COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

PLN-2039
04/2019

Initial Study – Environmental Checklist

Mesa Trails Apartment Community Conditional Use Permit N-DRC2023-00001 ED23-139

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

Cassidy Bewley, SWCA	Cassidy J. Bewley		12/21/2023
Prepared by (Print)	Signature		Date
Eric Hughes, Principal Environmental Specialist		For Airlin Singewald, Environmental Coordinator	12/21/2023
Reviewed by (Print)	Signature		Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by Abbott | Reed Inc. and the Housing Authority of San Luis Obispo (HASLO) for a Conditional Use Permit (N-DRC2023-00001) to construct 313 multi-family residential units on three parcels totaling approximately 10.48 acres (project; Mesa Trails Apartment Community). The project would include the development of 240 market-rate residential units configured in 15 three-story buildings, 73 affordable residential units configured in two three-story buildings, on-site parking areas, a variety of on-site amenities, and landscaping. The project would also include off-site roadway improvements along the project site frontages of Hill Street, South Frontage Road, and Grande Avenue. The project includes a request for two concessions in accordance with State Density Bonus Law (California Government Code Section 65915): (1) to allow for building heights up to 49 feet 6 inches where a height of up to 35 feet is currently allowed by County Land Use Ordinance (LUO) Section 22.10.090.C; and (2) to allow for residential uses to be the principal use on a Commercial Retail designated parcel. The project also includes a request for a modification of the maximum fencing and screening height standards set forth in County LUO Section 22.10.080 to allow for construction of a noise wall 8 feet in height along a southern portion of the eastern frontage of the project property where 6 feet 6 inches is currently allowed. The project also includes a request for an exception from Policy 5.3 of the *West Tefft Corridor Design Plan* to allow for front and side setbacks of 19 feet 2 inches and 42 feet 1 inch for a portion of the project site along Hill Street and South Frontage Road where a 0-foot maximum is currently required. The project would be located on the west side of Frontage Road south of Hill Street within the community of Nipomo, in the Inland subarea of the South County Planning Area and is partially located within the *West Tefft Corridor Design Plan* area.

Expanded Project Description

The project would be located on three parcels totaling approximately 10.48 acres (456,682 square feet) in size, consisting of Parcel 1 (8.86 acres in size), Parcel 2 (0.86 acre in size), and Parcel 3 (1.31acre in size), herein referred to as the project site. The affordable housing community would be constructed on Parcels 2 and 3, which would be owned by HASLO, and the market-rate housing community would be constructed on Parcel 1. The project site is located within the Urban Reserve Line (URL) of the unincorporated community of Nipomo (Figure 1) and directly southwest of the intersection of Hill Street and South Frontage Road

(Figure 2). The project site is currently surrounded by Hill Street and commercial retail uses to the north, South Frontage Road and U.S. Route 101 (US 101) to the east, Grande Avenue and single- and multi-family residential uses to the south, and low-density residential uses and undeveloped land to the west (see Table 1 and Figure 3).

Table 1. Surrounding Land Uses

Location in Relation to the Project Site	County Land Use Categories	Current Land Uses
North	Commercial Retail	Hill Street, commercial retail uses
East	N/A	South Frontage Road, U.S. 101
South	Residential Multi-Family	Grande Avenue, single- and multi-family residential uses
West	Commercial Retail, Residential Multi-Family	Low density single-family residential uses and undeveloped land

All three project site parcels are currently located within the Commercial Retail (CR) land use category, and the northern portion of the project site is also located within the Central Business District designation, which extends approximately 540 feet south from Hill Street. In accordance with the County Inland Land Use Ordinance (LUO), residential uses are allowed as principal uses in the CR land use category within the Central Business District by specific community planning area standards. Section 22.108.040 of the County Inland LUO includes the Nipomo Community Standards, which apply to the project site.

In accordance with Table N of the County Inland LUO, the CR land use category allows for a building intensity of one to 38 dwelling units per acre. Based on the project site's access to a paved collector or arterial roadway and proposed connection to a community sewer system, the project site meets the criteria for the "high" intensity factor category per County Inland LUO Section 22.10.130.B.1. The project proposes a density of 30 dwelling units per acre and meets all applicable County requirements for floor area and open area percentages of land cover as set forth in the County Inland LUO.

Requested Building Standard Concessions, Modification, and Exception

State Density Bonus Law allows for additional units above the maximum allowed by a property's zoning as well as concessions and waivers of applicable building standards for projects that include affordable housing units (California Government Code Section 65915). While the project does not include a request for increased density above the currently permitted density of the CR land use category, the project meets the criteria to be granted up to three concessions and includes a request for two concessions in accordance with State Density Bonus Law.

The first requested concession is a concession from the height limitations set forth by County Inland LUO Section 22.10.090.C to allow for building heights up to 49 feet 6 inches above natural grade where a height of up to 35 feet above natural grade is currently allowed. The northern portion of the project site is located within the Central Business District, which has an established maximum building height of 45 feet, while the rest of the property is located outside of this district and has a maximum building height of 35 feet. A concession from the height limitations for the portion of the project site located outside of the Central Business District is requested to allow for proposed residential apartment buildings to have a maximum

building height of 49.5 feet. Due to the project site's existing varying topography, the grading necessary to maintain standard vehicle and pedestrian access results in an increased finished floor height of these buildings above existing natural grade. In addition, the building faces of the proposed buildings in this portion of the project site would have a maximum height of 31.5 feet; however, the sloped roofs of these buildings would result in the overall maximum building heights to be 49.5 feet. The applicant has requested this concession on the basis that if flat roofs with built-up parapets were incorporated into the project design, many buildings would still exceed the 35-foot height limitation, and that the sloped roof design would be the most aligned with the proposed Contemporary Agrarian architectural style of the project.

The second requested concession is a concession from County Inland Land Use Ordinance Section 22.30.490 to allow for residential land uses to be established as a principal use on a parcel within the Commercial Retail land use category. The northern portion of Parcel 1 is located within the Central Business District of the community of Nipomo (see Figure 3). Nipomo Community Standards Section 22.108.040.C state that multi-family dwellings can be authorized as a principal land use on land within the Commercial Retail land use category located within the Central Business District with Conditional Use Permit approval. However, the remaining areas of the project site not located within the Central Business District would be subject to Section 22.30.490 of the County Inland LUO, which dictates that multi-family residential development may be authorized as a principle use through minor use or conditional use permit approval only if certain requirements are satisfied, one of which is that the site must be designed such that at least 50% of the floor area may be occupied for principal commercial use. The project applicant is requesting a concession from this requirement so that the project site, in its entirety, can be built out with residential multi-family uses without having to design the project to accommodate commercial uses.

Based on a noise impact assessment prepared for the project, an 8-foot-tall noise wall to be located along a southern portion of the eastern project frontage has been incorporated into the project to reduce impacts related to existing ambient noise primarily associated with US 101 (see Section XIII, *Noise*, for further details). However, standards set forth in Section 22.10.080 of the County Inland LUO currently limit fences or walls located within the street side setback of a property to 6 feet and 6 inches with a minor use permit. Therefore, the project also includes a request to modify the maximum height standards set forth in County LUO Section 22.10.080 to allow for the construction of a noise wall 8 feet in height along the eastern frontage of the project property where 6 feet 6 inches is currently allowed.

Lastly, the project includes a request for an exception from Policy 5.3, Standard C of the *West Tefft Corridor Design Plan* to allow for front and side setbacks of 19 feet 2 inches and 42 feet 1 inch where a maximum of 0 feet is currently required. As noted above, a small area of the northern portion of the project site is located within the *West Tefft Corridor Design Plan* (which generally extends approximately 100 feet into the project site from the northern property line). Policy 5.3, Standard C requires front and street-side setbacks for the portions of the property within the West Tefft Corridor Design Plan area from the street right-of-way to be a maximum of 0 feet, with building space occupying at least 70% of the frontage at the setback. Policy 5.3, Standard C allows for additional setback distance of more than 5 feet under Policy 5.3, Standard A.4 if the project is designed to reveal or express building and site interior areas and functions, provide vertical and landscaped relief to buildings, and provide space for outdoor activity. As designed, the project meets these requirements. As described in further detail below, the front property line for the project site is located along the Hill Street right-of-way and the street-side property line is located along the South Frontage Road right-of-way. As proposed, the proposed project front and side development setbacks would be in compliance with current County Inland LUO standards for corner lot properties within the CR land use category per County Inland LUO Section 22.10.140.E.

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Apartment Buildings

The project includes 313 multi-family residential units, of which 73 units (approximately 24%) would be HASLO-owned affordable housing units designated for occupancy by lower-income households (Figure 3). Lower-income households, as defined in County Inland LUO Section 22.12.030, include households earning no more than 80% of the Area Median Income (AMI).

The proposed 240 market-rate housing units would be configured within 15 three-story apartment buildings, including two different building designs—Building A (10 buildings) and Building B (five buildings). Apartment buildings utilizing the Building A design would generally be located within the western half of the project site and would include 20 studio flats, 20 one-bedroom flats, 40 two-bedroom flats, 20 three-bedroom townhouses, and 40 three-bedroom townhouses. Apartment buildings utilizing the Building B design would be generally located within the eastern half of the project site and would include 15 studio flats, 45 one-bedroom flats, and 60 two-bedroom flats. Both Building A and B designs would be designed to be all electric buildings.

The 73 affordable housing units would be located within two three-story apartment buildings, referred to as Building C (designed for seniors) and Building D (designed for families). Building C would include 11 studio flats, 30 one-bedroom flats, a two-bedroom manager unit, a community room, a leasing office, and a common laundry area. Building D would include 13 one-bedroom flats, nine two-bedroom flats, eight three-bedroom flats, a three-bedroom manager unit, a community room, a leasing office, and a common laundry area. Both Buildings C and D would be all-electric buildings and would receive separate utility metering from the other buildings on-site. Both parcels in which Buildings C and D would be constructed would be owned and operated by HASLO upon completion of construction.

A summary of the proposed multi-family apartment buildings is provided in Table 2.

Table 2. Summary of Proposed Multi-Family Apartment Buildings

Building Design	Number of Buildings	Affordability	Individual Building Square Footage (sf)	Number of Units per Building	Energy Connections
A	10	Market-rate	11,422	12	All-electric
B	5	Market-rate	19,665	24	All-electric
C	1	Affordable – lower income	26,247	42	All-electric
D	1	Affordable – lower income	22,557	31	All-electric

As described above, each of the proposed residential apartment building designs would be three stories tall. Apartment building heights would generally range between 45 and 49 feet 6 inches above average natural grade. The project proposes all proposed structures to have a Contemporary Agrarian style that reflects historical design themes from the broader community of Nipomo while integrating contemporary building and design elements (see Figure 5). In addition, all proposed structures would be constructed with rooftop solar panels.

A summary of the required and proposed project development setbacks is provided in Table 3.

Table 3. Proposed Development Setbacks

Setback	Required Setback	Proposed Setback
Front (Hill Street)	Maximum 0 feet[1]	19 feet, 2 inches
Side (South Frontage Road)	Within Central Business District: 0 feet minimum Outside of Central Business District: minimum 30 feet	42 feet, 1 inch
Interior Side (western property lines)	No interior side setback required; minimum 10 feet if adjacent to residential land uses	15 feet adjacent to non-residential land use; 33 feet, 4 inches adjacent to residential land uses
Rear (Grande Avenue)	Minimum 15 feet	25 feet

[1] Maximum 0 feet as required by the *West Tefft Design Plan*. No front setback is otherwise required per County Inland LUO Section 22.10.140.D3. See the above discussion for the requested exception from the *West Tefft Design Plan* front setback standard.

Amenities

The project includes numerous amenities to be included in the development of the project site.

Affordable housing financing regulations set forth by the California Tax Credit Allocation Committee (TCAC) (California Code of Regulations Title 4, Division 17, Chapter 1) dictate certain site amenities be provided on parcel(s) on which affordable housing will be constructed in order for projects to qualify for a California Low Income Housing Tax Credit (State of California 2023). Therefore, amenities provided on-site are described in this document based on their location within the affordable housing community parcels or the market rate housing community parcel.

Amenities provided within the affordable housing community on Parcel 2 and Parcel 3 would generally include, but not be limited to, a "tot lot" (amenities for children ages 2–12), outdoor amenities for children ages 13 to 17, a community garden, open space and seating areas, trees and landscaping, and walking paths.

Amenities provided for residents of the market-rate housing community would generally include, but not be limited to, a clubhouse with a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, a neighborhood park, trees and landscaping, walking paths, electronic packaging services and mail courtyard, and a maintenance shed. Some amenities will require natural gas service including, but not limited to, the pool facilities, outdoor firepits, and outdoor grills.

The project includes a conceptual landscaping plan to include planting of street trees, ornamental trees, shade trees, shrubs, grasses, groundcover, other planted vegetation, and on-site bioretention basins. Street trees would generally be planted every 50 feet along the project site's street frontage of Hill Street, South Frontage Road, and Grande Avenue.

On-Site Improvements

The project would include construction of improved vehicle access to and from the site from Grande Avenue and Hill Street, as well as construction of a new vehicle access point off South Frontage Road (see Figure 3). All three vehicle access driveway aprons and internal vehicle access roadways would be paved.

The project includes provision of eight common trash enclosure areas for solid waste disposal, each including disposal bins for solid waste, organic waste, and recyclable materials. Each area would be enclosed by a 6-foot-tall cinder block wall with gates and would have a metal roof extending an additional 4 feet above the enclosure for a total height of 10 feet.

The project has been designed to capture and treat stormwater runoff generated by the 85th percentile 24-hour storm event. On-site stormwater controls generally include systems of shallow bioretention areas along the frontage of South Frontage Road, inlets, stormwater drains, pipes, and three underground stormwater storage chambers.

Based on a noise impact assessment prepared for the project, an 8-foot-tall noise wall to be located along a southern portion of the eastern project frontage has been incorporated into the project to reduce impacts related to existing ambient noise primarily associated with US 101. The wall would be a minimum of 8 feet tall at locations parallel to Frontage Road on the south side of the project site and a minimum of six feet at locations parallel to Frontage Road on the north side of the project site (see Section XIII, *Noise*, for further details).

The project would include installation of streetlights along Hill Street, Grande Avenue, and South Frontage Road and exterior lighting throughout the project site as needed to illuminate walkways and building access entryways. Project lighting would be ground-mounted, directed downward, and shielded so as to minimize disturbance to wildlife, impair views of the night sky, or impair vision of drivers traveling on adjacent roadways. All proposed lighting would be required to be designed to be in full compliance with standards and objectives set forth in the County Land Use Ordinance, and all proposed lighting located within the West Tefft Corridor Design Plan area would also be subject to the lighting standards set forth in the West Tefft Corridor Design Plan.

Parking

The project includes on-site parking spaces in accordance with allowed parking ratios under the State Density Bonus Law. For the market-rate housing neighborhood, the project includes 353 on-site parking spaces, which includes 273 surface parking spaces and 80 enclosed parking spaces. Surface parking spaces would include 12 Americans with Disabilities Act (ADA)-compliant spaces, consisting of 10 standard vehicle spaces and two van spaces. Of the 80 enclosed spaces, 20 would be ADA compliant. For the affordable housing neighborhood, Building C would include 32 total surface parking spaces, including 6 ADA-compliance spaces consisting of five standard vehicle spaces and 1 van space, and Building D would include 42 surface parking spaces, including 4 ADA-compliance spaces consisting of three standard vehicle spaces and one van space.

Off-Site Improvements

The project includes off-site roadway improvements on Hill Street, South Frontage Road, and Grande Avenue along the project site frontages. Proposed improvements along Hill Street include installation of sidewalk, curb, and gutter along the southern side of Hill Street and widening the roadway to accommodate a 12-foot-wide eastbound right-turn lane, a 12-foot-wide eastbound left-turn lane, and a 4-foot-wide

eastbound bicycle lane at the intersection of Hill Street and South Frontage Road. Improvements at the Hill Street/South Frontage Road intersection would also include installation of a pedestrian curb ramp at the southwestern corner of the intersection.

Proposed roadway improvements to South Frontage Road include widening the roadway to accommodate two 12-foot-wide vehicle travel lanes in each direction, a continuous left-turn lane, and a 6-foot-wide bicycle lane in each direction between Hill Street and Grande Avenue, as well as installation of a sidewalk, curb, and gutter along the south side of the roadway. The project would also include conversion of the South Frontage Road/Hill Street intersection to an all-way stop-controlled intersection, installation of an electronic sign on the existing signal pole located at the Tefft Street/South Frontage Road/U.S. 101 southbound off ramp intersection, and modification of the signal timing of this intersection (see Section XVII., *Transportation* for additional details).

Proposed roadway improvements along Grande Avenue include construction of new sidewalk, curb, and gutter along the northern side of the existing roadway. The project also includes construction of a new pedestrian curb ramp on the northwest corner of the Grande Avenue/South Frontage Road intersection.

The project would include undergrounding of existing overhead electricity lines along the southern and eastern frontages of the project site. The project would also include construction and installation of connections to the Nipomo Community Services District (NCSD) water and wastewater systems. Parcel 1 will include a connecting waterline to an existing waterline located beneath Hill Street for fire water, irrigation water, and domestic water. Parcels 2 and 3 will include a connecting waterline for fire water, two connecting waterlines for irrigation water, and two connecting waterlines for domestic water to an existing waterline located beneath Grande Avenue. Lastly, the entire project site will utilize a connection to the existing sanitary sewer line in Grande Avenue within the intersection of Grande Avenue and Avenida de Amigos.

Based on a preliminary analysis of existing waterline capacity and projected project flows, the project also includes replacing approximately 596 linear feet of the existing 8-inch-diameter waterline within Grande Avenue with a new 12-inch-diameter water line, as well as installation of a new 12-inch-diameter water line within South Frontage Road. These improvements would be located within each roadway along the frontage of the project site (see Figure 2). The exact design and extent of these improvements would be determined by the NCSD.

Construction

Construction of the proposed on- and off-site improvements and market-rate apartment buildings is anticipated to take approximately 32 months to complete. Development of affordable housing apartment buildings would occur in conjunction with receipt of applicable state and local funding cycles. The proposed project would generally be developed in a sequence of phases, as shown in Table 4 and Figure 6.

Table 4. Preliminary Project Development Phasing Plan

Phase	Description
1	Off-site improvements and on-site paving, flatwork, and utilities within limits shown on plan
2[1]	On-site paving, flatwork, and utilities within limits as shown in Figure 6
3	Clubhouse, two Building Bs, and amenities within limits shown in Figure 6
4	Two Building Bs and amenities within limits shown in Figure 6
5	Two Building As
6	Two Building As
7	Two Building As
8	Two Building As and amenities within limits shown in Figure 6
9	One Building A, one Building B, and amenities within limits shown in Figure 6
10	One Building A
HASLO A	On-site paving, flatwork, and utilities within limits shown in Figure 6
HASLO B	Building C and amenities within limits shown in Figure 6
HASLO C	Building D and amenities within limits shown in Figure 6

[1] Underground utilities and storm facilities to be installed during Phase 1, and surface improvements to be completed in conjunction with Phase 5.

Construction of the proposed project is anticipated to require a minimum of 10 workers on-site during grading and site work, a maximum of 200 construction workers on-site, and an overall average of 100 workers on-site throughout the duration of the 32-month construction period. Based on information provided by the project applicant, the development of the market-rate housing community would generally begin with minimal staff and then steadily increase to the maximum and then decrease as earlier phases are completed and occupied. Construction staff would generally work in the order of the phases but much of the work on each phase would be done concurrently with other phases. For example, construction staff and equipment associated with constructing building foundations would begin to lay foundations for the Phase 4 after completing foundations for Phase 3, and foundations may be constructed for Phase 10 at the same time that final architectural finishes are being implemented for Phase 3.

The proposed affordable housing community would be built out in three phases (indicated in Table 4 as HASLO A, B, and C). Due to the unknown timing of receipt of funding for development of the affordable housing community, the timing of implementation of these phases would be independent from the development of the market-rate housing community. For the purposes of this document, it is assumed that the affordable housing community would be built within the same 32-month timeframe as the market-rate housing community in order to analyze a reasonable, worst-case scenario.

The project would result in 10.48 acres of site disturbance on-site, including approximately 55,585 cubic yards of cut material and 15,830 cubic yards of fill material, resulting in approximately 39,755 cubic yards of materials to be exported off-site. The project would result in the removal of approximately 24 blue gum eucalyptus trees and other vegetation on-site. Off-site improvements would result in 1.94 acres of site

disturbance, including approximately 2,318 cubic yards of cut material and 237 cubic yards of fill material, resulting in approximately 2,081 additional cubic yards of materials to be exported.

Construction work would generally occur on weekdays between 7:00 a.m. and 5:00 p.m. with occasional work occurring between 5:00 p.m. and 7:00 p.m. Work during nighttime hours, though not currently planned, may be necessary for proposed utility connection work based on potential temporary interruptions to service.

Operation

Upon completion of the full buildout of the project, the total on-site residential population is anticipated to be approximately 845 people (RRM Design Group [RRM] 2023). In addition, the project would create employment opportunities for property management and maintenance of landscaping and facilities on-site and is anticipated to require nine full-time employees. Therefore, the total on-site population of the project at buildout (assuming 100% occupancy of residential units) would be 854 people.

The proposed residential uses are estimated to result in an annual water demand of 52.6 acre-feet per year (AFY) and generation of approximately 17.2 million gallons of wastewater per year (Walsh Engineering 2023). The estimated non-residential water demand for the project including landscaping, the clubhouse, and the pool facilities would be approximately 156,400 gallons per year (0.5 AFY). The project would be served by Waste Connect for solid waste collection and disposal services, Pacific Gas and Electric Company (PG&E) for electricity services, and Southern California Gas Company (SoCalGas) for natural gas services.

Based on the estimated on-site population of the project, the project is anticipated to result in the generation of approximately 2,082 new daily vehicle trips, including 120 AM and 156 PM peak hour trips (Central Coast Transportation Consulting [CCTC] 2022b).

Baseline Conditions

The project site is currently undeveloped and characterized by nearly level to gently sloping topography. The project site generally supports nonnative grassland and scrub vegetation cover, disturbed areas, and scattered blue gum eucalyptus trees that are generally located on the western portion of the site. There are no mapped blue-line creeks or other surface water features on the project site. There are no current uses of the property, with the exception of several houseless encampments on the northern portion of the property. All three project parcels are currently located within the CR land use category and the northern portion of Parcel 1 is located within the Central Business District designation, which extends approximately 540 feet south from Hill Street. A small area in the northern portion of the project site is also located within the *West Tefft Corridor Design Plan* area (see Figure 3).

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ASSESSOR PARCEL NUMBER(S): 092-579-005, 092-579-006, 092-579-007, 092-579-008, and 092-579-009

Latitude: 35 2' 0" **Longitude:** 120 28' 56" **SUPERVISORIAL DISTRICT #** 4

B. Existing Setting

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

Land Use Category: Commercial Retail

Combining Designation: Central Business District

Parcel Size: Total property size: 10.48 acres

Topography: Nearly level to gently rolling

Vegetation: Grasses, Eucalyptus trees, Ruderal, ,

Existing Uses: Undeveloped,

Surrounding Land Use Categories and Uses:

North: Commercial Retail; retail commercial

East: Not applicable; South Frontage Road, U.S. Highway 101

South: Residential Multi-Family; multi-family residences, single-family residence(s)

West: Commercial Retail, Residential Multi-Family; single-family residence(s) , undeveloped

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Figure 1. Project Vicinity Map.

Initial Study – Environmental Checklist

Figure 2. Project Location Map.

Initial Study – Environmental Checklist

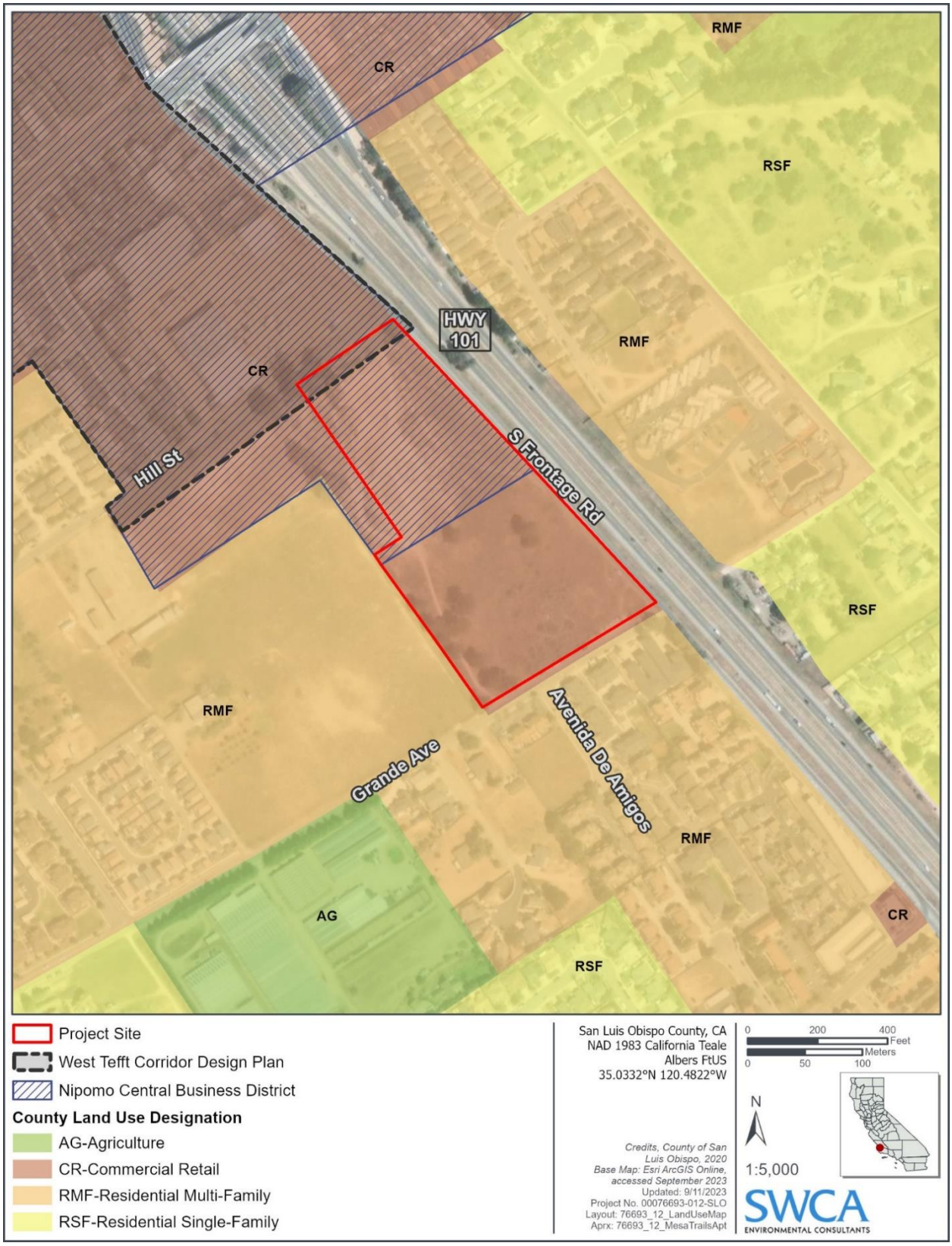

Figure 3. Land Use Map.

SWCA ENVIRONMENTAL CONSULTANTS

Source: RRM Design Group, March 13, 2023

Figure 4. Proposed Site Plan.

Figure 5. Building A Elevations.

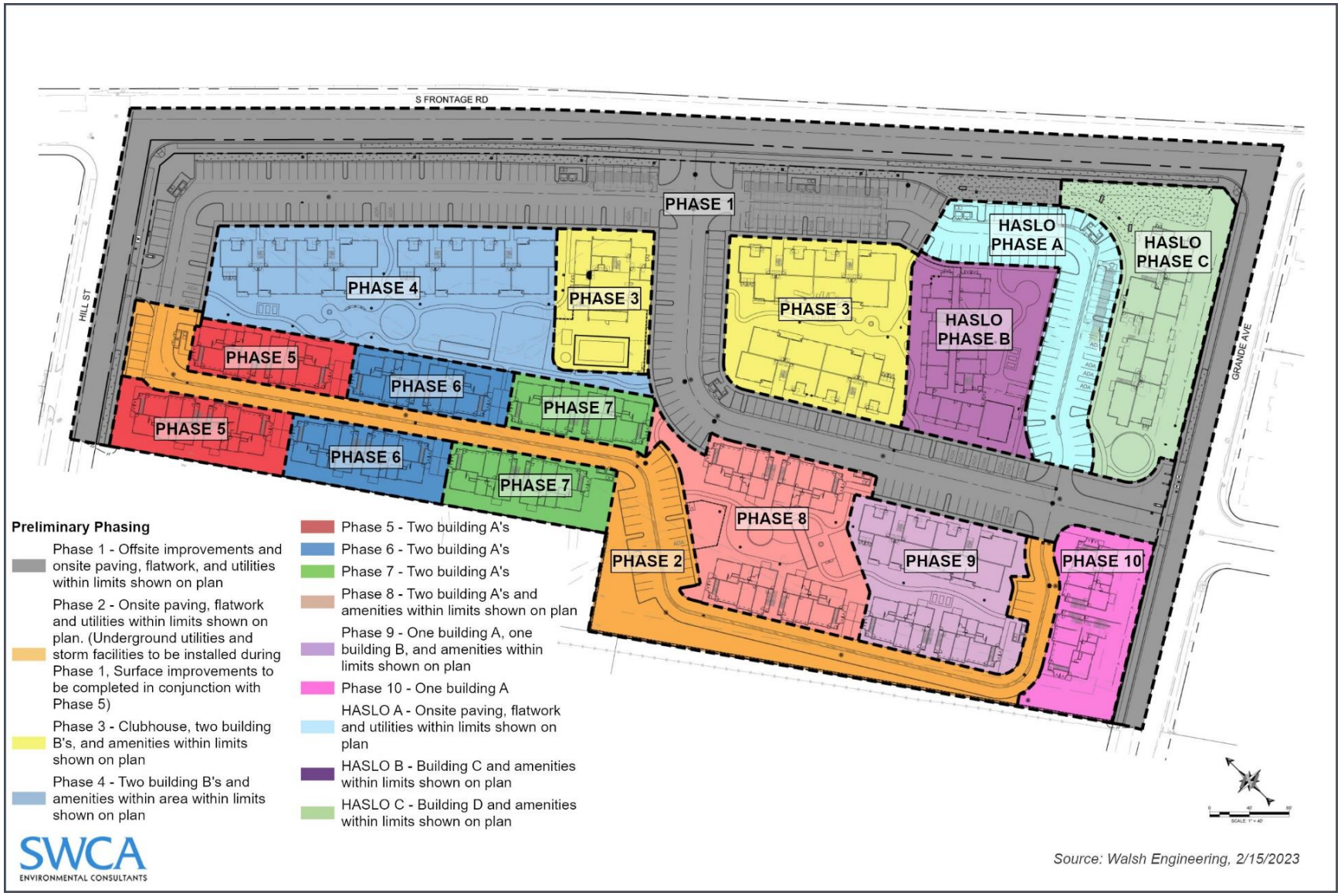

Figure 6. Preliminary Phasing Plan.

Initial Study – Environmental Checklist

C. Environmental Analysis

The Initital Study Checklist provides detailed information about the environmental impacts of the proposed project and mitigation measures to lessen the impacts. All mitigation measures identified in this document are provided in Appendix A.

I. AESTHETICS

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

Setting

California Scenic Highway Program

The California Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. Scenic Highways within San Luis Obispo County include US 101, State Route 46 (SR 46), portions of State Route 41 (SR 41), State Route 1 (SR 1), and Nacimiento Lake Drive.

The project site is located approximately 65 feet southwest of US 101. US 101 is designated as Eligible for listing as a State Scenic Highway at this location (California Department of Transportation [Caltrans] 2018).

Initial Study – Environmental Checklist

An eligible State highway can become officially designated through a process in which the local governing body applies to the California Department of Transportation (Caltrans) for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a State Scenic Highway by the Caltrans Director (Caltrans 2023).

County Design Guidelines

The San Luis Obispo County Design Guidelines consists of design objectives, guidelines, and examples intended to help retain and enhance the unique character of the unincorporated communities and rural areas of San Luis Obispo County. The Design Guidelines are intended to serve as an information resource for project designers and other interested people and is not intended to be a regulatory document (County of San Luis Obispo 1988).

County Conservation and Open Space Element

San Luis obispo County's visual resources consist of open areas (agricultural and natural, undeveloped land), scenic corridors (areas that have scenic or historic qualities that are visible from recognized roadways), and the built environment (urban landscape). The Conservation and Open Space Element (COSE) of the County of San Luis Obispo General Plan identifies several goals for visual resources of the county applicable to the project, listed below:

- **Goal VR 3:** The visual identities of communities will be preserved by maintaining rural separation between them.
- **Goal VR 4:** Protect visual resources within visual sensitive resource areas for scenic corridors.
- **Goal VR 6:** A cohesive visual character will be maintained in urban areas.
- **Goal VR 7:** Views of the night sky and its constellation of stars will be maintained.
- **Goal VR 8:** Visual intrusions of signs will be minimized within public view corridors.
- **Goal VR 9:** The visual effects of utility lines will be minimized.

