eastern property boundary. The project is anticipated to have a water demand of approximately 250 gallons per unit per day and a wastewater demand of approximately 250 gallons per unit per day.

The project would be provided water and wastewater services by the Nipomo Community Services District (NCSD), electrical services by Pacific Gas and Electric Company (PG&E), and natural gas by Southern California Gas Company (SoCalGas). Solid waste services would be provided by South County Sanitary. Residential waste bins would be stored within the private yard or driveway at each proposed unit.

### **Project Modification**

The project would include a request to modify the allowable height requirement for walls and fences included in County LUO Section 22.10.080 in order to allow for a retaining wall along the eastern property boundary. The height of the retaining wall would be dependent on the final grade of the project site but would generally range from 1 to 12 feet in height. In addition to the retaining wall, fencing would add another 6 feet in height, approximately, for a total height of approximately 18 feet in some areas.

### **Baseline Conditions**

The 2.66-acre project site is bounded by Hill Street to the north, Blume Street to the west, and Kelly Court to the south. Additionally, U.S. Highway 101 (US 101) is located approximately 0.3 mile east. The project site is surrounded by existing residential development and accessory structures to the north, west, and south and a primarily vacant parcel to the east. Fire protection services for the project site are provided by the California Department of Forestry and Fire Protection (CAL FIRE)/County Fire Department Station 20 in Nipomo. Police protection services are provided by the County Sheriff's Office from the South Station in Oceano. The project site is located within the Lucia Mar Unified School District (LMUSD).

The property is developed with an approximately 1,344-square-foot residential unit with a 528-square-foot garage and a 130-square-foot ancillary shed in the northeastern portion of the property, and an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, and a 90-square-foot ancillary shed in the southeastern portion of the property. There are also existing paved areas and fencing located on the property.

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The project site is characterized by relatively flat to gently sloping topography and consists of grasses, shrubs, oak trees, cypress trees, pine trees, and other ornamental vegetation. There are no surface water or wetland features located on or adjacent to the project site.

**ASSESSOR PARCEL NUMBER:** 092-578-003

**Latitude:** 35° 01' 54.80" N      **Longitude:** 120° 29' 12.18" W      **SUPERVISORIAL DISTRICT #** 4

### B. Existing Setting

**Plan Area:** South County      **Sub:** South County (Inland)      **Comm:** Nipomo

**Land Use Category:** Residential Multi-Family

**Combining Designation:** Renewable Energy Overlay

**Parcel Size:** 2.66 acres

**Topography:** Nearly level to gently sloping

**Vegetation:** grasses, shrubs, oak and other native trees, ornamental

**Existing Uses:** Single-family residence(s), accessory structures

#### Surrounding Land Use Categories and Uses:

**North:** Residential Multi-Family;  
single-family residential dwellings ;  
accessory structures

**East:** Residential Multi-Family; accessory structures,  
vacant

**South:** Residential Multi-Family;  
single-family residential dwellings ;  
accessory structures

**West:** Residential Multi-Family;  
single-family residential dwellings ;  
accessory structures

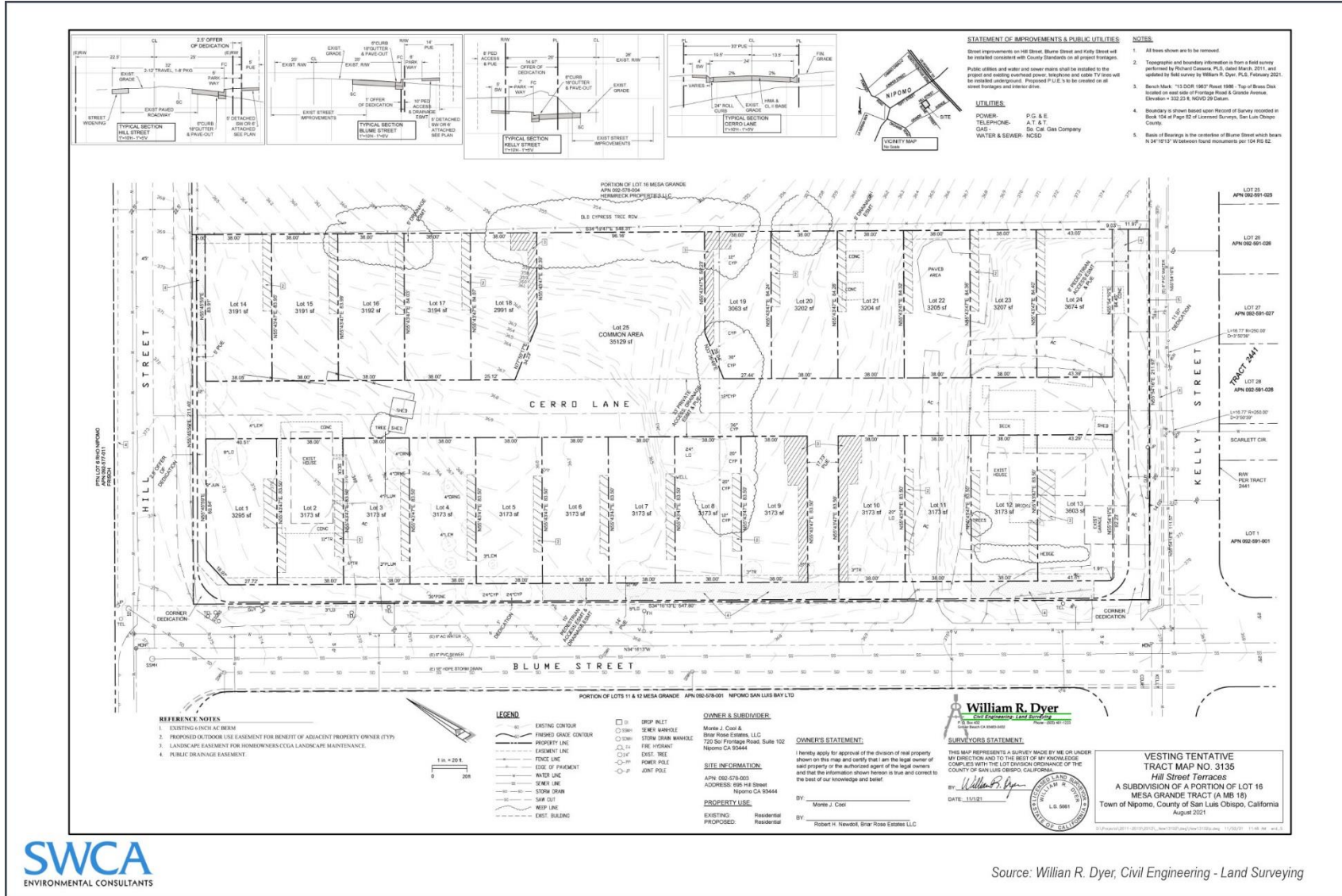
# Initial Study - Environmental Checklist

Figure 1. Project Location Map



# Initial Study - Environmental Checklist

Figure 2. Site Plan Map



Source: William R. Dyer, Civil Engineering - Land Surveying

## Initial Study – Environmental Checklist

### C. Environmental Analysis

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

#### I. AESTHETICS

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

#### Setting

##### 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 U.S. Route (US) 101, State Route (SR) 46, portions of SR 41, SR 1, and Lake Nacimiento Drive. US 101 is located approximately 0.3 mile east of the project site, which at this location, is designated as eligible for designation as a scenic highway (California Department of Transportation [Caltrans] 2018).



## Initial Study – Environmental Checklist

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### *County of San Luis Obispo General Plan 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 LUO establishes regulations for exterior lighting (County LUO Section 22.10.060), height limitations for each land use category (County LUO Section 22.10.090), setback requirements (County LUO Section 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 of San Luis Obispo General Plan Land Use Element* (County LUE).

The County 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 County LUO establishes specific standards for projects located within these areas. The project site is not located in an area where an SRA combining designation applies.

### *Existing Conditions*

The project site is bounded by Hill Street to the north, a primarily vacant parcel to the east, Kelly Court to the south, and Blume Street to the west. Surrounding development consists of existing residential single-family and multi-family development and accessory structures to the north, west, and south. The 2.66-acre property is characterized by relatively flat to gently sloping topography and consists of grasses, shrubs, oak trees, cypress trees, pine trees, and other ornamental vegetation. There are no surface water or wetland features located on or adjacent to the project site. The project site consists of existing development, including an approximately 1,344-square-foot residential unit with a 528-square-foot garage and a 130-square-foot ancillary shed in the northeastern portion of the property, and an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, and a 90-square-foot ancillary shed in the southeastern portion of the property. There are also existing paved areas and fencing located on the property.

### *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

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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 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 0.3 mile west of US 101, which is designated as an eligible scenic highway at this location (Caltrans 2018). The project site would not be 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 within the Nipomo URL and primarily undeveloped with the exception of two single-family residences and accessory structures. The project site is characterized by relatively flat to gently sloping topography and supports grasses, shrubs, oak trees, cypress trees, pine trees, and other ornamental vegetation. Implementation of the project would result in a 25-lot subdivision, demolition of existing on-site structures, removal of 42 trees, and the construction of 24 two-story single-family residential units and up to six JADUs, a community gathering area, and various site improvements.

Proposed buildings and structures would have a maximum height of 32.65 feet above grade. Design features would be consistent with the County LUO and include neutral paint colors and differing architectural stylings, such as eave overhangs, building offsets, and building material textures. The project would be constructed in accordance with the County's Small Lot Ordinance (County LUO Section 22.30.475) and includes a request to modify the height requirements for walls and fences included in County LUO Section 22.10.080 in order to allow for a retaining wall along the eastern property boundary. The height of the retaining wall would be dependent on the final grade of the project site but would generally range from 1 foot to 12 feet in height. The proposed retaining wall would be designed in a manner that would be consistent with surrounding development to avoid adverse impacts related to visual resources due to an increased height. Implementation of the project would require the removal of 42 trees from the project site; however, the project would implement vegetated screening to block views of the project from surrounding areas. Therefore, proposed residential and associated development would be consistent with the density and scale of surrounding residential land uses and would not include design or other features that could substantially alter the existing visual character of the area.

The project would also include the construction of a 24-foot-wide driveway aligned in a north-south direction through the central portion of the project site and would not include aboveground features that would be immediately visible from surrounding areas. Additionally, the proposed common community gathering areas would be screened by landscaping and would be blocked from surrounding areas by proposed residential units. The project would also require the installation and

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expansion of utility infrastructure, which would be located belowground and would not be visible from surrounding areas.

Implementation of the project would be consistent with the scale of surrounding residential development and would not include architectural or design features that could change or otherwise degrade the existing visual character of the area. Other site improvements would primarily be blocked from the viewshed of surrounding areas and would not be expected to substantially alter or 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 single-family residential dwellings and intermittent vehicle headlights along Blume Street, Hill Street, and Kelly Court. Buildout of the project would result in an increase in nighttime lighting in the area, which would be consistent with the scale of lighting from surrounding residential development. In addition, installation of exterior lighting would be required to comply with County 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 County LUO Section 22.10.160 would avoid creating a substantial new source of light or glare in the project area; therefore, potential impacts would be *less than significant*.

### *Conclusion*

The project site 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.

## Initial Study – Environmental Checklist

### II. AGRICULTURE AND FORESTRY RESOURCES

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

#### Setting

The California Department of Conservation (CDOC) Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California’s agricultural resources. Agricultural land is rated according to soil quality and current land use. According to the CDOC FMMP, the project site is located on land designated as Other Land (CDOC 2016).

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The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based on 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 County 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 County 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 type (NRCS 2022):

- **(184) Oceano sand, 0 to 9 percent slopes.** This excessively drained soil has a negligible runoff class and a depth to restrictive feature of more than 80 inches. The typical soil profile includes sand. This soil is designated as Farmland of Statewide Importance in Table SL-2 of the County COSE.

Forest land is defined in California Public Resources Code (PRC) Section 12220(g) as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Timberland is defined in PRC Section 4526 as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of 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 (CDOC 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 within the RMF land use category and is not located within the Agriculture land use designation. Further, the project site is not subject to a Williamson Act contract. The project site does not support livestock grazing or other agricultural activities. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract, and *no impacts* would occur.

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- (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 RMF land use category 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 forest land 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 includes the removal of 42 trees, including 21 cypress trees, two coast live oak trees, one pine tree, and 18 ornamental trees. The County LUO Section 22.58 defines the clear-cutting of oak woodlands as the removal of contiguous trees that occupy an area of 1 acre or more. The removal of two oak trees on-site would not constitute clear cutting pursuant to County LUO Section 22.58. Further, the project site is not zoned for forest land and is not considered forest land as defined by PRC Section 12220(g); therefore, proposed tree removal would not result in the loss of designated forest land. The project would not result in the loss of forest land or convert forest land to non-forest use; therefore, *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?*

The soil type within the project site is designated as Farmland of Statewide Importance in the County COSE (see Table SL-2), which is based on the NRCS soil classification system as opposed to the FMMP which considers historical agricultural practices. However, the project site is not within the Agriculture land use designation, is generally surrounded by existing residential development, and is of a size that makes it infeasible for commercial agricultural production. Based on existing site constraints, the project would not result in a potentially significant impact associated with continued use of the project site for residential land uses but at a greater density.

The nearest land within the Agriculture land use designation is located approximately 500 feet southeast of the project site. As evaluated above, implementation of the proposed project would not directly interfere with any existing agricultural, forest land, or timber production activities. The project would require an increase in domestic water use to provide potable and other water to the project site. Water for the project would be provided by the Nipomo Community Services District (NCSD), which would have adequate water supply to serve the proposed project. In addition, most agricultural uses within the project region are served by individual wells; therefore, implementation of the proposed project would not directly interfere with water availability for agricultural uses. The project would be limited to the establishment of 24 single-family homes and up to six JADUs and does not include any components or features that could increase long-term dust or other emissions within the project region that could damage or otherwise disturb crops within the region. Therefore, the project would not result in substantial long-term groundwater use or the generation of dust or other emissions that could inadvertently reduce water availability for or damage crops in the project area. The project would not introduce incompatible land uses or result in other significant changes to the environment that could indirectly result in the conversion of farmland to non-agricultural use or forest land to non-forest use; therefore, potential impacts would be *less than significant*.

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### Conclusion

The project would not directly or indirectly result in the conversion of farmland, forest land, or timberland 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 would be necessary.

### Mitigation

Mitigation is not necessary.

## III. AIR QUALITY

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

### 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 (USEPA), California Air Resources Board (CARB), and 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 on them through legislation. The CARB 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 California 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 CARB adopted the CAAQS developed by the California Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate

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matter (less than 10 microns in diameter [PM<sub>10</sub>] and less than 2.5 microns in diameter [PM<sub>2.5</sub>]), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), sulfate, carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), visibility-reducing particles, lead (Pb), hydrogen sulfide (H<sub>2</sub>S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the USEPA 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 USEPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): PM<sub>10</sub> and PM<sub>2.5</sub>, O<sub>3</sub>, NO<sub>2</sub>, SO<sub>2</sub>, CO, and lead.

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 SLOAPCD's 2001 *San Luis Obispo County Clean Air Plan* (2001 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 PM<sub>10</sub> (SLOAPCD 2001). The 2001 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 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 CAP.

### *SLOAPCD Criteria Pollutant Thresholds*

The SLOAPCD has developed and updated their *CEQA Air Quality Handbook* (SLOAPCD 2012; most recently updated with a November 2017 Clarification Memorandum [SLOAPCD 2017]) 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<sub>x</sub>), reactive organic gases (ROG), greenhouse gases (GHGs), 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;



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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<sub>10</sub>). According to the SLOAPCD estimates, an unpaved roadway of 1 mile in length carrying six round trips would likely exceed the 25 lbs/day PM<sub>10</sub> 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. The project site is surrounded by single and multi-family residential development to the north, south, and west and the nearest off-site residences are located approximately 40 feet west and 40 feet south of the project site.

### *Naturally Occurring Asbestos*

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the 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 not 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 CAP, a project must be consistent with the land use planning strategies and transportation control measures outlined in the 2001 CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land uses, and balancing jobs and housing. The project would result in the development of 24 new residential units and may include the future development of up to six JADUs within the RMF land use category. Proposed residential development would be located approximately 0.2 mile southwest of existing commercial retail centers along West Tefft Street, which would be consistent with land use strategies related to compact communities with higher densities.

As discussed in Section XIV, *Population and Housing*, the project would result in 24 new residential units and would facilitate a population increase of approximately 80 residents. Additionally, there is potential for the future construction of up to six JADUs, which could generate an additional population increase of up to 20 residents. The project includes infill residential development within

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the RMF land use category and would be consistent with the projected growth scenario for the community of Nipomo. As such, the addition of approximately 80 residents in the area would not substantially affect the local area's jobs/housing balance, which would be consistent with the 2001 CAP. As evaluated in Section XVII, *Transportation*, the project would generate approximately 157 additional vehicle trips; however, based on the infill nature of the project; location near existing commercial land uses; proposed construction of pedestrian facilities along Blume Street, Hill Street, and Kelly Lane; and proposed construction of a bicycle lane along Blume Street, the project would be consistent with VMT-reduction strategies included in the CAP. As described in detail under Impact III(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<sub>10</sub> under state ambient air quality standards (CARB 2020).

### Construction Emissions

Construction activities associated with the proposed project would result in the generation of criteria air pollutants, including ozone precursors (ROG and NO<sub>x</sub>) and fugitive dust. Fugitive dust emissions would result from grading operations and ROG and NO<sub>x</sub> emissions would result from the use of large diesel-fueled equipment, including scrapers, loaders, bulldozers, haul trucks, compressors, and generators. Project grading would result in approximately 128,200 square feet (2.94 acres) of ground disturbance, including approximately 870 cubic yards of cut and 11,850 cubic yards of fill.

The SLOAPCD *CEQA Air Quality Handbook* provides thresholds of significance for construction-related emissions. Based on estimated construction phase length, grading volumes, and other factors, estimated construction-related emissions that would result from the project were calculated using the California Emissions Estimator Model (CalEEMod) and are compared to applicable SLOAPCD thresholds in Table 1. The CalEEMod results are included in Attachment 1.

As shown in Table 1, below, estimated daily and quarterly construction emissions would not exceed SLOAPCD's recommended thresholds of significance. Therefore, potential air quality impacts associated with project construction would be *less than significant*.

### Operational Emissions

The project would result in the construction of 24 single-family residential dwellings and up to six JADUs. Based on proposed land use type, vehicle trips, energy use, and other factors, estimated operational emissions that would result from the project were calculated using CalEEMod and are compared to applicable operational SLOAPCD thresholds in Table 2. The CalEEMod results are included in Attachment 1.

As shown in Table 2, below, estimated daily and annual operational emissions would not exceed SLOAPCD's recommended thresholds of significance. Therefore, potential air quality impacts associated with implementation of the project would be *less than significant*.

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Table 1. Construction Emissions Summary

| Criteria Pollutant   | Highest Daily/<br>Quarterly<br>Emissions | SLOAPCD<br>Threshold | Exceeds<br>Threshold? |
|--|--|----------------------|-----------------------|
| <b>Uncontrolled Daily Construction Emissions – Summer Conditions</b> |  |                      |                       |
| Reactive Organic Gases (ROG) + Nitrogen Oxides (NO <sub>x</sub> )    | 94.68 lbs/day                            | 137 lbs/day          | No                    |
| Diesel Particulate Matter (DPM)                                      | 2.43 lbs/day                             | 7 lbs/day            | No                    |
| <b>Uncontrolled Daily Construction Emissions – Winter Conditions</b> |  |                      |                       |
| Reactive Organic Gases (ROG) + Nitrogen Oxides (NO <sub>x</sub> )    | 95.51 lbs/day                            | 137 lbs/day          | No                    |
| Diesel Particulate Matter (DPM)                                      | 2.43 lbs/day                             | 7 lbs/day            | No                    |
| <b>Uncontrolled Quarterly Construction Emissions</b>                 |  |                      |                       |
| Reactive Organic Gases (ROG) + Nitrogen Oxides (NO <sub>x</sub> )    | 0.70 ton/quarter                         | 2.5 tons/quarter     | No                    |
| Diesel Particulate Matter (DPM)                                      | 0.04 ton/quarter                         | 0.13 ton/quarter     | No                    |
| Fugitive Dust (PM <sub>10</sub> )                                    | 0.10 ton/quarter                         | 2.5 tons/quarter     | No                    |

Notes: All calculations were made using CalEEMod. See Attachment 1 for model results. DPM is equal to combined exhaust PM<sub>10</sub> and PM<sub>2.5</sub>, and dust is equal to fugitive PM<sub>10</sub> from CalEEMod.

1. CalEEMod calculates quarterly emissions of ROG+NO<sub>x</sub> but does not generate quarterly emissions for DPM and dust; therefore, maximum annual construction emissions of DPM and dust were divided by 4.
2. DPM is equal to combined exhaust PM<sub>10</sub> and PM<sub>2.5</sub>, and dust is equal to fugitive PM<sub>10</sub> from CalEEMod.

Table 2. Operational Emissions Summary

| Criteria Pollutant  | Highest Daily/<br>Annual Emissions | SLOAPCD Threshold |              | Exceeds<br>Threshold? |
|---|------------------------------------|-------------------|--------------|-----------------------|
|   |                                    | Daily             | Annual       |                       |
| <b>Uncontrolled Daily Operational Emissions – Summer Conditions</b> |                                    |                   |              |                       |
| Reactive Organic Gases (ROG) + Nitrogen Oxides (NO <sub>x</sub> )   | 4.28 lbs/day                       | 25 lbs/day        | 25 tons/year | No                    |
| Diesel Particulate Matter (DPM)                                     | 0.08 lb/day                        | 1.25 lbs/day      | --           | No                    |
| <b>Uncontrolled Daily Operational Emissions – Winter Conditions</b> |                                    |                   |              |                       |
| Reactive Organic Gases (ROG) + Nitrogen Oxides (NO <sub>x</sub> )   | 4.38 lbs/day                       | 25 lbs/day        | 25 tons/year | No                    |
| Diesel Particulate Matter (DPM)                                     | 0.08 lb/day                        | 1.25 lbs/day      | --           | No                    |
| <b>Uncontrolled Annual Construction Emissions</b>                   |                                    |                   |              |                       |
| Reactive Organic Gases (ROG) + Nitrogen Oxides (NO <sub>x</sub> )   | 0.78 ton/year                      | --                | 25 tons/year | No                    |
| Diesel Particulate Matter (DPM)                                     | --                                 | --                | --           | No                    |
| Fugitive Dust (PM <sub>10</sub> )                                   | 0.35 ton/year                      | --                | 25 tons/year | No                    |

Notes: All calculations were made using CalEEMod. See Attachment 1 for model results. DPM is equal to combined exhaust PM<sub>10</sub> and PM<sub>2.5</sub>, and dust is equal to fugitive PM<sub>10</sub> from CalEEMod.

1. CalEEMod calculates quarterly emissions of ROG+NO<sub>x</sub> but does not generate quarterly emissions for DPM and dust; therefore, maximum annual operational emissions of DPM and dust were divided by 4.
2. DPM is equal to combined exhaust PM<sub>10</sub> and PM<sub>2.5</sub>, and dust is equal to fugitive PM<sub>10</sub> from CalEEMod.

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(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 are several sensitive receptor locations, including single-family residential dwellings, within 1,000 feet of the project site. 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 included to ensure compliance with diesel idling restrictions intended to reduce exposure of DPM to sensitive receptors and to reduce fugitive dust emissions near sensitive receptors. 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 incorporated*.

(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. Future residential uses 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 site is not located in an area with the potential for NOA to occur; therefore, proposed ground-disturbing activities would not have the potential to release NOA (SLOAPCD 2022). The project would require the demolition of existing on-site structures that could release asbestos containing material (ACM) or lead-based paint if present within the building materials of existing on-site structures. Mitigation Measure AQ-3 has been included to reduce the potential to release ACM. Construction-related odors would be temporary, intermittent, and undetectable and, with implementation of Mitigation Measure AQ-3, the project would not expose people to adverse other emissions; therefore, potential impacts would be *less than significant with mitigation incorporated*.

### Conclusion

The project would be consistent with the 2001 CAP and would not exceed established SLOAPCD emission 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 Measure AQ-3 has been identified to reduce impacts associated with potential release of ACM during construction. Upon implementation of the identified mitigation measures, potential impacts related to air quality would be less than significant.

### Mitigation

- AQ-1** During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:
- a. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    1. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    2. Diesel idling when equipment is not in use shall not be permitted;

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3. Use of alternative-fueled equipment shall be used whenever possible; and
  4. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
- b. California Diesel Idling Regulations. On-road diesel vehicles shall comply with California Code of Regulations (CCR) Title 13, Section 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
1. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
  2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling>.

### AQ-2

During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

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- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off when leaving the project site;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

### AQ-3

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos-containing material (ACM). ACMs could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation or a building(s) is proposed to be removed or renovated, various regulatory requirements may apply, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP) (40 Code of Federal Regulations [CFR] 61, Subpart M - National Emission Standard for Asbestos). These requirements include but are not limited to: (1) notification to the SLOAPCD; (2) an asbestos survey conducted by a Certified Asbestos Inspector; and (3) applicable removal and disposal requirements of identified ACM. More information on asbestos can be found at <http://www.slocleanair.org/business/asbestos.php>.

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### IV. BIOLOGICAL RESOURCES

|   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <i>Would the project:</i>   |                                       |   |                                     |                                     |
| (a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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### *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, the 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. The CDFW also maintains a Watch List (WL) for species that were previously SSC but no longer merit SSC status, or that 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).



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### *Federal Clean Water Act and California 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 waterbodies 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, the 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 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 County 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 County 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 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 County 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.

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### *Existing Conditions*

The 2.66-acre property consists of existing development, including an approximately 1,344-square-foot residential unit with a 528-square-foot garage and a 130-square-foot ancillary shed in the northeastern portion of the parcel and an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, and a 90-square-foot ancillary shed in the southeastern portion of the property. There are also existing paved areas and fencing located on the property. The project site is immediately surrounded by existing residential development and accessory structures to the north, west, and south and a primarily vacant parcel to the east. The project site is immediately surrounded by Hill Street to the north, Blume Street to the west, and Kelly Court to the south.

The project site is characterized by relatively flat to gently sloping topography and consists of grasses, shrubs, oak trees, cypress trees, pine trees, and other ornamental vegetation. There are no surface water or wetland features located on or adjacent to the project site.

### *Biological Survey Results*

A Biological Survey Report (BSR) was prepared for the proposed project (Cleveland Biological 2021; Attachment 2), which includes findings based on field surveys conducted at the project site between July 12 and July 17, 2021. Based on a query of the CDFW California Natural Diversity Database (CNDDDB), the project site is located in an area with previously recorded occurrences of northern California legless lizard (*Anniella pulchra*; CNDDDB Occ. 341) and San Luis Obispo monardella (*Monardella undulata* ssp. *undulata*; CNDDDB Occ. 37). Based on consultation with the County on June 23, 2021, field surveys were conducted to determine if northern California legless lizard and San Luis Obispo monardella occur within the project site. During field surveys, one northern California legless lizard individual was observed within the project site (Cleveland Biological 2021). No San Luis Obispo monardella individuals were observed within the project area during field surveys.

Based on a review of the CNDDDB, previously recorded occurrences of monarch butterfly – California overwintering population (*Danaus plexippus* pop. 1) are located approximately 0.8 mile west of the project site (CNDDDB Occ. 320 and 399). The project site does not support suitable habitat for this species, which consists of closed-cone coniferous forest (CDFW 2022).

### *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 identified above, the project site is located in an area with previously recorded occurrences of northern California legless lizard and San Luis Obispo monardella (Cleveland Biological 2021). The project site consists of existing residential development, experiences frequent disturbance (i.e., mowing), and supports non-native grass species, which reduces the potential for other special-status plant species to occur on-site. Trees within the project site could provide nesting bird habitat. In addition, based on review of the California Natural Diversity Database (CNDDDB), previously recorded occurrences of monarch butterfly are located approximately 0.8 mile west of the project site (CDFW 2022). The project site and surrounding area does not support surface water or wetland features that could provide habitat for special-status fish or amphibian species. In addition, the project site and surrounding area is fragmented and experiences frequent human disturbance, which reduces the potential for other special-status wildlife species to occur in the area.