The County COSE includes a map of designated areas where specialized scenic protection policies apply, including the SRA combining designations, zoning overlays used to protect certain scenic areas, and areas subject to the County Highway Corridor Design Standards (described in detail below). The project site is not located in an area subject to any of these specialized scenic protection measures. However, the County COSE also includes a list of candidate roadways for potential future designation as scenic corridors, and US 101 is included in this list.

County of San Luis Obispo Land Use Ordinance

The LUO defines a Sensitive Resource Area (SRA) combining designation that applies to areas having high environmental quality and special ecological or educational significance. These designated areas are considered visual resources by the County, and the LUO establishes specific standards for projects located within these areas. These standards include, but are not limited to, setback distances from public viewpoints, prohibition of development that silhouettes against the sky, grading slope limitations, set back distances from significant rock outcrops, design standards including height limitations and color palette, and landscaping plan requirements. The subject property is not located within an SRA designated by the County.

The County has adopted Highway Corridor Design Standards along US 101 that address residential and related development. Scenic corridors are view areas, or "viewsheds," from popular public roads and highways that have unique or outstanding scenic qualities. Inappropriate development or billboards can

intrude upon these viewsheds. The LUO maps portions of the Salinas River Highway Corridor, the San Luis Obispo Highway Corridor, and the South County Highway Corridor to comply with County Highway Corridor Design Standards. These standards include but are not limited to setbacks from highway rights-of-way, guidelines for development along ridgelines, limitations on graded slopes, protection of landmark features, and standards for building height and color (LUO 22.10.095). The project is not located in an area subject to the County Highway Corridor Design Standards (County of San Luis Obispo 2023).

South County Area Plan

The South County Area Plan identifies where land use categories are applied within the planning area and establishes policies and programs for land use, circulation, public facilities, services, and resources that apply areawide, in rural areas, and/or in unincorporated urban areas adjacent to cities. The South County Area Plan provides the following guidance related to visual resources:

> ***1.5 Vision for South County (South) Sub-Area***
>
> *The vision for the South County (South) sub-area revolves around three significant findings made during the studies leading to the evolution of this area: (1) the desire to protect the essentially rural character of the area and protect the continuation of economic agriculture; (2) the recognition that the current economic base is not capable of providing the public services desired; and (3) the desire of the Nipomo community to be self-governing. Further, the vision of this plan recognizes limited water resources that are incapable of supporting unlimited growth.*
>
> *The South County (South) sub-area in 2013 has achieved a successful economic climate and yet maintained rural character. A relationship has evolved between an active economy and an older natural ambience that is evident throughout the sub-area. A peaceful rural atmosphere still prevails around and between Nipomo and the villages. A unique combination of seclusion and activity is apparent along the roads and streets in the sub-area.*
>
> ***Achieving the Vision***
>
> *Rural Character*
>
> *The separation of communities by open countryside gives them a basic identity. Large agricultural areas between Santa Maria, Nipomo and Arroyo Grande imbue that atmosphere. Rural character is also achieved by development in a rural residential density which is the dominant land use on the Nipomo Mesa between the urban and village areas. A combination of this overall low density and development which is sensitive to this issue retains and maintains rural charm. New development fits within a rural ambiance both through standard and clustered subdivision designs. Development within rural villages and site-sensitive treatment in scenic areas further enhances this quality of life.*
>
> *Pedestrian-Supportive Development*
>
> *Pedestrian environments successfully separate the automobile from places where people walk, shop and work. Uses are placed closer together than in normal shopping center development, and the sidewalk is the people-oriented connection that links people to uses. Whether in downtown Nipomo or in a neighborhood center, placing buildings at or near the street, at close intervals, with obvious connections to anchor stores will enhance community life and will reduce the need to drive automobiles and thereby minimize traffic congestion.*

Nipomo Community Plan

The *Nipomo Community Plan*, included in Part III of the LUCE, is intended to provide a long-term guide for land use and transportation within the community of Nipomo (County of San Luis Obispo 2014). The *Nipomo Community Plan* provides programs that are more specifically applicable to the community of Nipomo. The *Nipomo Community Plan* is consistent with other General Plan elements and provides the following guidance related to visual resources:

Chapter 4: Land Use

4.4 Land Use Concepts for Nipomo

A strong public interest exists in retaining the open, suburban character of Nipomo. Lower density development in a band of the Residential Suburban land use category surrounds most of the community. However, within the Residential Single Family and Residential Multi-Family categories, greater densities will increase and reduce the suburban character in exchange for more affordable and convenient housing. Some elements of suburban character can be retained and encouraged with the inclusion of the following guidelines:

1. *The County Parks and Recreation Element should include the addition of small parks in this area. Park fees that are generated from this region should be used in the higher density areas in the urban core consistent with the parkland dedication ordinance (Chapter 9 of Title 21).*
2. *Suburban character can be enhanced through curvilinear street layout, wide and varied building setbacks, dense landscaping, and multi-use paths along streets. The street circulation in this area should be designed to connect neighborhoods with shopping areas, parks and schools to provide a pedestrian environment.*
3. *Open space can be retained by developing community drainage basins that detain area-wide storm water, or by installing smaller basins within new subdivisions to reduce area flooding. Drainage basins should be designed to allow for multiple uses when feasible.*
4. *As projects develop, attention to open uses should be evaluated to maximize the quality of life.*

4.5 Nipomo Land Use Categories

Residential Multi-Family

Design Concerns. *Care should be taken to retain portions of the existing Eucalyptus groves as integral parts of open space that is required within overall site design. Future developments should be heavily screened and landscaped along the freeway and there should be ample recreation spaces provided, with pedestrian and bicycle paths through the area. An architectural character should also be developed that will give the area a distinct identity to which the residents can relate.*

Commercial Retail

Central Business District Design*. The appearance of the central business district should include streets bordered by buildings, structured open spaces such as plazas that provide focal points for the streets and pedestrian streets or paseos between streets, as well as short blocks to form a network of local streets. The area should be laid out as a network of attractive business streets by*

utilizing local street connections, architectural harmony, signing, and landscaping to create a desired community theme, as illustrated in Figure 4-6. Tefft, Orchard and Thompson Streets should be designed with tree lined sidewalks. Development should be consistent with the Olde Towne Nipomo Design and Circulation Plan for the CBD located east of Highway 101, and with the West Tefft Corridor Design Plan west of Highway 101. These design plans provide background information, policies, and standards for development applications, and they are incorporated into the Land Use Ordinance.

West Tefft Corridor Design Standards

A small area of the northern portion of the project site is located within the West Tefft Corridor Design Plan (generally extends approximately 100 feet from the project site property line). The West Tefft Corridor Design Plan includes standards for scenic resources, as detailed below:

A. ***Scenic Resources.*** *Building setbacks at the street frontage and between buildings shall be located and designed to retain at least 50 percent of the view of Temattate Ridge and other scenic resources as seen from the traffic lane nearest the site. Views of Temattate Ridge and other scenic resources, such as large oak trees or forested hillsides, shall also be included in project designs for groundlevel viewing from within and external to project sites.*

1. *Views are encouraged to be incorporated and retained into project design in addition to the street setbacks, such as from walkways, plazas, windows and planned view points on upper floors and roofs. When it is uncertain that at least 50 percent of existing views of Temattate Ridge or other scenic resources will be retained by a proposed project, the applicant shall be required to have a visual study prepared that identifies the extent of visual resources and project impacts, and that proposes design measures to avoid or mitigate significant impacts.*
2. *Where views are already at least 50 percent blocked by development and/or trees, new development within the obscured areas is not considered an impact to the resource, so long as no additional percentage of the view is obstructed.*

Existing Site Conditions

The Nipomo region has a generally rural/suburban visual character, with agriculture, open space, and various density residential areas making up much of the land use. The community of Nipomo serves as a commercial center between Arroyo Grande and Santa Maria. Although the region is becoming somewhat more urbanized, the area still maintains a well-vegetated visual character, due in large part to the mature eucalyptus trees and the native oaks scattered throughout the area. The Newsom and Temattate Ridges are the scenic backdrop to the Nipomo Valley, located to the north and east of the community, respectively.

The project site is currently undeveloped and characterized by nearly level to gently sloping topography (see Figure 7 and Figure 8). The project site generally supports nonnative grassland and scrub vegetation cover, disturbed areas, and scattered blue gum eucalyptus trees that are generally located on the western portion of the site. There are no mapped blue-line creeks or other surface water features on the project site. There are no current uses of the property, with the exception of several houseless encampments on the northern portion of the property.

The project site is currently surrounded by Hill Street and commercial retail uses to the north, South Frontage Road and US 101 to the east, Grande Avenue and single- and multi-family residential uses to the south, and low-density residential uses and undeveloped land to the west.

Figure 7. Photograph of project site taken near Hill Street, facing south (August 2, 2023).

Figure 8. Photograph of project site taken near center of property, facing north (August 2, 2023).

Figure 9. Photograph of Temattate Ridge taken near center western edge of project site, facing east (August 2, 2023).

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. Vistas are inherently expansive views, usually from an open area or an elevated point. Some scenic vistas are officially or informally designated by public agencies or other organizations. 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. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

The project site would be primarily visible to the public via surrounding public roadways, including Hill Street, South Frontage Road, Grande Avenue, and US 101. The subject property is not located within an SRA designated by the County or in an area subject to the County Highway Corridor Design Standards (County of San Luis Obispo 2023). The project site is located within a developed landscape and is generally surrounded by commercial retail and residential uses to the north, west, and south, and South Frontage Road and US 101 to the east. The project site is not located in an officially designated scenic vista and the site and surrounding area do not provide expansive views of a high-quality scenic landscape, therefore the site and surrounding area do not meet the criteria to be considered an unofficial scenic vista.

Currently viewers travelling east on Hill Street have partially obstructed views (via existing development and trees) of the Temattate Ridge, which provides a high-quality scenic backdrop for much of the community. The County identifies the Temettate Ridge east of Nipomo and US 101 between Arroyo Grande and State Route 166 as an "Area subject to scenic Protection Standards." Views of the Temattate Ridge as seen from these adjacent roadways are not expansive, and therefore are not considered scenic vistas.

The project is not located in a scenic vista and would not otherwise have a substantial adverse effect on a scenic vista. Therefore, impacts would be *less than significant*.

(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 65 feet southwest of US 101. US 101 is designated as Eligible for listing as a State Scenic Highway at this location (California Department of Transportation [Caltrans] 2018). Pursuant to Appendix G of the California Environmental Quality Act Guidelines, this impact analysis only pertains to State of California "Officially Designated" scenic highways. Therefore, *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 a suburban area within the Nipomo URL. All three project site parcels are currently located within the Commercial Retail (CR) land use category, and the northern portion of the project site is also located within the Central Business District designation, which extends approximately 540 feet south from Hill Street. In addition, a small area of the northern portion of the project site is located within the *West Tefft Corridor Design Plan*, which generally extends approximately 100 feet from the project site property line.

A detailed analysis of the project's consistency with applicable County plans and policies governing scenic quality is provided below.

County of San Luis Obispo General Plan

While County decision makers have the ultimate authority to determine project consistency with County General Plan goals and policies, a preliminary analysis of the project's consistency with applicable County General Plan Goals and Policies pertaining to visual resources and scenic quality is provided in Table 5.

Table 5. Project Consistency with County General Plan Scenic Quality Goals/Policies

County General Plan Goal/Policy	Preliminary Project Consistency Determination
Conservation Open Space Element	
Goal VR 3. The visual identities of communities will be preserved by maintaining rural separation between them.	**Potentially Consistent.** The project is located within the Nipomo URL and is generally surrounded on all sides by existing urban development. The project would not result in development of urban land uses in a rural area and existing rural community separators surrounding the community of Nipomo would not be impacted by the project.
Goal VR 4. Protect visual resources within visual sensitive resource areas for scenic corridors.	**Potentially Consistent.** The project site is not located within an SRA combining designation. While the project would be located within the viewshed of US 101, US 101 is not identified as a scenic corridor in the County General Plan at this location.
Goal VR 6. A cohesive visual character will be maintained in urban areas.	**Potentially Consistent.** The project proposes all proposed structures to have a Contemporary Agrarian style that reflects historical design themes from the broader community of Nipomo while integrating contemporary building and design elements. Proposed building colors and materials provide visual interest and are consistent with those found within the project site vicinity, while also reflecting similar materials found within the Nipomo central business district. The project includes a conceptual landscaping plan (Abbott|Reed, Housing Authority of San Luis Obispo, Housing Authority of San Luis Obispo, and RRM Design Group 2023; Appendix B) to include planting of street trees, ornamental trees, shade trees, shrubs, grasses, groundcover, other planted vegetation, and on-site bioretention basins, as well as planting of street trees every 50 feet along the project site's street frontage of Hill Street, South Frontage Road, and Grande Avenue, consistent with Nipomo's well-vegetated visual character.
Goal VR 7. Views of the night sky and its constellation of stars will be maintained.	**Potentially Consistent.** The project would include installation of streetlights along Hill Street, Grande Avenue, and South Frontage Road and exterior lighting throughout the project site as needed to illuminate walkways and building access entryways. Project lighting would be ground-mounted, directed downward, and shielded so as to minimize disturbance to wildlife, impair views of the night sky, or impair vision of drivers traveling on adjacent roadways.

Table 5. Project Consistency with County General Plan Scenic Quality Goals/Policies

County General Plan Goal/Policy	Preliminary Project Consistency Determination
Goal VR 8. Visual intrusions of signs will be minimized within public view corridors.	Potentially Consistent. The project would include installation of an electronic "NO RIGHT TURN" sign on the existing signal pole located at the Tefft Street/South Frontage Road/U.S. 101 southbound off ramp intersection to be activated during the US 101 Southbound off and on ram left turn phases to improve vehicle traffic flow through the area. The project does not include construction/installation of any signs that would intrude on public view corridors.
Goal VR 9. The visual effects of utility lines will be minimized.	**Potentially Consistent.** The project would include undergrounding existing overhead electricity lines along the southern and eastern frontages of the project site. Other proposed utility connections would either be underground or have been designed to be screened from or blend in with the project aesthetically.
Circulation Element	
Goal 8. Design transportation facilities with the intent to preserve important natural resources and features, promote esthetic quality of the region and minimize environmental damages.	**Potentially Consistent.** The project includes off-site roadway improvements as described in Section A, Project Description. These improvements would include, but not be limited to, installation of bicycle lanes, pedestrian ramps, sidewalks, curbs, and gutters, and construction of an all-way stop control at the intersection of Hill Street and South Frontage Road. All off-site roadway improvements would be designed and constructed in compliance with applicable County Department of Public Works design standards. The project would also include planting of street trees every 50 feet along the project site's street frontage of Hill Street, South Frontage Road, and Grande Avenue, consistent with Nipomo's well-vegetated visual character. Proposed off-site transportation improvements would be located within or directly adjacent to existing roadways and would not have any significant effects on aesthetic resources.
Goal 9. Develop and enhance a system of scenic roads and highways through areas of scenic beauty without imposing undue restrictions on private property, or unnecessarily restricting the placement of agricultural support facilities in agricultural and rural areas.	**Not Applicable.** The project site is not within the viewshed of a State Scenic Highway or roadway that is designated as a scenic corridor by the County General Plan.

Table 5. Project Consistency with County General Plan Scenic Quality Goals/Policies

County General Plan Goal/Policy	Preliminary Project Consistency Determination
Land Use Element	
Principle 2, Policy 7. Phase urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to or near existing development.	**Potentially Consistent.** The project site is located within the Nipomo URL and is generally surrounded by developed land uses. The project site is considered an infill parcel and would include development of urban land uses within an existing community within close proximity to existing goods and services.
Principle 3, Policy 3. Establish and maintain a distinct edge between urban and rural areas to enhance community separation while allowing for appropriate and compact expansion at the urban edge.	
Principle 3, Policy 4. Enhance the commercial identity and viability of downtowns.	**Potentially Consistent.** The project would establish multi-family residential uses within close proximity to existing grocery stores, restaurants, and other commercial businesses within the Nipomo Central Business District and the project's proposed off-site pedestrian and bicycle infrastructure improvements would make these uses more accessible for project residents and surrounding residents.
Principle 4, Policy 4. Provide parks, natural areas, and recreation facilities with new urban development to enhance a community's quality of life and improve public health.	**Potentially Consistent**. Amenities provided within the affordable housing community on Parcel 2 and Parcel 3 would generally include, but not be limited to, a "tot lot" (amenities for children ages 2–12), outdoor amenities for children ages 13 to 17, a community garden, open space and seating areas, trees and landscaping, and walking paths (Abbott|Reed, Housing Authority of San Luis Obispo, Housing Authority of San Luis Obispo, and RRM Design Group; see Appendix B). Amenities provided for residents of the market-rate housing community would generally include, but not be limited to, a clubhouse with a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, a neighborhood park, trees and landscaping, walking paths, electronic packaging services and mail courtyard, and a maintenance shed.

Based on the analysis provided in Table 5, the project would not conflict with applicable goals and policies set forth in the County's General Plan, and impacts would be *less than significant*.

South County Area Plan

The South County Area plan emphasizes maintaining rural character, a strong sense of identity and place, and pedestrian-supportive development. The project is located in an urban setting within the Nipomo URL and is partially located within the Central Business District. The project proposes all

proposed structures to have a Contemporary Agrarian style that reflects historical design themes from the broader community of Nipomo while integrating contemporary building and design elements. Proposed building colors and materials provide visual interest and are consistent with those found within the project site vicinity, while also reflecting similar materials found within the Nipomo central business district. The project includes a conceptual landscaping plan to include planting of street trees, ornamental trees, shade trees, shrubs, grasses, groundcover, other planted vegetation, and on-site bioretention basins, as well as planting of street trees every 50 feet along the project site's street frontage of Hill Street, South Frontage Road, and Grande Avenue, consistent with Nipomo's well-vegetated visual character.

The project includes a number of on-site outdoor open space and recreational amenities that would generally include, but not be limited to, a "tot lot" (amenities for children ages 2–12), outdoor amenities for children ages 13 to 17, a community garden, open space and seating areas, trees and landscaping, walking paths, a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, and a neighborhood park. In addition, the project includes construction of off-site roadway improvements to include sidewalks and bicycle lanes along the project site frontages.

The project would maintain aspects of rural and sub-urban character in its design, includes building colors and materials consistent with those found within the project vicinity, and would provide a number of on-site and off-site pedestrian-oriented amenities and infrastructure improvements. Based on this analysis, the project would not conflict with the South County Area Plan guidance or policies pertaining to governing scenic quality, and impacts would be *less than significant*.

Nipomo Community Plan

The Nipomo Community Plan describes retaining the open, suburban character of Nipomo as a priority, while acknowledging that within the Residential Single Family and Residential Multi-Family categories, greater densities will increase and reduce the suburban character in exchange for more affordable and convenient housing. The project site would retain some elements of suburban character through the Contemporary Agrarian style of the proposed buildings that reflects historical design themes from the broader community of Nipomo while integrating contemporary building and design elements, as well as provision of open space and recreational amenities as described above. The project includes a conceptual landscaping plan to include planting of street trees, ornamental trees, shade trees, shrubs, grasses, groundcover, other planted vegetation, and on-site bioretention basins. In addition, street trees would generally be planted every 50 feet along the project site's street frontage of Hill Street, South Frontage Road, and Grande Avenue. These components would contribute to the project's visual compatibility with the surrounding urban and suburban land uses in the project vicinity in accordance with the Nipomo Community Plan.

The Nipomo Community Plan states that future development within the Multi-Family Residential Land Use Category should be heavily screened and landscaped along the freeway and there should be ample recreation spaces provided, with pedestrian and bicycle paths through the area. While the proposed project is not located within the Multi-Family Residential land use category, these standards provide a helpful reference for the proposed multi-family residential land uses proposed by the project.

The proposed multi-family land uses would be well-screened by proposed landscape plan tree and vegetation plantings as well as the proposed street trees located along Hill Street, South Frontage

Road, and Grande Avenue. The project includes a number of on-site outdoor open space and recreational amenities that would generally include, but not be limited to, a "tot lot" (amenities for children ages 2–12), outdoor amenities for children ages 13 to 17, a community garden, open space and seating areas, trees and landscaping, walking paths, a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, and a neighborhood park. In addition, the project includes construction of off-site roadway improvements to include sidewalks and bicycle lanes along the project site frontages.

Lastly, the Nipomo Community Plan describes the design of land uses within the Commercial Retail land use designation within the Central Business District to be characterized by streets bordered by buildings, structured open spaces, and use of local street connections, architectural harmony, signing, and landscaping to create a desired community theme. As described above, the project buildings have been designed with similar colors, materials, and a Contemporary Agrarian style that reflects historical design themes from the broader community of Nipomo, includes structured open spaces and landscaping, and includes new pedestrian and bicycle infrastructure to foster better connectivity between land uses.

Based on the analysis provided above, the project would not conflict with the design guidelines set forth in the Nipomo Community Plan, and impacts would be *less than significant*.

West Tefft Corridor Design Plan

As noted above, a small area of the northern portion of the project site is located within the *West Tefft Corridor Design Plan* (generally extends approximately 100 feet from the project site property line). The West Tefft Corridor Design Plan includes a standard for scenic quality that requires proposed development within the West Tefft Corridor Design Plan area to retain at least 50% of views of the Temattate Ridge as seen from the traffic lane nearest to the site. The project site plan design includes a front setback distance of 19 feet 2 inches from the property line located adjacent to Hill Street to proposed buildings. Based on the proposed building setback distance, the project's building setbacks have been designed to retain at least 50% of views of the Temattate Ridge as seen by viewers travelling adjacent to the project site via Hill Street in accordance with the West Tefft Corridor Design Plan scenic quality standards (RRM 2023a, 2023b).

The project includes a request for an exception from Policy 5.3, Standard C of the *West Tefft Corridor Design Plan* to allow for front and side setbacks of 19 feet 2 inches and 42 feet 1 inch where a maximum of 0 feet is currently required. Development setback requirements are established for several purposes, one of which being visual character and cohesion with surrounding land uses. While the project would result in a deviation from these setback standards, the increased setbacks proposed would be more appropriate for the proposed residential land uses, they would maintain visual compatibility with surrounding land uses, and they would ensure compliance with the West Tefft Corridor Design Plan scenic quality standards described above to retain views of the Temattate Ridge along adjacent roadways.

Based on the analysis above, the project would not result in a conflict with zoning or an applicable plan or policy governing scenic quality; therefore, 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?

The project would include installation of streetlights along Hill Street, Grande Avenue, and South Frontage Road and exterior lighting throughout the project site as needed to illuminate walkways and building access entryways. Based on information provided by the project applicant, project lighting would be ground-mounted, directed downward, and shielded so as to minimize disturbance to wildlife, impair views of the night sky, or impair vision of drivers traveling on adjacent roadways. Based on the scale and density of proposed development, proposing lighting on-site could have the potential to create a substantial source of nighttime light in the area. Mitigation Measure AES-1 has been identified to require preparation and implementation of an exterior lighting plan that incorporates guidance and best practices endorsed by the International Dark Sky Association and demonstrates full compliance with applicable County LUO standards and lighting standards identified in the West Tefft Corridor Design Plan for lighting located within the West Tefft Corridor Design Plan area.

Glare occurs when a bright source impacts an individual's ability to see. Each of the proposed residential buildings and clubhouse would have rooftop solar photovoltaic (PV) panels installed. Apartment building heights would generally range between 45 and 49 feet 6 inches above average natural grade with a sloped roof design. The clubhouse would have a maximum height of 39 feet 1 inch and also would have a sloped roof design. Due to the height at which rooftop solar panels would be mounted and generally flat topography of the surrounding area, potential for glare to affect surrounding land uses is low. In addition, there are no proximate sensitive land uses such as airports that could be adversely affected by glare.

The project would not result in the creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area; therefore, impacts would be *less than significant with mitigation*.

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. The project has the potential to result in a new source of light and glare that may adversely affect day or nighttime views in the area. With implementation of Mitigation Measure AQ-1 below, impacts associated with light and glare would be reduced to less than significant. Therefore, impacts associated with Aesthetics would be less than significant with mitigation.

Mitigation

AES-1 **Exterior Lighting Plan.** At the time of application for project building permits, the project applicant shall submit an exterior lighting plan to the County of San Luis Obispo Planning Department for review and approval. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association and shall comply with County Title 22 lighting requirements and proposed lighting located within the West Tefft Corridor Design Plan area shall be in compliance with the standards for lighting in the West Tefft Corridor Design Plan. The lighting plan shall include the following:

a. All exterior point-source lighting shall be directed downward and fully shielded from off-site views.
b. Exterior lighting shall be designed so that it does not focus illumination onto exterior walls or the hillside on or adjacent to the proposed development.
c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.
d. Any exterior lighting, including lighting for signs, shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

II. AGRICULTURE AND FORESTRY RESOURCES

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

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

Setting

Farmland Designations

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and current land use. For environmental review purposes under CEQA, the FMMP categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land are considered 'agricultural land'. Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water.

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) the entire project site is designated as Other Land (DOC 2022). Other Land is designated for land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetlands, and riparian areas not suitable for livestock grazing. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land (DOC 2023).

Williamson Act

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The property is not subject to a Williamson Act contract (County of San Luis Obispo 2023a).

On-site Soils

The project site is underlain by one soil type, Oceano sand, 0 to 9 percent slopes (unit 184). This very deep, excessively drained, nearly level to moderately sloping soil has rapid permeability and surface runoff is slow or medium. The hazard of water erosion is slight or moderate, and the hazard of wind erosion is high. Avoid placing septic tank absorption fields near areas of eucalyptus trees. This soil is classified as Farmland of Statewide Importance by the Natural Resources Conservation Service (NRCS; Natural Resources Conservation Service [NRCS] 2023).

Forestland and Timberland

Forestland is defined in Public Resources Code 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. The project site does not support enough native tree cover to meet the criteria to be defined as forest land per PRC Section 12220(g).

Timberland is defined in Public Resources Code Section 4526 as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not meet the definition of timberland per PRC Section 4526.

Discussion

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

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) the entire project site is designated as Other Land (DOC 2022). The project would not result in the conversion of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland as mapped by the FMMP; therefore, *no impacts would occur*.

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

The project site does not include land within the Agriculture land use designation or land subject to a Williamson Act contract. 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.

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

The project site does not include land use designations or zoning for forest land or timberland; therefore, *no impacts would occur.*

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

The project site currently supports scattered blue-gum eucalyptus trees primarily along the western side of the property. The project would result in removal of approximately 29 eucalyptus trees, which is a nonnative tree species (Greenvale Tree Company 2022). The project site does not support enough native tree cover to meet the criteria to be defined as forest land per PRC Section 12220(g). 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 project site is currently surrounded by Hill Street and commercial retail uses to the north, South Frontage Road and US 101 to the east, Grande Avenue and single- and multi-family residential uses to the south, and low-density residential uses and undeveloped land to the west. The project site is not adjacent to or otherwise in close proximity to land within the Agriculture land use category. Development of the project site is considered infill and would not result in indirect development pressures on agricultural lands in the project vicinity or otherwise result in changes in the existing

environment that could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use; therefore, impacts would be *less than significant*.

Conclusion

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

Mitigation

No mitigation is necessary.

III. AIR QUALITY

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

Setting

The project is located in Nipomo, which is located within the South Central Coast Air Basin (SCCAB) and within the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD).

Criteria Air Pollutants

For the protection of public health and welfare, the Clean Air Act (CAA) required that the United States Environmental Protection Agency (U.S. EPA) establish National Ambient Air Quality Standards (NAAQS) for various pollutants. These pollutants are referred to as “criteria” pollutants because the U.S. EPA publishes criteria documents to justify the choice of standards. These standards define the maximum amount of an

air pollutant that can be present in ambient air without harm to the public's health. An ambient air quality standard is generally specified as a concentration averaged over a specific time period, such as one hour, eight hours, 24 hours, or one year. The different averaging times and concentrations are meant to protect against different exposure effects. The CAA allows states to adopt additional or more health-protective standards.

California Air Resources Board

The California Air Resources Board (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. Other CARB duties include monitoring air quality in conjunction with air monitoring networks maintained by air pollution control districts and air quality management districts, establishing California Ambient Air Quality Standards (CAAQS), which in many cases are more stringent than the NAAQS, and setting emissions standards for new motor vehicles.

County of San Luis Obispo Air Pollution Control District

The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the region are maintained. Responsibilities of the SLOAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

San Luis Obispo County Clean Air Plan

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

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated via a 2023 Administrative Update Version) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (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.

Initial Study – Environmental Checklist

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). Operational impacts associated with residential development consist primarily of indirect emissions (i.e., motor vehicles). Certain other 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 air quality impacts:

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

In addition, many architectural coatings consist of oil-based paints. Solvents contained in these paints evaporate into the atmosphere as the paint dries, contributing to local ozone formation.

Sensitive Receptors

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The CARB has identified the following groups who are most likely to be affected by air pollution (i.e., sensitive receptors): children under 14, the elderly over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases. The project site is located within 1,000 feet of multiple sensitive receptor locations, including residential uses located approximately 50 feet south of the southern boundary of the project site, and residential uses located approximately 380 feet west of the northern boundary of the project site.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is not located in an area identified as containing naturally occurring ultramafic rock or serpentine soils by the SLOAPCD (SLOAPCD 2018). However, the project site is located in the vicinity of areas identified by SLOAPCD as having a potential for NOA (AMBIENT Air Quality and Noise Consulting [AMBIENT] 2023).

Odors

Typically, odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (i.e., irritation, anger, or anxiety) to physiological, including circulatory and respiratory effects, nausea, vomiting, and headache.

Neither the State nor the federal governments have adopted rules or regulations for the control of odor sources. The SLOAPCD does not have an individual rule or regulation that specifically addresses odors;

however, odors would be applicable to SLOAPCD's Rule 204, Nuisance. Any actions related to odors would be based on citizen complaints to local governments and the SLOAPCD. The SLOAPCD recommends that odor impacts be addressed in a qualitative manner. Such analysis shall determine if the project results in excessive nuisance odors, as defined under the California Code of Regulations, Health & Safety Code Section 41700, air quality public nuisance (AMBIENT 2023).

Discussion

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

As part of the CCAA, the SLOAPCD is required to develop a plan to achieve and maintain the State ozone standard by the earliest practicable date. The SLOAPCD's 2001 Clean Air Plan (CAP) addresses the attainment and maintenance of state and federal ambient air quality standards.

In order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). In addition, regional vehicle miles traveled (VMT) estimates are relied upon for regional air quality planning purposes and are used to determine the strategies to be implemented to reach the emission reduction targets set by CARB through Senate Bill 375. Therefore, the project has been evaluated for consistency with regional VMT-reduction efforts as well.

Transportation and Land Use Control Measures

The SLOAPCD's CAP includes multiple transportation and land use control measures intended to reduce emissions through reductions in VMT and the promotion of alternative forms of transportation. The control measure applicable to the proposed project is summarized in Table 6. As noted, the proposed project would be consistent with these applicable measures.

Table 6. Project Consistency with SLOAPCD's CAP Land Use Control Measures

Control Measures	Project Consistency
Land Use Planning Strategies	
L-1 Planning Compact Communities. Within cities and unincorporated communities, sprawl has become a characteristic of growth. Development of lower density zones is discouraged. Within a medium density residential area, a high level of transit service is generally supportive for a density of 15 units per acre, or more.	**Potentially Consistent.** The project site is located in a central location within the community of Nipomo and partially within the Central Business District. The proposed project would be located on an approximately 10-acre parcel and construct 315 dwelling units within the parcel. This would result in an approximate density of 31 dwelling units/acre.

Table 6. Project Consistency with SLOAPCD's CAP Land Use Control Measures

Control Measures	Project Consistency
L-3 Balancing Jobs and Housing. Travel from home to work accounts for about one-quarter of all private vehicle trips in a typical urban area; in rural areas this travel component is even higher. The length and location of these trips are important factors in determining the type of transportation alternatives available to the commuter and the quantity of air pollutants generated. If the average travel distance between the home and workplace is relatively long, emissions from private vehicles increase and non-motorized travel alternatives are less viable.	**Potentially Consistent.** The intent of this measure is to minimize commute distances in order to minimize associated vehicle air pollutants and GHG emissions. The proposed project includes the establishment of multi-family residential land uses located partially within and directly adjacent to the Central Business District of the community of Nipomo. As noted in the Transportation Impact Study prepared by CCTC, the project would generate residential VMT per capita of 17.25, which is below the residential VMT per capita of the adjacent pre-screened properties. Therefore, the proposed project would generate VMT levels similar to the adjacent pre-screened areas which would result in a less-than-significant impact on VMT (CCTC 2022a). Accordingly, the project would be consistent with the intent of this land use strategy.
Transportation Control Measures	
T-3 Bicycling and Bikeway Enhancements. The goal of this measure is to encourage a modal shift to bicycles through implementation of infrastructure improvements and administrative actions that provide inexpensive commute options and increased safety and convenience for commuters.	**Potentially Consistent.** The project is located near existing Class II bike lanes along Mary Avenue and Tefft Street. South Frontage Road is designated in County plans as having an existing Class II Bike Route with future Class II bike lanes. The project includes construction of off-site roadway improvements to include Class II bike lanes along the project site frontages along Hill Street and South Frontage Street.