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### San Luis Obispo Monardella

The project includes ground-disturbing activities for development of new residential uses within the 2.66-acre project site, which would have the potential to result in direct removal of San Luis Obispo monardella if present within the project site during construction. No San Luis Obispo monardella individuals were present within the project area during field surveys conducted during the appropriate blooming period for this species. In addition, the project site supports large quantities of veldt grass, is characterized by habitat fragmentation, and is located too far inland to provide suitable habitat for this species (Cleveland Biological 2021). As a result, this species is not expected to occur within the project area. Since no individuals of this species are present within the project area and the project site does not support suitable habitat, proposed construction activities would not result in disturbance to San Luis Obispo monardella. Therefore, implementation of the proposed project would not adversely affect this species, and no impacts would occur.

### Northern California Legless Lizard

Proposed construction activities have the potential to result in direct (i.e., take) or indirect (i.e., noise, dust, light pollution) disturbance to California legless lizard if present within the project area during project construction. One northern California legless lizard individual was observed within the project site during biological surveys and the project site supports suitable habitat for this species (Cleveland Biological 2021). Based on observed presence of this species and likelihood for occurrence, implementation of the proposed project could result in direct and indirect impacts to individuals of this species if present on-site at the time of project construction. Mitigation Measure BIO-1 requires preconstruction surveys for northern California legless lizard and identifies the proper protocol in the event individuals of this species are observed on-site. In addition, Mitigation Measure BIO-1 also requires a biological monitor to be present during grading activities and identifies protocol for relocation of this species if present within the proposed work area. With implementation of Mitigation Measure BIO-1, the project would avoid direct and indirect impacts to California legless lizard; therefore, potential impacts would be less than significant with mitigation incorporated.

### Monarch Butterfly

The project site does not support suitable closed-cone coniferous forest habitat for this species; therefore, individuals are not expected to use the project site for roosting (CDFW 2022). Additionally, the project site does not contain eucalyptus trees. Individuals may intermittently feed on flowering plants within the project site; however, due to the mobility of this species, vegetation removal and other construction activities 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.

### Migratory Birds

Implementation of the project would require the removal of 42 trees, which could result in disturbance to nesting migratory birds if present within the project area through habitat loss or an increase in construction-related noise. Mitigation Measure BIO-2 has been included to require a preconstruction survey for nesting birds to determine the presence and/or absence of nesting migratory birds on-site and includes the proper avoidance protocol to be implemented in the event special-status bird species or other migratory birds are found nesting within the project area. With implementation of Mitigation Measure BIO-2, the project would avoid direct and indirect impacts to

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special-status bird species and/or other nesting migratory bird species; therefore, potential impacts would be less than significant with mitigation incorporated.

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 incorporated*.

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

The project site consists of annual grasses, shrubs, oak trees, cypress trees, pine trees, and other ornamental vegetation. The project site does not support riparian habitat and there are no surface water or wetland features located on or adjacent to the project site that could provide habitat for riparian vegetation. No other sensitive natural communities occur within or adjacent to the project site. Because no riparian habitat or other sensitive natural communities occur on or adjacent to the project site, implementation of the project would not result in substantial adverse effects to riparian habitat or other sensitive natural communities. Therefore, *no impacts* would occur.

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

According to the USFWS National Wetlands Inventory (NWI) Surface Waters and Wetlands Mapper, there are no surface water or wetland features located on or adjacent to the project site (USFWS 2022); therefore, implementation of the project would not result in a substantial adverse effect on state or federally protected wetlands, and *no impacts* would occur.

- (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 bounded by Hill Street to the north, Blume Street to the west, and Kelly Court to the south. In addition, there is single-family residential development to the north, south, and west of the project site. Land to the east of the project site is primarily undeveloped; however, it is bound by US 101 to the east and surrounded by existing roadways and commercial and residential development to the north, south, and west, which would preclude the area from serving as a wildlife corridor. Based on the level of surrounding development and human disturbance of the project area, the project site would not provide connectivity to natural areas and would not be considered a wildlife corridor. There are native and non-native trees located on the project site that may provide nesting habitat for migratory birds. Mitigation Measure BIO-2 has been included to avoid impacts to nesting migratory bird species if present within the project site at the time of project construction. Following construction, the project would include landscaping that would continue to provide nesting habitat for migratory bird species. There are no surface water features that could provide migratory fish habitat on-site. Based on the level of surrounding development and implementation of Mitigation Measure BIO-2, the project would not interfere with the movement of migratory species; therefore, impacts would be *less than significant with mitigation incorporated*.

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

The project includes the removal of 42 trees, including 21 cypress trees, two coast live oak trees, one pine tree, and 18 ornamental trees. County LUO Section 22.56.020 requires a tree removal permit for tree removal within a URL. However, there are no specific requirements for replacement or mitigation, and the applicant will have trees as part of landscaping. County LUO Section 22.58 defines clear-cutting oak woodlands as the removal of contiguous trees that occupy an area of 1 acre or more. The removal of two oak trees on-site would not constitute clear cutting pursuant to County LUO Section 22.58. However, the County considers native oak trees to be a locally important biological resource under its COSE policies (Goal 3, Policies BR 3.1 and 3.2) and has established standard mitigation measures to reduce and compensate for loss of oak trees. The project proposes to remove two oak trees. Mitigation Measure BIO-3 has been identified to require an Oak Tree Mitigation Plan, which would include on site replacement plantings at a 4:1 ratio for each oak removed and 2:1 for each oak tree that is impacted. Lastly, if on site planting is not feasible, Mitigation Measure BIO-4 has been identified to require off site planting and/or compensatory mitigation.

Upon implementation of Mitigation Measures BIO-3 and BIO-4, the project would be consistent with County regulations and standards pertaining to the protection of oak trees; therefore, impacts would be *less than significant with mitigation*.

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

The project does not overlap with any adopted Habitat Conservation Plan (HCP), NCCP, or other conservation plan. Therefore, the project would not conflict with any approved local, regional, or state HCPs, and *no impacts* would occur.

### Conclusion

The project would not result in disturbance to special-status plant species, and Mitigation Measures BIO-1 and BIO-2 have been included to avoid and/or minimize potential impacts to special status wildlife species. There are no surface water or wetland features or sensitive natural communities located on or adjacent to the project site. The project would not interfere with the movement of migratory species. With implementation of Mitigation Measures BIO-3 and BIO-4, the project would not conflict with County LUO Section 22.58 or an HCP. Upon implementation of the identified mitigation measures, potential impacts related to biological resources would be less than significant.

### Mitigation

- BIO-1** Between 2 and 4 weeks prior to initiation of ground disturbance or other construction activities, a County-approved biologist shall be retained to conduct preconstruction surveys for northern California legless lizards and be present during all ground-disturbance activities associated with the project. The County-approved biologist shall survey areas within 50 feet of suitable habitat for these species. Surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture any sensitive-status reptile species that may be unearthed by the equipment. The County-approved biologist shall capture and relocate any

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special-status or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in a pre-determined location within the area that will not be disturbed by project activities. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of northern California legless lizards captured and relocated, and the number of northern California legless lizards taken during grading activities. Observations of these and/or other special-status species shall be documented on CNDDDB forms and submitted to the CDFW upon project completion.

### BIO-2

Prior to initiation of any site preparation/construction activities, if work is planned to occur between February 1 and September 15, a County-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.

- a. A 50-foot exclusion zone shall be established around non-listed passerine species, and a 250-foot exclusion zone will be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if initial site improvements are completed, exclusion zones may be removed until initiation of site preparation for residence construction begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
- b. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

The results of the survey shall be provided to the County Planning and Building Department prior to commencement of initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County Planning and Building Department.

### BIO-3

At the time of application for tract improvements and/or grading permits, an Oak Tree Mitigation Plan shall be prepared by a qualified botanist for all impacted native trees and submitted to the County of San Luis Obispo for review and approval. The plan shall follow

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current County of San Luis Obispo guidelines and describe the methods and techniques to be used to mitigate removed trees at a 4:1 ratio (i.e., four trees planted for every one tree removed). For trees that are impacted through extensive trimming (i.e., over 30% of the canopy), grading or placement of fill or structures within the critical root zone, a mitigation ratio of 2:1 shall be employed. Replacement trees shall be the same species removed and planted within the boundaries of the project site. Replacement trees may replace proposed street trees. The boundaries of the mitigation site shall be identified through appropriate flagging or fencing.

The mitigation plan shall include the details on how container plants will be installed, maintenance techniques and methods to monitor their establishment. An As-Built Planting Plan shall be prepared to track the replacement trees. Annual Reports detailing monitoring of the mitigation effort shall be prepared by a qualified botanist and submitted to the County of San Luis Obispo by December 31st of each year following planting. All replacement trees shall be maintained and monitored for a minimum of 7 years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees shall be installed and monitored accordingly to meet the plan's success criteria.

- BIO-4** At the time of application for tract improvements and/or grading permits, if the applicant cannot replant all replacement oak trees on site, then the applicant shall coordinate with the County of San Luis Obispo Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not been mitigated through on site replacement plantings. Contribution to the Oak Woodlands Conservation Fund shall be paid in full prior to issuance of grading or construction permits.

## V. CULTURAL RESOURCES

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

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### Setting

The project site 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 Hokaan-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 a 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 Phase 1 Archaeological Surface Survey was prepared for the proposed project (Heritage Discoveries 2017) to determine the presence and likelihood of presence of cultural resources within the project area. The Phase 1 Archaeological Surface 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), now located at the Santa Barbara Museum of Natural History, to identify any previously recorded cultural resources within the project area. The records search was negative for previously recorded resources within the project area. A pedestrian field survey was conducted within the project area, and no cultural resources or evidence of cultural resources were observed (Heritage Discoveries 2017).

### Discussion

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

The project would include the demolition and removal of existing residential structures present within the project site, which includes an approximately 1,344-square-foot residential unit with a 528-square-foot garage, a 130-square-foot ancillary shed, an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, a 90-square-foot ancillary shed, a paved area, and fencing. The Phase 1 Archaeological Surface Survey did not identify the existing on-site structures or immediately adjacent off-site structures as historical resources that could be eligible for listing as a cultural resource; therefore, demolition and removal of these structures would not result in a substantial adverse change in the significance of a historical resource (Heritage Discoveries 2017). Additionally, the project does not include the use of high-impact construction activities (i.e., pile driving) that could indirectly damage or result in adverse change to other historical buildings or structures if located in the vicinity of the project site. Because there are no historical resources



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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?*

Construction activities associated with the project would result in 128,200 square feet (2.94 acres) of ground disturbance, including approximately 870 cubic yards of cut and 11,850 cubic yards of fill. A records search was conducted at the CCIC to determine whether any cultural resources have been recorded on or near the project area. The records search did not identify any previously recorded archaeological resources within the project site. A field survey of the project site was conducted, and no archaeological resources were found. Based on the results of the Phase 1 Archaeological Surface Survey Report prepared for the project, there are no known archaeological resources within the project area (Heritage Discoveries 2017).

Because there are no known archaeological resources within the project area, implementation of the project would not be anticipated to 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 work area. The project would be required to comply with County LUO Section 22.10.040 for the protection of unknown cultural resources as a result of inadvertent discovery. Per County 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 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?*

There are no known human remains or dedicated cemeteries within the project area (Heritage Discoveries 2017). The project would require ground disturbance and excavation activities, which could uncover or disturb unknown human remains if present within the project area. The project would be required to comply with California Health and Safety Code (CHSC) Section 7050.5 and County 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 CHSC Section 7050.5 and County 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 resources or human remains within the project area. Based on required compliance with CHSC Section 7050.5 and County LUO Section 22.10.040, implementation of the proposed project is not anticipated to inadvertently disturb unknown cultural resources. Therefore, potential impacts to cultural resources would be less than significant, and no mitigation measures would be necessary.

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### Mitigation

Mitigation is not necessary.

## VI. ENERGY

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

### Setting

PG&E is the primary electricity provider for urban and rural communities within San Luis Obispo County. The 2021 PG&E electric power mix consists of 50% renewable energy sources and 43% 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.

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 Energy 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

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interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements.

### *Vehicle Fuel Economy Standards*

In October 2012, the USEPA and the National Highway Traffic Safety Administration (NHTSA), on behalf of the U.S. Department of Transportation (USDOT), issued final rules to further reduce GHG emissions and improve corporate average fuel economy (CAFE) standards for light-duty vehicles for model years 2017 and beyond. NHTSA's CAFE standards have been enacted under the Energy Policy and Conservation Act since 1978. This national program requires automobile manufacturers to build a single light-duty national fleet that meets all requirements under both federal programs and the standards of California and other states. This program would increase fuel economy to the equivalent of 54.5 miles per gallon (mpg) limiting vehicle emissions to 163 grams of carbon dioxide (CO<sub>2</sub>) 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 2<sup>nd</sup> 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. The 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 (EO) 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<sub>x</sub> and particulate matter from off-road diesel vehicles operating within California through the implementation of standards,

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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 COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce GHG emissions. This element provides the basis and direction for the development of the County's EnergyWise Plan (EWP), which outlines in greater detail the County's strategy to reduce government and community-wide GHG emissions through a number of goals, measures, and actions, including energy efficiency and development and use of renewable energy resources (County of San Luis Obispo 2011).

The County EWP established the goal to reduce community-wide GHG 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 EWP 2016 Update to summarize progress toward implementing measures established in the County EWP and outline overall trends in energy use and emissions since the baseline year of the County 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 County LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (County LUO Section 22.14.100). The project site is 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, Mitigation Measure AQ-1, included in Section III, *Air Quality*, has been identified to 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 resources 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 24 single-family residential dwellings and may include the future development of up to six JADUs. The project's operational electricity needs would be supplied by PG&E, which sources 50% of its energy from renewable energy sources and 43% of its energy from other GHG-free energy sources (PG&E 2021).

Additionally, natural gas service would be provided by SoCalGas, which has committed to replacing

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20% of its traditional natural gas supply with renewable natural gas by 2030 (Sempra Energy 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.

Proposed 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 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 COSE and County EWP, the project would be required to reduce GHG emissions, where feasible, in energy consumption. The project would be provided electricity by PG&E, which sources energy from clean energy resources, including 50% 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 COSE and County EWP. Further, the project would be required to comply with CEC Title 24 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 CEC Title 24 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 measures would be necessary.

### *Mitigation*

Mitigation is not necessary.

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### VII. GEOLOGY AND SOILS

|   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| <i>Would the project:</i>   |                                       |   |                                     |                                     |
| (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. | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (ii) Strong seismic ground shaking?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (iv) Landslides?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (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?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

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|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| (f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The 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 *County of San Luis Obispo General Plan Safety Element* identifies three active faults that traverse through the county and that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon Fault system generally consists of two fault zones: the Hosgri Fault zone that is mapped off of the San Luis Obispo County coast and the San Simeon Fault zone, which appears to be associated with the Hosgri and comes onshore near the pier at San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east-west orientation along the northern flank of the Irish Hills. The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the county. Nearby faults include the Santa Maria Fault, approximately 0.4 mile northeast, and the Oceano Fault, located approximately 1.5 miles southwest of the project site (CDOC 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 project 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 California Building Code (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 County LUO 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 Safety Element maps, the project site is located in an area with low landslide potential 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 entirely underlain by Oceano sand, 0 to 9 percent slopes,

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which does not contain clay or clay materials (NRCS 2022). The project site would be considered to have very low shrink/swell potential.

The County Local Agency Management Program (LAMP) develops minimum standards for the treatment and disposal of sewage through on-site wastewater treatment systems (County of San Luis Obispo 2020). The LAMP is the culmination of the actions required by AB 885 and the State Water Resources Control Board (SWRCB) to develop regulations and standards for on-site wastewater treatment systems. The County 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.

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 is the Los Osos Fault zone, located more than 15 miles northwest of the project site (CDOC 2015). Because the project site is not located within or immediately adjacent to an Alquist-Priolo fault zone, rupture of a known Alquist-Priolo fault would not occur under the project site; therefore, *no impacts* would occur.

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

The Central Coast is a seismically active region and there is always potential for seismic ground shaking to occur. The Santa Maria Fault is located approximately 0.4 mile northeast of the project site and the Oceano Fault is located approximately 1.5 miles southwest of the project site (CDOC 2015). Proposed residential development would be required to be constructed in accordance with seismic design standards included in Section 1613 of the 2019 CBC and other engineering standards to adequately withstand earthquake loads and associated risk, including seismic ground shaking. Adherence to the 2019 CBC and other applicable engineering standards would 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 Safety Element maps, the project site is located in an area with moderate potential for liquefaction. Typically, sandy, silty, or gravelly soils are most susceptible to liquefaction. Soils at the project site consist entirely of sand; therefore, there is potential for liquefaction to occur at the project site. Residential development would be required to comply with seismic design standards included in Section 1613 of the 2019 CBC and other engineering standards to adequately



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withstand earthquake loads and associated risk, including liquefaction. Adherence to the 2019 CBC and other applicable engineering standards would 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 Safety Element maps, the project site is located in an area with low potential for landslides. The project site is located on relatively flat land and does not require extensive cut and fill activity or deep cuts into hilly areas, which reduces the potential for the project to increase the risk for landslides to occur in the area. The project would be constructed in accordance with 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 would require a total of approximately 128,200 square feet (2.94 acres) of ground disturbance, including approximately 870 cubic yards of cut and 11,850 cubic yards of fill. Proposed ground disturbance has the potential to increase erosion and loss of topsoil at the project site that could runoff to surrounding areas. There are no surface water features within the project area that could be adversely affected by increased erosion at the project site. Per County LUO Section 22.52.120, an Erosion and Sedimentation Control Plan (ESCP) 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. Based on required compliance with County LUO Section 22.52.120, potential impacts related to soil erosion and loss of topsoil would be *less than significant*.

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

As previously described, the project site is located in an area with low potential for landslide and moderate potential for liquefaction to occur. The project site is not located in an area with known land subsidence (U.S. Geological Survey [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?*

The project site is underlain by soils that consist solely of sand and do not contain clay or clay materials that could undergo expansion (NRCS 2022). Therefore, the project would not be located on expansive soil that could result in direct or indirect risks to life or property, and *no impacts* would occur.

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

The project would connect to the Nipomo Community Services District (NCSD) for wastewater services and would not require the installation of septic tanks or alternative wastewater disposal systems on-site; therefore, *no impacts* would occur.

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

The project site is underlain by old eolian deposits (Qoe) from the late Pleistocene. Qoe consists of extensive dune deposits formed by wind-blown sand with weak to moderate soil development (USGS 2014). Typically, wind-blown sand deposits do not preserve paleontological resources and eolian sand would be considered to have very low paleontological sensitivity (Cogstone 2018). The project would require a total of approximately 2.94 acres of ground disturbance, including approximately 3,720 cubic yards of cut and 13,367 cubic yards of fill. The maximum depth of proposed excavation would be approximately 3 feet deep, which would further reduce the potential to uncover paleontological resources if present at the project site. Based on the low paleontological sensitivity of the underlying soils and the limited depth of proposed excavation, the project would not be expected to disturb paleontological resources or unique geologic features; therefore, potential 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 or other ground-failure events. Adherence to County LUO Section 22.52.120 would ensure impacts related to a short-term increase in erosion would be less than significant. The project would not require the installation of on-site septic systems. The project would not result in disturbance to paleontological resources. Therefore, potential impacts related to geology and soils would be less than significant, and no mitigation measures would be necessary.

### Mitigation

Mitigation is not necessary.

## VIII. GREENHOUSE GAS EMISSIONS

|  | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation<br/>Incorporated</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No Impact</b>         |
|--|---|---|---|--------------------------|
| <i>Would the project:</i>  |   |   |   |                          |
| (a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/>                      | <input type="checkbox"/>  | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |

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|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| (b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Setting

GHGs are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are CO<sub>2</sub>, methane (CH<sub>4</sub>), NO<sub>x</sub>, 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). CO<sub>2</sub> 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.

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

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 toward 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 Climate Change 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.

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- 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 as 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 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. Accordingly, 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<sub>2</sub> equivalent (MTCO<sub>2e</sub>) 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 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,

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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 GHG 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<sub>2e</sub>, which was 7 million MTCO<sub>2e</sub> below the 2020 GHG target of 431 million MTCO<sub>2e</sub> established by AB 32. Therefore, application of the 1,150 MTCO<sub>2e</sub> 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<sub>2e</sub> per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 MTCO<sub>2e</sub> 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.

Since 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<sub>2e</sub> Bright Line threshold ( $1,150 \times 0.6 = 690$  MTCO<sub>2e</sub>) 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<sub>2e</sub> 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 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 associated with 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 GHGs in a manner that would have a significant effect on the environment.

Implementation of the project would facilitate the construction of 24 single-family residences and may include the future construction of up to six JADUs. Operational GHG emissions would primarily be generated by vehicle trips and residential energy use. As evaluated in Section XVII, *Transportation*, the project would generate approximately 157 new daily vehicle trips. However, based on the infill nature of the project; its location near existing commercial land uses; the proposed construction of

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pedestrian facilities along Blume Street, Hill Street, and Kelly Lane; and the proposed construction of a bicycle lane along Blume Street, the project would be consistent with VMT-reduction strategies and would not be expected to generate a substantial amount of operational GHG emissions from vehicle trips. Further, future residential development would be constructed in accordance with California Energy Code (CEC) Title 24 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 sources, including 50% 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 GHG-free energy sources. Based on the infill nature of proposed development, required compliance with the CEC and the CBC, and 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 previously stated, implementation of the project would result in the construction of 24 single-family residences and may include the future construction of up to six JADUs. Energy inefficiency contributes to higher GHG emissions which, in turn, may conflict with state and local plans for energy efficiency.

As discussed above, the County EWP, adopted in 2011, serves as the County’s GHG reduction strategy. The GHG-reducing policy provisions contained in the County EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which have a horizon year of 2020. The policy provisions are divided into community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG reduction measures contained in the County 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 the California Green Building Code (CALGreen) energy efficiency standards.

Table 3 includes a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

**Table 3. 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. | Future single-family residences would be required to be consistent with all 2019 CBC Energy Efficiency Standards, CEC, and the 2019 CALGreen 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.             | Future single-family residences would be required to be constructed in accordance with all 2019 CBC Energy Efficiency Standards, CEC, and the 2019 CALGreen standards to ensure new development is energy efficient. |

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**Table 3. EnergyWise Plan Measure 7 Consistency Analysis**

| Supporting Action  | Project Consistency  |
|--|--|
| 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 includes the construction of 10 guest parking spaces; however, the project does not include the construction of large parking lots that could result in substantial heat gain. |
| 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.   |

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

The project consists of the development of 24 new single-family residential dwellings within the RMF land use category and would facilitate a population growth of approximately 80 residents. Additionally, there is potential for the future construction of up to six JADUs, which would generate an additional population increase of approximately 20 residents. As discussed in Section III, *Air Quality*, the project would be consistent with land use planning strategies related to compact communities with higher densities and development near commercial land uses. The project would result in the establishment of land uses that are residential in nature and would not result in employment opportunities that could otherwise facilitate indirect population growth in the project area. As discussed in Section XVII, *Transportation*, based on the proximity to commercial land uses and bicycle, pedestrian, and transit facilities, the project is not expected to exceed existing VMT thresholds during construction or operation, which is consistent with Scoping Plan strategies for reducing VMT and transportation-related GHG emissions. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions and impacts would be *less than significant*.

### Conclusion

The project would be consistent with GHG reduction standards during construction and operation through compliance with diesel idling restrictions, CEC and CALGreen standards, and other applicable GHG-

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reduction strategies identified in the County EWP. 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

Mitigation is not necessary.

## IX. HAZARDS AND HAZARDOUS MATERIALS

|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| <i>Would the project:</i>  |                                |  |                                     |                                     |
| (a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?   | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



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|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| (f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?               | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Setting

The 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. California Government Code (CGC) Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop an updated Cortese List at least annually. 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 (DTSC) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund, state response, voluntary cleanup, school cleanup, school investigation, and military evaluation sites. The State Water Resources Control Board (SWRCB) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST), Department of Defense, 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/>.

Based on a query of the DTSC EnviroStor and SWRCB GeoTracker databases, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2022; SWRCB 2022). The nearest recorded hazardous materials site is a closed cleanup program site, located approximately 700 feet southeast of the project site (SWRCB 2022).

The CHSC provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire-resistant 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 (FHSZs). According to the CAL FIRE FHSZ viewer, the project site is located within a Local Responsibility Area and is not designated as a very high FHSZ. The nearest State Responsibility Area is located approximately 0.75 mile southeast of the project site and is designated as a moderate FHSZ (CAL FIRE 2022). The project site has an estimated emergency response time of approximately 0 to 5 minutes. For more information about fire-related hazards and risk assessment, see Section XX, *Wildfire*.

The County has also adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, *San Luis Obispo County Emergency Operations Plan* (EOP), Earthquake Plan, Dam

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and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and Tsunami Response Plan.

The nearest airport is Oceano County Airport, located approximately 8.8 miles northwest of the project site. The nearest school is Dana Elementary School, located approximately 0.7 mile southwest 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 gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. 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 for the handling, transport, and storage of hazardous materials, including 22 CCR Division 4.5. Following completion of construction activities, the proposed residential uses may include the transport, use, or disposal of limited amounts of household cleaners, paints, fuel, fertilizers, or other common potentially hazardous substances. Storage and use of common household hazardous substances would not be located near any sensitive natural habitats. 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. Therefore, potential impacts associated with routine transport, use, or disposal of hazardous materials during project construction and operations 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 proposed residential uses would 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 22 CCR Division 4.5, to reduce the potential for accidental hazardous material release during construction. Future on-site residential uses would likely utilize limited amounts of household cleaners, paints, fuel, fertilizers, and other common potentially hazardous substances. Storage and use of common household hazardous substances would not be located near any sensitive natural habitats and would be properly disposed of at Cold Canyon Landfill. Therefore, the use of common household chemicals and substances would not result in potentially significant impacts associated with upset or accident conditions.

The project does not require soil disturbance within or adjacent to existing major roadways (i.e., US 101) that could release aerially deposited lead (ADL) if present within the soil. The project site is not located in an area with the potential for naturally occurring asbestos (NOA) to occur; however, the project would require demolition of existing on-site structures that could release asbestos containing material (ACM) and/or lead-based paint if present within the on-site building materials. Mitigation Measure AQ-3 has been included to reduce potential impacts related to the potential release of ACM during demolition. In addition, Mitigation Measure HAZ-1 requires proper testing, handling, and reporting of on-site materials to reduce potential for impacts related to lead-based paint. Based on required compliance with CCR Title 22 and implementation of Mitigation Measures AQ-3 and HAZ-1, the project is not anticipated to create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of

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hazardous materials into the environment; therefore, impacts would be *less than significant with mitigation incorporated*.

- (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 Dana Elementary School, located approximately 0.7 mile east 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 and SWRCB GeoTracker databases, there are no previously recorded hazardous materials sites located within or adjacent to the project site, and the nearest recorded hazardous materials site is a closed cleanup program site located approximately 700 feet southeast of 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 site pursuant to CGC 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 not located within an airport land use plan and the nearest airport is Oceano County Airport, located approximately 8.8 miles northeast of the project site. Therefore, the project would not result in airport-related safety or noise hazards, and *no impacts* would occur.

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

During construction, the project may require temporary traffic controls during construction of improvements along Blume Street, Hill Street, and Kelly Court. Implementation of off-site improvements would not result in permanent aboveground structures or other physical improvements that could interfere with an emergency response or evacuation plan in the project area. The project includes the construction of a 24-foot-wide private roadway aligned in a north-south direction through the central portion of the project site. The road would be constructed in accordance with County Public Works Department and CAL FIRE/County Fire Department standards to ensure adequate emergency access and public ingress and egress. Therefore, the project would not interfere with an emergency response or evacuation plan and is anticipated to improve long-term emergency access and evacuation conditions within the project area; therefore, potential impacts would be *less than significant*.