Source: AMBIENT 2023

Projected VMT

The proposed project includes the establishment of multi-family residential land uses. As noted in the Transportation Impact Study prepared by CCTC, the project would generate residential VMT per capita of 17.25, which is below the residential VMT per capita of the adjacent pre-screened properties. Therefore, the proposed project would generate VMT levels similar to the adjacent pre-screened areas which would result in a less-than-significant impact on VMT (CCTC 2022a). Therefore, the project would not result in a conflict with regional VMT-reduction efforts and associated plans and policies.

Particulate Matter Report

In July 2005, SLOAPCD adopted the *Particulate Matter Report* (PM Report). The PM Report identifies various measures and strategies to reduce public exposure to PM emitted from a wide variety of sources, including emissions from permitted stationary sources and fugitive sources, such as construction activities. As discussed under threshold (b), below, uncontrolled fugitive dust generated during construction may result in localized pollutant concentrations that may result in increased

nuisance concerns to nearby land uses. Therefore, construction-generated emissions of PM would be considered to have a potentially significant impact with regard to air quality planning efforts. Mitigation Measures AQ-1 and AQ-2 have been identified to require implementation of measures to reduce construction-related emissions of PM. Mitigation Measure AQ-3 has been identified to require implementation of measures to reduce operational emissions of air pollutants, including PM. Upon implementation of these measures, the project's emissions would not exceed SLOAPCD's recommended emissions significance thresholds (AMBIENT 2023) and the project would be consistent with SLOAPCD's CAP and PM Report. Therefore, impacts would be *less than significant with mitigation*.

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

Construction activities for the subdivision would result in the generation of criteria air pollutants including ozone precursors (reactive organic gases and nitrogen oxides) and fugitive dust. Additionally, future construction of multi-family residential uses would result in additional emissions of pollutants during construction activity. The county is currently designated as non-attainment for ozone and PM_{10} under state ambient air quality standards (CARB 2021). Short-term and long-term emissions have been evaluated in detail, below.

Short-Term Construction Emissions

Construction-generated emissions are of temporary duration, lasting only as long as construction activities occur, but have the potential to represent a significant air quality impact. Construction of the proposed project would result in the temporary generation of emissions associated with site grading and excavation, paving, motor vehicle exhaust associated with construction equipment, and worker trips, as well as the movement of construction equipment on unpaved surfaces. Short-term construction emissions would result in increased emissions of ozone-precursor pollutants (i.e., ROG and NO_x) and emissions of PM. Emissions of ozone-precursors would result from the operation of on- and off-road motorized vehicles and equipment. Emissions of airborne PM are largely dependent on the amount of ground disturbance associated with site preparation activities and can result in increased concentrations of PM that can adversely affect nearby sensitive land uses.

Emissions associated with the construction of the proposed project were calculated using the California Emissions Estimator Model (CalEEMod), version 2022.1.1.2 computer program. Table 7 presents a summary of the maximum daily and quarterly emissions associated with construction of the proposed project. It should be noted that the model was run when the proposed project included development of 315 residential units on-site. The project description and design have since been revised to include two fewer residential units for a total of 313 units. As a result, project-generated emissions would be slightly lower than what is reflected in the data provided below (AMBIENT 2022a).

Table 7. Summary of Project Construction Emissions without Mitigation

Criteria	Project Emissions (lbs/day)	SLOAPCD Significance Threshold		Exceeds Significance Threshold?	
Maximum Daily Emissions of ROG+NO_X	77.54	137 lbs/day		No	
Maximum Daily Emissions of $PM_{2.5}$	2.66	7 lbs/day		No	
	(tons/quarter)	**Tier 1**	**Tier 2**	**Tier 1**	**Tier 2**
Maximum Quarterly Emissions of ROG+NO_X	6.17	2.5 tons/quarter	6.3 tons/quarter	**Yes**	No
Maximum Quarterly Emissions of PM_{10}	0.24	2.5 tons/quarter	None	No	No
Maximum Quarterly Emissions of $PM_{2.5}$ Exhaust	0.07	0.13 tons/quarter	0.32 tons/quarter	No	No

Source: AMBIENT 2023

Note: $PM_{2.5}$ = particulate matter 2.5 micrometers or less in diameter

As presented in Table 7, the maximum daily construction-generated emissions are predicted to be approximately 78 lbs/day of ROG+NO_X and 3 lbs/day of $PM_{2.5}$ Exhaust. Additionally, Table 7 presents the maximum quarterly construction-generated emissions are predicted to be approximately 6.2 tons/quarter of ROG+NO_X, 0.2 tons/quarter of particulate matter 2.5 micrometers or less in diameter ($PM_{2.5}$) Dust, and 0.1 tons/quarter of $PM_{2.5}$ Exhaust. Maximum quarterly construction emissions of ROG+NO_X would exceed SLOAPCD's daily and quarterly Tier 1 significance thresholds but would not exceed the quarterly Tier 2 significance threshold. Emissions would be largely a result of mobile-source emissions associated with construction vehicle and equipment operations anticipated to occur during the building construction phase. Estimated emissions of PM_{10} Dust and $PM_{2.5}$ Exhaust would not exceed SLOAPCD's significance thresholds. However, if uncontrolled, fugitive dust generated during construction may result in localized pollutant concentrations that could exceed ambient air quality standards and result in increased nuisance concerns to nearby land uses. For these reasons, construction-generated emissions would be considered to have a potentially significant impact.

Mitigation Measures AQ-1 and AQ-2 have been identified to require implementation of SLOAPCD-recommended standard mitigation measures and best-available control technology for construction-generated emissions of fugitive dust, as well as mobile-source emissions associated with construction equipment and vehicles. With use of Tier 4 off-road equipment, emissions of ROG+NO_X would be reduced to below SLOAPCD's significance threshold (AMBIENT 2023). Implementation of dust control measures would reduce fugitive dust emissions by approximately 50%, or more. Additional measures have also been identified to reduce evaporative emissions from architectural coasting, including the use of low VOC-content paint and prefinished construction materials. Together these measures would ensure the project's compliance with SLOAPCD's 20%

opacity limit (SLOAPCD Rule 401), nuisance rule (SLOAPCD Rule 402), and minimize potential nuisance impacts to nearby receptors.

Table 8 provides a summary of the mitigated maximum daily and mitigated quarterly emissions associated with construction of the proposed project.

Table 8. Summary of Project Construction Emissions with Mitigation

Criteria	Project Emissions (lbs/day)	SLOAPCD Significance Threshold		Exceeds Significance Threshold?	
Maximum Daily Emissions of ROG+NO_X	17.46	137 lbs/day		No	
Maximum Daily Emissions of $PM_{2.5}$	0.25	7 lbs/day		No	
	(tons/quarter)	**Tier 1**	**Tier 2**	**Tier 1**	**Tier 2**
Maximum Quarterly Emissions of ROG+NO_X	1.4	2.5 tons/quarter	6.3 tons/quarter	No	No
Maximum Quarterly Emissions of PM_{10}	0.24	2.5 tons/quarter	None	No	No
Maximum Quarterly Emissions of $PM_{2.5}$ Exhaust	0.01	0.13 tons/quarter	0.32 tons/quarter	No	No

Source: AMBIENT 2023

As shown in Table 8, the mitigated maximum daily construction-generated emissions would be predicted to be approximately 17 lbs/day of ROG+NO_X and 0.3 lbs/day of $PM_{2.5}$ Exhaust. Additionally, the mitigated quarterly construction-generated emissions would total approximately 1.5 tons/quarter of ROG+NO_X, 0.2 tons/quarter of PM_{10} Dust, and 0.2 tons/quarter of $PM_{2.5}$ Exhaust. Mitigated emissions would fall below SLOAPCD's daily and quarterly Tier 1 significance thresholds. Therefore, construction-related impacts would be *less than significant with mitigation*.

Operational Emissions

Long-term operational emissions associated with the proposed project would be predominantly associated with mobile sources (e.g., vehicle trips). To a lesser extent, emissions associated with area sources, such as landscape maintenance activities, as well as the use of electricity and natural gas would also contribute to increased operational emissions.

Emissions associated with long-term "operation" of the proposed project were calculated using the California Emissions Estimator Model (CalEEMod), version 2022.1.1.2 computer program. Unmitigated operational emissions associated with the proposed project are summarized in Table 9.

As shown in Table 9, the CalEEMod results indicated that maximum daily operational emissions would total approximately 31 lbs/day of ROG+NO_X, 70 lbs/day of CO, 5 lbs/day of PM_{10} Dust, and 0.3 lbs of $PM_{2.5}$ Exhaust. Daily emissions of ROG+NO_X would exceed SLOAPCD's corresponding

significance threshold of 25 lbs/day. Annual emissions would total approximately 6 tons/year of ROG+NO_X, 14 tons/year of CO, 1 ton/year of PM_{10} Dust, and 0.1 tons/year of $PM_{2.5}$ Exhaust. Estimated annual operational emissions would not exceed SLOAPCD's recommended significance thresholds (AMBIENT 2023). Because estimated daily emissions of ROG+NO_X would exceed SLOAPCD's significance threshold, this impact would be considered potentially significant.

Mitigation Measure AQ-3 has been identified to require implementation of SLOAPCD-recommended mitigation measures applicable to the proposed project. Additional mitigation measures have also been included to further reduce operational emissions. Mitigated operational emissions associated with the proposed project are summarized in Table 10. As noted in Table 10, mitigated daily operational emissions would total approximately 23 lbs/day of ROG+NO_X, 49 lbs/day of CO, 4 lbs/day of PM_{10} Dust, and 0.3 lbs/day of $PM_{2.5}$ Exhaust. Mitigated annual operational emissions would total approximately 4 tons/year of ROG+NO_X, 11 tons/year of CO, 0.6 tons/year of PM_{10} Dust, and 0.1 tons/year of $PM_{2.5}$ Exhaust. With implementation of Mitigation Measures AQ-3, operational daily emissions of ROG+NO_X would be reduced to below SLOAPCD's significance threshold (AMBIENT 2023). Therefore, operational impacts would be *less than significant with mitigation*.

(c) Expose sensitive receptors to substantial pollutant concentrations?

Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified as a toxic air contaminant by CARB. NOA has not been identified on the project site. However, based on a review of the SLOAPCD's map depicting potential areas of NOA, the project site is located in the vicinity of areas that have a potential for NOA (AMBIENT 2023).

In accordance with CARB Air Toxics Control Measure (ATCM), prior to any grading activities, a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request form, along with a copy of the geologic report, must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. The Asbestos ATCM requirements were developed to mitigate potential exposure and risk associated with NOA, and the requirements will be detailed in an Asbestos Dust Mitigation Plan as identified in Mitigation Measure AQ-4. With implementation of Mitigation Measure AQ-4, impacts associated with NOA would be *less than significant with mitigation*.

Localized Construction PM Concentrations

Fugitive dust emissions would be primarily associated with site preparation, grading, and vehicle travel on unpaved and paved surfaces. On-site off-road equipment and trucks would also result in short-term emissions of diesel-exhaust PM, which could contribute to elevated localized concentration at nearby receptors. Uncontrolled emissions of fugitive dust may also contribute to potential increases in nuisance impacts to nearby receptors. Mitigation Measures AQ-1 and AQ-2 have been identified to require implementation of SLOAPCD-recommended standard mitigation measures and best-available control technology for construction-generated emissions of fugitive dust, as well as mobile-source emissions associated with construction equipment and vehicles. With implementation of Mitigation Measures AQ-1 and AQ-2, impacts associated with localized construction PM concentrations would be *less than significant with mitigation*.

Table 9. Summary of Project Operational Emissions without Mitigation

Operational Period/Source	Emissions[1]									
	ROG	NO_X	ROG+ NO_X	CO	PM_{10}			$PM_{2.5}$		
					Exhaust	Dust	Total	Exhaust	Dust	Total
Daily Emissions (lbs/day)										
Mobile[2]	10.7	9.94	20.64	68.7	0.16	5.48	5.64	0.15	0.97	1.12
Area	8.46	0	8.46	0	0	--	0	0	-	0
Energy	0.12	2.13	2.25	0.91	0.17	--	0.17	0.17	-	0.17
Water	--	--	--	--	--	--	--	--	--	--
Waste	--	--	--	--	--	--	--	--	--	--
Refrigeration	--	--	--	--	--	--	--	--	--	--
Total	19.3	12.1	31.4	69.6	0.33	5.48	5.81	0.32	0.97	1.3
SLOAPCD Significance Thresholds (lbs/day)	--	--	**25**	**550**	--	**25**	--	**1.25**	--	--
Exceeds SLOAPCD Thresholds?	--	--	**Yes**	No	--	No	--	No	--	--
Annual Emissions (tons/year)										
Total Project Emissions	3.57	2.04	5.61	14.2	0.06	0.9	0.96	0.06	0.16	0.22
SLOAPCD Significance Thresholds (tons/year)	--	--	**25**	--	--	**25**	--	--	--	--
Exceeds SLOAPCD Thresholds?	--	--	No	--	--	No	--	--	--	--

Source: AMBIENT 2023

[1] Daily emissions are based on the winter buildout operational condition.

[2] Mobile emissions were based on trip-generation rates derived from the traffic analysis prepared for this project and CalEEMod default fleet mix and trip distances.

Table 10. Summary of Project Operational Emissions with Mitigation

Operational Period/Source	Emissions[1]									
	ROG	NO_X	ROG+ NO_X	CO	PM_{10}			$PM_{2.5}$		
					Exhaust	Dust	Total	Exhaust	Dust	Total
Daily Emissions (lbs/day)										
Mobile[2]	7.48	6.96	14.44	48.1	0.11	3.83	3.95	0.15	0.68	0.79
Area	6.52	0	6.52	0	0	--	0	0	-	0
Energy	0.12	2.13	2.25	0.17	0.17	--	0.17	0.17	-	0.17
Water	--	--	--	--	--	--	--	--	--	--
Waste	--	--	--	--	--	--	--	--	--	--
Refrigeration	--	--	--	--	--	--	--	--	--	--
Total	14.1	9.09	23.19	49	0.28	3.83	0.28	0.32	0.68	0.96
SLOAPCD Significance Thresholds (lbs/day)	--	--	**25**	**550**	--	**25**	--	**1.25**	--	--
Exceeds SLOAPCD Thresholds?	--	--	**No**	No	--	No	--	No	--	--
Annual Emissions (tons/year)										
Total Project Emissions	2.69	1.55	4.24	10.9	0.06	0.63	0.68	0.05	0.11	0.16
SLOAPCD Significance Thresholds (tons/year)	--	--	**25**	--	--	**25**	--	--	--	--
Exceeds SLOAPCD Thresholds?	--	--	No	--	--	No	--	--	--	--

Source: AMBIENT 2023

[1] Daily emissions are based on the winter buildout operational condition.

[2] Mobile emissions were based on trip-generation rates derived from the traffic analysis prepared for this project and CalEEMod default fleet mix and trip distances.

Long-Term Operations

Implementation of the proposed project is not anticipated to result in the installation of any major stationary sources of toxic air contaminants that could adversely affect nearby on-site or off-site sensitive receptors.

Localized concentrations of CO are of primary concern in areas located near congested signalized roadway intersections. Of particular concern are signalized intersections projected to operate at unacceptable levels of service (LOS) E or F. Based on the traffic analysis prepared for this project, the intersection of Tefft Street/ US-101 Southbound Off-Ramp/South Frontage Road is projected to operate at LOS F under future cumulative conditions. However, with implementation of planned roadway/intersection improvements, which includes construction of an additional interchange to relieve traffic impacts on Tefft Street/ US-101 Southbound Off-Ramp/South Frontage Road, predicted LOS at this intersection would be improved to within acceptable levels (CCTC 2022a).

As a result, the project's long-term contribution to localized increases in pollutant concentrations would be *less than significant*.

It is important to note, however, that the proposed project is located adjacent to and west of United States Highway Route 101 (US-101). As a result, future occupants of proposed residential dwelling units could be exposed to potentially harmful levels of pollutants associated with vehicle traffic on US-101, and project-generated vehicle traffic could contribute to an exacerbation of this potential health hazard. Of particular concern is emissions of diesel-exhaust particulate matter (DPM). Although the analysis of localized impacts to future onsite residents is not required for CEQA purposes, an analysis of localized impacts has been conducted and is included in Appendix E for informational purposes. The project has been designed with increased setback distances from US-101 for the proposed residential dwellings. Vegetation has also been proposed to be planted along the eastern boundary of the project site. Additional proposed features, such as the inclusion of air filtration units meeting a minimum efficiency reporting value of 13 (MERV 13) would further reduce potential on-site risks associated with exposure to increased levels of air pollutants from vehicle traffic on US 101 (AMBIENT 2022b).

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

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source, wind speed and direction, and the sensitivity of the receptors. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress among the public and often generating citizen complaints to local governments and regulatory agencies. Projects with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact.

The proposed project would not result in the installation of any equipment or processes that would be considered major odor-emission sources. Construction of the proposed project would involve the use of a variety of gasoline or diesel-powered equipment that would emit exhaust fumes. Exhaust fumes, particularly diesel-exhaust, may be considered objectionable by some people. In addition, pavement coatings and architectural coatings used during project construction would also emit temporary odors. However, construction-generated emissions would occur intermittently throughout the workday and would dissipate rapidly with increasing distance from the source.

Mitigation measures identified to reduce other impacts associated with air quality, such as implementation of idling restrictions for construction equipment and vehicles and use of newer, cleaner equipment and vehicles, would further reduce construction-generated emissions. Therefore, impacts would be *less than significant*.

Conclusion

The project would have the potential to result in significant impacts associated with a conflict with an applicable air quality plan, a cumulatively considerable net increase in a criteria pollutant for which the project region in non-attainment, and impacts to sensitive receptors. The project would result in less than significant impacts associated with other emissions such as those leading to odors. With implementation of identified mitigation measures, impacts to Air Quality would be less than significant with mitigation.

Mitigation

AQ-1 **NO_X and ROG Emissions and Idling Control Measures**. The following measures shall be implemented to reduce construction generated mobile-source and evaporative emissions:

a. A Construction Activity Management Plan (CAMP) shall be prepared. The CAMP shall be submitted to SLOAPCD for review and approval at least three months before the start of construction. The CAMP shall include a dust-control management plan, tabulation of on and off-road construction equipment (age, horsepower, and usage rates), construction truck trip schedules, construction work-day period, and construction phasing. If implementation of Standard Mitigation and Best Available Control Technology measures cannot reduce project emissions to below SLOAPCD's Tier 2 threshold, off-site mitigation shall be implemented in coordination with SLOAPCD to reduce NO_X and ROG emissions to below the Tier 2 threshold. At a minimum, the following measures shall be implemented and included in the CAMP to reduce construction generated mobile-source and evaporative emissions:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications.
2. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
3. Diesel-fueled construction equipment shall meet, at a minimum, ARB's Tier 4 emission standards for off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
4. Use on-road heavy-duty trucks that meet the ARB's 2010, or cleaner, certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_X exempt area fleets) may be eligible by proving alternative compliance.
6. Electrify equipment when feasible.
7. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.

8. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
9. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.
10. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.
11. To the extent locally available, use prefinished building materials or materials that do not require the application of architectural coatings.
12. The following idling restrictions near sensitive receptors for both on- and off-road equipment shall be implemented:
    i. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    ii. Diesel idling when equipment is not in use is not permitted;
    iii. Use of alternative fueled equipment is recommended whenever possible; and,
    iv. Signs that specify the no-idling requirements must be posted and enforced at the construction site.
13. On-road vehicle operations shall comply with Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
    i. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and,
    ii. 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 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.
    iii. Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.
14. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use

Off-Road Diesel regulation available at: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

15. Signs shall be posted in the designated queuing areas and job sites to remind on-road and off-road equipment operators of the idling restrictions.

AQ-2 **Fugitive Dust Control Measures**. The following measures shall be implemented to reduce construction generated fugitive dust. These measures shall be shown on grading and building plans:

a. Reduce the amount of disturbed areas where possible.

b. Use water trucks, SLOAPCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of a SLOAPCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

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.

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

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

j. Install wheel washers at the construction site entrance/exit, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways.

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

l. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the SLOAPCD prohibited developmental burning of vegetative material within the County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.

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 the 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 or earthwork.

AQ-3 **Operational Air Pollutant Control Measures**. The following mitigation measures shall be implemented, to the extent possible, to minimize long-term operational emissions:

a. The installation of wood burning or natural-gas fired hearths and appliances in residential units shall be prohibited.

b. Provide a pedestrian-friendly and interconnected streetscape with good access to/from the development for pedestrians, bicyclists, and transit users to make alternative transportation more convenient, comfortable and safe. Features may include appropriate signalization and signage, linking cul-de-sacs and dead ends, orienting buildings toward streets with automobile parking in the rear, etc.

c. Provide a landscaping plan that demonstrates over 50% of parking spaces will be shaded (e.g., through tree planting or built structures) within 15 years following completion of each phase of development to reduce evaporative emissions from parked vehicles, excluding areas where increased shade would affect the performance of solar PV systems.

d. Reduce fugitive dust from roads and parking areas with the use of paving or other materials.

e. Implement driveway design standards (e.g., speed bumps, curved driveway) for self-enforcement of reduced speed limits on unpaved driveways.

f. Use an SLOAPCD-approved suppressant on private unpaved roads leading to the site, unpaved driveways and parking areas applied at a rate and frequency that ensures compliance with SLOAPCD Rule 401: Visible Emissions, ensures off-site nuisance impacts do not occur.

g. Incorporate traffic calming modifications to project roads to reduce vehicle speeds and increase pedestrian and bicycle usage and safety.

h. Provide evidence of collaboration with SLOCOG to participate in the creation, improvement, and/or expansion of an existing nearby 'Park and Ride' lot with car parking and bike lockers in proportion to the size of the project. Potential improvements may include, but would not be limited to, repaving hardscapes, repainting, providing new or improved signage, installing bicycle locker facilities, expanding the park and ride lot to include additional vehicle parking spaces, and/or payment of a fee to be used for future expansion of the facility.

i. Exceed applicable building standards at the time of development for providing electric vehicle charging infrastructure.

j. Exceed applicable building standards at the time of development for building energy efficiency with a goal of achieving zero net energy (ZNE) buildings.

k. Exceed applicable building standards at the time of development for reducing cement use in the concrete mix as allowed by local ordinance and conditions.

l. Exceed applicable building standards at the time of development for the use of greywater, rainwater, or recycled water.

m. Exceed applicable building standards at the time of development for water conservation (e.g., use of low-flow fixtures, water-efficient irrigation systems, drought-tolerant landscaping).

n. Exceed applicable building standards at the time of development for using shading, trees, plants, cool roofs, etc. to reduce the "heat island" effect.

o. All built-in appliances shall comply with California Title 20, Appliance Efficiency Regulation.

p. Utilize on-site renewable energy systems (e.g., solar, wind, geothermal, biomass and/or biogas) sufficient to exceed applicable building standards at the time of development with a goal of achieving ZNE buildings.

q. Design roof trusses to handle dead weight loads of standard solar-heated water and photovoltaic panels.

AQ-4 **Naturally Occurring Asbestos**. Prior to any grading activities, a geologic evaluation shall be conducted to determine if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:

a. Development of an Asbestos Dust Mitigation Plan which must be approved by the SLOAPCD before operations begin; and,

b. Development and approval of an Asbestos Health and Safety Program (required for some projects).

Initial Study – Environmental Checklist

IV. BIOLOGICAL RESOURCES

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

Initial Study – Environmental Checklist

Setting

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats. CDFW also maintains a Watch List (WL) for species that were previously SSC but no longer merit SSC status, or which do not meet SSC criteria but for which there is concern and a need for additional information to clarify status.

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

- California Rare Plant Ranks (CRPR)
    - 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
    - 1B: Plants rare, threatened, or endangered in California and elsewhere
    - 2A: Plants presumed extirpated in California, but common elsewhere
    - 2B: Plants rare, threatened, or endangered in California, but more common elsewhere
    - 4: Plants of limited distribution – a watch list
- California Rare Plant Threat Ranks
    - 0.1: Seriously threatened in California
    - 0.2: Moderately threatened in California
    - 0.3: Not very threatened in California

Migratory Bird Treaty Act

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

California Fish and Game Code

California Fish and Game Code Sections 3511, 4700, 5050 and 5515 identify a Fully Protected Species (FPS) classification to identify and provide additional protection to those wildlife species that were rare or faced possible extinction. 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).

County of San Luis Obispo General Plan Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-

being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies several key goals and policies pertaining to biological resources within the county that are applicable to the project:

- **Goal BR 1:** Native habitat and biodiversity will be protected, restored, and enhanced.
    - Policy BR 1.15: Restrict Disturbance in Sensitive Habitat During Nesting Season.
- **Goal BR 2:** Threatened, rare, endangered, and sensitive species will be protected.
    - Policy BR 2.6: Development Impacts to Listed Species. Ensure that potential adverse impacts to threatened, rare, and endangered species from development are avoided or minimized through siting and design.

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.

Wildlife Movement Corridors

Wildlife corridors and habitat connectivity are important for the movement of wildlife between different populations and habitats. Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. Wildlife movement corridors are considered sensitive by resource, conservation, and local agencies (Althouse and Meade, Inc. [Althouse and Meade] 2023).

Biological Resources Assessment and Methodology

A Biological Resource Assessment for the Mesa Trails Apartment Community was prepared by Althouse and Meade, Inc. (Althouse and Meade 2023; Appendix F). Preparation of this report included a query of the California Natural Diversity Database (CNDDB) and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Plans of California. Other database searches included online herbarium specimen records for locality data within San Luis Obispo County the Consortium of California Herbaria. The search included the Nipomo U.S. Geographic Survey (USGS) 7.5-minute quadrangle and the eight surrounding quadrangles (Arroyo Grande NE, Caldwell Mesa, Guadalupe, Huasna, Oceano, Santa Maria, Tar Spring Ridge, and Twichell Dam). Data was compiled for sensitive plant and wildlife species and required according to each species' potential to occur within the project site.

In April 2022, a pedestrian survey of the project site (10.48 acres) and adjacent public roadway right-of-way (approximately 0.82 acre), herein referred to as the Study Area, was conducted to map on-site vegetation communities and habitat conditions, conduct a botanical survey of the site, and photograph existing

biological conditions of the site. In addition, a second botanical survey of the Study Area was conducted in June 2022.

Existing Conditions and On-site Habitats

The Study Area supports approximately 9.8 acres of nonnative perennial grassland, 0.4 acre of Coyote brush scrub, and 1.1 acres of disturbed land (Althouse and Meade 2023).

The nonnative perennial grassland onsite is characterized broadly by a presence of veldt grass (*Ehrharta calycina*) that varies in dominance. Veldt grass has a "high" California Invasive Plan Council rating. Other nonnative grasses that are present include wild oats (*Avena fatua, A. barbata*) and ripgut brome (*Bromus diandrus*). This vegetation community has no sensitive habitat status rank due to the nonnative grassland elements and has not been formally described in the CNPS Manual of California Vegetation (Althouse and Meade 2023).

Along the south-central Study Area boundary there is a small area that possess shrub and tree layer elements. This 0.4-acre area is characterized by a reduced amount of veldt grass and is dominated by presence of coyote brush (*Baccharis pilularis*). To nonnative species co-dominate this habitat type: tree tobacco (Nicotiana glauca) and horehound (*Marrubium vulgare*). Other native shrubs and trees such as arroyo willow (*Salix lasiolepis*) and mule-fat (*Baccharis salicifolia*) are present in one area of this habitat type. These species are indicators of mesic soil conditions; however, this area is not a federal or state jurisdictional wetland or waters because it does not possess a defined bed or bank nor is it associated with or connected to any nearby natural or manmade hydrologic features. Historic aerial photos do not indicate past hydrologic connections to ephemeral or perennial features, and this is consistent with the National Wetland Inventory, which does not map this area as a wetland. This common vegetation community has no sensitive habitat ranking (Althouse and Meade 2023).

Disturbed land uses primarily consist of a vehicle turnaround area in the northern half of the Study Area and a dirt access road that crosses the Study area from the northeastern to the southwestern Study Area limits.

Special-Status Plants

Based on the records searches, 53 special status plant species are known to occur in the project region (Althouse and Meade 2023; Appendix F). An analysis of known ecological requirements for the special status plant species and habitat conditions that were observed in the Study Area was conducted and it was determined that three special-status plant species have a moderate potential to occur within the project site: paniculate tarplant, Kellogg's horkelia, and California spineflower, and six species have a low potential to occur within the project site: Hoover's bent grass, Pismo clarkia, mesa horkelia, Nipomo mesa lupine, black-flowered figwort, and San Bernadino aster, detailed below (Althouse and Meade 2023):

- **Hoover's Bent Grass** (*Agrostis hooveri*) is a CRPR 1B.2 species endemic to San Luis Obispo and Santa Barbara counties. It is known to occur in coastal mountains on dry sandy soils of woodlands, chaparral, and grasslands below 600-meters elevation. It is a perennial bunchgrass that typically blooms between April and July. The closest known record is approximately 4.3 miles northwest of the Study Area. The dry sandy soil within grassland habitat has a low potential for this species to occur. Hoover's bent grass was not detected in the Study Area during protocol level botanical surveys conducted in 2022.
- **Pismo Clarkia** (*Clarkia speciosa* ssp. *immaculata*) is listed as Endangered under the FESA, listed as Rare by the State of California under the CESA, and is a CRPR 1B.1 subspecies endemic to southern

San Luis Obispo County. It is known to occur on sandy soils in disturbed grassland, openings in chaparral, and edges of woodland habitats below 100 meters elevation. It is an annual herb that typically blooms between May and July. The closest known record is approximately one mile northwest of the Study Area at Dana Reserve and the sandy grassland habitat onsite was determined to have low suitability for this endangered taxon. To determine the appropriate bloom period, reference sites within a similar geographic range for Pismo clarkia were visited to determine the phenological status in the region. Prior to the site surveys, Pismo clarkia was observed in flower at two reference sites; one in the City of Arroyo Grande on April 28, 2022, and the other observed in Nipomo at Dana Reserve on April 13, 2022, confirming the Study Area survey on April 28th was appropriately-timed. Pismo clarkia was not detected in the Study Area during protocol level botanical surveys conducted in spring 2022.

- **Paniculate Tarplant** (*Deinandra paniculata*) is a CRPR 4.2 species with a range extending from the San Francisco Bay area south to northern Baja California, Mexico. It is known to occur on sandy soils in grassland, coastal scrub, and vernal pool habitats between 25 and 940 meters elevation. It is an annual herb that typically blooms between May and November. The closest known record is approximately 12.1 miles north of the Study Area. The sandy disturbed conditions are suitable for this species, and it has a moderate potential to occur in the Study Area. Paniculate tarplant was not detected during protocol level botanical surveys conducted in spring 2022.
- **Mesa Horkelia** (*Horkelia cuneata* var. *puberula*) is a CRPR 1B.1 variety endemic to the region from San Luis Obispo County to San Diego County. It occurs on sandy and gravelly substrates in coastal chaparral and woodland habitats between 70- and 870-meters elevation. It is a matted, perennial herb that typically blooms between February and July. The closest known record is approximately one mile northwest of the Study Area at Dana Reserve and the sandy grassland habitat onsite was determined to have low suitability for this taxon. Mesa horkelia was not detected in the Study Area during protocol level botanical surveys conducted in spring 2022.
- **Kellogg's horkelia** (*Horkelia cuneata* var. *sericea*) is a CRPR 1b.1 variety endemic to the region from Marin County south to Santa Barbara County. It is known to occur in sandy or gravelly substrates in coastal scrub, maritime chaparral, and closed-cone coniferous forest habitats between 70- and 870-meters elevation. It is a perennial herb that typically blooms between February and September. The closest known record is approximately 2.6 miles west of the study area. The sandy grassland onsite has a low suitability for this variety to occur. Kellogg's horkelia was not detected in the study area during protocol level botanical surveys conducted in spring 2022.
- **Nipomo Mesa Lupine** (*Lupinus nipomensis*) is listed as Endangered under both FESA and CESA and is a CRPR 1B.1 species endemic to southern San Luis Obispo County. It is known from seven occurrences on the Nipomo Mesa on flat sandy areas in coastal dune scrub on stabilized back dunes between 10 and 50 meters elevation. It is an annual herb that typically blooms between December and May. The closest known record is approximately five miles west of the Study Area, which was visited as a reference site in April 2022 (and was not in bloom). The grassland on-site has low potential for this species to occur. Nipomo mesa lupine was not detected in the Study Area during protocol level botanical surveys conducted in spring 2022.
- **California Spineflower** (*Mucronea californica*) is a CRPR 4.2 species that occurs from Monterey to San Diego counties. It is an annual herb that grows in sandy soils in grassland, coastal scrub, woodland, and chaparral habitats below 1,000 meters elevation. It typically blooms between March and August. The closest known record is approximately one mile northwest of the Study Area at

Dana Reserve, and sandy grassland habitat in the Study Area was determined to have moderate suitability. California spineflower was not detected in the Study Area during protocol level botanical surveys in spring 2022.