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- (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 within a Local Responsibility Area and is not located within or adjacent to a very high FHSZ (CAL FIRE 2022). Implementation of the project would result in the development of 24 single-family residential dwellings and may include the future development of up to six JADUs, which would be constructed in accordance with California Fire Code (CFC) and CBC requirements to reduce risk associated with fire ignition and exposure of people and/or structures to wildfire risk. Proposed access roads and utility infrastructure expansions would be required to comply with CAL FIRE/County Fire Department and County Public Works Department requirements to ensure adequate emergency access to the project site and proper utility installation to reduce risk associated with wildfire ignition. Based on required compliance with existing state and local regulations, the project is not anticipated to result in the risk of loss, injury, or death as a result of wildfire; therefore, impacts would be *less than significant*.

### *Conclusion*

Based on required compliance with 22 CCR Division 4.5 and County requirements, 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 and HAZ-1, the project would not create a significant hazard to the public involving hazardous materials, such as ACM. The project is not located within 0.25 mile of a school, within 2 miles of an airport, or within or adjacent to a previously recorded hazardous materials site. Based on required compliance with CAL FIRE/County Fire Department, CFC, and CBC regulations, the project would not result in risk associated with inadequate emergency access, evacuation routes, or wildfire. Therefore, upon implementation of the identified mitigation measure, potential impacts related to hazards and hazardous materials would be less than significant.

### *Mitigation*

Implement Mitigation Measure AQ-3.

- HAZ-1** Prior to demolition of any buildings or structures on the project site, a lead-based paint survey consisting of a visual inspection, sampling, testing, and reporting shall be performed to determine if building materials within the Project area contain lead-based paint. If elevated concentrations of metals from lead-based paint are detected, construction activities shall be conducted in full compliance with the requirements of Sections 402 and 406 of the Toxic Substances Control Act.

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### X. HYDROLOGY AND WATER QUALITY

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

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### *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 waterbodies 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 County LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any part of the project site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10%. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The County LUO also dictates that an Erosion and Sedimentation Control Plan (ESCP) 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%, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Public Works Department 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 State Water Resources Control Board (SWRCB) Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1 acre must implement all required elements within the project site's ESCP as required by the County LUO.

For planning purposes, the 100-year flood event is most often used to delineate areas subject to flooding. The County Safety Element establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C1636G (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.

Nipomo Creek is located approximately 0.6 mile east of the project site. There are no surface water features located within or adjacent to the project site.

### *Discussion*

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

The project would require a total of approximately 128,200 square feet (2.94 acres) of ground disturbance, including approximately 870 cubic yards of cut and 11,850 cubic yards of fill. Soil disturbance and the use of construction equipment and vehicles during proposed construction

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activities have the potential to increase erosion or other pollutants at the project site that could run off to surrounding areas. There are no surface water features located within or adjacent to the project site that could be adversely affected by an increase in erosion or pollutants at the project site.

The project would disturb an area greater than 1 acre and would be required to comply with RWQCB general construction permit requirements, including preparation and implementation of a SWPPP with BMPs. In addition, in accordance with County LUO Section 22.52.120, preparation and approval of an ESCP is required for all construction and grading projects to minimize potential impacts related to erosion, sedimentation, and siltation. The ESCP would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Based on required compliance with state policies and the County LUO, the project is not anticipated to violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; therefore, impacts would be *less than significant*.

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

The project site is located in the Santa Maria Valley Groundwater Basin, which encompasses approximately 184,000 acres of southern San Luis Obispo and northern Santa Barbara Counties (California Department of Water Resources [DWR] 2004). The 2.66-acre project site consists of existing development, including an approximately 1,344-square-foot residential unit with a 528-square-foot garage, a 130-square-foot ancillary shed, an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, a 90-square-foot ancillary shed, paved areas, and fencing. The remaining portion of the project site is undeveloped and supports natural areas for groundwater recharge.

The project would result in the construction of 24 single-family residential dwellings and may include the future construction of up to six JADUs, common community gathering areas, and a new 24-foot-wide roadway with associated pedestrian improvements. Implementation of the project would reduce the amount of natural area that allows for natural groundwater infiltration; however, the project includes the installation of stormwater retention chambers and landscaping within the project site that would allow for groundwater recharge at the project site. In addition, the basin encompasses approximately 184,000 acres and supports a vast amount of area that allows for groundwater recharge; therefore, buildout of the 2.66-acre project site would not substantially decrease the ability for groundwater recharge within the Basin.

As evaluated in Section XIX, *Utilities and Service Systems*, the project's potable water demand would be served by the Nipomo Community Services District (NCSD), which has provided an intent-to-serve letter for the project (NCSD 2021). The *Nipomo Community Services District 2020 Urban Water Management Plan* (2020 UWMP), adopted in December 2021, assesses the NCSD's existing and future water supply and provides a water shortage contingency plan to maintain adequate water supply during drought years (MKN & Associates [MKN] 2021). The NCSD water supply consists of both groundwater and imported/purchased water from the Nipomo Supplemental Water Project (NSWP); therefore, potable water for the project would not rely solely on groundwater. The project site is located within the existing NCSD service area. According to the 2020 UWMP, the NCSD would have adequate water supply to serve its existing and future service area (MKN 2021). Based on the NCSD's diverse and reliable water supply, implementation of the project would not deplete groundwater in a manner that would be inconsistent with sustainable management of the Basin. Therefore, the

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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 would require a total of approximately 2.94 acres of ground disturbance, including approximately 870 cubic yards of cut and 11,850 cubic yards of fill. The proposed ground-disturbing activities have the potential to increase erosion and siltation at the project site, which could run off to surrounding areas. The project site does not support any surface water features or drainages that could be adversely affected by an increase in erosion or siltation. The project would disturb more than 1 acre and would be required to comply with RWQCB general construction permit requirements. Additionally, in accordance with County LUO Section 22.52.120, preparation and approval of an ESCP is required for all construction and grading projects to minimize potential impacts related to erosion, sedimentation, and siltation. The ESCP would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Operation of the project does not include any components or features that would generate long-term erosion or siltation at the project site. Following project construction, the project site would be developed with residences and other hardscapes that would preclude the potential for long-term erosion. In addition, the project would be subject to implementation of stormwater control measures at the project site, which would be subject to County approval prior to implementation. Proposed stormwater control measures include installation of on-site drainage systems, stormwater retention basins, and pervious surfaces. Based on required compliance with the County LUO, the project is not anticipated to result in substantial erosion or siltation on- or off-site; therefore, impacts would be *less than significant*.

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

The project includes the construction of 24 single-family residential dwellings, a new 24-foot-wide roadway, and other site improvements that would increase the amount of impervious surface area on-site. The project site is located within a Municipal Separate Storm Sewer System (MS4) stormwater management area and would be subject to implementation of a Stormwater Control Plan (SWCP) in accordance with County regulations for long-term stormwater control measures at the project site. Based on the preliminary SWCP prepared for the project, the project would install on-site drainage systems and stormwater retention basins to reduce the amount of stormwater runoff from the project site. In addition, drainage from individual lots would be directed toward pervious areas on-site. Proposed stormwater control measures would be subject to County approval prior to implementation on-site. There are no surface water or drainages features on-site that could be directly altered or otherwise impacted as a result of the project. Based on required implementation 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*.



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- (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 on-site. The project would be required to prepare and implement a SWPPP with BMPs in accordance with RWQCB general construction permit requirements to reduce polluted stormwater runoff during project construction. The project would also be subject to the preparation and approval of an ESCP (County LUO Section 22.52.120) to minimize the amount of erosion at the project site that could run off and contribute to polluted runoff within stormwater drainage systems. Additionally, the project site is located in an MS4 stormwater management area and would be subject to implementation of a SWCP in accordance with County regulations for long-term stormwater control at the project site. The project includes the installation of on-site drainage systems and stormwater retention basins to reduce the amount of stormwater runoff from the project site. In addition, drainage from individual lots would be directed toward pervious areas on-site. Proposed stormwater control measures would be subject to County approval prior to implementation on-site. Based on required compliance with RWQCB requirements, County 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*.

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

According to FEMA FIRM 06079C1636G (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 is not located within the County's Flood Hazard combining designation. As a result, flood flows are not anticipated to occur within the project area. The project would require implementation of an SWCP in accordance with County regulations for long-term stormwater control measures at the project site. Drainage from individual lots would be directed toward pervious areas on-site. The project also includes the installation of on-site drainage systems and stormwater retention basins to reduce the amount of stormwater runoff from the project site, which would be subject to County approval prior to implementation on-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 CDOC San Luis Obispo County Tsunami Inundation Map, the project site 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 site 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 within the Santa Maria Valley Groundwater Basin (Basin No. 3-12), which has been designated as a high-priority basin by DWR and is managed by the Nipomo Mesa Management Area

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(NMMA), Northern Cities Management Area (NCMA), and the Santa Maria Valley Management Area (SMVMA). The project’s potable water supply would be provided by the NCSO, which pumps groundwater from the portion of the Basin managed by the NMMA. The NMMA regulates groundwater conditions, implements monitoring programs, and implements plans and programs to respond to water shortage conditions (MKN 2021). The NCSO has provided an intent-to-serve letter to supply potable water for the project (NCSO 2021). The NCSO water supply consists of groundwater and imported/purchased water from the NSWP; therefore, the project’s potable water needs would not be limited to the use of groundwater. Further, the NCSO would be required to comply with the water shortage contingency plan included in the 2020 UWMP (MKN 2021), which would be consistent with management requirements of the basin. Therefore, the project would not conflict with the plans and programs implemented by the NMMA, and impacts would be *less than significant*.

The project site is under the jurisdiction of the Central Coast RWQCB and would be subject to the 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 RWQCB general construction permit requirements and County LUO Section 22.52.120 to control erosive and other polluted runoff from the project site during construction. The project would also be subject to the preparation and implementation of a SWCP in accordance with County regulations to control long-term stormwater runoff from the project site. Based on 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 and impacts would be *less than significant*.

### Conclusion

Based on required compliance with RWQCB and the County 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 sustainable groundwater management of the basin and the Basin Plan. Therefore, impacts related to hydrology and water quality would be less than significant, and no mitigation measures would be necessary.

### Mitigation

Mitigation is not necessary.

## XI. LAND USE AND PLANNING

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| <i>Would the project:</i>                       |                                |  |                              |                                     |
| (a) Physically divide an established community? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

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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? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>                | <input type="checkbox"/>     | <input type="checkbox"/> |

### 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 County LUE identifies strategic growth principles to define and focus the county’s proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The County 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 RMF land uses.

### Discussion

(a) *Physically divide an established community?*

Implementation of the project would result in the subdivision of a single 2.66-acre parcel into 25 lots and would result in the construction of 24 single-family residential dwellings and may include the future development of up to six JADUs. The project includes the development of a 24-foot-wide roadway aligned in a north-south direction through the central portion of the property and would connect to Hill Street from the north and Kelly Court from the south. This roadway would provide access to the project site and to the proposed residential dwellings. In addition, the project includes on-site pedestrian improvements, including a 4-foot-wide sidewalk and a pedestrian access easement between proposed Lots 9 and 10 to allow for pedestrian circulation within the area. The project would also implement off-site pedestrian and roadway improvements along Blume Street, Hill Street, and Kelly Court. Proposed off-site improvements would not include any components that could impede access to the project site or surrounding areas. The project would be mostly limited to infill development on a single parcel and 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; therefore, *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 RMF land use category in the South County (Inland) sub area of the South County 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 Nipomo Community Plan, South County Area Plan, County Inland LUO, and County COSE. Further, the project was found to be consistent with standards and policies set forth in the County General Plan, the 2001 CAP, and other land use policies for this area. The project would also be

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required to be consistent with standards set forth by CAL FIRE/County Fire Department and the County Public Works Department. The project would be required to implement Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1 to mitigate potential impacts associated with Air Quality, Biological Resources, and Hazards and Hazardous Materials, which is consistent with the identified plans and policies intended to avoid or mitigate adverse environmental effects. Upon implementation of the identified mitigation measures, the project would not conflict with local policies or regulations adopted for the purpose of avoiding or mitigating environmental effects; therefore, impacts would be *less than significant with mitigation incorporated*.

### 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 LUO, the County COSE, the County General Plan, the South County Area Plan, the 2001 CAP, and other applicable documents. Therefore, impacts would be less than significant with mitigation incorporated.

### Mitigation

Implement Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1.

## XII. MINERAL RESOURCES

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

### Setting

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

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 2011):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.

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

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

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

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

### Mitigation

Mitigation is not necessary.

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### XIII. NOISE

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

#### Setting

The *County of San Luis Obispo General Plan Noise Element* provides a policy framework for addressing potential noise impacts in the planning process. The purpose of the County Noise Element is to minimize future noise conflicts. The County 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 policies of the County 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 land 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;

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- Hotels and motels;
- Bed and breakfast facilities;
- Outdoor sports and recreation; and
- 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. The project site is surrounded by single-family residential dwellings to the north, south, and west, and accessory structures and undeveloped land to the east.

The County LUO establishes acceptable standards for exterior (Table 4) and interior noise levels and describes 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 4. Maximum Allowable Exterior Noise Level Standards<sup>1</sup>**

| Sound Levels                                   | Daytime<br>7 a.m. to 10 p.m. | Nighttime <sup>2</sup> |
|--|------------------------------|------------------------|
| Hourly Equivalent Sound Level ( $L_{eq}$ , dB) | 50                           | 45                     |
| Maximum level (dB)                             | 70                           | 65                     |

<sup>1</sup> When the receiving noise-sensitive land use is outdoor sports and recreation, noise level standards are increased by 10 db.

<sup>2</sup> 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 US 101 and other local roadways and 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 (FHWA), noise from standard construction equipment generally ranges from 80 dBA to 85 dBA at 50 feet from the source, as shown in Table 5.

**Table 5. Construction Equipment Noise Emission Levels**

| Equipment Type   | Typical Noise Level (dBA)<br>50 Feet from Source |
|--|--|
| Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper | 85   |
| Heavy Truck  | 84   |
| Crane, Mobile  | 83   |
| Concrete Pump  | 82   |

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|                    |    |
|--------------------|----|
| Backhoe, Compactor | 80 |
|--------------------|----|

Source: FHWA (2018)

The project site is surrounded by off-site single and multi-family residential dwellings to the north, south, and west, and accessory structures and undeveloped land to the east. Construction-related noise would be short term, would be intermittent, and would not result in a permanent increase in ambient noise in the project area. According to County 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 County LUO.

Implementation of the project would not result in the development of new incompatible land uses that could generate noise in excess of surrounding residential land uses or the County's noise standards. Therefore, following construction of proposed residential development, operational noise generated by the project would be consistent with the level and scale of surrounding residential land uses. Project construction would be conducted in accordance with the County LUO and 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 County 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; 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 not located within an airport land use plan and the nearest airport is Oceano County Airport, approximately 8.8 miles northwest of the project site. Due to the distance from the nearest airport, implementation of the project would not expose people residing or working in the project area to excessive airport-related noise; therefore, *no impacts* would occur.

### Conclusion

The project would not generate noise or groundborne noise in a manner that would be inconsistent with the County LUO. The project is not located within an airport land use plan or within 2 miles of an airport. Therefore, potential impacts related to noise would be less than significant, and no mitigation measures would be necessary.



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### Mitigation

Mitigation is not necessary.

### XIV. POPULATION AND HOUSING

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

### Setting

The *County of San Luis Obispo General Plan 2020-2028 Housing Element* is intended to facilitate the provision of needed housing in the context of the County LUE and related ordinance. It is also intended to meet the requirements of state law. It contains goals, objectives, policies, and implementation programs to ensure the County meets its housing needs while remaining consistent with state law.

County LUO Section 22.12.080 contains policies and procedures related to inclusionary housing that is a requirement of development projects. New single-family dwellings over 2,200 square feet in size, residential subdivisions, commercial/industrial uses with a cumulative floor area of 5,000 square feet or more, mixed-use development, and subdivisions are subject to these requirements. Projects subject to the inclusionary housing provisions are required to make 8% of the project’s base density affordable. This 8% inclusionary housing mix is broken down by 2% increments between workforce, moderate-income, low-income, and very low-income households. The ordinance gives applicants a variety of options for meeting this requirement, including on- or off-site construction of affordable housing. Applicants may also opt to pay an in-lieu fee per the Affordable Housing Fund, Title 29 of the County Code. As noted in Section 22.12.080.G.2 of the County Code, the County provides for a reduction in required inclusionary housing by 25% for those units constructed on-site.

Requirements for inclusionary housing for residential dwelling units are based upon the base density of a project. Base density is the maximum number of residential units that may be allowed, not including any density bonuses. Commercial and industrial development of 5,000 square feet or more of floor area for commercial or industrial use also requires the payment of a housing impact fee or construction of inclusionary housing units.

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The project site is developed with an approximately 1,344-square-foot residential unit with a 528-square-foot garage and 130-square-foot ancillary shed in the northeastern portion of the property, and an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, and a 90-square-foot ancillary shed in the southeastern portion of the 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 a 25-lot subdivision of a single 2.66-acre parcel and would result in infill development of 24 three- to four-bedroom single-family residential dwellings within the RMF land use category. Based on an average of 3.31 persons per household within the community of Nipomo, the project has the potential to result in a population increase of up to 80 people (U.S. Census Bureau 2021). According to the SLOCOG 2019 Regional Housing Needs Allocation (RHNA), the community of Nipomo has an estimated buildout population of 23,462 people in 2060 (SLOCOG 2019). As of 2021, the population within the community of Nipomo was 18,176 people (U.S. Census Bureau 2021). The addition of 80 residents would be consistent with the projected growth scenario within the community and would not be expected to result in substantial or otherwise unplanned growth within the region.

The maximum development scenario for the proposed project also includes the potential for the future development of up to six JADUs on the project site. The project would be limited to development of JADUs based on size and layout constraints of the project site. Based on the average household size of 3.31 persons per household, potential JADU development could generate an additional population increase of up to 20 residents within the area; however, based on the limited size of potential JADUs, associated population growth would not be expected to reach 20 additional persons. According to the County LUO, JADUs must be located completely within an existing structure that is not used as livable spaces. Due to the proposed layout of the project site, development of JADUs would be limited to the attached garages. Based on the limited available area for the construction of JADUs at the project site, an increase in population associated with the development of future JADUs would be limited in scale and would not result in substantial or unplanned population growth.

Short-term construction activities may increase 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. The project does not include the development of new commercial or office land uses that could increase long-term employment opportunities and facilitate indirect 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. Therefore, the project would be consistent with the growth projections for the community and would not induce substantial or unplanned population growth and potential impacts would be *less than significant*.

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

There are two existing single-family residential dwelling units and accessory structures located on the project site that would be demolished for construction of the proposed project. However, the

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project would result in the construction of 24 single-family residential dwellings on the property and may include the future construction of up to six JADUs, which would ultimately increase the number of housing units in the area. In addition, due to the density of proposed residential development, implementation of the project would be anticipated to provide a more diverse range of housing on-site, which is consistent with the goals included in the SLOCOG 2019 RHNA. Therefore, demolition of two existing residences would not necessitate the need for the construction of replacement housing elsewhere, and impacts would be *less than significant*.

### Conclusion

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

### Mitigation

Mitigation is not necessary.

## XV. PUBLIC SERVICES

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

### Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE/County Fire Department, which has been under contract with the County to provide full-service fire protection since

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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/County Fire Department 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/County Fire Department has 24 fire stations located throughout the county, and the nearest station to the project site is CAL FIRE/County Fire Department Station 20, located approximately 0.6 mile northeast 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 8.8 miles northwest 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 Lucia Mar Unified School District (LMUSD).

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 methods the County currently employs to fund 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 Facilities 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 infill development of 24 single-family residential dwellings, may include the future development of up to six JADUs, and would result in a population increase of approximately 80 people, which would increase the demand on existing fire protection services. As evaluated in Section XV, *Population and Housing*, population growth associated with the project would be consistent with the projected buildout population of the community and would not result in unplanned growth. In addition, the project would be subject to standard Public Facilities Fees to provide funding for fire protection services and offset the project's demand on fire protection services. Based on the infill nature of the proposed project and the payment of Public Facilities Fees, the project would not result in the need for additional or expanded fire protection services, and impacts would be *less than significant*.

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### *Police protection?*

The project would facilitate infill development of 24 single-family residential dwellings, may include the future development of up to six JADUs, and would result in a population increase of approximately 80 people, which would increase the demand on existing police protection services. As evaluated in Section XV, *Population and Housing*, population growth associated with the project would be consistent with the projected buildout population of the community and would not result in unplanned growth. The project would be subject to standard Public Facilities Fees to provide funding for police protection services and offset the project's demand on these services. Based on the infill nature of the proposed project and the payment of Public Facilities Fees, the project would not directly facilitate the need for additional or expanded police protection services; therefore, impacts would be *less than significant*.

### *Schools?*

The proposed project would result in 24 single-family residential dwellings and may include the future development of up to six JADUs that could increase the number of school-aged children in the area. Therefore, the project has the potential to result in an increase in demand on the LMUSD. The project would be required to pay Public Facilities Fees to offset its demand on the LMUSD. Based on the payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded LMUSD facilities; therefore, impacts would be *less than significant*.

### *Parks?*

The proposed project would result in a population increase of approximately 80 people that could increase demand on existing public recreation facilities. Additionally, there is potential for the future construction of up to six JADUs, which would generate an additional marginal population increase. Population growth associated with the project would be consistent with the projected buildout population of the community and would not result in unplanned growth. In addition, the project includes the construction of a community gathering area to provide recreational opportunities to residents of the project, which would reduce demand on other public recreational facilities. The project would be subject to the payment of standard Public Facilities Fees to offset its demand on existing public recreation facilities. Therefore, based on the development of on-site recreational facilities 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?*

The proposed project would result in an increase in population of approximately 80 people, which has the potential to result in an increase in demand on other public facilities, such as libraries, within the project region. Additionally, there is potential for the future construction of up to six JADUs, which would generate an additional marginal population increase. As evaluated in Section XV, *Population and Housing*, population growth associated with the project would be consistent with the projected buildout population of the community and would not result in unplanned growth. 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*.

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### Conclusion

The project 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 measures would be necessary.

### Mitigation

Mitigation is not necessary.

## XVI. RECREATION

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

### Setting

The *County of San Luis Obispo General Plan Parks and Recreation Element* 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 methods the County currently employs to fund public parks and recreational facilities. Public Facilities Fees are collected upon construction of new residential units and currently provide funding for new community-serving recreational 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 *2015/16 San Luis Obispo 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 (County of San Luis Obispo 2016). The County 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

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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. Surrounding roadways do not include designated bicycle lanes. The nearest designated bicycle lane is located on Mary Avenue, approximately 600 feet northeast of the project site.

### Discussion

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

The proposed subdivision would facilitate the future development of 24 single-family residential dwellings and may include the future development of up to six JADUs. As evaluated in Section XIV, *Population and Housing*, based on an average of 3.31 persons per household within the county, the project has the potential to result in a population increase of approximately 80 people (U.S. Census Bureau 2021). In addition, there is potential for the future construction of up to six JADUs, which would generate an additional population increase of up to 20 residents within the area; however, based on the limited size of potential JADUs, associated population growth would not be expected to reach 20 additional persons. 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. The anticipated population increase would generate demand on existing public recreational facilities.

The project includes the construction of a community gathering area with sports courts, a turf area, tables, and benches. The community gathering area would be privately maintained and would provide on-site recreational opportunities. The provision of on-site recreational facilities would be expected to reduce some of the anticipated demand on the County Parks and Recreation Department's recreational facilities. In addition, the project would be subject to the payment of Public Facilities Fees to offset its demand on existing public recreational facilities. Based on the construction of on-site recreational facilities 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 includes the construction of a privately maintained community gathering area with sports courts, a turf area, tables, and benches, all 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, and Hazards and Hazardous Materials. Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1 have been included to avoid and/or minimize adverse impacts to less-than-significant levels. Therefore, upon implementation of the identified mitigation measures, construction of a community gathering area is not anticipated to result in adverse impacts to the environment; therefore, potential impacts would be *less than significant with mitigation incorporated*.

### Conclusion

The project would not increase the use of existing recreational facilities in a manner that would result in physical deterioration. Upon implementation of the identified mitigation measures, construction of a community gathering area is not anticipated to result in adverse impacts to the environment. Therefore,

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potential impacts related to recreation would be considered less than significant with mitigation incorporated.

### Mitigation

Implement Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1.

## XVII. TRANSPORTATION

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

### Setting

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 an RTP; programming state funds for transportation projects; and administering and allocating transportation development act funds required by state statutes. The 2019 RTP/SCS, 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/SCS.

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 California 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)).



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The County has developed a VMT Program (*Transportation Impact Analysis Guidelines* [Rincon Consultants 2020]; *VMT Thresholds Study* [GHD 2021]), which provides interim operating thresholds and includes a screening tool for evaluating VMT impacts.

The County's Framework for Planning (Inland) includes the *County of San Luis Obispo General Plan Land Use and Circulation Elements*. 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 Public Works Department 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 studies include the South County, Los Osos, Templeton, San Miguel, Avila, and North Coast Circulation Studies. 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 project proposes infill residential development approximately 0.2 mile southwest of existing commercial land uses, which would be consistent with land use planning strategies intended to reduce VMT included in the 2019 RTP/SCS and the County Circulation Element. The project would also construct off-site roadway improvements through an offer of dedication, including installation of a bicycle lane and pedestrian facilities along Blume Street and road widening and installation of pedestrian facilities along Hill Street and Kelly Court to encourage walking or biking as a method of transportation in the area, which would be consistent with the County Bikeways Plan. Proposed pedestrian and bicycle improvements would be required to be constructed in accordance with County standards. The project would generate approximately 157 new weekday vehicle trips, including 10 peak hour morning and 11 peak hour evening trips. New vehicle trips would primarily occur along Blume and Hill Streets; however, the increase in vehicle trips associated with the proposed project would not result in an unacceptable level of service (LOS) (LOS E) along these local roadways (Central Coast Transportation Consulting [CCTC] 2022; Attachment 3). The project would be subject to the payment of Area 1 road improvement fees for the Nipomo area to offset the project's demand on existing roadways within the area. Based on the project's contribution of off-site roadway improvements through an offer of dedication and payment of road improvement fees, the project would be consistent with the 2019 RTP/SCS, County Circulation Element, and County Bikeways Plan; therefore, potential impacts would be *less than significant*.

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

Based on the *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 (OPR 2018). The County has developed a VMT Program that provides interim operating thresholds and includes a screening tool for evaluating VMT impacts (*Transportation Impact Analysis Guidelines* [Rincon Consultants 2020]; *VMT Thresholds Study* [GHD 2021]). The project would result in infill

## Initial Study – Environmental Checklist

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development of 24 single-family residential units and may include the construction of up to six JADUs on a single 2.66-acre parcel within the RMF land use category.

According to the Transportation Analysis prepared for the proposed project, the project would generate approximately 157 new vehicle trips per weekday (CCTC 2022). Based on the County's VMT Program, the project site is not directly located within an area that can be assumed to generate VMT below regional thresholds. However, RMF land uses on the west side of South Frontage Road and south of Grande Avenue, approximately 0.2 mile southeast of the project site, are included in the residential screening area that can be assumed to generate VMT below regional thresholds. The project site and surrounding residential uses were part of the same census tract; therefore, it would be reasonable to assume that residential data collected in the project area would be similar in nature. Therefore, the proposed project would be expected to generate VMT levels similar to the adjacent pre-screened areas, which would result in a less-than-significant impact to VMT (CCTC 2022).