- **Black-flowered Figwort** (*Scrophularia atrata)* is a CRPR 1B.2 species endemic to Santa Barbara and San Luis Obispo Counties. It is known to occur in coast dune, coastal scrub, riparian scrub, chaparral, and closed-cone coniferous forest habitats below 400 meters elevation. It is a perennial herb that typically blooms between March and July. The closest known record is approximately 4.3 miles northwest of the Study Area. The sandy grassland habitat at the site has low suitability for this species to occur. Black-flowered figwort was not detected in the Study Area during protocol level botanical surveys conducted in spring 2022.
- **San Bernardino Aster** *(Symphyotrichum defoliatum)* is a CRPR 1B.2 species endemic to California. Its range extends from southern San Luis Obispo County to San Diego County. It is known to occur in mesic grassland and disturbed places below 2050 meters elevation. It is a perennial rhizomatous herb that typically blooms between July and November. The closest known record is approximately 6.8 miles northwest of the Study Area. The sandy grassland habitat at the site has a low potential for this species to occur. San Bernardino aster was not detected in the Study Area during protocol level botanical surveys conducted in spring 2022.

Special-Status Wildlife

Based on the records searches conducted, there are 33 special status animal species that are known to occur within the project region (Althouse and Meade 2023; Appendix F). Based on an analysis of known ecological requirements for the special-status wildlife species reported or known from the region and the habitat conditions that were observed in the Study Area, it was determined that three special status animal species have potential to occur within the project site: burrowing owl, coast horned lizard, and American badger, as described in detail below (Althouse and Meade 2023):

- **Burrowing Owl** (*Athene cunicularia*) is a California Species of Special Concern with a global rank of G4 (apparently secure) and a state rank of S3 (vulnerable). The burrowing owl is a small, rare owl that occupies abandoned mammal holes in the ground, most notably those of the California ground squirrel. Suitable habitat types for the burrowing owl are dry, open annual or perennial grasslands and deserts with an abundance of burrows. The closest reported occurrence of the burrowing owl is approximately seven miles south of the Study Area. While no burrowing owls were observed during either of the site surveys, due to presence of ground squirrel burrows and perennial grassland habitat with low visibility it was determined that burrowing owls have a low potential to winter at the Study Area.
- **Coast Horned Lizard** (*Phrynosoma blainvillii*) is a California Species of Special Concern with a global rank of G3G4 (vulnerable, apparently secure) and a state rank of S3S4 (vulnerable, apparently secure). Horned lizards are distributed from northern Baja California through Northern California, occurring in open areas of valley foothill hardwood, conifer, riparian, pine-cypress, juniper and annual grassland habitats. Horned lizards need friable sandy soil with rocks and logs essential for burrows and reproduction. The closest CNDDB occurrence of horned lizard is from Dana Reserve approximately one mile northwest of the Study Area. The Study Area has marginally suitable sandy soils and habitat for horned lizard; however, none were observed during the 2022 Study Area surveys.

- **American Badger** (*Taxidea taxus*) is a California Species of Special Concern with a widespread range across the state (Brehme et al. 2015, CDFW 2016). It is a permanent but uncommon resident in all parts of California, except for forested regions of the far northwestern corner, and is more abundant in dry, open areas of most shrub and forest habitats. The American badger requires friable soil to dig burrows for cover and breeding. The closest reported CNDDB occurrence of the American badger is located approximately 1 mile northwest at Dana Reserve. Due to presence of suitable habitat, sandy soils and recent den locations known within the Dana Reserve area (observed between 2020 and 2022), American badgers have a moderate potential to occur onsite; however, no badger dens or sign were detected during the 2022 Study Area surveys.

It is also important to note that the project site supports suitable nesting habitat for migratory nongame native bird species protected under the federal MBTA and California Fish and Game Code. No nesting birds were observed on-site during either of the 2022 Study Area surveys (Althouse and Meade 2023).

Discussion

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

The proposed project would result in permanent impacts to approximately 9.8 acres of perennial grassland, 0.4-acre of coyote brush scrub, and 1.1 acres of disturbed land habitat. Due to none of these habitat types having a designated sensitive habitat ranking, impacts to nonnative perennial grassland, coyote brush scrub, and disturbed land would be less than significant. Impacts to special-status plants and wildlife are detailed below.

Special-Status Plants

Protocol-level botanical surveys were conducted in Spring 2022 at times when special-status plants were in bloom. While one special-status species, Nipomo Mesa lupine, was not in bloom at nearby reference sites during the times of the botanical surveys, this plant is distinguishable from other lupines that grow in the area. Two species of lupine were observed within the Study Area during the spring botanical surveys by certified botanist Kristen Anderson: blunt leaved lupine (*Lupinus truncatus*) and silver bush lupine (*Lupinus chamissonis*). Both onsite lupine species are very different in the vegetative state compared to Nipomo mesa lupine and no other lupines (flowering or in the vegetative state) were observed within the Study Area (Althouse and Meade 2023).

No special-status plants were observed in the Study Area during either seasonally timed botanical survey. Therefore, the project would not affect special status plants and no mitigation is required.

Special-Status Wildlife

Although no special-status wildlife species or nesting birds were observed on-site during either of the two biological surveys of the Study Area, three special-status species have the potential to occur in the Study Area at the time of project construction activities due to their transient nature. Mitigation Measure BIO-1 has been identified to require retention of a County-qualified biologist to be responsible for overseeing/implementing all required project mitigation measures pertaining to biological resources.

Although neither of the biological surveys conducted in 2022 detected presence of burrowing owl, this species was determined to have a low potential to occur in the Study Area during the winter

season. Burrows occupied by burrowing owls generally have high horizontal visibility, with low vegetation cover and low topographical relief. The Study Area has low visibility in the nonnative perennial grassland during the breeding season (generally March through August) because of high vegetation cover during the growing season; therefore, it was determined that the Study Area is unsuitable for breeding burrowing owls. However, burrowing owls could utilize the site in the winter when vegetation cover has died back and has good visibility. Project construction activities such as grading and other excavation work could potentially result in direct impacts to burrowing owl individuals, habitat loss, and/or mortality, if present. Mitigation Measure BIO-2 has been identified to avoid impacts to this species during the winter season by conducting a preconstruction survey of the site and a buffer surrounding the site consistent with CDFW recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If burrowing owls or evidence of burrowing owls are detected during this survey, Mitigation Measure BIO-2 dictates additional surveys be conducted to determine owl occupancy and establishment of no-disturbance buffers in accordance with current CDFW guidance. In addition, if burrowing owls are present in project work areas during the breeding season, Mitigation Measure BIO-3 has been identified to require avoidance and protection of any breeding pair if present. If a breeding pair is not present, passive relocation may be implemented. Upon implementation of Mitigation Measure BIO-2 and BIO-3, impacts to burrowing owl would be less than significant.

Although neither of the biological surveys conducted in 2022 detected presence of coast horned lizard, this species has a low potential to occur in the Study Area due to its transient nature. Project construction activities such as grading and other excavation work could potentially result in direct impacts, habitat loss, and/or mortality, if present. Mitigation Measure BIO-4 has been identified to avoid impacts to coast horned lizard through completion of a focused preconstruction survey. If coast horned lizard is detected during the preconstruction survey, the qualified biologist shall capture individuals by hand and relocate them to an appropriate location well outside of the project areas. In addition, Mitigation Measure BIO-3 requires a biological monitor to be present for all new ground-breaking activities located within coast horned lizard habitat. With implementation of Mitigation Measure BIO-4, impacts to coast horned lizard would be less than significant.

While no badger dens or sign were detected during either of the 2022 biological resource surveys of the Study Area, due to presence of suitable habitat, sandy soils and recent den locations known within the Dana Reserve area, American badgers have a moderate potential to occur onsite. Any project activities including grading or excavation work could result in impacts to this highly mobile species. Mitigation Measure BIO-5 has been identified to avoid impacts to American badgers by conducting a pre-construction survey to identify if badgers are present, inspection of dens (if present) to determine if they are occupied, and establishment of no-disturbance buffers accordingly. Upon implementation of Mitigation Measure BIO-5, impacts to American badger would be less than significant.

In addition, the project site supports suitable nesting habitat for birds protected under the MBTA and active nests could occur within the project site during project construction activities. The project has the potential to affect nesting birds and raptors if proposed grading and vegetation removal (including removal of eucalyptus trees onsite) occurs during the breeding season. Migratory nongame native bird species are protected under the MBTA and the California Fish and Game Code (Sections 3503, 3503.5, and 3513), which prohibits take of all birds and their active nests including raptors and other migratory nongame birds. Because it is unlawful to take, possess, or needlessly

destroy nests or eggs, mitigation has been identified to fully avoid project impacts. Mitigation Measure BIO-6 has been identified to require work to occur outside of the nesting bird season if feasible, and if not, for a preconstruction survey to be conducted and establishment of no-disturbance buffers as appropriate if nesting birds are present on-site prior to project site preparation/construction activities. Upon implementation of Mitigation Measure BIO-6, impacts to nesting birds would be less than significant.

Based on the analysis provided above, potential impacts associated with substantial adverse effects to special-status species or their habitats would be *less than significant with mitigation*.

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

No observations of wetlands or riparian habitat were observed on-site during either of the biological resources surveys conducted on the project property in 2022. The proposed project would permanently impact 9.8 acres of perennial grassland, 0.4-acre of coyote brush scrub, and 1.1 acres of disturbed land habitat. None of these habitat types have a designated sensitive habitat ranking. Therefore, *no impacts* associated with adverse effects on sensitive natural communities would occur.

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

The Study Area supports approximately 9.8 acres of nonnative perennial grassland, 0.4 acre of Coyote brush scrub, and 1.1 acres of disturbed land (Althouse and Meade 2023). There is a small area of the property that supports arroyo willow and mule-fat. While these species are indicators of mesic soil conditions; this area is not a federal or state jurisdictional wetland or waters because it does not possess a defined bed or bank, nor is it associated with or connected to any nearby natural or manmade hydrologic features. In addition, historic aerial photos do not indicate past hydrologic connections to ephemeral or perennial features, and this is consistent with the National Wetland Inventory, which does not map this area as a wetland (Althouse and Meade 2023). The project would not result in any impacts to state or federally protected wetlands. Therefore, *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 contiguous with undeveloped land to the west that contains upland habitat that may facilitate poorly suited unobstructed wildlife movement locally. However, the project site does not function as a significant regional corridor because it is located within the eastern limits of the Nipomo Urban Reserve Line surrounded by development to the north, south, and east and there are no drainages or ridgelines that would facilitate wildlife movement locally onsite. The project site does not support any aquatic habitat or bodies of water that could support aquatic wildlife species. Therefore, potential impacts associated with interfering with the movement of wildlife species would be *less than significant*.

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

The project would result in the removal of approximately 29 eucalyptus trees, which is a nonnative tree species (Greenvale Tree Company 2022).

As described in threshold (a), above, the project has the potential to result in direct and indirect impacts to special-status wildlife species designated by the USFWS and CDFW. COSE Goal BR-2 states that "Threatened, rare, endangered, and sensitive species will be protected." With implementation of Mitigation Measures BIO-1 through BIO-6 detailed below, the project would demonstrate consistency with this goal. Therefore, potential impacts associated with conflicting with local policies or ordinances protecting biological resources 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 is not located within an area under an adopted Habitat Conservation Plan (HCP), NCCP, or other approved local, regional, or state HCP. Therefore, the project would not conflict with the provisions of an adopted plan, and *no impacts would occur*.

Conclusion

Project grading, vegetation removal, and construction activities have the potential to adversely affect biological resources that may occur within the project site. Mitigation Measures BIO-1 through BIO-6 have been identified to avoid and/or reduce potential impacts to biological resources. Upon implementation of the identified mitigation measures, impacts to biological resources would be less than significant with mitigation.

Mitigation

BIO-1 **Retention of a County-Qualified Biologist**. At the time of application for grading or construction permits, whichever occurs first, the applicant shall provide evidence that they have retained a County-qualified biologist.

BIO-2 **Burrowing Owl Avoidance and Minimization (Wintering).** If proposed site preparation and/or ground disturbance is scheduled to begin between September 1 and January 31, no more than one week before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat. If wintering burrowing owls are found during the pre-construction survey, a qualified biologist may passively relocate burrowing owls found within construction areas per the following measures:

a. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County Department of Planning and Building prior to implementation.

b. The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present in the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere.

c. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken: Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

d. Passive relocation of burrowing owls shall be limited in areas adjacent to Project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of Project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

BIO-3 **Burrowing Owl Avoidance and Minimization (Breeding).** If proposed site preparation and/or ground disturbance is scheduled to begin between February 1 and August 31 no more than 30 days before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat. Preconstruction surveys shall be consistent with CDFW recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012), conducted on foot such that 100% of the survey area is visible, and shall cover the entire Project site impact footprint plus a 500-foot buffer (where accessible). All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, whitewash) shall be mapped on a site-specific aerial image. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initiation of construction activities. If no suitable burrows are found, a final take avoidance survey shall be completed within 48 hours prior to initiation of ground disturbing activities.

If suitable burrows for burrowing owls are found during preconstruction surveys on the Project site; burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist. If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented:

a. Occupied burrows shall not be disturbed during the nesting season (typically February through August) unless a qualified biologist verifies, through non-invasive methods, that the burrow is either not being used for breeding. Owls present after February 1 shall be assumed to be nesting unless evidence indicates otherwise. Nest protection buffers described below shall remain in effect until August 31 or until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.

b. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFW 2012). Buffer distances may be modified by a qualified biologist in consultation with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through Project completion or until construction activities are no longer occurring near the burrow.

BIO-4 **Coast Horned Lizard Protection and Relocation.** A focused preconstruction survey for coast horned lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with coast horned lizard and survey methods, and with appropriate permits to relocate horned lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County of San Luis Obispo Planning and Building Department, and no further action shall be required. If coast horned lizards are found to be present in the proposed work areas the following steps shall be taken:

a. Coast horned lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.

b. Construction monitoring shall be required for all new ground-breaking activities located within coast horned lizard habitat. Construction monitors shall capture and relocate lizards as specified above.

c. A letter report shall be submitted to the County of San Luis Obispo Planning and Building Department within 30 days of legless lizard or coast horned lizard relocation.

BIO-5 **American Badger Avoidance.** An American badger pre-construction survey shall be conducted by a qualified biologist within no more than thirty days of before beginning work on the site to identify if badgers are present. The results of the survey shall be sent to the County of San Luis Obispo, Planning and Building Department.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire impact area and examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July.

Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. Exclusion of badgers from dens may only be done during the non-breeding season by a qualified biologist experienced in den exclusions. Dens must be fully excavated and backfilled after eviction is complete.

BIO-6 **Nesting Bird Preconstruction Survey and Nest Avoidance**. If site preparation, grading or construction activities are proposed during the typical nesting bird season (February 1 through September 15), within one week prior to ground disturbance activities, a nesting bird survey shall be conducted by a qualified biologist to determine presence/absence of nesting birds. Surveys shall cover all areas potentially affected by the project via direct impacts (e.g., nest destruction) or indirect impacts (e.g., noise, vibration, odors, movement of workers or equipment, etc.). If absence of nesting birds is verified, construction activities may begin upon submittal of a survey report to the County of San Luis Obispo Planning Department. If nesting activities are detected, the following measures shall be implemented:

a. **Buffer Establishment.** If an active bird nest is observed during preconstruction surveys or during construction, a minimum no-disturbance buffer of 250 feet around active nests of non-listed passerine bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be implemented using high visibility markers or fencing. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

b. **Variance of Buffer Distances.** Variance from the no-disturbance buffers described above may be allowable when there is a compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. Any variance from the no-disturbance buffers shall be advised and

supported by a qualified biologist and the County of San Luis Obispo Planning Department and CDFW shall be notified in advance of implementing a variance.

c. **Nest Monitoring.** If nest buffers are reduced, the biologist shall monitor any construction activities that take place within 250 feet of non-listed passerine bird species nests, and 500 feet of non-listed raptor nests. If nesting birds show any signs of disturbance, including changes in behavior, significantly reducing frequency of nests visits, or refusal to visit the nest, the biologist will stop work and increase the nest buffer. If appropriate on a case-by-case basis, as determined by the qualified biologist, nest monitoring may be reduced to weekly spot-check monitoring, at a minimum, if the biologist determines that the nesting birds have shown no signs of disturbance from construction activities and a continuation of the same types of construction activities are unlikely to disturb the nesting birds.

d. **Nest Removal.** Nests, eggs, or young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code shall not be moved or disturbed until a qualified biologist has determined that the nest has become inactive or young have fledged and become independent of the nest.

e. **Reporting.** A qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo Planning Department documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.

V. CULTURAL RESOURCES

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

Setting

The project is located in an area historically occupied by two Native American tribes, the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and

their northern neighbors, the Hokan-speaking Playanos Salinan, is currently the subject of debate, as those boundaries may have changed over time.

San Luis Obispo County possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American habitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

As defined by CEQA, a historical resource includes:

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

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in 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 I Cultural Resources Inventory for 222 South Frontage Road, Nipomo* was prepared for the project by Albion Environmental, Inc. (Albion) to evaluate the likelihood of presence of cultural resources within the project area (Albion 2022). A records search was conducted at the Central Coast Information Center (CCIC), located at the Santa Barbara Museum of Natural History to identify any previously recorded cultural resources within the project area. The records search results indicated that nine previous cultural resource studies have been conducted within all or a portion of the project site and that 23 cultural resource studies have been conducted within a 0.25-mile radius of the project site. The search also revealed that one previously recorded cultural resources has been identified within the project site, and eight previously recorded cultural resources have been recorded within a 0.25 radius of the project site (Albion 2022).

Discussion

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

A records search was conducted at the Central Coast Information Center (CCIC), located at the Santa Barbara Museum of Natural History to identify any previously recorded cultural resources within the project area. Results of the records search did not identify any historic-era structures within the project site (Albion 2022). The project site does not contain any buildings or structures and implementation of the project would not require the removal or demolition of any on-site structures that could be eligible for listing as a historic resource. Because there are no historical resources within or directly adjacent to the project site, implementation of the project would not have the potential to 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?

A records search was conducted at the Central Coast Information Center (CCIC), located at the Santa Barbara Museum of Natural History to identify any previously recorded cultural resources within the project area. The records search results indicated that nine previous cultural resource studies have been conducted within all or a portion of the project site and that 23 cultural resource studies have been conducted within a 0.25-mile radius of the project site. The search also revealed that one previously recorded cultural resource has been identified within the project site, and eight previously recorded cultural resources have been recorded within a 0.25 radius of the project site (Albion 2022).

Following review of the records search results, Albion conducted a pedestrian survey of the project site and identified surface cultural resources on the project site associated with the previously identified resource and previous studies. Based on the results of the records search and observations made during the pedestrian survey of the project site, it was determined that due to the project site's heavily disturbed conditions, an intact archaeological deposit is not likely located within the site and a historical resource or potentially significant cultural materials are not located in the project area (Albion 2022). These findings are consistent with the previously prepared Extended Phase I conducted by Conejo Archaeological Consultants in 1999 on the project site that included an evaluation of the subsurface of the project site.

Based on the project site's immediate proximity to a known archaeological site, there is potential for significant intact archaeological deposits and features to be present within the project area. Mitigation Measure CR-1 would require all project construction staff to participate in a cultural resource awareness training presented by a qualified archaeologist. Mitigation Measures CR-2 through CR-4 would require the preparation and implementation of a project-specific archaeological monitoring plan subject to review and approval by the County Department of Planning and Building. The plan would be required to describe protocols for the treatment of any unanticipated cultural resources or human remains discovered in the course of the project site preparation, grading, and/or construction activities, provision of a cultural resource awareness training for all project personnel, define monitoring methodology specific to construction design and plans, define monitoring coverage (i.e., full-time vs. spot checking) and criteria to decrease or cease monitoring, and outline Tribal participation as dictated by the County's AB 52 consultations. Upon implementation of these mitigation measures, impacts associated with a significant adverse change in the significance of an archaeological resource would be *less than significant with mitigation*.

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

The project would require ground disturbance and excavation activities, which have the potential to 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 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). In addition, Mitigation Measures CR-1 and CR-2 would require cultural resource awareness training and monitoring of all initial ground

disturbance of native soil, which would further reduce the likelihood of disturbance of human remains. Therefore, impacts would be *less than significant with mitigation*.

Conclusion

The project would have a low potential to result in significant impacts associated with archaeological resources and disturbance of human remains. Mitigation measures have been identified to avoid impacts to these resources. Therefore, impacts associated Cultural Resources would be less than significant with mitigation.

Mitigation

CR-1 **Cultural Resources Awareness Training.** Prior to initial ground-disturbing activities**,** a County-qualified archaeologist shall conduct a cultural resource awareness training for all construction personnel, which will include the following:

a. Review the types of archaeological artifacts that may be uncovered;
b. Provide examples of common archaeological artifacts to examine;
c. Review what makes an archaeological resource significant to archaeologists and local native Americans;
d. Describe procedures for notifying involved or interested parties in case of a new discovery;
e. Describe reporting requirements and responsibilities of construction personnel;
f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 **Archaeological Resources Monitoring Plan.** At the time of application for grading or construction permits, whichever occurs first, the Applicant shall submit an Archaeological Resources Monitoring Plan (Monitoring Plan), prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Monitoring Plan shall be to monitor all initial earth-disturbing activities in native soil on the project site, per the approved Monitoring Plan. The Monitoring Plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;
b. Inclusion of involvement of the Native American community, as appropriate;
c. Description of how the monitoring shall occur;
d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
e. Description of what resources are expected to be encountered;
f. Description of procedures for halting work on the site and notification procedures; and
g. Description of monitoring reporting procedures; and
h. Specific, detailed protocols for what to do in the event of the discovery of human remains.

Initial Study – Environmental Checklist

CR-3 **Construction Monitoring.** During all initial ground disturbing construction activities associated with the project, the applicant shall retain a qualified archaeologist (approved by the County Environmental Coordinator) to monitor all initial earth disturbing activities, per the approved Archaeological Resource Monitoring Plan outlined in Mitigation Measures CR-2. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated and recorded by an archaeologist and any other appropriate individuals. Disposition of artifacts may be accomplished in accordance with state and federal law.

CR-4 **Archaeological Resource Monitoring Reporting.** Upon completion of all archaeological monitoring/ mitigation activities, and final inspection/occupancy of buildings on-site, the project archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all required mitigation measures have been met.

VI. ENERGY

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

Setting

Local Utilities

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 (Pacific Gas and Electric Company [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.

In addition, on March 21, 2023, the County Board of Supervisors voted to enroll the county in Central Coast Community Energy (3CE), a Community Choice Aggregator (CCA). 3CE is a locally controlled public agency supplying clean and renewable electricity for residents and businesses in Santa Cruz, San Benito, Monterey, and Santa Barbara Counties as well as multiple incorporated cities within these counties. 3CE is based on a CCA model, which means that 3CE partners with the local utility (i.e., PG&E) which continues to provide consolidated billing, electricity transmission and distribution, customer service, and grid maintenance services. 3CE provides customers with a choice for clean and renewable energy, and community reinvestment through rate benefits and local GHG-reducing energy programs for residential, commercial, and agricultural customers. 3CE is currently on a pathway to achieving 60% clean and renewable energy by 2025 and 100% clean and renewable energy by 2030, which is 15 years ahead of California's mandate for zero emissions. Participation in 3CE as an electricity provider is voluntary, customers are automatically opted in to 3CE but can voluntarily opt out and continue service solely with PG&E if desired. 3CE services is anticipated to begin for unincorporated San Luis Obispo County in January 2025 (Central Coast Community Energy [3CE] 2023).

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

Local Energy Plans and Policies

The COSE establishes goals and policies that aim to reduce vehicle miles traveled (VMT), conserve water, increase energy efficiency and the use of renewable energy, and reduce associated 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. The EWP established the goal to reduce community-wide GHG emissions to 15% below 2006 baseline levels by 2020. In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory, 2006. While the timeline for the goals in this plan has since passed, the EWP still provides helpful context for evaluating projects' consistency with the County's goals related to energy efficiency, energy conservation, and renewable energy.

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 is referred to as the *2022 Building Energy Efficiency Standards* (also referred to as CALGreen). These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

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Vehicle Fuel Economy Standards

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

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

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

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

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

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 result in consumption of energy resources during both project construction and operation, as further evaluated below.

Construction

Project construction activities would require the consumption of energy resources in the form of electricity, diesel fuel, and gasoline for worker and construction vehicles and equipment. Future construction activities would be subject to State and local diesel idling restrictions and other equipment standards. In addition, Mitigation Measure AQ-1 has been identified to further restrict idling of construction equipment due to proximity of sensitive receptor locations (see Section III. *Air Quality*). Therefore, construction activity is not anticipated to result in wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be *less than significant*.

Operation

The project would include development of 240 market-rate residential units configured in 15 three-story buildings, 73 affordable residential units configured in two three-story buildings, on-site parking areas, a variety of on-site amenities, and landscaping. The project includes the installation of high-efficiency exterior lighting and energy-efficient appliances. All proposed apartment buildings would be designed to be all-electric, meaning that all residential appliances would rely on electricity and the buildings would not have natural gas connections. The project site would still support several amenities/uses that would require natural gas, including barbeques in common areas and pool facilities.

The project includes installation of rooftop solar on all residential buildings and the proposed clubhouse. Table 11 below provides estimated energy demand of each building type and orientation in comparison to the energy produced by each building's rooftop solar configuration in the first year of occupancy.

Table 11. Estimated Residential Building Energy Demand and Solar Energy Production

Building Type, Orientation	Estimated Annual Energy Demand	Estimated total Solar Production Year 1	Estimated Resident Usage Offset Year 1
Building A, facing northeast	216,000 kWh	231,500 kWh	107%
Building A, facing southwest	172,800 kWh	132,000 kWh	76%
Building A, facing northwest	43,200 kWh	49,300 kWh	114%
Building B, facing southwest	86,400 kWh	75,100 kWh	87%
Building B, facing northeast	345,600 kWh	269,600 kWh	78%

Source: RRM (2023a; see Appendix B)

Note: kWh = kilowatt hours

As shown in Table 11, the proposed apartment buildings' rooftop solar panels are projected to offset between 76% to 114% of each building's projected energy demand.

All project buildings would be required to adhere to Title 24 of the California Energy Code (CEC) and CBC 2022 Building Energy Efficiency Standards to minimize operational energy use through implementation of green building and energy efficient building design features. The project would source energy from 3CE, which is currently on a pathway to achieving an energy supply mix consisting of 60% clean and renewable energy by 2025 and 100% clean and renewable energy by 2030, which is 15 years ahead of California's mandate for zero emissions (3CE 2023). While customers have the option to voluntarily opt out and continue service solely with PG&E if desired, it is reasonable to assume the majority of project tenants would maintain service with 3CE. Tenants who choose to opt out would be served by PG&E, which currently provides an energy supply mix that consists of approximately 50% renewable energy sources and 43% GHG-free energy sources (PG&E 2021).

Operational energy use would also include fuel and electricity consumed associated with on-site residents' and employees' vehicle trips. The project is considered infill development and would establish multi-family residential uses within close proximity to existing goods and services in the Nipomo Central Business District. As described in Section XVII, *Transportation*, the project's VMT per capita was evaluated using the SLOCOG Travel Demand Model and the results indicated that the site would have a residential VMT per capita below the residential VMT per capita of the adjacent zones that are pre-screened as having a less than significant VMT impact (CCTC 2023). Therefore, fuel consumption associated with project-generated VMT would not be wasteful or unnecessary. In addition, the project includes design features that would reduce residents' VMT, including, but not limited to, provision of open space and recreational amenities within the project site and construction of sidewalks and bicycle lanes along the project site frontages along Hill Street and South Frontage Road. CBC requirements, such as provision of bicycle parking spaces on-site, would also contribute to reduction of residential VMT.

Based on the project's proposed all-electric apartment building design, on-site renewable energy infrastructure, compliance with the CEC and CBC, service by 3CE and PG&E, and VMT below the County's significance threshold, operation of the project would not result in environmental impacts due to wasteful, unnecessary, or otherwise inefficient consumption of energy; therefore, impacts would be *less than significant.*

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

As discussed under threshold (a) above, 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 State and local plans and policies for energy efficiency.

In order to be consistent with the County's COSE and the intent of the EWP, the project would be required to reduce GHG emissions where feasible in energy consumption. The project would primarily rely on 3CE to provide its energy supply, which currently on a pathway to achieving an energy supply mix consisting of 60% clean and renewable energy by 2025 and 100% clean and renewable energy by 2030, which is 15 years ahead of California's mandate for zero emissions (3CE 2023). The project also includes installation of solar PV panels on the roof of each proposed

structure, which are projected to offset between 76% to 114% of each building's projected energy demand (RRM 2023a). All project buildings would be required to adhere to Title 24 of the CEC and CBC 2022 Building Energy Efficiency Standards to minimize operational energy use through implementation of green building and energy efficient building design features. Therefore, the project would be compliant with applicable State and local plans for renewable energy and energy efficiency, and impacts would be *less than significant*.

Conclusion

Implementation of the proposed project would result in establishment of multi-family residential uses on the project site. The project has been designed to include on-site renewable energy generation that would offset a majority of the project's projected energy demand. In addition, the project would primarily rely on renewable and GHG-free energy sources as provided by 3CE and all buildings would be subject to CEC and CBC energy efficiency and green building code requirements. Therefore, impacts would be less than significant, and no mitigation is necessary.

Mitigation

No mitigation is necessary.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
(ii) Strong seismic ground shaking?	☐	☒	☐	☐
(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
(iv) Landslides?	☐	☐	☒	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

Setting

Earthquake Fault Zones

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the county and are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos (County of San Luis Obispo 1999).

Seismic and Other Geologic Hazards

Fault rupture refers to the displacement of the ground surface along a fault trace, which can endanger life and property if structures or lifeline facilities are constructed on, or cross over, a fault. Rupture of the ground surface along a fault trace typically occurs during earthquakes of approximately magnitude 5 or greater. Faults are classified by the State of California based on the likelihood of generating ground motions and surface rupture. The classification system applies to known faults that have been compiled by numerous researchers through various methods of investigation. The state evaluates faults with

documented ground rupture during the last 11,700 years and considers them for inclusion in Earthquake Fault Zones requiring investigation (A-P Zones), which encompass traces of Holocene-active faults, as defined by the state's Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) of 1972.

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

Settlement can occur when foundations and surface improvements span materials having variable consolidation, moisture, and density characteristics. Such a situation can stress and possibly damage foundations and surface improvements, often resulting in severe cracks and displacement. Seismically induced settlement of dry sand is also caused by a significant seismic event and may occur in lower-density and sand and silt soils that are not saturated by groundwater. During a major earthquake, the void spaces between the unsaturated soil particles that are filled with air tend to compress which translates to a decrease in volume or settlement.

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. The project site is located in an area with moderate potential for liquefaction risk and low potential for landslide risk (County of San Luis Obispo 2023a). In addition, the project site has an expected depth to groundwater of 50 feet; therefore, liquefaction is not a concern (GeoSolutions 2022; Appendix G).

Erosion is defined as the breakdown, detachment, transport, and redistribution of soil particles by natural forces, including water (i.e., rain, concentrated flow, streams, glaciers, etc.), wind, or gravity (USGS 2006). Increased amounts of sediment, which is caused by erosion, may runoff from a site and block drainage and irrigation ditches and canals and navigational channels, degrade wildlife habitat and fisheries, infill water reservoirs, elevate water treatment costs, increase the need for dredging, and may indirectly contribute to flooding (USGS 2006). Potential for erosion to occur at a particular site may depend on, but is not limited to, type of soils present, existing uses, and vegetative cover.

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. Based on the NRCS Soil Survey of the project site, the project is in an area with soils with a low potential for shrink swell (NRCS 2023).

Paleontological Setting

The project site is underlain by late Pleistocene-aged old eolian deposits (Qoe). This geologic unit consists of an extensive dune deposit underlying the Nipomo Mesa, comprised of well sorted red to brown wind-blown sand with weak to moderate soil development (Delattre and Wiegers 2014).

Paleontological sensitivity is the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, past history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit. Occurrences of paleontological resources are closely related to the

geologic units in which they are contained, and the potential for finding scientifically important paleontological resources can be broadly predicted by the presence of the pertinent geologic units at or near the surface. Based on the age and characteristics of the late Pleistocene-aged old eolian deposits that underly the project site, this unit has low paleontological sensitivity (SWCA Environmental Consultants [SWCA] 2022).

State Regulations

Section 1613 of the CBC identifies building requirements that new development must meet to withstand earthquake loads, including liquefaction. According to Section 1613 of the CBC, all structures, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with this section.

PRC Section 5097.5 prohibits any persons from knowingly or willfully excavating upon, removing, destroying, injuring, or defacing any historic or prehistoric ruins, including a vertebrate paleontological site, fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

Local Regulations

Chapter 22.52 of the LUO includes specific regulations pertaining to grading and drainage within the county. The purpose of Chapter 22.52 is to establish standards to safeguard the public health, safety and general welfare; minimize erosion and sedimentation; minimize fugitive dust emissions; prevent the loss of agricultural soils; reduce the harmful effects of stormwater runoff; encourage groundwater recharge; protect fish and wildlife; reduce hazards to life and property; reduce drainage problems from new development; enhance slope stability; protect natural, scenic, and cultural resources; prevent environmental damage to public and private property; and to otherwise protect the natural environment.

The County LUO also identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is not located within the LUO Geologic Study Area (GSA) combining designation. The project site is located in an area with moderate to high landslide potential and low liquefaction potential (County of San Luis Obispo 2016).

The County's Safety Element has two basic principles: to be ready for disaster, and to manage development to reduce risk. The Safety Element provides goals, policies, and programs to reduce the risk of loss due to potential natural hazards, including seismic hazards, within the county, with the purpose of providing standards for reducing the risk of exposure to hazards.

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.

On-site Geological Conditions

On-site topography of the project site is comprised of gently rolling sand dunes. Areas that have been disturbed by past grading operations exist along the southwestern portions of the property. Site drainage generally follows the site topography to the northeast side of the property (GeoSolutions, Inc. [GeoSolutions] 2022).

A *Soils Engineering Report* was prepared for the project site in July 2000 by GeoSolutions, Inc., which then was updated in November 2020, then again in October 2022 (Appendix G). Preparation of this report included a literature review of available published and unpublished geotechnical data, a field study, review of subsurface soil borings, review of laboratory testing performed on representative soil samples collected during the field study, engineering analysis of the data gathered, and development of recommendations for site preparation, grading, and geotechnical design criteria for building foundations, retaining walls, pavement sections, etc. (GeoSolutions 2022).

The field investigation included use of two 6-inch diameter borings and eight 4-inch diameter borings that were inserted to a maximum depth of 40 feet below ground surface. Data gathered during the field study indicated that soils within the site consist of brownish yellow poorly graded sand underlain by interbedded layers of poorly graded sand with density that increased with depth. Groundwater was not encountered in any of the borings (GeoSolutions 2022).

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.*

There are no mapped potentially active faults located under or immediately adjacent to the project site (County of San Luis Obispo 2023a; GeoSolutions 2022). The nearest mapped potentially capable fault is the Santa Maria River Fault, located approximately 0.25 mile to the northeast of the project site. Therefore, rupture of a known earthquake fault would not occur under the project site, and *no impacts* would occur.

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

The project site is located in the central coast of California, which is a seismically active region, and there is always potential for seismic ground shaking to occur. The project site was evaluated for seismic design considerations based on many factors, including the distance from the site to known active faults, the expected magnitude and rate of recurrence of seismic events produced on such faults, the source-to-site ground motion attenuation characteristics, and the characteristics of the on-site soil profile.

The project would be subject to the 2022 CBC, which requires buildings, building foundations, and any other associated structures to be constructed to withstand earthquake loads, including liquefaction. Mitigation Measure GEO-1 has been identified to require all recommendations provided for foundational design be implemented into the project design to reduce the risk of collapse or other damage due to seismic activity. In addition, Mitigation Measure GEO-2 has been identified to require regular inspection of certain project construction activities to ensure they are in

compliance with the project plans and associated geotechnical recommendations provided in the Soils Engineering Report prepared for the project. Therefore, with required adherence to the CBC and implementation of Mitigation Measure GEO-1 and GEO-2, the project would be compliant with relevant State and local seismic design standards, which would reduce the risk of loss, injury, or death involving seismic ground shaking. Therefore, impacts would be *less than significant with mitigation*.

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

According to the County's Safety Element Maps, the project site has moderate potential for liquefaction. In addition, the project site has an expected depth to groundwater of 50 feet; therefore, liquefaction is not a concern (GeoSolutions 2022). The project would be subject to the 2022 CBC, which requires buildings, building foundations, and any other associated structures to be constructed to withstand earthquake loads, including liquefaction. Therefore, impacts would be *less than significant*.

(a-iv) Landslides?

According to the County's Safety Element Maps, the project site has a low potential for landslides. The project site topography varies from nearly level to gently sloping and is not located near steep slopes or other extreme topographic expressions that would result in a high potential for landslide risk. The project would include grading the site to form nearly level building sites for residential development, parking areas, installation of utilities and roads, and open space areas for recreation and stormwater retention. Proposed grading and drainage improvements would be designed in accordance with applicable state and local regulations and would be reviewed and approved by the County Public Works Department to ensure appropriate measures are taken to address any potential for on-site landsliding. Therefore, impacts would be *less than significant*.

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

The project would result in 10.48 acres of site disturbance on-site, including approximately 55,585 cubic yards of cut material and 15,830 cubic yards of fill material, resulting in approximately 39,755 cubic yards of materials to be exported off-site. The project would result in the removal of approximately 24 blue gum eucalyptus trees and other vegetation on-site. Off-site improvements would result in 1.94 acres of site disturbance, including approximately 2,318 cubic yards of cut material and 237 cubic yards of fill material, resulting in approximately 2,081 cubic yards of materials to be exported.

The project would disturb more than 1 acre of soil and would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with State Water Resources Control Board (SWRCB) Construction General Permit Order 2009-0009-DWQ. In addition, an Erosion and Sedimentation Control Plan is required for all construction and grading permit projects per County LUO 22.52.120. The Erosion and Sediment Control Plan would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures prior to, during, and following project construction. In addition, standard Best Management Practices (BMPs) would be implemented during project construction to reduce erosion. Compliance with existing regulations and implementation of standard BMPs would reduce potential for erosion and loss of topsoil; therefore, soil erosion impacts would be *less than significant*.

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(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?*

According to the County's Safety Element Maps, the project site has a low potential for landslides. The project site topography varies from nearly level to gently sloping and is not located near steep slopes or other extreme topographic expressions that would result in a high potential for landslide risk. According to the USGS Areas of Land Subsidence in California Map, the project site is not located in an area with known subsidence (USGS 2021). According to the County's Safety Element Maps, the project site has moderate potential for liquefaction. In addition, the project site has an expected depth to groundwater of 50 feet; therefore, liquefaction is not a concern (GeoSolutions 2022). The project would be subject to the 2022 CBC, which requires buildings, building foundations, and any other associated structures to be constructed to withstand earthquake loads, including liquefaction.

According to the Soils Engineering Report prepared for the project, the primary geotechnical concerns at the project site include presence of loose surface soils and the potential for differential settlement occurring between foundations on two soil materials having different settlement characteristics, such as native soil and engineered fill (GeoSolutions 2022). Mitigation Measure GEO-1 has been identified to require all recommendations provided for foundational design be implemented into the project design to reduce risks associated with construction on loose surface soils and differential settlement. In addition, Mitigation Measure GEO-2 has been identified to require regular inspection of certain project construction activities to ensure they are in compliance with the project plans and associated geotechnical recommendations provided in the Soils Engineering Report prepared for the project. Therefore, with required adherence to the CBC and implementation of Mitigation Measure GEO-1 and GEO2, impacts 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 one soil type, Oceano sand, 0 to 9 percent slopes (unit 184) (NRCS 2023). Data gathered during the field study on-site verified that soils within the site consist of brownish yellow poorly graded sand underlain by interbedded layers of poorly graded sand with density that increased with depth (GeoSolutions 2022). Typically, expansive soils are comprised of clay or clay materials. On-site soils are comprised of sand and have approximately 3.5% clay content (NRCS 2023), therefore, on-site soils have low potential for shrink-swell, and *no impacts* would occur.

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

The project does not propose any on-site septic tanks or other on-site wastewater treatment system. The project would be serviced by the NCSD for its wastewater collection and treatment needs. Therefore, *no impacts would occur* related to septic tank use.

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

The project site is underlain by late Pleistocene-aged old eolian deposits (Qoe). This geologic unit consists of an extensive dune deposit underlying the Nipomo Mesa, comprised of well sorted red to brown wind-blown sand with weak to moderate soil development (Delattre and Wiegers 2014). Based on the age and characteristics of the late Pleistocene-aged old eolian deposits that underly

the project site, this unit has low paleontological sensitivity (SWCA Environmental Consultants [SWCA] 2022).

In the unlikely event a paleontological resource is discovered during project grading or excavation activities, PRC Section 5097.5 prohibits any persons from knowingly or willfully excavating upon, removing, destroying, injuring, or defacing any historic or prehistoric ruins, including a vertebrate paleontological site, fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. Therefore, based on the site's low sensitivity for significant paleontological resources and required compliance with state law pertaining to protection of paleontological resources, impacts would be *less than significant*.

Conclusion

The project would not result in any potentially significant impacts associated with rupture of a known earthquake fault, substantial erosion or loss of topsoil, expansive soil, septic tank soil suitability, or paleontological resources. Potential impacts associated with strong seismic ground shaking and construction on unstable land would be reduced to less than significant with implementation of mitigation identified below. Therefore, impacts associated with Geology and Soils would be less than significant with mitigation.

Mitigation

GEO-1 **Geotechnical Design Recommendations.** Prior to application for project grading, building, and construction permits, the project applicant shall retain a County-qualified engineer to consult the project team during plan preparation, conduct a comprehensive review of all project plans, and certify that they have been prepared in accordance with all recommendations identified in the Soils Engineering Report prepared for the project associated with preparation of building pads, conventional foundations, slab-on-grade construction, exterior concrete flatwork, retaining walls, preparation of paved areas, pavement design (GeoSolutions 2022).

GEO-2 **Geotechnical Inspections and Reports.** During grading, excavation operations, construction of reinforced concrete, structural masonry, high strength bolting, epoxy embedment of threaded rods and reinforcing steel, and welding of structural steel, a County-qualified engineer shall conduct regular inspections to ensure these activities are in conformance with the recommendations identified in the Soils Engineering Report prepared for the project (GeoSolutions 2022) to the satisfaction of the County Building Division. The County-qualified engineer shall submit inspection reports to the County of San Luis Obispo Planning and Building Department summarizing their findings. Frequency of inspections and associated reports shall be determined by the County Building Division.

Initial Study – Environmental Checklist

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

GHGs are any gases that absorb infrared radiation in the atmosphere. The primary GHGs that are emitted into the atmosphere as a result of human activities are CO_2, methane (CH_4), NO_X, 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_2 is the most abundant GHG and is estimated to represent approximately 80–90% of the principal GHGs that are currently affecting the earth's climate.

In 2019, GHG emissions within California totaled 418.2 million metric tons (MMT) of CO_2e. Within California, the transportation sector is the largest contributor, accounting for approximately 40% of the total state-wide GHG emissions. Emissions associated with industrial uses are the second largest contributor, totaling roughly 21%. Electricity generation totaled roughly 14% (AMBIENT 2023).

State Regulatory Setting

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

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

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

Assembly Bill 1279 (the California Climate Crisis Act) was signed into law in September 2022. This law established the revised GHG reduction goals including the following (California Legislative Information 2022):

- Achieve net zero GHG emissions as soon as possible, but no later than 2045;
- Maintain net negative GHG emissions thereafter (following 2045); and
- Reduce statewide anthropogenic GHG to at least 85% below 1990 levels by 2045.

The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), which as finalized and adopted in December 2022. The 2022 Scoping Plan lays out the strategies for achieving carbon neutrality and reduce anthropogenic (i.e., human-caused) GHG emissions by 85% below 1990 levels no later than 2045, as directed by Assembly Bill 1279 (California Air Resources Board [CARB] 2023).

Regional Regulatory Setting

The SLOAPCD is a local public agency with the primary mission of realizing and preserving clean air for all county residents and businesses. Responsibilities of the SLOAPCD include but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by federal and State regulatory requirements.

As a Commenting Agency under CEQA, the SLOAPCD has developed the *CEQA Air Quality Handbook* to assist lead agencies, planning consultants, and project proponents in assessing the potential air quality and GHG impacts from residential, commercial, and industrial development. SLOAPCD recently developed and published the 2023 Administrative Update Version of the CEQA Air Quality Handbook, which included updated thresholds of significance for GHG emissions. These thresholds have been established through the year 2045, the last year specified in AB 1279 and the CARB 2022 Scoping Plan Update for California to achieve its net zero GHG emissions target (SLOAPCD 2023a).

For projects with an initial operational year of 2030 or earlier, if emissions are at or below an applicable threshold for that operational year, then the project is considered to be doing its fair share toward the state's SB 32 GHG reduction target. For operational year 2023, the SLOAPCD has established that the GHG efficiency threshold for new development is 2.9 metric tons of carbon dioxide equivalent ($MTCO_2e$) per service population per year (AMBIENT 2023).

Discussion

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

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 applicable GHG significance thresholds may be considered cumulatively considerable and require mitigation. Development of

the project would result in increases of CO_2 from mobile sources. To a lesser extent, other GHG pollutants, such as CH4 and N2O, would also be generated. Short-term and long-term GHG emissions associated with the development of the project are evaluated below.

Short-term Construction Emissions

GHG emissions associated with the construction of the proposed project were calculated using the CalEEMod, version 2022.1.1.2 computer program. Based on the modeling conducted, construction-related GHG emissions would total approximately 1,203 $MTCO_2e$. Actual emissions may vary, depending on the final construction schedules, equipment required, and activities conducted.

GHG emissions associated with construction of the proposed project were calculated using CalEEMod, version 2022.1.1.2. Based on the modeling conducted, construction-related GHG emissions would total approximately 1,203 $MTCO_2e$. Actual emissions may vary, depending on the final construction schedules, equipment required, and activities conducted (AMBIENT 2023). When evaluated over an approximate 30-year life of the project, amortized construction-generated emissions would total approximately 40 $MTCO_2e$ per year. It is also important to note, however, that implementation of Mitigation Measure AQ-1 identified in Section III, *Air Quality*, includes measures that would reduce emissions from diesel-fueled equipment and vehicles. Amortized construction-generated GHG emissions have been included with operational GHG emissions in the impact discussion below.

Long-Term Operational GHG Emissions

GHG emissions associated with the long-term operation of the proposed project were calculated using the CalEEMod, version 2022.1.1.2. Based on the modeling conducted, operational GHG emissions for year 2030 would total approximately 2,860 $MTCO_2e$ per year. A majority of the operational GHG emissions would be associated with energy use and the operation of motor vehicles. To a lesser extent, GHG emissions would also be generated by solid waste generation and water use. With the inclusion of amortized construction-generated GHG emissions, GHG emissions would total 2,900 $MTCO_2e$ per year (AMBIENT 2023). GHG emissions associated with the project for operational year 2030 are summarized in Table 12.

Table 12. Estimated Project Operational GHG Emissions without Mitigation

Source	Year 2030 GHG Emissions ($MTCO_2e$/Year)
Mobile[1]	2,254
Area Source[2]	7.35
Energy Use[3]	507
Water[4]	16.4
Waste[5]	758
Refrigeration	0.33
Total Operational Emissions	**2,860**
Amortized Construction Emissions	40

Table 12. Estimated Project Operational GHG Emissions without Mitigation

Source	Year 2030 GHG Emissions ($MTCO_2e$/Year)
Total Operational + Amortized Construction Emissions	2,900
Project Service Population (SP)[6]	845
Project $MTCO_2e$/SP	3.4
SLOAPCD GHG Efficiency Significance Threshold	2.9
Exceeds Threshold?	**Yes**

Source: AMBIENT 2023

[1] Based on default fleet mix for land uses contained in CalEEMod for San Luis Obispo County.

[2] Area source includes emissions associated primarily with the use of landscape maintenance equipment.

[3] Includes adjustment for California Renewable Portfolio Standards requirements and a minimum average reduction of 70% in residential electricity use with installation of on-site residential solar PV systems and compliance with applicable building energy-efficiency standards. Does not include reduction for mitigated natural gas use.

[4] Incudes use of low-flow water fixtures and water-efficient irrigation systems, per current building code requirements.

[5] Based on an average annual waste diversion/recycling rate of 50% based on statewide averages.

[6] Based on the estimated number of residents served by the proposed project provided by the project proponent.

Based on the modeling conducted and assuming a total service population of 845 residents, the calculated GHG efficiency for the proposed project would be 3.4 $MTCO_2e$/SP/year for year 2030, which would exceed the SLOAPCD GHG significance threshold of 2.9 $MTCO_2e$/SP/year for year 2030. Mitigation Measures AQ-1 and AQ-2, as detailed in Section III, *Air Quality*, include measures that would reduce short-term emissions of GHGs during construction activities. In addition, Mitigation Measure AQ-3 includes measures that would reduce long-term GHG emissions, including emissions associated with energy and motor vehicle use. In addition, Mitigation Measure GHG-1 has been identified to further reduce project emissions associated with energy use, to ensure compliance with current building standards, and to ensure the project contributes to its fair share of GHG-reductions in support of the State's future GHG-reduction targets.

Mitigated operational year 2030 emissions are summarized in Table 13. As shown, mitigated operational emissions would total approximately 1,661 $MTCO_2e$ per year for Year 2030, which equates to approximately 2.0 $MTCO_2e$ per service population (AMBIENT 2023).

Table 13. Estimated Project Operational GHG Emissions with Mitigation

Source	Year 2030 GHG Emissions ($MTCO_2e$/Year)
Mobile[1]	1,577
Area Source[2]	7.35
Energy Use[3]	23
Water[4]	14.9
Waste[5]	37.9
Refrigeration	0.33
Total Operational Emissions	**1,661**
Amortized Construction Emissions	40
Total Operational Emissions + Amortized Construction Emissions	1,701
Project Service Population (SP)[6]	845
Project $MTCO_2e$/SP	2.0
SLOAPCD GHG Efficiency Significance Threshold	2.9
Exceeds Threshold?	**No**

Source: AMBIENT 2023

[1] Based on default fleet mix for land uses contained in CalEEMod for San Luis Obispo County.

[2] Area source includes emissions associated primarily with the use of landscape maintenance equipment.

[3] Includes adjustment for California Renewable Portfolio Standards requirements and a minimum average reduction of 70% in residential electricity use with installation of on-site residential solar PV systems and compliance with applicable building energy-efficiency standards. Does not include reduction for mitigated natural gas use.

[4] Incudes use of low-flow water fixtures and water-efficient irrigation systems, per current building code requirements.

[5] Based on an average annual waste diversion/recycling rate of 50% based on statewide averages.

[6] Based on the estimated number of residents served by the proposed project provided by the project proponent.

With implementation of identified mitigation measures, the project would not exceed SLOAPCD's GHG Efficiency Threshold for Year 2030. Therefore, impacts would be *less than significant with mitigation*.

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

The project's operational GHG emissions would be primarily associated with mobile sources. Plans applicable to the project related to reducing GHG emissions include the County's EWP, the SLOCOG 2023 Regional Transportation Plan (RTP), and CARB's 2022 Scoping Plan.

County of San Luis Obispo EnergyWise Plan

As described in Section VI, *Energy*, while the timeline for the goals in the County EWP has since passed, the EWP still provides helpful context for evaluating projects' consistency with the County's goals related to energy efficiency, energy conservation, and renewable energy.

The County's EnergyWise Plan is a long-range plan to reduce GHG emissions from County government operations and community activities within the County. The County's EnergyWise Plan includes numerous measures to reduce GHG emissions associated with energy use, motor vehicle use, water use, waste generation, and construction. It is important to note, however, that the County's EnergyWise Plan is based on year 2020 GHG-reduction targets and has not yet been updated to reflect year 2030 GHG-reduction targets, per SB 32. While County decision makers have the ultimate authority to determine project consistency with County General Plan goals and policies, a preliminary analysis of the project's consistency with the measures identified in the County's EnergyWise Plan is provided in Table 14.

Table 14. Project Consistency with the County EnergyWise Plan

Communitywide GHG Reduction Measure	Project Consistency
Measure 7. Energy-efficient New Development. Encourage and incentivize new development projects to exceed minimum Cal Green requirements.	**Potentially Consistent.** The proposed project includes the installation of high-efficiency exterior lighting and energy-efficient appliances.
Measure 18. Strategic Growth. Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs.	**Potentially Consistent.** The project would establish higher-density residential development within the existing Nipomo URL. The project site would be located in close proximity to goods and services within the Nipomo Central Business District.
Measure 20. Affordable Housing. Continue to increase the amount of affordable housing provided in San Luis Obispo County. Affordable and below-market-rate housing provides greater opportunity for lower-income families to live closer to job and activity centers, providing residents with greater access to transit and alternative modes.	**Potentially Consistent.** The project includes 313 multi-family residential units, of which 73 units (approximately 24%) would be HASLO-owned affordable housing units designated for occupancy by lower-income households (Figure 3). Lower-income households, as defined in County Inland LUO Section 22.12.030, include households earning no more than 80% of the Area Median Income (AMI).

As shown in Table 14, the project would not conflict with applicable County EWP GHG reduction measures.

SLOCOG 2023 Regional Transportation Plan

SLOCOG's 2023 RTP serves as the blueprint for regional land use and transportation development patterns. It includes visions, goals, and policies relevant to the proposed project. These include support for a mix of housing options in new residential developments, support for affordable housing, support for housing options for people of all ages and incomes, and support for infill development near existing transit services and activity centers. It also includes the region's

Sustainable Communities Strategy (SCS), which outlines how the region will meet or exceed its GHG reduction targets.

The 2023 RTP also identifies a preferred land use scenario that seeks to improve the current regional jobs:housing imbalance by adding employment-generating uses to housing-rich areas like the South County Planning Area in an effort to reduce VMT, congestion, and associated GHG emissions. The proposed project would be located on an infill site near existing goods and services and would provide a mix of market-rate, affordable, and senior housing that would help the County meet state-mandated housing needs. The project site is located in an urbanized area that results in transportation efficiencies and would have a less-than-significant impact to VMT according to the County's thresholds (CCTC 2023; see additional discussion under Section XVII, *Transportation*). Therefore, the project would not result in a conflict with the 2023 RTP.

CARB 2023 Scoping Plan

New land use development projects would be considered to be consistent with the State's carbon neutrality goals and would be considered to have a less than significant impact if: 1) the project is deemed consistent with regional VMT-reduction targets; 2) the project prohibits the installation of natural gas infrastructure; and 3) the project would not result in a wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines (AMBIENT 2023).

As discussed under threshold (a), above, the project would not exceed SLOAPCD's GHG Efficiency Threshold for year 2030 (SLOAPCD 2023b) with implementation of Mitigation Measures AQ-1, AQ-2, AQ-3, and GHG-1. In accordance with SLOACPD's 2023 CEQA Air Quality Handbook, for projects with an initial operational year of 2030 or earlier, if emissions are at or below an applicable threshold for that operational year, then the project is considered to be doing its fair share toward the state's SB 32 GHG reduction target.

To ensure a project can be readily retrofitted in the future to be consistent with the state's 2045 carbon neutrality target, the following construction measures for projects are recommended (SLOAPCD 2023a):

1. Construct the project with adequate electrical panel capacity to support an all-electric retrofit of the development; and
2. Construct the project with appropriate conduit necessary to support the retrofit of the development to meet battery charging needs when transportation is all-electric. The nominal cost of these measures accomplished during construction will significantly improve the cost-effectiveness of implementing these future retrofits.

The proposed project is already designed to develop all-electric apartment buildings, with only a few specific amenities requiring natural gas as an energy source (e.g., proposed barbeques, pool facilities, etc.). Mitigation Measure GHG-2 has been identified to require the project to include the installation of appropriate conduit necessary to support double the amount of EV Capable parking spaces to support the future retrofit of the development to meet battery charging needs when transportation is all-electric.

Upon implementation of Mitigation Measures AQ-1, AQ-2, AQ-3, GHG-1, and GHG-2, the project would not conflict with an applicable plan or policy adopted with the purpose of reducing GHG emissions. Therefore, impacts would be *less than significant with mitigation*.

Initial Study – Environmental Checklist

Conclusion

The project would have the potential to exceed applicable local GHG emissions thresholds and therefore would constitute a potentially significant impact on the environment. With implementation of identified mitigation measures, impacts associated with GHG emissions would be reduced to less than significant with mitigation.

Mitigation

Implement Mitigation Measures AQ-1, AQ-2, and AQ-3.

GHG-1 **GHG Reduction Measures.** At the time of application for building permits, the project developers shall incorporate the following measures into project plans to reduce project-generated GHG emissions:

a. To the extent practical, the project shall reuse and recycle construction waste (including, but not limited to, soil vegetation, concrete, lumber, metal, and cardboard);

b. The servicing of residential development by natural gas shall be prohibited. To the extent that alternatively powered equipment is locally available and installation is feasible, non-residential development shall install electrically-powered appliances and building mechanical equipment in place of natural-gas fueled equipment. If natural-gas fueled equipment is installed for non-residential development, electrical service/outlets for the equipment shall be provided to allow for the future conversion of the equipment from natural gas service to electrical service.

c. Encourage future project tenants to participate in Central Coast Community Energy as the electricity.

d. The project shall be designed to incorporate drought-resistant and native plants for on-site landscaping plans.

e. The proposed project shall install high-reflectance roofing materials (e.g., EPA "Energy Star"-rated), to the extent practical, to reduce building heat absorption and summer energy costs.

f. The electrical systems for single-family homes shall be designed with sufficient capacity to accommodate Level 2 residential-use electric vehicle chargers.

GHG-2 **Electrical Conduit for Future Transportation Electrification.** At the time of application for building permits, the project plans shall meet or exceed installation of code required EV Capable charging spots and include installation of additional electrical conduit to support the future retrofit to at least double the capacity of EV Capable Spots to anticipate increases in charging demands beyond capacity after the project is built.

Initial Study – Environmental Checklist

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Initial Study – Environmental Checklist

Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be in an area of known hazardous material contamination and is not on an active/open site listed on the Cortese List (SWRCB 2023; California Department of Toxic Substance Control [DTSC] 2023).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within a high and very high Fire Hazard Severity Zones (FHSZs). The project would be located in a local responsibility area and is not within a mapped high or very high FHSZ. The emergency response time to the project site is approximately 0 to 5 minutes (County of San Luis Obispo 2023a). For more information about fire-related hazards and risk assessment, see Section XX, *Wildfire*.

Discussion

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

Project construction would require the use of limited quantities of hazardous substances (e.g., gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc.). Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, proposed construction activity is not anticipated to result in hazard to the public due to routine transport, use, or disposal of hazardous materials.

Operation of the project is not expected to require routine transport, use, or disposal of hazardous materials that would lead to significant upset in the event of an accidental spill. The project would result in the establishment and occupancy of 313 residential units that would generate common household waste. Household waste would be stored and hauled in accordance with County regulations; therefore, impacts 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?*

Construction

A *Phase I Environmental Site Assessment* was prepared for the project to evaluate the potential of soil or groundwater contamination that may be present within the project disturbance areas as a result of the use, handling, storage, or disposal of hazardous materials or petroleum products on or near the property (Earth Systems Pacific 2022; Appendix H). The report was prepared in accordance with the American Society for Testing and Materials (ASTM) Standard Practice for environmental Site Assessments, and included site reconnaissance, records review, and interviews.

The Phase I ESA concluded that historical uses of the property included a planted eucalyptus grove from sometime prior to 1939 to the late 1960's, when it was cleared and then used for a borrow area for fill material in the 1980's. Since that time, the site has remained vacant and undeveloped. While there are 14 sites within a 0.25-mile radius of the property that are listed in environmental agency databases, none of these sites present a significant environmental concern for the project site based on their regulatory status and/or locations. No hazardous materials were observed on the site and no additional soil or groundwater testing is recommended (Earth Systems Pacific 2022).

As described above, future construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills, such as 22 CCR Division 4.5, to reduce the potential for accidental hazardous material release during construction.

The project does not require demolition that could release asbestos containing material (ACM) or other potential hazards. The project does not require soil disturbance within 20 feet of an existing major roadway (i.e., US 101) that could release hazardous levels of aerially deposited lead (ADL) if present within the soil.

The project site is not located in an area identified as containing naturally occurring ultramafic rock or serpentine soils by the SLOAPCD (SLOAPCD 2018). However, the project site is located in the vicinity of areas identified by SLOAPCD as having a potential for NOA (AMBIENT 2022a). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements have been identified in Mitigation Measure AQ-4. With implementation of Mitigation Measure AQ-4, impacts associated with NOA would be reduced to *less than significant*.

Based on the analysis provided above, construction-related impacts associated with the potential for the project to create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant with mitigation*.

Operation

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. The use of common household chemicals and substances would not result in potentially significant impacts associated with upset or accident conditions; therefore, operational-related impacts would be *less than significant*.

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

The nearest school is Little Bits Preschool, located approximately 0.31 mile northwest of the project site. Little Bits Preschool is not located within one-quarter mile of the project site; therefore, *no impacts* would occur.

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

According to the SWRCB GeoTracker database and DTSC EnviroStor database, the project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" pursuant to Government Code Section 65962.5 (SWRCB 2023; California Department of Toxic Substance Control [DTSC] 2023). Therefore, the project would not be located on a known 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 nearest airports to the project site are the Santa Maria Public Airport, located approximately 8.2 miles south of the project site, and the Oceano Airport, located approximately 8.7 miles northwest of the project site. The project is not located within an airport land use plan and is not located within two miles of an airport. Therefore, there would be no risk of exposing persons to a safety hazard or excessive noise from the operation of the airport, and *no impacts* would occur.

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

During construction of off-site roadway improvements and utility infrastructure improvements (Phase I), the project would result in partial lane closures along Hill Street, South Frontage Road, and Grande Avenue. It is expected that one-way vehicle access would be maintained during most or all of this phase and based on the project site's location, there are sufficient detour routes available within 0.25 mile of the site to ensure all surrounding developed land uses maintain adequate access routes for emergency services. However, full-road closures may be required temporarily during construction activities, and both single-lane closures and full-lane closures may hinder/delay emergency responders' efforts to access the project area in the event of an emergency or result in unexpected delays in the event of a community evacuation. Mitigation Measure HAZ-1 has been identified to require notification to emergency service providers as well as residents and business owners who would be directly affected by roadway/lane closures prior to Phase I initiation. This notification would be required to include the location and nature of roadway/lane closures, the estimated timeframes of restricted access, identify alternative access routes to routes made inaccessible by the closures (as applicable), and contact information for a project representative if any recipient has questions. With implementation of Mitigation Measure HAZ-1, impacts associated with inadequate emergency access would be *less than significant with mitigation*.

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

The project would be located in a local responsibility area and is not within a mapped high or very high FHSZ. The nearest mapped FHSZ is located approximately 0.5 mile southeast of the project site and is designated primarily Moderate (County of San Luis Obispo 2023a). The project site is generally surrounded by developed land uses to the north, east, and south, with undeveloped land with low-density residential development and cattle grazing uses to the west. The emergency

response time to the project site and surrounding properties is approximately 0 to 5 minutes (County of San Luis Obispo 2023a).

The project site is primarily undeveloped with the exception of an unpaved access road. Implementation of the project would result in the development of multi-family residential uses, landscaping, paved parking lots and internal access roads, and recreational amenities including a club house, barbeques, a pool, a neighborhood park, and walking paths. The project would be constructed in accordance with California Fire Code (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 California Department of Forestry and Fire Protection (CAL FIRE)/County Fire 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 requirements, the project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires; therefore, impacts would be *less than significant*.

Conclusion

There are no known hazardous materials sites on the project property. The project site is not located within one-quarter mile of a school and is located more than 2 miles away from the nearest airport. The project would not result in future development within a high or very high FHSZ and would be subject to CAL FIRE, County, and CBC standards. The project would have the potential to result in impacts associated with NOA. With implementation of Mitigation Measure AQ-4, impacts associated with NOA would be reduced to less than significant. In addition, mitigation has been identified to reduce impacts associated with impairment of adopted emergency response and/or evacuation plans. Therefore, impacts associated with Hazards and Hazardous Materials would be less than significant with mitigation.

Mitigation

Implement Mitigation Measure AQ-4.

HAZ-1 **Road Closure Notifications**. At least 8 weeks prior to scheduled road and/or vehicle lane closure, the project developer shall notify local emergency service providers and owners and tenants of properties that would be directly affected of road closures along Hill Street, South Frontage Road, and Grande Avenue. The notice shall include dates and estimated duration of the closure, identify alternative access routes to properties made inaccessible by the closure (as applicable), and contact information available if there are issues or complaints.

Initial Study – Environmental Checklist

X. HYDROLOGY AND WATER QUALITY

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

Initial Study – Environmental Checklist

Setting

Water Quality Regulations

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

Groundwater Supplies

The NCSD's sources of water supply include groundwater from the Santa Maria River Valley Groundwater Basin and imported water from the Nipomo Supplemental Water Project (NSWP) (MKN 2021). The NCSD owns five wells within the Santa Maria River Vally Groundwater Basin, four of which are active, and one that is currently being rehabilitated. These five wells have a combined pumping capacity of 3,100 gallons per minute (gpm) or 5,000 AFY. Assuming the largest well is out of service, maximum available pumping capacity is 2,100 gpm.

The basin covers approximately 288 square miles and is bordered by the Santa Lucia Range to the north, the Casmalia-Solomon Hills to the south, the San Rafael Mountains to the east, and the Pacific Ocean to the west. The basin is comprised of alluvial deposits with underlying consolidated rock. Most of the groundwater is contained in the alluvial deposits and consolidated rock generally yields small quantities of water. Groundwater recharge of the basin occurs from rainfall percolation, riverbed recharge, subsurface inflows, and return flows. The average annual precipitation within the basin is 15.65 inches, based on data collected between 1958 and 2020 (MKN 2021).

Stormwater

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

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

Initial Study – Environmental Checklist

Projects that disturb less than 1 acre must implement all required elements within the site's erosion and sediment control plan as required by the LUO.

Flood Zones

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The Safety Element of the County of San Luis Obispo General Plan establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. The project site is not located within or adjacent to a 100-year flood zone (Federal Emergency Management Agency [FEMA] 2012).