In addition, the project site is located approximately 0.2 mile southwest from existing commercial land uses located along West Tefft Street, which would be expected to reduce the amount of VMT generated by the project. The project also includes the construction of off-site road improvements, including installation of a bicycle lane and pedestrian facilities along the segment of Blume Street located adjacent to the project site and road widening and installation of pedestrian facilities along Hill Street and Kelly Court. Proposed roadway improvements would facilitate the use of walking or biking as modes of transportation to access existing commercial uses and county parks, which would be expected to further reduce the amount of VMT generated by the project. Thus, based on the infill nature of the project; its location near existing commercial land uses; the proposed construction of pedestrian facilities along Blume Street, Hill Street, and Kelly Lane; and proposed construction of a bicycle lane and pedestrian facilities along Blume Street, the project would be consistent with land use planning and VMT-reduction strategies. Therefore, implementation of the project is not anticipated to generate VMT above established thresholds, and 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 a new 24-foot-wide, approximately 540-foot-long roadway aligned in a north-south direction through the project site. The roadway would connect to Hill Street from the north and Kelly Court from the south. The project would include a 4-foot-wide sidewalk along the eastern side of the road and 24-inch roll curbs on both sides of the road. The project also includes off-site roadway and pedestrian improvements along Hill Street, Blume Street, and Kelly Court. The proposed roadway and associated improvements would be constructed in accordance with County Public Works Department and CAL FIRE/County Fire Department requirements to reduce potential hazards related to road design and accommodate emergency vehicle access. There are no vehicle collision patterns along surrounding roadways and the project would be subject to County roadway design standards to ensure on- and off-site road improvements would not increase the potential for vehicle collision in the project area (CCTC 2022). The project would be subject to County standards for sight distance. The project would not include the development of new incompatible land uses that could introduce new hazards along nearby roadways. Based on required compliance with County Public Works Department and CAL FIRE/County Fire Department

## Initial Study – Environmental Checklist

road design standards, construction of the access road through the project site would not substantially increase roadway hazards; therefore, potential impacts would be *less than significant*.

(d) *Result in inadequate emergency access?*

The project site would be accessible via Hill Street from the north and Kelly Court from the south. The proposed 24-foot-wide roadway would provide access to individual residential dwellings. The project would be required to comply with CAL FIRE/County Fire Department requirements to ensure adequate emergency access to the project site. Based on required compliance with CAL FIRE/County Fire Department emergency access requirements, the project would provide adequate emergency access; therefore, impacts would be *less than significant*.

*Conclusion*

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

*Mitigation*

Mitigation is not necessary.

### XVIII. TRIBAL CULTURAL RESOURCES

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

## Initial Study – Environmental Checklist

|   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| (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? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### 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 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 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.

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### 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 Resource 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, 2021. One response was received from the Northern Chumash Tribal Council (NCTC) on June 9, 2021, requesting access to the records search and archaeological survey reports for the project site. The County provided the requested materials to the NCTC, and a response from the NCTC received on June 28, 2021, indicated that no further consultation was necessary. No other requests for consultation were received as of the date of this Initial Study.

No tribal cultural resources were observed during field surveys of the project site (Heritage Discoveries 2017). The project would be required to comply with County LUO Section 22.10.040 in the event of inadvertent discovery of a cultural resource. Per County 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 CHSC 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 LUO and CHSC Section 7050.5, the project is not anticipated to result in adverse impacts to known or unknown tribal cultural resources, and impacts would be *less than significant*.

### Conclusion

Based on compliance with the County LUO and CHSC Section 7050.5, impacts related to tribal cultural resources would be less than significant, and no mitigation measures would be necessary.

### Mitigation

Mitigation is not necessary.

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### XIX. UTILITIES AND SERVICE SYSTEMS

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

#### Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The County Public Works Department currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, 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 Public Works Department is responsible for ensuring that new construction sites implement BMPs during construction and that site plans incorporate appropriate

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post-construction stormwater runoff controls. Construction sites that disturb 1 acre or more must obtain coverage under the State Water Resources Control Board's (SWRCB) 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 serviced by South County Sanitary 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 would require the construction of expanded water, drainage, stormwater, electrical, and natural gas infrastructure. 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, and Hazards and Hazardous Materials. Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1 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 incorporated*.

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

The project is anticipated to have a water demand of approximately 250 gallons per unit per day. The project's potable water demand would be served by the Nipomo Community Services District (NCSD). The NCSD service area covers approximately 3,907 acres within the community of Nipomo and consists of approximately 13,771 people. The project site is located within the Nipomo URL and the existing NCSD service area. The *Nipomo Community Services District 2020 Urban Water Management Plan (2020 UWMP)*, adopted in December 2021, assesses the NCSD's existing and future water supply and provides a water shortage contingency plan to maintain adequate water supply during drought years (MKN 2021). The NCSD's water supply consists of groundwater from the Santa Maria Valley Groundwater Basin and purchased water from the Nipomo Supplemental Water Project (NSWP). According to the 2020 UWMP, the NCSD would have adequate water supply to serve its existing and future service area during normal, dry, and multiple dry years conditions (MKN 2021). Since the project site is located within the existing NCSD service area, growth associated with development of the project site has been accounted for in the NCSD service area growth scenario. Additionally, the NCSD has provided an intent-to-serve letter to supply the project's water needs (NCSD 2021). Therefore, there would be sufficient water supply to serve the project, and impacts would be *less than significant*.

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

The project is anticipated to have a wastewater demand of approximately 250 gallons per unit per day. Wastewater services for the project would be provided by the NCSD, which operates two wastewater collection systems—the Town and Blacklake Systems—and two wastewater treatment

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facilities—the Blacklake Wastewater Reclamation Facility (WRF) and Southland Wastewater Treatment Facility (WWTF). Following the decommissioning of the Blacklake WRF in 2024, wastewater from its service area would be conveyed to the Town System and Southland WWTF for treatment and disposal (MKN 2021). The project site is located within the Nipomo URL and the existing NCSO service area; therefore, buildout of the project site and associated growth has been accounted for in the NCSO service area growth scenario. In addition, the NCSO has provided an intent-to-serve letter to provide wastewater services for the project (NCSO 2021). Therefore, the NCSO would have adequate capacity to serve the project’s wastewater needs, and impacts would be *less than significant*.

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

Future residential development would be provided solid waste services by South County Sanitary 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).

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 CALGreen Sections 4.408 and 5.408, which require diversion of at least 75% 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 proposed project would facilitate the development of 24 single-family residential dwellings and may include the future development of up to six JADUs. According to the CalRecycle Estimated Solid Waste Generation Rates, operation of 24 residential units would result in approximately 293.5 pounds of solid waste per day (CalRecycle 2019). Proposed solid waste calculations are shown in Table 6.

**Table 6. Estimated Solid Waste Generation Rates**

| Waste Generation Source | Generation Rate | Unit of Measure   | Proposed Development | Total               |
|-------------------------|-----------------|-------------------|----------------------|---------------------|
| Residential             | 12.23           | lbs/household/day | 24 residential units | 293.5 pounds        |
|                         |                 |                   | <b>Total</b>         | <b>293.5 pounds</b> |

Source: CalRecycle (2019)

The project would result in an increase in operational solid waste generation. Future residential dwellings would be required to comply with County-implemented recycling and organic waste disposal programs, 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*.



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

The project would be serviced by South County Sanitary and Cold Canyon Landfill, which are fully compliant with existing state and local 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. 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-3, BIO-1 through BIO-4, and HAZ-1 would reduce potential adverse environmental impacts to less-than-significant levels. Water and wastewater services would be provided by the NCSO, which would have adequate ability to serve the project. The project would not conflict with state or County regulations pertaining to solid waste. Therefore, upon implementation of the identified mitigation measures, potential impacts would be less than significant with mitigation incorporated.

### Mitigation

Implement Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1.

## XX. WILDFIRE

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

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|  | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact        | No Impact                |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| (d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Setting

#### On-Site Conditions and Surrounding Land Uses

The 2.66-acre project site is characterized by relatively flat to gently sloping topography and consists of grasses, shrubs, oak trees, cypress trees, pine trees, and other ornamental vegetation. There are no surface water or wetland features located on or adjacent to the project site. The project site consists of existing development, including an approximately 1,344-square-foot residential unit with a 528-square-foot garage and a 130-square-foot ancillary shed in the northeastern portion of the property and an approximately 1,248-square-foot residential unit, a 130-square-foot ancillary shed, and a 90-square-foot ancillary shed in the southeastern portion of the property. There are also existing paved areas and fencing located on the property. The project site is immediately surrounded by existing residential development and accessory structures to the north, west, and south, and a primarily vacant parcel to the east. The project site is immediately surrounded by Hill Street to the north, Blume Street to the west, and Kelly Court to the south.

#### CAL FIRE Hazard Severity Zones

FHSZs are defined by CAL FIRE 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 FHSZ 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 within a Local Responsibility Area and is not designated as a very high FHSZ. The nearest State Responsibility Area is located approximately 0.75 mile southeast of the project site and is designated as a moderate FHSZ (CAL FIRE 2022).

#### San Luis Obispo 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, and includes the following components:

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

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- 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 of San Luis Obispo General Plan Safety Element*

The County 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, developing and implementing 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 (CFC) 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 and immediately surrounding area are not located within a High or Very High FHSZ (CAL FIRE 2022). During construction, the project may require temporary traffic controls for construction of improvements along Blume Street, Hill Street, and Kelly Court. Implementation of off-site improvements would not result in permanent aboveground structures or other components that could interfere with an emergency response or evacuation plan in the project area. The project includes the construction of a 24-foot-wide roadway aligned in a north-south direction through the central portion of the project site to provide access to the project site and individual residential units. The road would be constructed in accordance with County Public Works Department and CAL FIRE/ County Fire Department standards to ensure adequate emergency access and public ingress and egress. Therefore, the project would not interfere with an emergency response or evacuation plan and is anticipated to improve long-term emergency access and evacuation conditions within the project area. 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 2.66-acre project site is characterized by nearly level topography and is surrounded by single-family residential development to the north, south, and west, and a vacant parcel to the east. The

## Initial Study – Environmental Checklist

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project site is not located within a State Responsibility Area or within or adjacent to land designated as a High or Very High FHSZ (CAL FIRE 2022). Implementation of the project would result in the construction of 24 residential dwellings and may include the future construction of up to six JADUs. New structures would be constructed in accordance with CFC and CBC requirements to reduce risk associated with fire 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 Department to ensure adequate ability to provide fire protection services to the proposed project. Based on required compliance with CFC, CBC, and CAL FIRE/County Fire Department requirements, the project is not anticipated to exacerbate wildfire risks resulting in the expose of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire in a State Responsibility Area or 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 not located within or adjacent to a High or Very High FHSZ (CAL FIRE 2022). The project would require the expansion of utility infrastructure and construction of a 24-foot-wide roadway to serve residential development. Proposed utility expansions and the new access road would be constructed in accordance with applicable CFC, CBC, CAL FIRE/County Fire Department, and County Public Works Department requirements to reduce wildfire risk associated with installation of utility infrastructure and to ensure adequate emergency access to the project 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/County Fire Department, and County Public Works Department 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 not located within a State Responsibility Area or within a High or Very High FHSZ and would be located in an area with low potential for landslide and 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. The project would not be sited in a location that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes within a State Responsibility Area or Very High FHSZ; therefore, impacts would be *less than significant*.

### Conclusion

The project site is located within a Local Responsibility Area and is not located in a designated Very High FHSZ. Based on required compliance with CFC, CBC, CAL FIRE/County Fire Department, and County Public Works Department 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 measures would be necessary.

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### Mitigation

Mitigation is not necessary.

### XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

### Discussion

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

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 and BIO-2 have been identified and would reduce potential impacts

## Initial Study – Environmental Checklist

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related to sensitive biological resources to less than significant. Additionally, adherence to County 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 incorporated*.

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

Based on the nature of proposed development and the analysis provided in the resource sections above, the project would have the potential to result in environmental impacts associated with Air Quality, Biological Resources, and Hazards and Hazardous Materials that could have a cumulative effect with other development projects in the project region. Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1 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 incorporated*.

- (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 the individual resource 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-3 and HAZ-1. Therefore, potential impacts associated with environmental effects that would cause substantial adverse effects on human beings would be *less than significant with mitigation incorporated*.

### Conclusion

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

### Mitigation

Implement Mitigation Measures AQ-1 through AQ-3, BIO-1 through BIO-4, and HAZ-1.

## Initial Study – Environmental Checklist

### Exhibit A – Initial Study References and Agency Contacts

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

| Contacted                           | Agency                                    | Response              |
|-------------------------------------|---|-----------------------|
| <input checked="" type="checkbox"/> | County Public Works Department            | <b>Attached</b>       |
| <input checked="" type="checkbox"/> | County Environmental Health Services      | <b>Attached</b>       |
| <input type="checkbox"/>            | County Agricultural Commissioner’s Office | <b>Not Applicable</b> |
| <input checked="" type="checkbox"/> | County Airport Manager                    | <b>None</b>           |
| <input checked="" type="checkbox"/> | Airport Land Use Commission               | <b>Attached</b>       |
| <input checked="" type="checkbox"/> | Air Pollution Control District            | <b>None</b>           |
| <input type="checkbox"/>            | County Sheriff’s Department               | <b>Not Applicable</b> |
| <input type="checkbox"/>            | Regional Water Quality Control Board      | <b>None</b>           |
| <input type="checkbox"/>            | CA Coastal Commission                     | <b>Not Applicable</b> |
| <input type="checkbox"/>            | CA Department of Fish and Wildlife        | <b>Not Applicable</b> |
| <input checked="" type="checkbox"/> | CA Department of Forestry (Cal Fire)      | <b>Attached</b>       |
| <input checked="" type="checkbox"/> | CA Department of Transportation           | <b>None</b>           |
| <input type="checkbox"/>            | Community Services District               | <b>Not Applicable</b> |
| <input type="checkbox"/>            | Other                                     | <b>None</b>           |
| <input type="checkbox"/>            | Other                                     | <b>None</b>           |