On-site Conditions

On-site topography of the project site is comprised of gently rolling sand dunes. Areas that have been disturbed by past grading operations exist along the southwestern portions of the property. Site drainage generally follows the site topography to the northeast side of the property (GeoSolutions 2022).

There are no surface water features located within the property; however, native shrubs and trees such as arroyo willow (*Salix lasiolepis*) and mule-fat (*Baccharis salicifolia*) are present in one area of the project site. These species are indicators of mesic soil conditions; however, this area is not a federal or state jurisdictional wetland or waters because it does not possess a defined bed or bank, nor is it associated with or connected to any nearby natural or manmade hydrologic features. Historic aerial photos do not indicate past hydrologic connections to ephemeral or perennial features, and this is consistent with the National Wetland Inventory, which does not map this area as a wetland (Althouse and Meade 2023).

Discussion

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

There are no mapped surface water features within the project site. The nearest mapped surface water feature is Nipomo Creek, located approximately 0.33-mile east of the project site. The project is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) would be required. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application, which includes preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would include best management practice (BMPs), identification of possible pollutants, and an Erosion and Sedimentation Control Plan. In addition, County Inland LUO Section 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The project would also be subject to specific drainage plan requirements set forth in LUO Section 22.98.070.B based on its location within the edge of the Nipomo Mesa area. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulatory requirements would reduce erosion and sedimentation from project activities.

All potentially hazardous materials used during project construction and earthwork activities would be stored, refilled, and dispensed on-site in full compliance with applicable County Environmental Health Department standards. The project site does not have any preexisting conditions or

proximate hazardous clean-up sites that would have the potential to result in contamination of soil or groundwater during construction activities (Earth Systems Pacific 2022; Appendix H).

A Stormwater Control Plan has been prepared for the project that outlines the proposed low impact development design strategies, drainage design, source control measures, and stormwater facility maintenance for the project (Walsh Engineering 2023; Appendix I). The project would use several systems of linear bioretention basins along the frontage of South Frontage Road as a primary method of on-site stormwater collection and treatment, which would allow stormwater flows to be filtered, seep into the ground, and recharge groundwater aquifer(s) below. All on-site stormwater drainage facilities have been designed to treat stormwater generated by an 85th percentile 24-hour storm event. BMPs have also been identified to reduce pollutants generated on-site associated pet waste, parked vehicles, and use of fertilizers and pesticides.

Based on the distance from the nearest mapped creek or surface water feature, and compliance with existing State and County water quality, sedimentation, and erosion control standards, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality or groundwater 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?

Groundwater Supplies

The project is projected to result in an annual water demand of 53.1 acre-feet per year (AFY) at full build-out of proposed uses (Walsh Engineering 2023; Appendix N). The project would rely on the NCSD for domestic and non-residential water services.

Historically, the NCSD has relied heavily on pumped groundwater from the Nipomo Mesa Management Area (NMMA), a subbasin within the Santa Maria Groundwater Basin. The NMMA Technical Group, which is the court-assigned entity responsible for managing groundwater within the NMMA, has declared a Stage IV water severity condition for the subbasin. This condition requires purveyors reduce groundwater deliveries to 50% of the average production recorded between Years 2009 and 2013. This results in a voluntary groundwater reduction goal of 1,267 AFY of pumped groundwater for the NCSD.

Groundwater was the sole source of the NCSD's water supply until 2015, when the NCSD began importing water from the City of Santa Maria as part of the Nipomo Supplemental Water Project (NSWP). The NCSD executed the Wholesale Water Supply Agreement (Wholesale Agreement) with the City of Santa Maria on May 7, 2013, which requires a minimum water delivery to the NCSD of 2,500 AFY by the 2025-26 fiscal year, a readily available amount of 500 AFY of supplemental water to serve future demands on an as-needed basis, and a maximum allowable delivery of 6,200 AFY (MKN 2021).

As described in greater detail in Section XIX, *Utilities and Service Systems*, the NCSD would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years while maintaining the voluntary groundwater pumping reduction goal of 1,267 AFY.

Groundwater Recharge

A Stormwater Control Plan has been prepared for the project that outlines the proposed low impact development design strategies, drainage design, source control measures, and stormwater facility maintenance for the project (Walsh Engineering 2023). The project would use several systems of linear bioretention basins along the frontage of South Frontage Road as a primary method of on-site stormwater collection and treatment, which would allow stormwater flows to be filtered, seep into the ground, and recharge groundwater aquifer(s) below.

Based on the analysis provided above, the project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge; therefore, 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 is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) would be required. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application, which includes preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would include best management practice (BMPs), identification of possible pollutants, and an Erosion and Sedimentation Control Plan. In addition, County Inland LUO Section 22.52.120 requires the preparation and approval of an Erosion and Sedimentation Control Plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulatory requirements would reduce erosion and sedimentation from project activities. Compliance with existing regulations and implementation of standard BMPs would reduce erosion and sedimentation from impacting proximate water resources; therefore, soil erosion and siltation 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?

See consolidated discussion under threshold *X(c-iii)*, below.

(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?

A Stormwater Control Plan has been prepared for the project that outlines the proposed low impact development design strategies, drainage design, source control measures, and stormwater facility maintenance for the project (Walsh Engineering 2023). The project would use several systems of linear bioretention basins along the frontage of South Frontage Road as a primary method of on-site stormwater collection and treatment, which would allow stormwater flows to be filtered, seep into the ground, and recharge groundwater aquifer(s) below. All on-site stormwater drainage facilities have been designed to treat stormwater generated by an 85th percentile 24-hour storm event. In addition, the project would retain stormwater flows via infiltration generated by the 95th percentile 24-hour storm event (Walsh Engineering 2023).

The project has been designed to divide on-site stormwater drainage into three drainage management areas (Walsh Engineering 2023):

1. The first is located at the north end of the site and would be graded to allow runoff to surface flow to a system of linear bioretention areas along the frontage of South Frontage Road. These basins would fill to 6 inches before overflowing to an underground storage chamber.
2. The second drainage management area makes up the majority of the site and is graded to direct stormwater flows via surface flow to another system of linear bioretention basins located along the frontage of South Frontage Road. These basins would overflow into inlets and would be piped to the southeast corner of the property where it would discharge into the smaller of two catch basins, that then overflows into an underground storage chamber.
3. The third drainage management area directs stormwater flows from the remaining portion of the property into inlets that lead to the larger of the two catch basins before flowing to the third and final underground storage chamber.

Based on required compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) and proposed stormwater control measures, project would not substantially increase the rate or amount of surface runoff in a manner that would result in on-site or off-site flooding and would not contribute runoff water in a manner that would exceed the capacity of existing or planned drainage systems. Therefore, impacts would be *less than significant*.

(c-iv) Impede or redirect flood flows?

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) indicate that the project site is located entirely within an area of minimal flood hazard (Flood Zone X; FEMA 2012). Therefore, the project would not result in the impediment or redirection of flood flows, and *no impacts* would occur.

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

The project site is not located in a 100- or 500-year flood zone and is not at risk for tsunami (CDOC 2022)or seiche due to distance from bodies of water. Due to the project's location and existing conditions, there is very low potential for pollutant release due to project inundation; therefore, impacts would be *less than significant*.

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

As discussed under the thresholds above, the project would be required to prepare a SWPPP and implement stormwater BMPs in accordance with SWRCB Construction General Permit Order 2009 0009-DWQ. The SWPPP would be prepared by a qualified engineer to ensure effective erosion and sedimentation control measures are implemented prior to, during, and following project construction. Project site stormwater runoff would be captured and directed to the proposed on-site drainage basin designed to capture and retain stormwater flows on-site in accordance with RWQCB and County Public Works Department standards. The project would not result in a significant new source of polluted runoff, substantially deplete groundwater resources, or otherwise conflict with or obstruct the implementation of a water quality control plan or sustainable groundwater management plan; therefore, potential impacts would be *less than significant.*

Conclusion

Future construction activities are not anticipated to increase erosion, sedimentation, and pollution based on implementation of a SWPPP and an Erosion and Sedimentation Control Plan in accordance with RWQCB requirements and the County's LUO (22.52.120). The project site is not located in an area with risk of flooding, tsunami, or seiche. Therefore, impacts related to hydrology and water quality would be less than significant.

Mitigation

No mitigation is necessary.

XI. LAND USE AND PLANNING

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Physically divide an established community?	☐	☐	☐	☒
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐

Setting

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

The *County of San Luis Obispo General Plan Land Use Element* (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 and resources will be used and protected. The County LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation within which they are located.

The County LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use,

circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project would be located within the community of Nipomo, in the Inland subarea of the South County Planning Area.

All three project site parcels are currently located within the Commercial Retail (CR) land use category, and the northern portion of the project site is also located within the Central Business District designation, which extends approximately 540 feet south from Hill Street. In accordance with the County Inland Land Use Ordinance (LUO), residential uses are allowed as principal uses in the CR land use category within the Central Business District by specific community planning area standards. Section 22.108.040 of the County Inland LUO includes the Nipomo Community Standards, which also apply to the project site.

Discussion

(a) Physically divide an established community?

The project would include the development of 240 market-rate residential units, 73 affordable residential units, on-site parking areas, a variety of on-site amenities, and landscaping on a 10.48-acre undeveloped property and off-site roadway improvements along the project site frontages of Hill Street, South Frontage Road, and Grande Avenue. The project site is located within the Urban Reserve Line (URL) of the unincorporated community of Nipomo and partially within the Nipomo Central Business District. The project site is currently surrounded by Hill Street and commercial retail uses to the north, South Frontage Road and US 101 to the east, Grande Avenue and single- and multi-family residential uses to the south, and low-density residential uses and undeveloped land to the west.

The project would not result in the removal or blockage of existing public roadways or other circulation paths and would not otherwise include any features that would physically divide an established community; 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?

An evaluation of the project's consistency with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect is provided below.

County of San Luis Obispo Land Use Ordinance

In accordance with Table N of the County Inland LUO, the CR land use category allows for a building intensity of one to 38 dwelling units per acre. Based on the project site's access to a paved collector or arterial roadway and proposed connection to a community sewer system, the project site meets the criteria for the "high" intensity factor category per County Inland LUO Section 22.10.130.B.1. The project proposes a density of 30 dwelling units per acre and meets all applicable County requirements for floor area and open area percentages of land cover as set forth in the County Inland LUO.

The project would establish multi-family residential uses within a property with a CR land use category. The northern portion of Parcel 1 is located within the Central Business District of the community of Nipomo (see Figure 3). Nipomo Community Standards Section 22.108.040.C state that multi-family dwellings can be authorized as a principal land use on land within the Commercial

Retail land use category located within the Central Business District with Conditional Use Permit approval. However, the remaining areas of the project site not located within the Central Business District would be subject to Section 22.30.490 of the County Inland LUO, which dictates that multi-family residential development may be authorized as a principle use through minor use or conditional use permit approval only if certain requirements are satisfied, one of which is that the site must be designed such that at least 50% of the floor area may be occupied for principal commercial use. The project applicant is requesting a concession from this requirement so that the project site, in its entirety, can be built out with residential multi-family uses without having to design the project to accommodate commercial uses (as described in Section A, *Project Description*). While the project would have the potential to be considered inconsistent with the CR land use category by developing the site with 100% multi-family uses and not designing them in a way to accommodate ground-floor commercial uses, this potential inconsistency would not constitute an environmental impact under CEQA.

The project also includes a request for one other concession in accordance with State Density Bonus Law (California Government Code Section 65915) to allow for building heights up to 49 feet six inches where a height of up to 35 feet is currently allowed by County LUO Section 22.10.090.C. Additionally, the project includes a request for an exception to allow for front and side setbacks of 19 feet 2 inches and 42 feet 1 inch for a portion of the project site along Hill Street and South Frontage Road where a 0-foot maximum is currently required by Policy 5.3, Standard C of the *West Tefft Corridor Design Plan*. The project's potential impacts associated with Aesthetics is discussed in detail in Section I, *Aesthetics*, which concludes that neither the height of proposed structures nor the increased front and side setbacks of proposed structures would result in a potentially significant impact. Therefore, the project's proposed concessions and exception associated with these two standards would not result in an environmental impact under CEQA.

The project's consistency with standards set forth in the LUO pertaining to protection of visual resources are discussed in detail in Section I, *Aesthetics*, and the project's consistency with LUO standards pertaining to noise are detailed in Section XIII, *Noise*. As described in Section IV, *Biological Resources*, the project would not result in a conflict with the adopted County Oak Woodland Ordinance (LUO Section 22.58).

The project is located within the Nipomo Mesa Water Conservation Area, for which the LUO has identified specific development and landscaping standards (LUO Section 22.98.070.F), including installation of low-flow water fixtures in all new buildings on-site in compliance with current California Green Building Standards and use of smart irrigation controllers and drip irrigation systems for proposed landscaping. The project landscape plans are consistent with County's general landscaping standards set forth in Chapter 22.16 of the Inland LUO as well as the Nipomo Mesa Water Conservation Area landscape standards set forth in the South County Planning Area Standards in LUO Section 22.98.070.F.2 (Jim Burrows Landscape Architecture 2023).

As described in the resources sections throughout this document, the project would be compatible with the type and density of surrounding development. The project is not located within an SRA, GSA, or other combining designation with specific development standards detailed in the County LUO. Therefore, the project would not result in a conflict with the goals or policies set forth in the County LUO.

County of San Luis Obispo General Plan

County Framework for Planning Principle 2 states, "strengthen and direct development toward existing and strategically planned communities," and Policy 2 under that principle states "avoid establishing or expanding residential rural or residential suburban areas outside urban or village reserve areas." The project would develop an undeveloped 10.48-acre parcel within the Nipomo URL with multi-family residential uses. Therefore, the project would be consistent with the applicable land use goals and policies set forth in the County Framework for Planning. In addition, the project's consistency with the circulation goals and policies set forth in the County Framework for Planning is provided in Section XVIII, *Transportation*, below. As discussed, the project would be generally consistent with all applicable circulation Goals and Policies set forth in the County Framework for Planning.

The County of San Luis Obispo COSE identifies several goals and policies regarding protection visual resources in rural parts of the county. As described in Section I, *Aesthetics*, above, the project would be consistent with the policies of the COSE pertaining to preservation of rural separation between established communities and maintenance of a cohesive visual character within urban areas. The County COSE also identifies goals and policies regarding the protection of biological resources. Potential impacts to threatened, rare, endangered, and sensitive species and native trees are identified in Section IV, *Biological Resources*, above. The project site does not support wetlands, aquatic habitats, or marine resources. Therefore, with implementation of mitigation measures identified in Section IV, *Biological Resources*, the project would be consistent with goals and policies in the COSE related to biological resources.

The County COSE also identifies several goals and policies regarding improvement of local and regional air quality and strategies to combat global climate change, including, but not limited to, reduction of per capita VMT countywide, attaining and maintaining state and federal ambient air quality standards, and reduction of GHG emissions from County operations and communitywide sources. As described in Section III, *Air Quality*, above, and Section XVII, *Transportation*, below, the project site would result in a less than significant VMT impact. As discussed under threshold *b* of Section III, Air Quality, the project would have the potential to result in an exceedance of local air pollutant emission thresholds and therefore could not result in a cumulatively considerable contribution to regional attainment levels for state and local ambient air quality standards. With implementation of identified mitigation measures, these potential impacts would be reduced to less than significant. Lastly, analysis provided in Section VIII, *Greenhouse Gas Emissions*, demonstrates that with implementation of identified mitigation, the project would not result in cumulatively considerable GHG emissions that would have an adverse effect on the environment or conflict with local, regional, or statewide policies. Therefore, the project would be consistent with the air quality resources and GHG emissions goals and policies identified within the County COSE with implementation of identified mitigation measures.

Areas of the project site located outside of the CBD are identified in the County Housing Element as vacant sites with potential for future residential development, as detailed in Section XIV, *Population and Housing*. The project would result in the establishment of less dwelling units on-site than the maximum allowed under the County General Plan. The project would be consistent with the Goals, Policies, and Objectives set forth in the Housing Element pertaining to provision of an adequate supply of housing units that are affordable to all residents, diverse in type, size, and ownership levels, located within or in close proximity to existing urbanized areas or communities, and

discouraging development of low-density residential uses on sites that allow for higher-density multi-family residential development.

The project's consistency with applicable Goals and Policies set forth in the County Noise Element is detailed in Section XIII, *Noise*, below. As discussed, the project would be consistent with the Noise Element with implementation of identified Mitigation Measures.

In summary, potential impacts would be *less than significant with mitigation.*

South County Area Plan and South County Circulation Study

As discussed in Section I, Aesthetics, the project would be consistent with the South County Area Plan's vision for the South County south sub-area with regard to community character, the integration of the natural environment into development design by way of street trees, landscaping, and parks, and pedestrian-supportive development. In addition, the project would be consistent with the vision described in the South County Area Plan pertaining to provision of housing available for all incomes. In addition, the South County Area Plan identifies several goals that would be applicable to the proposed project, including protection of important historic or archaeological resources, promoting the development of affordable housing, and managing the types and intensities of residential land uses such that they can be supported by conventional on-site sewage disposal systems and available water resources until municipal or community systems are provided. As discussed in Section V, *Cultural Resources*, mitigation has been identified to require preparation and implementation of a cultural resource monitoring plan and that a cultural resource awareness training be completed for all construction workers. The project includes 313 multi-family residential units, of which 73 units (approximately 24%) would be HASLO-owned affordable housing units designated for occupancy by lower-income households. Lastly, the project's water demand and wastewater collection and treatment services would be provided by the NCSD. Therefore, with implementation of identified mitigation, the project would not conflict with the South County Area Plan.

As discussed in Section XVII, *Transportation*, the project would be consistent with the transportation improvement needs and development fee program outlined in the South County Circulation Study.

SLOAPCD Clean Air Plan

The project's consistency with the SLOAPCD Clean Air Plan is evaluated in Section III, *Air Quality*. As discussed in Section III, *Air Quality*, in order to be considered consistent with the 2001 San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). In addition, regional vehicle miles traveled (VMT estimates are relied upon for regional air quality planning purposes and are used to determine the strategies to be implemented to reach the emission reduction targets set by CARB through Senate Bill 375. The proposed project would be consistent with the land use and transportation control measures of the CAP and the project would have a less than significant impact on regional VMT (CCTC 2023; see Section XVII. Transportation).

County of San Luis Obispo EnergyWise Plan

As discussed in Section VI, *Energy*, and Section VIII, *Greenhouse Gas Emissions*, the project would not conflict with applicable County EWP policies.

SLOCOG 2023 Regional Transportation Plan

As discussed in Section VIII, *Greenhouse Gas Emissions*, and Section XVII, *Transportation*, the project would be consistent with the visions, goals, and policies relevant to the proposed project and the region's SCS, which outlines how the region will meet or exceed its GHG reduction targets.

Based on the analysis provided above, with implementation of identified Mitigation Measures, the project would not 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; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Implementation of the proposed project would not physically divide an established community. Upon implementation of mitigation measures identified throughout this document, the project would be consistent with the County's LUO, General Plan, South County Area Plan, SLOAPCD CAP, and other applicable documents. Therefore, impacts associated with Land Use and Planning would be less than significant with mitigation.

Mitigation

Implement all mitigation measures identified within this document.

XII. MINERAL RESOURCES

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

Setting

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

Initial Study – Environmental Checklist

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

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

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

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

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the 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 area is not located within an 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?

According to the California Department of Conservation CGS Information Warehouse: Mineral Land Classification map, the project site is not in close proximity to an active mine (DOC 2022). The county does not identify the property as an EX or EX1 zone (County of San Luis Obispo 2023a). The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. The project is not expected to result in adverse impacts to mineral resources because there are no known mineral resources in the project area; therefore, *no impacts* would occur.

Conclusion

Project activities would not disturb mineral resources because the project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation and there are no known mineral resources in the project area. Therefore, impacts would be less than significant, and no mitigation is necessary.

Initial Study – Environmental Checklist

Mitigation

No mitigation is necessary.

XIII. NOISE

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

Setting

County Noise Element

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

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Noise sensitive uses that have been identified in the County's Noise Element to include the following:

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

Noise Measurements and Units

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. Energy Equivalent Noise Level (L_{eq}) is another commonly used unit to quantify noise levels that refers to the average noise level. The instantaneous noise levels during a specific time period in dBA are converted to relative energy values and an average energy value is calculated from the sum of the relative energy values.

County LUO Noise Standards

The LUO establishes acceptable standards for exterior and interior noise levels (see Table 15, below) 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 15. Maximum Allowable Exterior Noise Level Standards[1]

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

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

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

Ambient Noise Environment

A Noise Impact Assessment was prepared for the project (AMBIENT 2022c; see Appendix J). To document the existing noise environment in the project vicinity, four short-term (i.e., 10-minutes) noise measurements and one continuous long-term (i.e., 24 hour) noise measurements were conducted. Measured short-term daytime average-hourly noise levels in the project area generally range from approximately 58.3 dBA L_{eq} to approximately 75.3 dBA L_{eq}. Measured ambient noise levels in the vicinity of the project site were predominantly influenced by vehicle traffic on US 101 and area roadways. Measured average-hourly noise

levels ranged from approximately 57.3 dBA L_{eq} during the nighttime hours to approximately 70.4 dBA L_{eq} during the daytime hours (AMBIENT 2022c).

No major existing sources of groundborne vibration were identified in the project area. Vehicle traffic on area roadways, particularly heavy-duty trucks, can result in increased groundborne vibration. However, groundborne vibration levels associated with vehicle traffic are typically considered minor and would not exceed applicable criteria at the project site boundaries (AMBIENT 2022c).

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?*

Temporary Construction Noise Impacts

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g., land clearing, grading, excavation, and paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Although noise ranges are generally similar for all construction phases, the initial site preparation phase tends to involve the most heavy-duty equipment having a higher noise-generation potential. Noise levels associated with individual construction equipment are summarized in Table 16 and noise levels associated with typical construction phases are summarized in Table 17.

Table 16. Typical Construction Equipment Noise Levels

Equipment	Noise Level (dBA at 50 feet)	
	L_{max}	L_{eq}
Backhoes	78	74
Bulldozers	82	78
Compressors	78	74
Cranes	81	73
Concrete Pump Truck	81	74
Drill Rigs	79	72
Dump Trucks	77	73
Excavator	81	77
Generator	81	78
Gradall	83	79
Grader	85	81
Hydraulic Break Rams	90	80

Table 16. Typical Construction Equipment Noise Levels

Equipment	Noise Level (dBA at 50 feet)	
	L_{max}	L_{eq}
Front End Loaders	79	75
Pneumatic Tools	85	82
Pumps	81	78
Rollers	80	73
Scrapers	84	80
Tractor	84	80

Source: AMBIENT 2022c

Note: Based on measured instantaneous noise levels (L_{max}), average equipment usage rates, and calculated average-hourly (Leq) noise levels derived from the Federal Highway Administration (FHWA) Road Construction Noise Model.

Table 17. Typical Construction Phase Equipment and Associated Noise Levels

Construction Phase	Typical Equipment	Noise Level (dBA Leq) at 50 feet from Source Center
Site Preparation	Dozers, tractors, loaders, backhoes	83
Grading	Dozers, tractors, loaders, backhoes, graders, scrapers, excavators	84
Building Construction/ Architectural Coating	Cranes, forklifts, tractors, loaders, backhoes, generators, welders	83
Paving	Pavers, rollers, paving equipment (e.g., compactors)	78

Source: AMBIENT (2022c)

The County has not adopted noise standards that apply to short-term construction activities. However, based on screening noise criteria commonly recommended by federal agencies, construction activities would generally be considered to have a potentially significant impact if average daytime noise levels would exceed 90 dBA Leq when averaged over a 1-hour period ($L_{eq}^{(1)}$), or 80 dBA Leq when averaged over an 8-hour period ($L_{eq}^{(8)}$) . Because some activities may not occur over a full 8-hour day and to be conservative, construction-generated noise levels would be considered to have a potentially significant impact if predicted noise levels at noise-sensitive land uses would exceed 80 dBA Leq when averaged over a 1-hour period.

Short-term noise impacts associated with construction activities were analyzed based on typical construction equipment noise levels derived from the Federal Highway Administration (FHWA)

Roadway Construction Noise Model and the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual*.

Depending on the location and types of activities conducted (e.g., site preparation, grading, building construction, etc.), predicted noise levels at the nearest residences, which are located adjacent to the project site, could potentially exceed 80 dBA L_{eq}, particularly when activities occur within approximately 50 feet of the nearest site boundaries. Furthermore, with regard to residential land uses, activities occurring during the more noise-sensitive evening and nighttime hours could result in increased levels of annoyance and potential sleep disruption. Mitigation Measure N-1 has been identified to require implementation of construction noise control measures to reduce exposure of nearby sensitive receptors to excessive noise. These measures include, but are not limited to, limiting noise-generating construction activities to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday, equipping construction equipment with noise-reduction intake and exhaust mufflers in accordance with manufacturer's recommendations, locating stationary equipment (e.g., generators, compressors, etc.) at the furthest distance possible from nearby noise-sensitive land uses, and installing temporary equipment enclosures or noise barriers, where necessary.

With the implementation of Mitigation Measure N-1, construction activities would be limited to the less noise-sensitive daytime hours. The proper maintenance of construction equipment and use of manufacturer-recommended mufflers and engine shrouds would reduce equipment noise levels by approximately 10 dB. The installation of temporary equipment enclosures or noise barriers, where necessary, would decrease equipment noise levels by approximately 5 to 8 dB. With mitigation, average-hourly construction noise levels would be reduced to less than 80 dBA Leq at nearby noise-sensitive land uses. Therefore, with implementation of Mitigation Measure N-1, the project's short-term construction impacts associated with exceedance of standards in the local general plan would be *less than significant with mitigation*.

Long-Term Operational Noise Impacts

Increased Roadway Traffic Noise

Implementation of the proposed project would result in increased traffic volumes on roadways within the project vicinity. The increase in traffic volumes resulting from implementation of the proposed project would, therefore, contribute to increases in traffic noise levels along roadways in the project vicinity.

Predicted increases in traffic noise levels, with and without implementation of the proposed project, are depicted in Table 18.

Table 18. Estimated Increases in Roadway Traffic Noise Levels

Roadway Segment	Noise Level (dBA CNEL/Ldn) at 50 Feet from Near-Travel-Lane Centerline			Significant Impact?[1]
	Existing	Existing with Project	Change	
Tefft Street, Pomeroy Road to Mary Avenue	66.7	66.7	<0.1	No
Tefft Street, Mary Avenue to Frontage Road	66.7	66.7	<0.1	No
Tefft Street, Frontage Road to US 101 Southbound Ramp	66.7	67.9	0.2	No
Tefft Street, East of US 101 Southbound Ramp	66.9	67.0	0.2	No
Mary Avenue, Juniper Street to Tefft Street	61.8	61.9	<0.1	No
Mary Avenue, Tefft Street to Hill Street	61.3	61.4	0.1	No
US 101 Southbound On-Ramp	69.0	69.1	0.1	No
Frontage Road, Tefft Street to Hill Street	62.2	62.9	0.7	No
Frontage Road, Hill Street to Grande Avenue	62.7	63.2	0.4	No
Hill Street, Frontage Road to Mary Avenue	58.0	58.6	0.6	No
Hill Street, Mary Avenue to Pomeroy Road	59.0	59.0	<0.1	No

Source: AMBIENT 2022c

Note: Traffic noise levels were calculated using the FHWA roadway noise prediction model based on traffic data obtained from the traffic analysis prepared for the project.

[1] A significant impact is defined as a substantial increase (i.e., 3 dB or greater) in traffic noise levels.

As depicted in Table 18, increases in existing traffic noise levels along area roadways attributable to the proposed project would range from less than 0.1 to 0.7 dBA CNEL/Ldn. Implementation of the proposed project would not result in a substantial increase (i.e., 3 dBA, or greater) in existing traffic noise levels along area roadways. Therefore, impacts associated with increased traffic noise levels would be *less than significant*.

Noise from Residential Uses

Noise associated with proposed residential dwellings would expose other nearby residences to minor increases in ambient noise levels. Noise typically associated with such development includes lawn and garden equipment, voices, air conditioning equipment, and amplified music. Noise generated by these land uses would result in only minor increases in ambient noise levels, primarily during the day and evening hours and less frequently at night. Residential use air conditioning units typically generate noise levels of approximately 60 dBA Leq at 3 feet when operating. Typical operational cycles for residential units occur for periods of approximately 10-minute in 20- to 30-minute intervals. When averaged over an approximate 1-hour period and assuming a setback distance of 5 feet, predicted average-hourly noise levels at nearby residential land uses would not be anticipated to exceed the County's noise standards and would be largely masked by existing vehicular traffic on area roadways, including U.S. Highway 101. Therefore, impacts associated with noise generated by proposed residential uses would be *less than significant*.

Noise from Parking Lots

The proposed project would include multiple parking lots dispersed throughout the project site, primarily associated with the multi-family land uses. Noise levels associated with parking lots typically include vehicle operations, the opening and closing of vehicle doors, and the operation of vehicle sound systems. Existing residences to the south of the project are located 175 ft from the nearest onsite parking area, which consists of a total of approximately 43 parking spaces located in the southern portion of the project site. Based on a conservative assumption that all parking spaces would be used over a one-hour period, predicted noise levels at the nearest residence would be approximately 31 dBA Leq, or less. Predicted noise levels would not exceed the County's daytime or nighttime noise standards of 50 and 45 dBA Leq, respectively, and would be largely masked by existing vehicular traffic on area roadways, including U.S. Highway 101. Therefore, impacts associated with noise generated by proposed parking lot uses would be *less than significant*.

Consistency with County General Plan Noise Standards for Transportation Noise Sources

The project would include construction and occupancy of multi-family residential uses and associated outdoor open space/recreation areas on the project site. Ambient noise levels at the project site are primarily influenced by vehicle traffic on US 101, which is located near the eastern boundary of the project site. Based on the traffic noise modeling conducted for future year 2035 conditions, the predicted 70, 65, and 60 dBA CNEL noise contours would extend to approximately 378 feet, 796 feet, and 1,714 feet from the centerline of U.S. Highway 101, respectively. Predicted traffic noise levels at proposed multi-family land uses located within the eastern-most portions of the project site would be projected to exceed 70 dBA CNEL/Ldn. Assuming an average exterior-to-interior noise reduction of 25 dBA, predicted interior noise levels would exceed 45 dBA CNEL/Ldn at residential dwelling units located nearest U.S. Highway 101. Predicted noise levels at these nearest dwellings would exceed the County's exterior and interior noise standards of 60 dBA CNEL/Ldn and 45 dBA CNEL/Ldn, respectively.

Mitigation Measure N-2 has been identified to require the construction of a noise barrier along the eastern boundary of the project site. The barrier would be required to be a minimum of 8 feet tall at locations parallel to Frontage Road on the south side of the project site and a minimum of six feet at locations parallel to Frontage Road on the north side of the project site (see Figure 10). Mitigation Measure N-2 also would require the project's residential building designs to include the installation of centralized air circulation systems and/or other features sufficient to allow windows to remain closed during inclement weather conditions. Due to Mitigation Measure N-2 including construction of a new project feature, the construction of the noise wall has been incorporated into the project design and has been included in the analysis for environmental impacts throughout this document.

With implementation of this measure, predicted future traffic noise levels at the nearest proposed residential dwelling units would be reduced to below 70 dBA CNEL/Ldn. Based on a predicted exterior noise level of 69 dBA CNEL/Ldn and assuming an average exterior-to-interior noise reduction of 25 dBA, predicted interior noise levels within the nearest dwelling unit would be approximately 44 dBA CNEL/Ldn. With mitigation, predicted exterior noise levels would be reduced to below the County's maximum conditionally acceptable noise level of 70 dBA CNEL/Ldn and predicted interior noise levels would not exceed the County's interior noise standard of 45 dBA CNEL/Ldn. Therefore, impacts associated with the project's consistency with the County Noise Element's standards for transportation noise sources would be *less than significant with mitigation*.

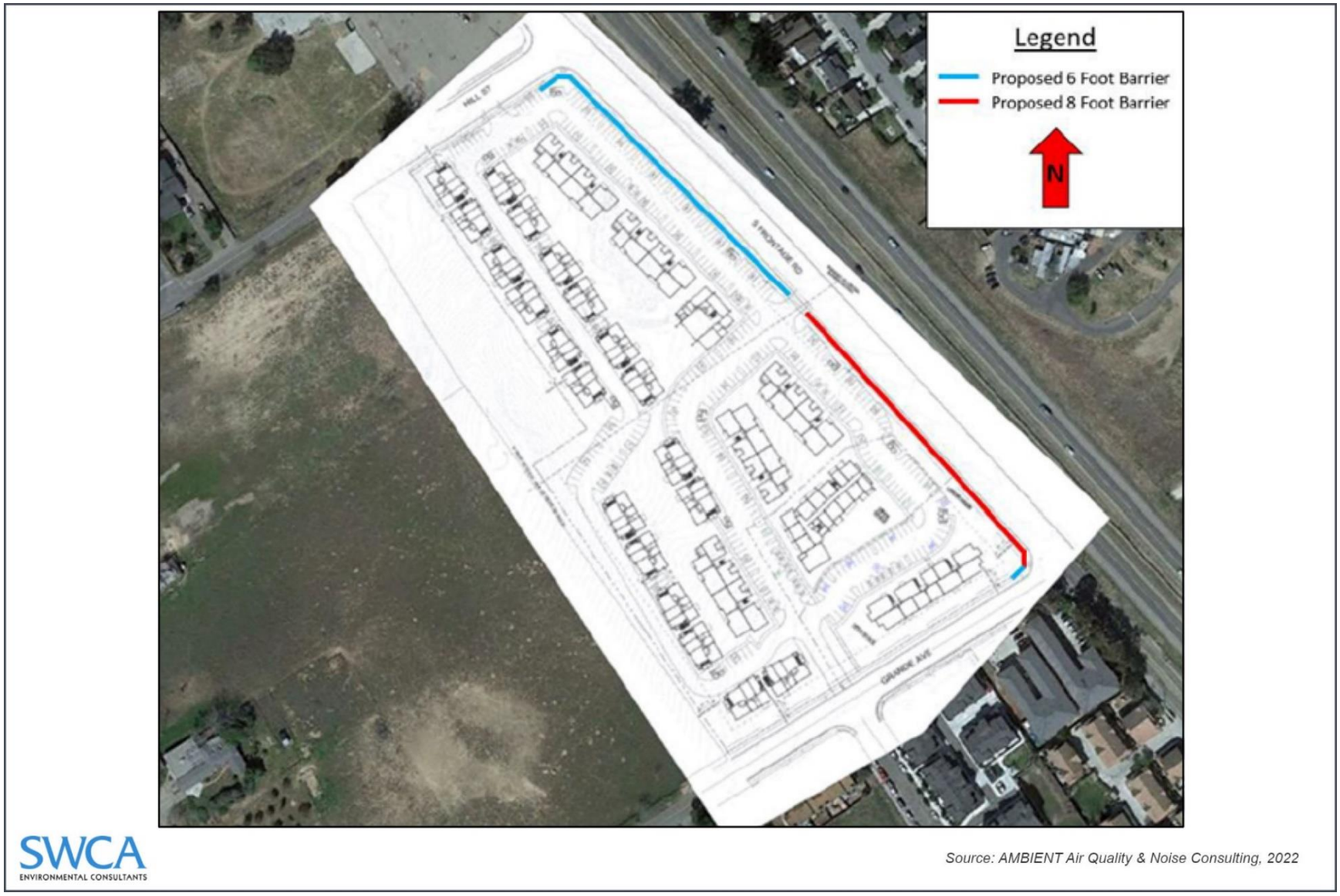

Figure 10. Proposed Noise Barrier Locations (Note: Not to scale, locations are approximate.).

Based on the analysis provided above, project impacts associated with exceedance of the local General Plan noise standards or other applicable noise standards would be *less than significant with mitigation*.

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

The project site does not require demolition, pile driving, or other construction activities that could significantly increase groundborne noise levels within the project vicinity. The project would result in 10.48 acres of site disturbance on-site, including approximately 55,585 cubic yards of cut material and 15,830 cubic yards of fill material, resulting in approximately 39,755 cubic yards of materials to be exported off-site. The project would result in the removal of approximately 24 blue gum eucalyptus trees and other vegetation on-site. Off-site improvements would result in 1.94 acres of site disturbance, including approximately 2,318 cubic yards of cut material and 237 cubic yards of fill material, resulting in approximately 2,081 cubic yards of materials to be exported.

Grading operations may generate groundborne noise; however, any groundborne noise generated during construction activity would be short-term, intermittent, and conducted during daylight hours. Operational uses include residential uses and would not result in an increase in long-term groundborne noise. The project is not anticipated to generate excessive groundborne noise; therefore, impacts 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 property is not located within an ALUP or within the vicinity of a public or private airstrip; therefore, *no impacts* would occur.

Conclusion

The project would not generate excessive groundborne noise during construction or operation and would not be located within an ALUP or public or private airstrip. Development of the project would have the potential to result in exposure of surrounding noise-sensitive land uses to noise levels in exceedance of County standards, and project occupants would have the potential to be exposed to noise levels in exceedance of County standards. Mitigation has been identified to reduce both of these impacts and with implementation of these measures, impacts would be reduced to less than significant. Therefore, impacts would be *less than significant with mitigation*.

Mitigation

N-1 **Construction Noise Control Measures.** At the time of application for construction permits, the following measures shall be documented on all project plans and implemented throughout all phases of project site preparation, grading, construction, and paving activities to reduce exposure to short-term construction noise:

a. Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities should be limited to the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or legal holidays.

b. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds should be closed during equipment operation.

c. Equipment shall be turned off when not in use.

d. Construction haul truck routes shall be routed away from nearby noise-sensitive land uses, to the extent possible.

e. Staging and queuing areas shall be located at the furthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.

f. Stationary equipment (e.g., generators, compressors) shall be located at the furthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.

g. A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns related to construction-generated noise, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern. Where necessary, additional measures, such as equipment repairs, equipment enclosures, or temporary barriers, shall be implemented to address local concerns.

h. Signage shall be placed at the project site construction entrance(s) to advise the public of anticipated dates of construction. The signage shall include the phone number of the public liaison appointed to address construction-related noise concerns.

N-2 **Noise Barrier.** At the time of application for building permits, the project building plans shall include the following measures to reduce long-term exposure to transportation noise from US 101:

a. A noise barrier shall be constructed along the eastern boundary of the project site. The barrier shall be constructed to minimum height of eight feet above ground level at locations parallel to Frontage Road on the south end of the project and decreasing to six feet above ground level at location parallel to Frontage Road on the north side of the project, with a gap for vehicle/pedestrian access at the proposed driveway location. A proposed barrier shall extend perpendicular to Frontage Road at the northern and southern project boundaries at a distance of approximately 16 feet at a height of six feet above ground level. Noise barriers may consist of walls, earthen berms, or a combination of the two. The proposed noise barrier shall be constructed of materials weighing 4 lbs/sf, or more, or having a minimum combined sound transmission loss (STL) of 25 dBA. Acceptable materials would include concrete block, prefabricated concrete panels, or wood panels having a minimum thickness of 2.25 inches. Barrier components shall be constructed so that there are no visible air gaps between barrier components or at the base of the barrier. For aesthetic purposes, changes in barrier heights should occur gradually in increments of approximately one foot. Recommended barrier locations and heights are depicted in Figure 10.

b. Proposed residential dwellings shall be designed to include the installation of centralized air circulation systems and/or other features sufficient to allow windows to remain closed during inclement weather conditions.

XIV. POPULATION AND HOUSING

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

Setting

Nipomo Geographic Boundaries

The project site is located within the Nipomo URL. The Nipomo URL is a boundary separating urban/suburban land uses and rural land uses. It is identified by the County's Framework for Planning (Inland) and defines growth areas and urban centers in which the County actively coordinates plans, policies, and standards relating to building construction, subdivision development, land use and zoning regulations, street and highway construction, public utility systems, and other matters related directly to the orderly development of urban areas. Consequently, the Nipomo Community Plan Area boundary and the Nipomo URL boundary are the same.

Nipomo is also identified as a census designated place (CDP) by the U.S. Census Bureau. The Nipomo CDP Boundary includes the area within the Nipomo URL in addition to certain areas immediately outside of the URL (Figure 11). A CDP is defined for statistical purposes only.

Lastly, the Nipomo Mesa area is an approximately 19,092-acre area, including the Nipomo URL area and the Blacklake, Woodlands, Callender-Garrett, Palo Mesa, and Los Berros village areas for which the County has limited the maximum number of new dwelling units allowed to no more than 1.8% above the number of existing dwelling units from the previous fiscal year (see *County of San Luis Obispo Growth Management Ordinance* described below).

Initial Study – Environmental Checklist

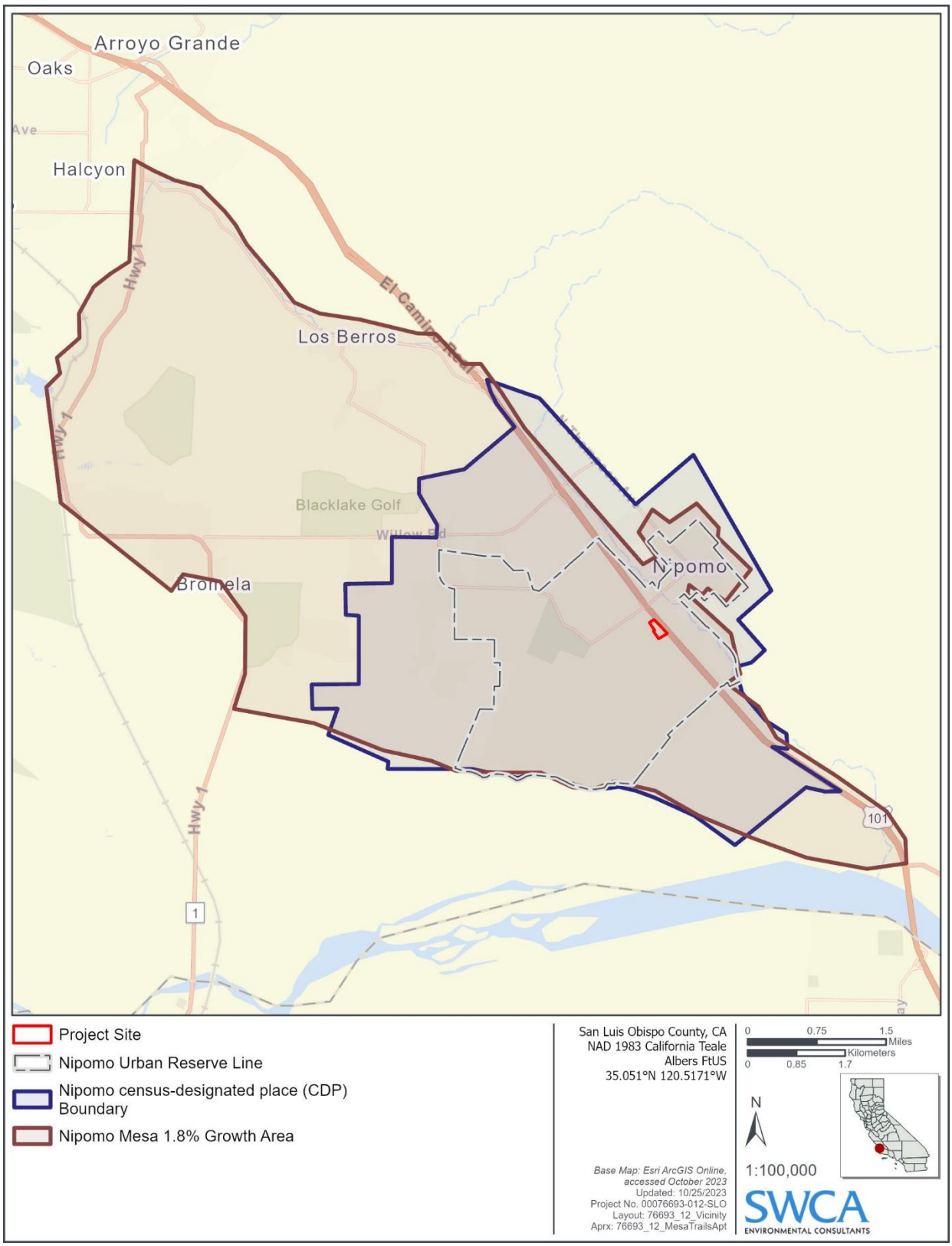

Figure 11. Nipomo Geographic Boundaries .

California Regional Housing Needs Plan

California State Housing Element Law requires the San Luis Obispo Council of Governments (SLOCOG) and other regional councils of government in California to "determine the existing and projected housing need for its region" and to determine each jurisdiction's share of the regional housing need in the region. SLOCOG's region encompasses all of San Luis Obispo County, including its seven incorporated cities: Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo. SLOCOG has the responsibility of overseeing the assessment by identifying measures to gauge housing demand and comparing those numbers against socioeconomic factors throughout the region.

SLOCOG's "6th Cycle" Regional Housing Needs Plan set a target for the creation of 10,810 new dwelling units for the region over the 2020 to 2028 planning period. The County and each of the seven cities adopted 2020 to 2028 Housing Elements showing how they will meet their share of regional housing needs. The County's share is 3,256 new dwelling units, of which 1,170 (35.9%) must be affordable to very low-, low-, and moderate-income households (San Luis Obispo Council of Governments [SLOCOG] 2019).

County of San Luis Obispo 2020-2028 Housing Element

The County's Housing Element establishes the framework to facilitate housing development and address current and projected housing needs, provides an assessment of housing needs for the unincorporated county, and provides a summary of the County's progress in implementing the programs from the previous Housing Element. The County's Housing Element identifies goals, objectives, policies, and programs to guide County decision-making and focused efforts during the planning period.

The County's Housing Element also includes an analysis of vacant land in urban areas that are suitable for residential development to show there is adequate land zoned for housing to meet projected housing needs over the plan's planning period (2020 through 2028). This analysis takes into consideration zoning provisions, development standards, growth patterns, environmental constraints, infrastructure, and various housing types (County of San Luis Obispo 2020).

County of San Luis Obispo Growth Management Ordinance (Title 26)

The County has adopted a Growth Management Ordinance, Title 26 of the County Code, that limits the number of residential dwelling units that can be built in the unincorporated areas of the county during any single fiscal year (July 1–June 30). The Growth Management Ordinance establishes a 2.3% countywide growth rate and specific growth rates for identified areas based on resource availability.

In order to secure the opportunity to build one of these units, a request called an "allocation" is required. The maximum annual allocation rate in the Nipomo Mesa area is currently set at 1.8%, meaning that the maximum number of new dwelling units shall not exceed a 1.8% increase in the number of existing dwelling units from the previous fiscal year. Typically, a single applicant can obtain no more than 10% of the annual allocations on the Nipomo mesa; however, a single applicant can obtain 20% of the annual allocations in the Nipomo Mesa for multi-family/residential unit ownership projects that have received intent-to-serve letters from the applicable water district and meet any one of the following criteria:

1. The project is located in the Nipomo Olde Towne Design Plan area and is smart growth, green build, mixed use, or senior housing;
2. The project includes guaranteed long-term affordability for at least 35% of the units; or

3. The project would result in the construction of sections of road improvements that substantially improve traffic issues including those improvements identified on the South County Circulation Study Road Improvement list.

The provisions of the Growth Management Ordinance do not apply to secondary dwellings (e.g., accessory dwelling units or junior accessory dwelling units), affordable housing, vesting tentative maps, farm support headquarters, replacement dwellings, or projects included on the list entitled "Pipeline Projects for the Nipomo Mesa Area."

Housing Affordability

San Luis Obispo County is one of the least affordable housing markets in the United States (County of San Luis Obispo 2020). The County defines affordable housing as housing that is affordable to very low-, moderate-, or workforce-income households. Housing is considered affordable if total housing costs do not exceed 30% of household income. In the context of meeting the unincorporated county's allocation of regional housing needs share, dwelling units typically must be deed restricted to limit rental or purchase of the dwelling units to households that qualify as extremely low-, very low-, and low-income levels. The following are the County's defined income categories for households:

- Extremely low income: 30% or less of the county median income.
- Very low income: no more than 50% of the county median income.
- Low income: no more than 80% of the county median income.
- Moderate income: no more than 120% of the county median income.
- Above moderate income: 81% to 120% of the county median income.
- Workforce income: no more than 160% of county median income.

According to the *County of San Luis Obispo General Plan 2020-2028 Housing Element*, only 16.5% of families can afford to purchase a median-priced home in San Luis Obispo County. This can result in young adult workers and families deciding to leave San Luis Obispo County to find higher-paying employment opportunities and more affordable housing elsewhere. However, many people, particularly retiring, affluent "baby-boomers" from larger metropolitan areas, are attracted to San Luis Obispo County's natural beauty, its central location between large population centers, and more affordable housing prices compared to other coastal counties (County of San Luis Obispo 2020).

In fall 2021, the County Board of Supervisors identified housing as one of its top priorities for the fiscal year 2021 to 2023 budget and County policies and programs continue to focus on creating more housing availability and improving affordability. However, the affordability of housing in the county is heavily influenced by numerous constraints and challenges, including, but not limited to, high costs of development and land, and limited resources and infrastructure (County of San Luis Obispo 2020).

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 would include the development of 240 market-rate residential units and 73 affordable residential units within the unincorporated community of Nipomo. This would result in an increased residential population of 845 people and generation of 11 jobs, as detailed below in Table 19 and Table 20, below.

Table 19. Estimated on-site Residential Population

Unit Type	Number of Units	Residents per Unit	Population
Market-Rate Housing Community			
1-bedroom	65	2	130
2-bedroom	100	3	300
3-bedroom	40	4.5	180
Affordable Housing Community			
Senior studio	11	1.5	16.5
Senior 1-bedroom	30	2	60
Senior 2-bedroom manager	1	3	3
Family 1-bedroom	13	2	26
Family 2-bedroom	9	3.5	31.5
Family 3-bedroom	8	5	40
Family 3-bedroom manager	1	5	5
Total on-site Residential Population			**844.5 persons**

Source: RRM (2023a)

Table 20. Total Project Long-Term Employees

Employment Type	Number
Market-Rate Housing Community	
Leasing agents/property management	5
Property maintenance	4
Affordable Housing Community	
General maintenance	2
Total Employees	**11**

Source: RRM (2023a)

While the precise timing of development of the proposed residential units is not known, for the purposes of this analysis, it is anticipated that the market-rate residential community would be built out over the next 4 years (2024–2028) and the affordable housing community would be built out at some point within that timeframe.

Impacts associated with population growth are considered significant only if it is substantial and unplanned. Pursuant to CEQA Guidelines Section 15126.2(e), it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

The most recent population information for the unincorporated community of Nipomo (census designated place) reflects a population of 18,176 in 2020 (U.S Census Bureau 2022). Based on the 2050 Regional Growth Forecast for San Luis Obispo County, which reflects existing Nipomo planning documents, the community of Nipomo is anticipated to reach an estimated buildout population of 23,462 by the year 2060 (SLOCOG 2019b). In order to reach a buildout population of 23,462 by the year 2060, the community of Nipomo would need to gain an average of 1,321.5 people every 10 years, which would result in a population of approximately 19,498 by Year 2030. The project would result in an increased population of 845 people within the community of Nipomo, which equates to roughly 64% of the average projected population growth for the community by Year 2030. However, it is important to note that current population projections for communities in San Luis Obispo County generally include higher rates of growth in the near term and slower rates of growth approaching the year 2050 and 2060. Accordingly, use of a flat-rate average growth rate between 2023 and SLOCOG's 2060 population projection for the community of Nipomo would likely be an underestimate for near term population growth and an overestimate for growth in the years approaching 2060.

The project site in its entirety is located within the Commercial Retail (CR) land use category, and the northern portion of the project site (Assessor Parcel Number [APN] 092-579-008 and APN 092-579-005) is also located within the Central Business District designation, which extends approximately 540 feet south from Hill Street (Figure 12).[1] In accordance with the County Inland Land Use Ordinance (LUO), residential uses are allowed as principal uses in the CR land use category by specific community planning area standards. Section 22.108.040 of the County Inland LUO includes the Nipomo Community Standards, which apply to the project site. This section of the County Inland LUO states that multi-family dwellings are allowed as a principal use on CR properties located within the CBD with conditional use permit approval (County Inland LUO 22.108.040.C.1.d). The project is not requesting any additional residential density beyond what is currently allowed by the County LUO and Nipomo Community Standards. Therefore, the proposed multi-family residential development located within the CBD is considered planned population growth as they are uses allowed under current County land use and development standards.

Areas of the project site located outside of the CBD are identified in the County Housing Element as vacant sites with potential for future residential development, as summarized in Table 21. APN 092-579-006 and APN 092-579-009 are identified in Table 7.5 of the Housing Element as vacant sites that may potentially be developed with housing for very low- and low-income households. APN 092-579-007 is identified in Table 7.6 of the Housing Element as a vacant site that may potentially be developed with housing for moderate-income households.

[1] A Lot Line Adjustment was approved on the project property on November 8, 2023 (N-SUB2023-00001), which resulted in the reconfiguration of parcel boundaries within the site from five parcels to the current three-parcel configuration shown in Figure 2. However, the APNs for the site currently remain unchanged and are shown here for reference as they pertain directly to the discussion provided in Section XIV, *Population and Housing*, below.

Initial Study – Environmental Checklist

Figure 12. Assessor Parcel Number and Central Business District Map.

Table 21. County Housing Element Inventory of Vacant Parcels with Residential Development Potential

Assessor's Parcel Number	General Plan Designation	Acres	Maximum Potential Units per General Plan	Realistic Potential Units[1]	Affordability Category
092-579-006	CR	4.15	158	74	Lower
092-579-007	CR	0.54	21	9	Moderate
092-579-009	CR	1.68	64	30	Lower

Source: County of San Luis Obispo (2020)

[1] Since it is unlikely for all parcels to be developed at the allowable maximum residential densities, the County utilizes a realistic development capacity to represent the number of dwelling units that a parcel will likely yield to ensure that the County's determinations of whether there is enough land zoned for housing to meet projected housing needs is realistic.

Based on the County Housing Element, APNs 092-579-006, 092-579-007, and 092-579-009 have been identified as vacant sites with potential for residential development potential of up to 243 residential dwelling units cumulatively. The project would include development of a total of 313 residential dwelling units, with 192 of these units being located on APNs 092-579-006, 092-579-007, and 092-579-009 (four Building As, three Building Bs, one Building C, and one Building D). Therefore, the proposed multi-family residential development proposed within these APNs is considered planned population growth as they are identified for potential residential development in the County Housing Element and would include fewer dwelling units than the maximum allowed under the County General Plan. It is also important to note that while the project meets the criteria to request additional density under the State Density Bonus Law, the project does not include a request for any additional density beyond what is currently allowed in the CR land use category.

Based on the analysis provided above, impacts associated with substantial and unplanned population growth would be *less than significant.*

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

The project property is currently undeveloped and does not consist of any exiting residential units that would need to be removed as part of the project. Therefore, the project would not displace substantial numbers of people or housing; therefore, *no impacts* would occur.

Conclusion

The project would not result in substantial unplanned population growth or displace substantial numbers of people or housing; therefore, impacts would be less than significant.

Mitigation

No mitigation is necessary.

Initial Study – Environmental Checklist

XV. PUBLIC SERVICES

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

Setting

Fire Protection Services

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county. In the unincorporated community of Nipomo, fire protection and emergency medical services are provided by CAL FIRE Station 20, located on North Oakglen Avenue, east of US 101 in Nipomo, approximately 0.5 mile northeast of the project site (County of San Luis Obispo 2014).

CAL FIRE Station 20 is one of the busiest fire stations in the county and serves a large and varied response area. Generally, firefighters from Station 20 respond to incidents in the Nipomo core village, along an approximate 12-mile segment of US 101 from the Santa Maria River bridge north to the city of Arroyo Grande, and east through the SR 166 corridor. In addition to a large and varied response area, the Station 20 service population has experienced an increase in growth over the past 5 years (CAL FIRE 2023). The

Nipomo area is also served by CAL FIRE Station 22, which has experienced a substantial increase in calls for service over the past 3 years due to an increase in new development and population in the Nipomo Mesa area. The need for a new fire station in the Nipomo area was identified in the Strategic Plan for the San Luis Obispo County Fire Department, in order to keep pace with growth and meet response time goals on the west side of Highway 101.

Law Enforcement Services

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. Based on the San Luis Obispo County's 2022 Annual Sheriff's Report, the South Station investigated a total of 22,887 incidents and files 2,713 reports in the year 2022 (County Sheriff's Office 2023).

The Dispatch Center is the primary public safety contact and is responsible for all 911 calls in the county and the cities of Arroyo Grande and Morro Bay. The County Sheriff's Office is staffed 24 hours a day, 365 days a year. In 2022, the Sheriff's Dispatch Center answered more than 243,000 phone calls and 911 calls were answered in 15 seconds or less 99% of the time, surpassing the California State standard of 95% (County Sheriff's Office 2023). The current Dispatch Center is located at 1585 Kansas Avenue, San Luis Obispo adjacent to other existing County Sheriff's Office facilities. In addition, construction of a new Co-Located Dispatch Facility for the County Sheriff's Office and CAL FIRE/County Fire is currently in progress located adjacent to the existing Sheriff sub-station in the community of Templeton on Main Street. When complete, this new facility will replace two antiquated and overcrowded dispatch centers with an efficient, state-of-the-art facility that will be able to meet County Sheriff/County Fire's growing emergency service responses needs (County of San Luis Obispo 2023d).

The location of a new Sheriff's Office Sub-Station in Nipomo (at the corner of West Tefft and Carrillo Streets) has been identified and the County has dedicated $1.2 million in Fiscal Year 2023-2024 towards the first phase of the design-build process.

Public Schools

San Luis Obispo County has 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), which is the largest school district in the county, covering approximately 550 square miles and serving the communities of Arroyo Grande, Grover Beach, Nipomo, Oceano, Pismo Beach, and Shell Beach. The LMUSD is governed by a seven-member Board of Education and consists of 11 elementary schools, three middle schools, three comprehensive high schools, one continuation high school, one independent student study school, and one adult education program. There are more than 10,000 students within the LMUSD (Lucia Mar Unified School District 2023).

Countywide, several school districts have been experiencing enrollment declines over the past several years, particularly in elementary schools. The decline may be attributed to high housing costs in some parts of the county, which deter families with young children from locating there (County of San Luis Obispo 2019). In the past 10 years, general enrollment trends of the LMUSD show a steady increase in elementary school enrollment and a decrease in middle school and high school enrollment (County of San Luis Obispo 2019).

Public Parks and Recreation Facilities

The County provides several different recreational opportunities to residents within the incorporated and unincorporated areas of 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. As described in the County's *2016–2018 Resource Summary Report*, the County aims to provide 2 to 3 acres of community parkland per 1,000 residents within a community. A detailed description of the methodology the County uses to determine the need for additional park and recreation resources for unincorporated communities and an evaluation of the community of Nipomo's current resident-to-parkland ratio is provided under Section XVI., *Recreation*.

County of San Luis Obispo Public Facilities Fees

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

Discussion

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

Fire Protection?

As described in Section XIV, *Population and Housing*, the project would result in the establishment of a residential population of 845 people on-site. Fire protection and emergency medical services for future residents of the project site would be provided by CAL FIRE Station 20, located on North Oakglen Avenue, east of US 101 in Nipomo, approximately 0.5 mile northeast of the project site (County of San Luis Obispo 2014). The project site is not located within a High or Very High Fire Hazard Severity Zone (FHSZ), as mapped by CAL FIRE (CAL FIRE 2023). Based on the County Land Use View webtool, the project site is located in an area where fire protection and other emergency response providers can respond to an emergency within 0 to 5 minutes (County of San Luis Obispo 2023a).

The project would be required to pay public facility fees to account for the increased demand on existing fire protection services and facilities. These fees are determined on a per-dwelling-unit basis, so that the fee amount is proportional to the increased demand. In addition, non-residential uses are also subject to fire public facility fees and are determined on a per-square-foot basis (County of San Luis Obispo 2023c).

CAL FIRE Station 20 is one of the busiest fire stations in the county and serves a large and varied response area (CAL FIRE 2023), and the project would result in an incremental increased demand in fire protection services. However, the project's increased demand for fire services would be offset

through payment of proportional public facilities fees and would therefore not be substantial enough to trigger the need for construction of a new fire station. In addition, the project's cumulative impacts associated with fire protection facilities are provided in Section XXI, *Mandatory Findings of Significance*.

The project would be served by existing fire protection services and would not require new or expanded facilities in order to serve the project; therefore, impacts would be *less than significant*.

Police Protection?

Implementation of the proposed project would result in an increase in population and new residential units that would result in an increased demand on police protection services. The project would be served by the South Station in Oceano, located approximately 8.8 miles northwest of the project site.

Response times from the South Station are generally poor because of the large service area, limited staffing, and traffic conditions. Specifically, response times to calls for service in Nipomo are generally slower due to the distance from the South Station, the US 101 barrier, and traffic congestion along the Tefft Street corridor, which is the primary roadway to travel through the community. The County Sheriff's Office aims to provide one deputy per 1,000 residents in order to adequately respond to calls for service throughout the service area (County Sheriff's Office 2023). In order to meet the goal service ratio, the South Station would need to employ 45 to 46 deputies to serve the current service population; however, the South Station currently employs 24 deputies and has a service ratio of 0.53 deputies per 1,000 people within its service area.

The location of a new Sheriff's Office Substation in Nipomo (at the corner of West Tefft and Carrillo Streets) has been identified and the County has dedicated $1.2 million in Fiscal Year 2023-2024 towards the first phase of the design-build process. The new patrol station would require additional staff, vehicles, and other equipment. Operation of a new patrol station would reduce demand on the existing South Station and would allow for improved response times to emergency calls by providing additional deputies in closer proximity to the community of Nipomo.

The project would be subject to public facilities fees to offset its increased demand on police protection services. Similar to fire public facilities fees, Sheriff fees are determined on a per-dwelling-unit basis for residential uses and a per-square-foot basis for non-residential uses to ensure that the fees paid are proportional to the increased demand on services generated by the project.

While the project would result in increased demand on police protection services where existing Sheriff facilities are already experiencing service ratios below the established goal and until additional planned facilities are constructed and operational, this does not constitute an environmental impact under CEQA. The project's contribution to increased demand on police protection services would be offset through payment of proportional public facilities fees. Some or all of the project's police protection (i.e., Sheriff) public facility fees may be used to fund the design and construction of the future Sheriff's station in the community of Nipomo, which would benefit the entire community. Therefore, impacts would be *less than significant*.

Schools?

Implementation of the proposed project would result in new residential units that would increase the number of school-aged children in the area, resulting in an increased demand for public school services within the LMUSD.

The project would be subject to the payment of state taxes for public schools established by the Leroy F. Greene School Facilities Act and implemented by California Education Code Section 17620. As identified in California Government Code Section 65995(h), the payment of mandatory school development impact fees (through County Public Facilities Fees) ". . . is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Therefore, through the payment of state taxes for public schools included as a standard condition of approval for the project; potential impacts related to the need for new or altered public school facilities would be *less than significant*.

Parks?

Implementation of the proposed project would result in an increase in population through establishment of new residential units that would lead to an increased demand on public recreation facilities in the project vicinity. The project would be required to pay public facility fees to account for the potential increased demand on public recreation facilities. In addition, the project includes development and maintenance of numerous park and recreation amenities on the project site including, but not limited to, a clubhouse with a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, a neighborhood park, trees and landscaping, and walking paths. The project would not result in the need for new park or recreation facilities to be built off-site; therefore, impacts would be *less than significant*.

Other Public Facilities?

Implementation of the proposed project would result in an increase in population through establishment of residential uses. The project would be required to pay public facility fees to account for an increased demand on public services, including the South County Road Improvement Fee Program and library public facilities fees. Payment of these fees would offset project-induced increases in demand for these public facilities and the project would not require the construction of any new public facilities. Therefore, potential impacts related to the increased demand on public facilities would be *less than significant*.

Conclusion

The project would be required to pay public facility fees to account for an increased demand on public services. Therefore, potential impacts associated with physical impacts associated with provision of public services would be less than significant, and no mitigation is necessary.

Mitigation

No mitigation is necessary.

Initial Study – Environmental Checklist

XVI. RECREATION

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

Setting

County Parks and Recreation Element

The Parks and Recreation Element of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

County of San Luis Obispo Bikeways Plan

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

Determining Park Needs

The County's most recent resource summary report is the *2016–2018 Resource Summary Report* evaluates existing resources using a Resource Management System, which helps decision makers balance land development and existing resources by assessing resource levels and determining the level of development those resources could sustain. The Resource Management System identifies the following three alert levels called "levels of severity" to identify potential resource deficiencies (County of San Luis Obispo 2019):

- **Level 1.** For regional parks, the County provides between 10 and 15 acres of regional parkland per 1,000 persons in the entire county (i.e., incorporated and unincorporated areas). For community parks, the County provides 2 to 3 acres of community parkland per 1,000 persons in an unincorporated community.

- **Level 2.** For regional parks, the County provides between 5 and 10 acres of regional parkland per 1,000 persons in the entire county. For community parks, the County provides 1 to 2 acres of community parkland per 1,000 persons in an unincorporated community.
- **Level 3.** For regional parks, the County provides less than 5 acres of regional parkland per 1,000 persons in the entire county. For community parks, the County provides 1 acre or less of community parkland per 1,000 persons in an unincorporated community.

To assess the level of severity for community parks, the population within a 5-mile radius of the Nipomo URL for the 10 unincorporated communities was determined using 2010 census block data. The resulting population was adjusted by applying the population growth rate for 2010 to 2018 to reflect the 2018 population (County of San Luis Obispo 2019). For the community of Nipomo, the total population in 2018 was estimated to be 29,040. Nipomo Community Park provides 136 acres of parkland for the community; therefore, the community of Nipomo provides approximately 4.23 acres of parkland per every 1,000 residents and has not been assigned a level of severity since there are more than 2 to 3 acres of community parkland per 1,000 residents in the community (County of San Luis Obispo 2019).