\*\* “No comment” or “No concerns”-type responses are usually not attached

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

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

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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 on May 5, 2022.
- . 2022. Advanced Clean Cars Program. Available at: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program>. Accessed May 5, 2022.
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- California Department of Forestry and Fire Protection (CAL FIRE). 2022. Fire Hazard Severity Zone Viewer. Available at: <https://egis.fire.ca.gov/FHSZ/>. Accessed May 3, 2022.
- California Department of Resources Recycling and Recovery (CalRecycle). 2019. Estimated Solid Waste Generation Rates. Available at: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates#:~:text=Residential%20Sector%20Generation%20Rates%20%20%20Waste,%20Cor%20...%20%208%20more%20rows%20>. Accessed May 5, 2022.
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- California Governor's Office of Planning and Research (OPR). 2018. *Technical Advisory on Evaluation Transportation Impacts in CEQA*. December. Available at: [https://www.opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://www.opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf). Accessed May 5, 2022.
- California Geological Survey (CGS). 2011. Update of Mineral Land Classification: Concrete Aggregate in the San Luis Obispo – Santa Barbara Production-Consumption Region, California. Available at: <https://agenda.slocounty.ca.gov/iip/sanluisobispo/file/getfile/120384>. Accessed May 5, 2022.
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- Central Coast Regional Water Quality Control Board (RWQCB). 2019. *Water Quality Control Plan for the Central Coast Basin*. Available at: [https://www.waterboards.ca.gov/centralcoast/publications\\_forms/publications/basin\\_plan/docs/2019\\_basin\\_plan\\_r3\\_complete\\_webaccess.pdf](https://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/docs/2019_basin_plan_r3_complete_webaccess.pdf). Accessed May 5, 2022.
- Central Coast Transportation Consulting (CCTC). 2022. *Hill Street Terraces – Updated Transportation Analysis*. October 13.
- Cleveland Biological, LLC. 2021. *Biological Survey Results for Hill Street Terraces, Nipomo*. July 19.
- Cogstone. 2018. *Cultural and Paleontological Resources Assessment for the Aviation Boulevard at Artesia Boulevard Southbound to Westbound Right Turn Improvement Project, City of Manhattan Beach, California*. Available at: [https://files.ceqanet.opr.ca.gov/251146-2/attachment/HSqVggOL3GSKuSrXUQSJDijPntNyrB6hwjBhtYi0JwAmEICltCkf-iDqOikvewZr2MH\\_1gmGGXEM87\\_S0](https://files.ceqanet.opr.ca.gov/251146-2/attachment/HSqVggOL3GSKuSrXUQSJDijPntNyrB6hwjBhtYi0JwAmEICltCkf-iDqOikvewZr2MH_1gmGGXEM87_S0). Accessed May 5, 2022.
- County of San Luis Obispo. 2011. *EnergyWise Plan*. Available at: <https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Energy-and-Climate-Reports/EnergyWise-Plan.pdf>. Accessed on May 5, 2022.
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- GHD. 2020. *VMT Thresholds Study*. Prepared for the County of San Luis Obispo. October 30.
- Heritage Discoveries Inc. 2017. *A Phase 1 Archaeological Surface Survey at 247 Blume Street and 695 Hill Street, Nipomo, San Luis Obispo County*. April 11.
- MKN & Associates Inc. (MKN). 2021. *Nipomo Community Services District 2020 Urban Water Management Plan*. Available at: <https://ncsd.ca.gov/wp-content/uploads/2021/12/MKN-NCSD-UWMP-2020-Final-Draft.pdf>. Accessed May 5, 2022.
- Natural Resources Conservation Service (NRCS). 2022. Web Soil Survey. Available at: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed May 3, 2022.
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- Pacific Gas and Electric Company (PG&E). 2021. Exploring Clean Energy Solutions. Available at: [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page). Accessed May 5, 2022.
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- San Luis Obispo Air Pollution Control District (SLOAPCD). 2001. *2001 San Luis Obispo County Clean Air Plan*. December. Available at: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/business/pdf/CAP.pdf>. Accessed May 3, 2022.
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- . 2022. Areas of Land Subsidence in California Map. Available at: [https://ca.water.usgs.gov/land\\_subsidence/california-subsidence-areas.html](https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html). Accessed May 3, 2022.

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### Exhibit B – Mitigation Summary

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

#### Air Quality

**AQ-1** During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:

- a. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
  1. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
  2. Diesel idling when equipment is not in use shall not be permitted;
  3. Use of alternative-fueled equipment shall be used whenever possible; and
  4. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
- b. California Diesel Idling Regulations. On-road diesel vehicles shall comply with California Code of Regulations (CCR) Title 13, Section 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  1. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
  2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling>.

**AQ-2** During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Increased watering frequency would be required

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whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;

- c. All dirt stockpile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off when leaving the project site;
- k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

### AQ-3

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos-containing material (ACM). ACMs could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation or a building(s) is proposed to be removed or renovated, various regulatory requirements may apply, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants

## Initial Study – Environmental Checklist

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(NESHAP) (40 Code of Federal Regulations [CFR] 61, Subpart M - National Emission Standard for Asbestos). These requirements include but are not limited to: (1) notification to the SLOAPCD; (2) an asbestos survey conducted by a Certified Asbestos Inspector; and (3) applicable removal and disposal requirements of identified ACM. More information on asbestos can be found at <http://www.slocleanair.org/business/asbestos.php>.

### Biological Resources

- BIO-1** Between 2 and 4 weeks prior to initiation of ground disturbance or other construction activities, a County-approved biologist shall be retained to conduct preconstruction surveys for northern California legless lizards and be present during all ground-disturbance activities associated with the project. The County-approved biologist shall survey areas within 50 feet of suitable habitat for these species. Surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture any sensitive-status reptile species that may be unearthed by the equipment. The County-approved biologist shall capture and relocate any special-status or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in a pre-determined location within the area that will not be disturbed by project activities. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of northern California legless lizards captured and relocated, and the number of northern California legless lizards taken during grading activities. Observations of these and/or other special-status species shall be documented on California Natural Diversity Database (CNDDDB) forms and submitted to the CDFW upon project completion.
- BIO-2** Prior to initiation of any site preparation/construction activities, if work is planned to occur between February 1 and September 15, a County-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.
- a. A 50-foot exclusion zone shall be established around non-listed passerine species, and a 250-foot exclusion zone will be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if initial site improvements are completed, exclusion zones may be removed until initiation of site preparation for residence construction begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.
  - b. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

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The results of the survey shall be provided to the County Planning and Building Department prior to commencement of initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County Planning and Building Department.

### BIO-3

At the time of application for tract improvements and/or grading permits, an Oak Tree Mitigation Plan shall be prepared by a qualified botanist for all impacted native trees and submitted to the County of San Luis Obispo for review and approval. The plan shall follow current County of San Luis Obispo guidelines and describe the methods and techniques to be used to mitigate removed trees at a 4:1 ratio (i.e., four trees planted for every one tree removed). For trees that are impacted through extensive trimming (i.e., over 30% of the canopy), grading or placement of fill or structures within the critical root zone, a mitigation ratio of 2:1 shall be employed. Replacement trees shall be the same species removed and planted within the boundaries of the project site. Replacement trees may replace proposed street trees. The boundaries of the mitigation site shall be identified through appropriate flagging or fencing.

The mitigation plan shall include the details on how container plants will be installed, maintenance techniques and methods to monitor their establishment. An As-Built Planting Plan shall be prepared to track the replacement trees. Annual Reports detailing monitoring of the mitigation effort shall be prepared by a qualified botanist and submitted to the County of San Luis Obispo by December 31st of each year following planting. All replacement trees shall be maintained and monitored for a minimum of 7 years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees shall be installed and monitored accordingly to meet the plan's success criteria.

### BIO-4

At the time of application for tract improvements and/or grading permits, if the applicant cannot replant all replacement oak trees on site, then the applicant shall coordinate with the County of San Luis Obispo Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not been mitigated through on site replacement plantings. Contribution to the Oak Woodlands Conservation Fund shall be paid in full prior to issuance of grading or construction permits.

## Hazards and Hazardous Materials

### HAZ-1

Prior to demolition of any buildings or structures on the project site, a lead-based paint survey consisting of a visual inspection, sampling, testing, and reporting shall be performed to determine if building materials within the Project area contain lead-based paint. If

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elevated concentrations of metals from lead-based paint are detected, construction activities shall be conducted in full compliance with the requirements of Sections 402 and 406 of the Toxic Substances Control Act.

DATE: January 18, 2023

**DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM  
FOR HILL STREET TERRACES IS/MND  
(TR 3135 / SUB2021-00035)**

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

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

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

**AIR QUALITY (AQ)**

- AQ-1** During all construction activities and use of diesel vehicles, the applicant shall implement the following idling control techniques:
- a. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    1. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    2. Diesel idling when equipment is not in use shall not be permitted;
    3. Use of alternative-fueled equipment shall be used whenever possible; and
    4. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.
  - b. California Diesel Idling Regulations. On-road diesel vehicles shall comply with California Code of Regulations (CCR) Title 13, Section 2485. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to



California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: <https://ww2.arb.ca.gov/our-work/programs/atcm-to-limit-vehicle-idling>.

**AQ-2**

During all construction and ground-disturbing activities, the applicant shall implement the following particulate matter control measures and detail each measure on the project grading and building plans:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the project site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour (mph). Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stockpile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be

- laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - i. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
  - j. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off when leaving the project site;
  - k. Streets shall be swept at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;
  - l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
  - m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork, or demolition.

**AQ-3**

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos-containing material (ACM). ACMs could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation or a building(s) is proposed to be removed or renovated, various regulatory requirements may apply, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP) (40 Code of Federal Regulations [CFR] 61, Subpart M - National Emission Standard for Asbestos). These requirements include but are not limited to: (1) notification to the SLOAPCD; (2) an asbestos survey conducted by a Certified Asbestos Inspector; and (3) applicable removal and disposal

requirements of identified ACM. More information on asbestos can be found at <http://www.slocleanair.org/business/asbestos.php>.

**Monitoring:** Required with construction or grading permits. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

### **BIOLOGICAL RESOURCES (BIO)**

- BIO-1** Between 2 and 4 weeks prior to initiation of ground disturbance or other construction activities, a County-approved biologist shall be retained to conduct preconstruction surveys for northern California legless lizards and be present during all ground-disturbance activities associated with the project. The County-approved biologist shall survey areas within 50 feet of suitable habitat for these species. Surveys shall be completed immediately prior to and during grading activities. During grading activities, the County-approved biologist shall walk behind the grading equipment to capture any sensitive-status reptile species that may be unearthed by the equipment. The County-approved biologist shall capture and relocate any special-status or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in a pre-determined location within the area that will not be disturbed by project activities. As necessary, appropriate regulatory agency permits and/or approvals shall be obtained to allow relocation of special-status species from the project area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of northern California legless lizards captured and relocated, and the number of northern California legless lizards taken during grading activities. Observations of these and/or other special-status species shall be documented on California Natural Diversity Database (CNDDB) forms and submitted to the CDFW upon project completion.
- BIO-2** Prior to initiation of any site preparation/construction activities, if work is planned to occur between February 1 and September 15, a County-qualified biologist shall survey the area for nesting birds within 1 week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active, as detailed below.
- a. A 50-foot exclusion zone shall be established around non-listed passerine species, and a 250-foot exclusion zone will be established for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet

(raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all exterior construction activities have been terminated for the current phase of work (e.g., if initial site improvements are completed, exclusion zones may be removed until initiation of site preparation for residence construction begins), or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- b. If special-status avian species are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

The results of the survey shall be provided to the County Planning and Building Department prior to commencement of initial project activities. The results shall detail appropriate fencing or flagging of exclusion zones and include recommendations for additional monitoring requirements. A map of the project site and nest locations shall be included with the results. The qualified biologist conducting the nesting survey shall have the authority to reduce or increase the recommended exclusion zone depending on site conditions and species (if non-listed).

If 2 weeks lapse between different phases of project activities (e.g., vegetation trimming, the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated, and a separate survey report shall be prepared and submitted to the County Planning and Building Department.

**BIO-3**

At the time of application for tract improvements and/or grading permits, an Oak Tree Mitigation Plan shall be prepared by a qualified botanist for all impacted native trees and submitted to the County of San Luis Obispo for review and approval. The plan shall follow current County of San Luis Obispo guidelines and describe the methods and techniques to be used to mitigate removed trees at a 4:1 ratio (i.e., four trees planted for every one tree removed). For trees that are impacted through extensive trimming (i.e., over 30% of the canopy), grading or placement of fill or structures within the critical root zone, a mitigation ratio of 2:1 shall be employed. Replacement trees shall be the same species removed and planted within the boundaries of the project site. Replacement trees may replace proposed street trees. The boundaries of the mitigation site shall be identified through appropriate flagging or fencing.

The mitigation plan shall include the details on how container plants will be installed, maintenance techniques and methods to monitor their establishment. An As-Built Planting Plan shall be prepared to track the replacement trees. Annual Reports detailing monitoring of the mitigation effort shall be prepared by a qualified botanist and submitted to the County of San Luis Obispo by December 31st of each year following planting. All replacement trees shall be maintained and monitored for a minimum of 7 years to ensure successful establishment. If replacement trees die or do not successfully establish, then additional trees shall be installed and monitored accordingly to meet the plan's success criteria.

- BIO-4** At the time of application for tract improvements and/or grading permits, if the applicant cannot replant all replacement oak trees on site, then the applicant shall coordinate with the County of San Luis Obispo Planning and Building Department to determine the appropriate fee and submit payment to the California Wildlife Conservation Board's Oak Woodlands Conservation Program to mitigate for up to 50% of oak trees impacted by the project that have not been mitigated through on site replacement plantings. Contribution to the Oak Woodlands Conservation Fund shall be paid in full prior to issuance of grading or construction permits.

**Monitoring:** Require prior to issuance of construction or grading permits or prior to any site disturbance. Compliance will be verified by the County Department of Planning and Building.

#### **Hazards and Hazardous Materials (HAZ)**

- HAZ-1** Prior to demolition of any buildings or structures on the project site, a lead-based paint survey consisting of a visual inspection, sampling, testing, and reporting shall be performed to determine if building materials within the Project area contain lead-based paint. If elevated concentrations of metals from lead-based paint are detected, construction activities shall be conducted in full compliance with the requirements of Sections 402 and 406 of the Toxic Substances Control Act.

**Monitoring:** Require prior to issuance of demolition or construction permits. Compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

January 18, 2023



Robert H. Newdoll,  
Manager  
Briar Rose Estates, LLC

1-24-2023

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**Signature of Applicant**

**Name (Print)**

**Date**