Development Impact Fees

Public facilities fees, Parkland fees (Quimby fees), and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. These fees are determined on a per-dwelling-unit basis. The Park Public Facility Fees can be used for construction, expansion, or improvement of parks and recreation related public facilities but cannot be used for ongoing costs, such as operation and maintenance. The Board of Supervisors adopts a Public Facilities Financing Plan, which includes a "Needs List" of facilities that are eligible to be financed through the Public Facility Fees.

Quimby fees are authorized by California Government Code section 66477, commonly known as the Quimby Act, and are imposed by the County through Chapter 9 of Title 21. A developer must satisfy the Quimby Act requirement by either dedicating land or paying an in-lieu fee. The fees are paid by developers of new residential subdivisions and are meant to help fund the acquisitions, development, and maintenance of parks and recreational facilities to serve the subdivision. The project does not include a subdivision; therefore, the project would not be subject to payment of Quimby fees.

Lastly, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Parks and Recreation Element.

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?*

Implementation of the proposed project would result in an increase in population through establishment of new residential units that would lead to an increased demand on public recreation facilities in the project vicinity. The community of Nipomo provides approximately 4.23 acres of parkland per every 1,000 residents and has not been assigned a level of severity for parkland needs because there are more than 2 to 3 acres of community parkland per 1,000 residents in the community (County of San Luis Obispo 2019). The project would be required to pay public facility fees to account for the potential increased demand on public recreation facilities. In addition, the

project includes development and maintenance of numerous park and recreation amenities on the project site including, but not limited to, a clubhouse with a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, a neighborhood park, trees and landscaping, and walking paths. Provision of these recreational and open space areas on the project site would further reduce the increased demand on other proximate parks and recreational facilities in the project vicinity. 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 development and maintenance of numerous park and recreation amenities on the 10.48-acre project site including, but not limited to, a clubhouse with a fitness center, pool, outdoor barbeque, library and workspaces, a dog park with a dog washing station, a neighborhood park, trees and landscaping, and walking paths. Potential environmental effects associated with establishment of these uses have been evaluated in the resource area discussions provided in this document, including, but not limited to Section X. *Hydrology and Water Quality*. Implementation of the project would not require the construction or expansion of recreation facilities elsewhere; therefore, impacts would be *less than significant.*

Conclusion

The project would be required to pay public facility fees to account for an increased demand on public recreation facilities. The project does not include the expansion or development of recreation facilities. Therefore, potential impacts associated with recreation facilities would be less than significant, and no mitigation is necessary.

Mitigation

No mitigation is necessary.

XVII. TRANSPORTATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
(b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☒	☐	☐
(d)	Result in inadequate emergency access?	☐	☒	☐	☐

Setting

Senate Bill 743 and VMT

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

The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon 2020). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. Screening criteria were developed for projects within San Luis Obispo County based on methodology provided in the County of San Luis Obispo VMT Thresholds Study (GHD 2021). The screening maps indicate where residential and work based projects would generate an average VMT of 15% or less below the VMT baselines and would not require a VMT analysis. It is important to emphasize that if a project is not presumed to be less than significant based on these screening maps, it does not necessarily mean that the project will have a VMT impact, only that a less than significant impact determination cannot be assumed and that a VMT analysis would be necessary to make that determination (GHD 2021).

Regional Transportation Planning

The San Luis Obispo Council of Governments (SLOCOG) holds several key roles in transportation planning within the county. As the Regional Transportation Planning Agency (RTPA), SLOCOG is responsible for conducting a comprehensive, coordinated transportation program, preparing a Regional Transportation Plan (RTP), allocating state funds for transportation projects, and administering and allocating transportation development act funds required by state statutes. SLOCOG represents and works with the County as well as the local City governments within the county in facilitating the development of the RTP/SCS and the Regional Housing Needs Allocation.

The RTP, adopted June 7, 2023, is a long-term blueprint of San Luis Obispo County's transportation system. The RTP identifies and analyzes the transportation needs of the region and creates a framework for project

priorities. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air transportation services, harbor improvements, and commodity movements within the county in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation.

Local Transportation Planning

The County's Framework for Planning (Inland), Part I of the LUCE, 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's Circulation Element sets forth policies and programs to address transportation impacts.

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

The Inland South County Planning Area encompasses 441,790 acres and contains three incorporated cities (City of Grover Beach and City of Pismo Beach), two unincorporated areas (Nipomo and Oceano), and six village areas (Black Lake, Callender-Garrett, Los Berros, Palo Mesa, and Woodlands). The *2015 South County Circulation Study and Traffic Impact Fee Update* includes an analysis of the existing average daily traffic counts at critical locations within the South County Planning Area, including the road segment of South Frontage Road south of Tefft Street and the US 101 Southbound on-ramp/South Frontage Road at Tefft Street intersection.

The Nipomo Community Plan, included in Part III of the LUCE and adopted in 2014, includes transportation improvements in the Nipomo URL and recommends the following:

- Improve North Frontage Road to urban collector standards from Sandydale Drive to the proposed interchange at the Willow Road extension.
- Develop Class II bike lanes on all urban collector and arterial streets within the Nipomo urban area.

The County Public Works Department establishes bicycle paths and lanes in coordination with the RTP, which outlines how the region can establish an extensive bikeway network. The *2015/16 Bikeways Plan* prioritizes bikeway facilities in the unincorporated areas of the County. It recognizes a variety of facilities, including bicycle lanes, routes, parking, connections with public transportation, educational programs, and funding. County bikeway facilities are funded by state grants, local general funds, and developer contributions.

Existing Conditions

The 222 S. Frontage Road, Nipomo Transportation Impact Study (TIS) was prepared by Central Coast Transportation Consulting to evaluate the potential transportation impacts associated with the project (CCTC 2023). A Trip Generation Modification Memorandum was also prepared to supplement the TIS to address the minor revision of the project description from 315 proposed residential units that was evaluated when the transportation modeling was conducted to the current design of 313 residential units (CCTC 2022). The following setting discussion is based, in part, on these two reports.

Initial Study – Environmental Checklist

The existing roadway network in the vicinity of the project site is described in detail, below (CCTC 2023):

- **Tefft Street.** West Tefft Street is located approximately 0.17 mile northeast of the northern boundary of the project site. Tefft Street is a four-lane, major east-west arterial with speed limits ranging from 25 to 45 miles per hour (mph). Tefft Street connects Thompson Avenue and Pomeroy Road to a variety of commercial and retail services, as well as to a full access interchange with US 101. There are continuous sidewalks and Class II bike lanes on both sides of Tefft Street in the vicinity of the project. There are existing crosswalks on Tefft Street on both sides of Mary Street at the Tefft Street/Mary Avenue (#1) signalized intersection and on the westside of South Frontage Road at the Tefft Street/US 101 SB Ramps/South Frontage Road (#2 and #3) signalized intersection.
- **South Frontage Road.** South Frontage Road is located directly east of the project site. South Frontage Road is a north-south collector road connecting Tefft Street to Southland Street with no posted speed limit. Between Tefft Street and Division Street, there is intermittent sidewalk on the west side and intermittent Class II bike lanes. There is an existing crosswalk on the north and south side of Tefft Street at the Tefft Street/US 101 SB Ramps/South Frontage Road (#2 and #3) signalized intersection.
- **Mary Avenue.** Mary Avenue is located approximately 400 feet southwest of the northern boundary of the project site. Mary Avenue is a north-south, two-lane collector with a continuous center left turn lane and no posted speed limit. Mary Avenue connects the residential areas along Hill Street to the commercial services along Tefft Street. Between Hill Street and Tefft Street, there is continuous sidewalk on the west side, intermittent sidewalk on the east side, and Class II bike lanes on both sides. There are existing crosswalks on Mary Avenue on both sides of Tefft Street at the Tefft Street/Mary Avenue (#1) signalized intersection.
- **Hill Street.** Hill Street is located directly north of the project site. Hill Street is a two-lane, east-west local road with no posted speed limit. Hill Street connects several residential neighborhoods to commercial uses along Mary Avenue and to South Frontage Road. There is an intermittent sidewalk recently constructed by development on the north side, no sidewalks on the south side, and there are no crosswalks or bike facilities on Hill Street in the vicinity of the project.
- **Grande Avenue.** Grande Avenue is located directly south of the project site. Grande Avenue is a two-lane, east-west local road with a posted speed limit of 35 mph. Grande Avenue connects several residential neighborhoods to commercial uses along Frontage Road. There are no crosswalks or bike facilities on Grande Avenue.

San Luis Obispo Regional Transit Authority (SLORTA) serves Nipomo via Routes 10 and 10 Express (10X). The nearest Route 10 stop is approximately 0.5 miles north of the project location along Tefft Street east of the US 101 ramps. Nipomo Dial-A-Ride also provides curb-to-curb transportation within the local Nipomo area. It operates Monday through Friday from 7:00 a.m. to 6:30 p.m. and can provide connections to Route 10, as well as to the two Old Towne Nipomo bus stops on Tefft Street (CCTC 2023).

Discussion

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

Based on the estimated on-site population of the project, the project is anticipated to result in the generation of approximately 2,082 new daily vehicle trips, including 120 AM and 156 PM peak hour trips (Central Coast Transportation Consulting 2022). The project also includes off-site roadway

improvements of Hill Street, South Frontage Road, and Grande Avenue along the project site frontages. An analysis of the project's consistency with applicable plans and policies addressing the circulation system is provided below.

County of San Luis Obispo General Plan Circulation Element

The County's Circulation Element sets forth policies and programs to address transportation impacts. While County decision makers have the ultimate authority to determine project consistency with County General Plan goals and policies, a preliminary analysis of the project's consistency with the County Circulation Element goals is provided in Table 22 below.

Table 22. County Circulation Element Policy Consistency Analysis

Goal	Preliminary Consistency Analysis
Goal 1. Provide for a land use pattern and rate of population growth that will not exceed the financial ability of the county and its residents to expand and maintain the circulation system.	**Potentially Consistent.** The project would be subject to the South County Fee Program, which would ensure that the project developers would pay a fair share contribution towards regional circulation system improvements. Therefore, the project would be potentially consistent with Goal 1.
Goal 2. Plan transportation system improvements to provide for, but not exceed, the capacities that are needed to serve the travel demand generated by the year 2010 population, consistent with the land use patterns allowed by the Land Use Element and cities' general plans, so that growth is not facilitated or induced in inappropriate amounts or locations.	**Potentially Consistent.** The Transportation Impact Assessment prepared for the project included a traffic demand analysis. While Level of Service (LOS) is no longer considered an environmental impact under CEQA, actions associated with addressing LOS may result in a physical effect on the environment that could result in potentially significant impacts under CEQA. Therefore, the results of the travel demand analysis and all proposed improvements intended to address "unacceptable" vehicle queue lengths (based on County Department of Public Works and Caltrans standards) are summarized below. Under Existing Plus Project Conditions, portions of the Tefft Street corridor near US 101 would experience queues exceeding storage during at least one peak hour under all studied scenarios. Modification of traffic signal phasing at Tefft Street/US 101 Southbound Ramps/South Frontage Road would result in vehicle queues of acceptable levels. Under Cumulative Conditions, additional regional improvements would be required to avoid queue spillback at key intersections both with and without the project. Per the South County Circulation Study, a new Southland interchange would be required under Cumulative Conditions reflecting buildout of the Nipomo area. The project would pay its fair share towards regional improvements through payment of the South County Road Improvement Fee (RIF).

Table 22. County Circulation Element Policy Consistency Analysis

Goal	Preliminary Consistency Analysis
	The Hill Street/South Frontage Road intersection would operate acceptably under Existing and Cumulative Conditions with the addition of project traffic and the proposed lane configurations. However, the existing southbound right turn lane and proposed northbound left turn lane would not provide the needed distance for the travel lane to shift through the intersection based on the current speeds so the project includes a proposal to convert this intersection to an all-way way stop controlled intersection. This control would provide acceptable operations. All project driveways would operate acceptably with two-way stop control and single lane approaches. As described in the above analysis, proposed improvements associated with addressing unacceptable vehicle queue lengths would include conversion of the South Frontage Road/Hill Street intersection to an all-way stop-controlled intersection, installation of an electronic sign on the existing signal pole located at the Tefft Street/South Frontage Road/U.S. 101 southbound off ramp intersection, and modification of the signal timing of this intersection. None of these proposed improvements would have the potential to result in a potentially significant impact on the environment, therefore the project would be potentially consistent with Goal 2.
Goal 3. Integrate land use and transportation planning so that necessary transportation facilities and services can be provided to accommodate urban and rural development. **Goal 4.** Coordinate the transportation system between different modes of travel, sensitive to the needs and desires of citizens in a manner that will provide an optimum benefit for the investment of public funds.	**Potentially Consistent.** The project includes off-site roadway improvements of Hill Street, South Frontage Road, and Grande Avenue along the project site frontages to construct sidewalk, curb and gutters, re-align travel lanes, and provide bicycle lanes (see Project Description for full description). These improvements to pedestrian, vehicle, and bicycle infrastructure would help accommodate the proposed residential development of the site. In addition, as described under Goal 2, above, the project includes conversion of the South Frontage Road/Hill Street intersection to an all-way stop-controlled intersection, installation of an electronic sign on the existing signal pole located at the Tefft Street/South Frontage Road/U.S. 101 southbound off ramp intersection, and modification of the signal timing of this intersection to maximize efficiency of traffic flow through the area. Lastly, the project would be subject to the South County Fee Program, which would ensure that the project developers would pay a

Table 22. County Circulation Element Policy Consistency Analysis

Goal	Preliminary Consistency Analysis
	fair share contribution towards regional circulation system improvements. Therefore, the project would be potentially consistent with Goal 3 and Goal 4.
Goal 5. Recognize public transit and car pooling as very important components of the county's strategy to provide adequate circulation and to reduce dependency on the automobile.	**Potentially Consistent.** San Luis Obispo Regional Transit Authority (SLORTA) serves Nipomo via Routes 10 and 10 Express (10X). The nearest Route 10 stop is about 0.5 miles from the project location along Tefft Street east of the US 101 ramps. In addition, the project's location across the street from existing grocery stores, restaurants, and other commercial businesses within the Nipomo Central Business District in conjunction with the project's proposed off-site pedestrian and bicycle infrastructure improvements would contribute to a decreased reliance on the automobile for project residents. Therefore, the project would be potentially consistent with Goal 5.
Goal 6. Develop and coordinate transportation programs that reinforce federal, state, regional and local agency goals.	**Potentially Consistent.** The project would be subject to the South County Fee Program, which would ensure that the project developers would pay a fair share contribution towards regional circulation system improvements. In addition, an evaluation of the project's consistency with the 2023 Regional Transportation Plan is provided below. Therefore, the project would be potentially consistent with Goal 6 and Goal 7.
Goal 7. Design a transportation system that provides for safe travel within attainable, feasible economic and technical means.	
Goal 8. Design transportation facilities with the intent to preserve important natural resources and features, promote the esthetic quality of the region and minimize environmental changes.	**Potentially Consistent.** The project includes the development of interior transportation facilities on-site including interior roadways and driveways, as well as off-site transportation facilities including minor roadway improvements, sidewalks, and bicycle lanes. Off-site development of transportation facilities would be located within or directly adjacent to existing roadways and would not have any significant effects on aesthetic resources or biological resources. Therefore, the project would be potentially consistent with Goal 8.
Goal 9. Develop and enhance a system of scenic roads and highways through areas of scenic beauty without imposing undue restrictions on private property, or unnecessarily restricting the placement of agricultural support facilities in agricultural and rural areas.	**Not applicable.** As described in Section I, *Aesthetics*, the project is not located within the viewshed of a State Scenic Highway or locally designated scenic corridor. Further, the project would not include any off-site improvements to state or locally designated scenic roadways.

Table 22. County Circulation Element Policy Consistency Analysis

Goal	Preliminary Consistency Analysis
Goal 10. Encourage policies for new development to finance adequate additional circulation and access as a result of increased traffic it will cause.	**Potentially Consistent.** The project would be subject to the South County Fee Program, which would ensure that the project developers would pay a fair share contribution towards regional circulation system improvements. Therefore, the project would be potentially consistent with Goal 10.
Goal 11. Encourage new development to provide public transit access and pedestrian and bicycle pathways from residential areas to shopping areas, businesses and public facilities.	**Potentially Consistent.** The project would establish residential uses within close proximity to existing grocery stores, restaurants, and other commercial businesses within the Nipomo Central Business District and the project's proposed off-site pedestrian and bicycle infrastructure improvements would make these land uses more accessible for project residents. Therefore, the project would be potentially consistent with Goal 11.

South County Circulation Study

The *South County Circulation Study and Road Improvement Fee Update* (South County Circulation Study) includes an analysis of the existing and cumulative capacity of intersections and roadways within the South County Planning Area based on the existing General Plan land uses. The study identifies improvements to South Frontage Road and Hill Street including widening to accommodate left turn lanes and bike lanes which the project proposes to construct. The South County Circulation Study also identifies the need for the future realignment and signalization of South Frontage Road /Hill Street intersection. As described in Table 22 above, this intersection operates acceptably under Existing or Cumulative Conditions with or without the project and the current or proposed lane configurations (CCTC 2023). Improvements on the current South Frontage Road alignment were recently completed by adjacent development and the project includes a proposed all-way stop control at the intersection. The project proposes to construct roadway improvements consistent with the South County Circulation Study and the County Public Improvement Standards. Therefore, the project would not result in a conflict with the South County Circulation Study.

County Bikeways Plan

The County Bikeways Plan identifies existing Class II bike lanes on Mary Avenue and Tefft Street. South Frontage Road is designated as an existing Class II Bike Route with future Class II bike lanes and the project will construct the road width to support. There are no designated bikeways on Hill Street or Grande Avenue; however, the project will provide the width for bike lanes on Hill Street consistent with the South County Circulation Study; therefore, the project would not result in a conflict with the County Bikeways Plan.

SLOCOG 2023 Regional Transportation Plan

SLOCOG's 2023 Regional Transportation Plan (RTP) serves as the blueprint for regional land use and transportation development patterns. It includes visions, goals, and policies relevant to the

proposed project. These include support for a mix of housing options in new residential developments, support for affordable housing, support for housing options for people of all ages and incomes, and support for infill development near existing transit services and activity centers.

The 2023 RTP also identifies a preferred land use scenario that seeks to improve the current regional jobs:housing imbalance by adding employment-generating uses to housing-rich areas like the South County Planning Area in an effort to reduce VMT, congestion, and associated GHG emissions. The proposed project would be located on an infill site near existing goods and services and provides a mix of market-rate, affordable, and senior housing that would help the County meet state-mandated housing needs. The project site is located in an urbanized area that results in transportation efficiencies and would have a less-than-significant impact to VMT according to the County's thresholds (see additional discussion under threshold *XVII(b)* below). Therefore, the project would be consistent with the intent of the 2023 RTP goals, policies, and preferred land use scenario.

Based on the analysis provided above, the project would not conflict with applicable plans and policies addressing the circulation system, and impacts would be *less than significant*.

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

The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon, October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts.

County guidelines describe screening criteria for projects consistent with the General Plan presumed to have a less-than-significant impact based on project type, intensity, or location. Projects located within an area identified as having below-threshold VMT are presumed to have a less-than-significant impact. The existing adjacent residential neighborhoods in Nipomo west and south of the project site are mapped as having VMT levels below the County's threshold. However, the project site is not included in these areas.

The project is located within the Commercial Retail land use category. Adjacent land within the Residential Multi-Family land use category on the west side of South Frontage Road south of Grande Avenue is included in the residential screening area. The SLOCOG Travel Demand Model was reviewed to determine if the proposed project would have similar characteristics to the adjacent pre-screened areas. The SLOCOG Travel Demand Model results indicated that the site would have a residential VMT per capita of 17.25 (CCTC 2023). This is below the residential VMT per capita of the adjacent pre-screened zones, which show values of 19.89 and 18.17 residential VMT per capita. Therefore, the proposed project would produce VMT levels similar to or below the adjacent pre-screened areas; therefore, 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)?

Construction Impacts

During Phase 1 of construction, the project would result in the partial roadway closures of Hill Street, South Frontage Road, and Grande Avenue. In addition, over the course of subsequent phases of site preparation and construction activities, on-site development would require approximately 39,755 cubic yards of materials to be exported off-site and off-site improvements would require approximately 2,081 cubic yards of materials to be exported, resulting in approximately 41,836 cubic

yards of material to be exported off the site during construction activities. Proposed lane closures and use and transport of construction vehicles and equipment within an area that experiences a considerable amount of vehicle, pedestrian, and bicycle traffic would have the potential to result in safety hazards. Mitigation Measure T-1 has been identified to require the preparation and approval of a Construction Traffic Management Plan to require the implementation of temporary construction traffic control measures, identification of haul routes, procedures for responding to and tracking complaints pertaining to construction activity, and other measures to significantly reduce the safety risks in and around the project site during construction activities. With implementation of Mitigation Measure TR-1, construction-related impacts associated with increased hazards due to a geometric design feature or incompatible uses would be *less than significant with mitigation*.

Operational Impacts

The project includes the development of new internal circulation roads and three private access driveways. The project access driveways on Hill Street and South Frontage Road were analyzed under the weekday intersection operations section and all operate at acceptable levels under the Existing and Cumulative Conditions with the addition of project traffic. The project driveway at Grande Aveue would also operate at an acceptable level with the addition of project traffic. All turn lane storage lengths at the project entries are adequate as proposed and can accommodate 95th percentile queues (CCTC 2022).

The Hill Street, South Frontage Road, and Grande Avenue frontage improvements would be designed consistent with the San Luis Obispo County Public Improvement Standards. Hill Street and South Frontage Road would be widened to support a left turn lane and Class II bike lanes consistent with the South County Circulation Study. Construction of the frontage improvements would create a continuous left turn lane on South Frontage Road between Hill Street and Grande Avenue to maximize efficiency of traffic flow on South Frontage Road. Therefore, operational impacts associated with increased hazards due to a geometric design feature or incompatible uses would be *less than significant.*

(d) Result in inadequate emergency access?

The project would include construction of improved vehicle access to and from the site from Grande Avenue and Hill Street, as well as construction of a new vehicle access point off South Frontage Road (see Figure 3). All three vehicle access driveway aprons and internal vehicle access roadways would be paved. Internal circulation routes as proposed would not require any on-site turn-arounds and was designed in compliance with current County Department of Public Works and California Fire Code standards; therefore, the project's emergency access is adequate as proposed (CCTC 2022a).

During construction of off-site roadway improvements and utility infrastructure improvements (Phase I), the project would result in partial lane closures along Hill Street, South Frontage Road, and Grande Avenue. It is expected that one-way vehicle access would be maintained during most or all of this phase and based on the project site's location, there are sufficient detour routes available within 0.25 mile of the site to ensure all surrounding developed land uses maintain adequate access routes for emergency services. Mitigation Measure HAZ-1 has been identified to require notification to emergency service providers as well as residents and business owners who would be directly affected by roadway/lane closures prior to Phase I initiation. This notification would be required to include the location and nature of roadway/lane closures, the estimated timeframes of restricted

access, identify alternative access routes to routes made inaccessible by the closures (as applicable), and contact information for a project representative if any recipient has questions. With implementation of Mitigation Measure HAZ-1, impacts associated with inadequate emergency access would be *less than significant with mitigation*.

Conclusion

The project would not result in potentially significant impacts associated with conflicting with an applicable circulation plan or policy or VMT. The project may result in potentially significant impacts associated with construction-related increased hazards due to incompatible uses and inadequate emergency access associated with temporary roadway/lane closures. With incorporation of Mitigation Measures HAZ-1 and TR-1, residual impacts associated with transportation would be less than significant. Therefore, transportation impacts would be less than significant with mitigation.

Mitigation

Implement Mitigation Measure HAZ-1.

TR-1 **Construction Traffic Management Plan.** Prior to the issuance of construction permits, the construction contractor shall meet with the County Public Works Department to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion, impacts to bicyclists and pedestrians, impacts to public transit services (as applicable), and impacts to emergency service providers during construction of the project. The construction contractor shall develop a construction traffic management plan for review and approval by the County Public Works Department. The plan shall include, at minimum, the following items and requirements:

a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic and pedestrian hours, detour signs if required, lane closure procedures, sidewalk closure procedures, signs, designated construction access routes, and temporary traffic control measures for automobile, bicycle, and pedestrian traffic.

b. Notification procedures for adjacent property owners and public safety service provider personnel regarding when major deliveries, detours, and lane closures will occur (see Mitigation Measure HAZ-1 for additional details).

c. Location of construction staging areas for materials, equipment, and vehicles.

d. Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety.

e. Temporary construction fencing to contain debris and material and to secure the site.

f. Provisions for removal of trash generated by project construction activity.

g. A process for responding to and tracking complaints pertaining to construction activity.

h. Provisions for monitoring surface streets used for haul and truck routes so that any damage and debris attributable to construction-related trips can be identified and corrected, including regular street sweeping within the project vicinity.

i. Location and signage of bicycle and pedestrian detours. Safe access for pedestrians and bicyclists shall be maintained to the greatest extent possible throughout the duration of construction activities.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐
	(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Setting

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

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

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

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

In accordance with AB 52 Cultural Resources requirements, outreach has been conducted to four Native American tribes: Northern Salinan, Xolon Salinan, yak titᵛu titᵛu yak tiłhini Northern Chumash, and Northern Chumash Tribal Council. A summary of AB 52 correspondence is provided below.

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

As described in Section V, *Cultural Resources*, based on the results of the records search and observations made during the pedestrian survey of the project site, it was determined that due to the project site's heavily disturbed conditions, an intact archaeological deposit is not likely located within the site and a historical resource or potentially significant cultural materials are not located in the project area (Albion 2022). In accordance with AB 52 Cultural Resources requirements, project notices were sent on February 6, 2022, to four Native American tribes geographically and culturally affiliated with the project area: Northern Salinan, Xolon Salinan, yak titᵛu titᵛu yak tiłhini Northern

Chumash, and Northern Chumash Tribal Council. No tribes requested consultation or provided information regarding significant tribal cultural resources.

However, based on the project site's immediate proximity to a known archaeological site, there is potential for significant intact archaeological deposits and features with significance to local Native American tribes to be present within the project area. Mitigation Measures CR-1 through CR-4 would require a cultural resources awareness training be conducted by a qualified archaeologist for all project construction staff and development and implementation of a cultural resources monitoring plan. With implementation of these measures, impacts to tribal cultural resources would be *less than significant with mitigation*.

Conclusion

While no California Native American Tribes have requested consultation or identified resources on the site, the project would have potential to adversely affect tribal cultural resources if present on-site. With implementation of identified mitigation, impacts to tribal cultural resources would be *less than significant with mitigation*.

Mitigation

Implement Mitigation Measures CR-1 through CR-4.

XIX. UTILITIES AND SERVICE SYSTEMS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
(d)	Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
(e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting

Nipomo Community Services District

The project site is located within the NCSD service area. The NCSD was formed in 1965 and provides water service, wastewater service, street lighting, and some drainage facility maintenance within its service area, which includes the community of Nipomo (County of San Luis Obispo 2014).

NCSD Domestic Water Supply

The NCSD's sources of water supply include groundwater from the Santa Maria River Valley Groundwater Basin and imported water from the Nipomo Supplemental Water Project (NSWP) (MKN 2021).

Historically, the NCSD has relied heavily on pumped groundwater from the Nipomo Mesa Management Area (NMMA), a subbasin within the Santa Maria Groundwater Basin. The NMMA Technical Group, which is the court-assigned entity responsible for managing groundwater within the NMMA, has declared a Stage IV water severity condition for the subbasin. This condition requires purveyors to reduce groundwater deliveries to 50% of the average production recorded between Years 2009 and 2013. This results in a voluntary groundwater reduction goal of 1,267 AFY of pumped groundwater for the NCSD.

Groundwater was the sole source of the NCSD's water supply until 2015, when the NCSD began importing water from the City of Santa Maria as part of the Nipomo Supplemental Water Project (NSWP). The NCSD executed the Wholesale Water Supply Agreement (Wholesale Agreement) with the City of Santa Maria on May 7, 2013, which requires a minimum water delivery to the NCSD of 2,500 AFY by the 2025-26 fiscal year, a readily available amount of 500 AFY of supplemental water to serve future demands on an as-needed basis, and a maximum allowable delivery of 6,200 AFY (MKN 2021).

Based on the analysis provided in the NCSD 2020 Urban Water Management Plan, the NCSD currently has a maximum total water supply of 4,267 acre-feet per year (AFY) and the existing water demand within the NCSD service area for the year 2020 was 2,048 acre-feet (MKN 2021).

NCSD Wastewater Collection and Treatment Services

The NCSD currently operates two wastewater treatment facilities within the NCSD service area: the Southland Wastewater Treatment Facility (WWTF) and the Blacklake Water Reclamation Facility (WRF). The Southland WWTF collects and treats wastewater from the majority of the NCSD service area and discharges treated effluent back into the basin via percolation ponds. The Blacklake WRF treats wastewater through secondary treatment. The NCSD is currently in the process of kicking off the Blacklake Sewer Consolidation Project to regionalize wastewater treatment at a central NCSD facility. As a result, the Blacklake WRF is planned to be decommissioned in 2025. Existing influent wastewater from the Blacklake sewer collection system will be diverted from the Blacklake WRF to the Southland WWTF. The project would generate wastewater that would be conveyed to and treated at the Southland WWTF.

Stormwater Management

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

Solid Waste Services

The California Department of Resources Recycling and Recovery (CalRecycle) is the state agency overseeing the County's compliance with meeting goals and implementing programs for solid waste source reduction, recycling, organic (food and yard) waste diversion and transformation, edible food recovery, solid waste facility capacity planning, and community education and outreach. The County Public Works Department coordinates with local and state agencies including cities, community services districts and sanitary districts, regional partners, commercial edible food generators, food recovery organizations and services, community partners and stakeholders countywide on solid waste management efforts.

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 Services and Cold Canyon Landfill.

Electricity and Natural Gas Services

PG&E is the primary electricity provider and both PG&E and SoCalGas provide natural gas services for urban and rural communities within the county.

Discussion

(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?*

The project includes development of 240 market-rate residential units configured in 15 three-story buildings, 73 affordable residential units configured in two three-story buildings, on-site parking areas, a variety of on-site amenities, and landscaping on a currently undeveloped property. The

project would require new utility connections to the NCSD water system, the NCSD wastewater collection and treatment facilities, the PG&E power grid, and SoCalGas natural gas lines. The project would also include construction of an on-site stormwater collection and treatment system. These improvements would primarily occur within the 10.48-acre project site and the off-site improvement area shown in Figure 2.

Based on a preliminary analysis of existing waterline capacity and projected project flows, the project includes replacing approximately 596 linear feet of the existing 8-inch-diameter waterline within Grande Avenue with a new 12-inch-diameter water line, as well as installation of a new 12-inch-diameter water line within South Frontage Road. These improvements would be located within each roadway along the frontage of the project site (see Figure 2). While the exact design and extent of these improvements would be determined by the NCSD, any necessary water or wastewater infrastructure improvements that may be required beyond what the project currently proposes would be anticipated to include replacement and/or upsizing of existing water or wastewater collection pipelines located beneath or directly adjacent to existing paved roadways. These utility line improvements would be located within previously disturbed areas (likely engineered fill materials) and are not likely to occur in sensitive biological or cultural resource areas. Potential impacts associated with roadway closures would be subject to implementation of Mitigation Measure HAZ-1, which outlines specific notification protocol for any and all road/vehicle lane closures.

PG&E has provided a will-serve letter for the project and indicated that there are facilities within the area that can be used to serve the project assuming any rights of way, if needed, are secured (PG&E 2022). SoCalGas has also provided a letter stating that SoCalGas has facilities in the area where the project is proposed and that future natural gas service agreements would be subject to the SoCalGas policies and extension rules on file with the California Public Utilities Commission at the time the arrangements are made (SoCalGas 2022). Neither letter indicated that any notable or extensive infrastructure improvements would be required in order to provide electricity or natural gas services to the project.

The project's proposed connections and improvements to utility infrastructure have been evaluated in conjunction with the other components of the project throughout this document. With respect specifically to utility work, the project would have potential to result in impacts associated with air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, and noise. The project applicant/developers would be required to implement Mitigation Measures AQ-1 through AQ-4, BIO-1 through BIO-6, CR-1 through CR-4, GEO-1 and GEO-2, HAZ-1, and N-1 to reduce potential environmental impacts during the expansion and installation of utility infrastructure to serve the project. Upon implementation of the identified mitigation measures, impacts would be *less than significant with mitigation*.

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

Water Quantity

As discussed in Section X, *Hydrology and Water Quality*, the NCSD has a current maximum total water supply of 4,267 acre-feet per year (AFY). In addition, the Wholesale Agreement dictates a minimum water delivery to the NCSD of 2,500 AFY (in addition to the current 500 AFY readily available supply provided for growth via the Wholesale Agreement) by fiscal year 2025-26 with a maximum allowable

delivery of 6,200 AFY. While the NCSD is obligated to meet the minimum delivery from the Wholesale Agreement, the NCSD will continue operating the groundwater wells to serve existing and future demands (MKN 2021).

Projections of future water demand for the NCSD service area were developed in the 2020 Urban Water Management Plan (UWMP) and are summarized below in Table 23. Future demand conditions conservatively included water service to parcels within the existing service area that are not currently served by the NCSD. This included parcels not currently on the NCSD's system but that have the potential to be added to the system, parcels served by private wells, vacant parcels, and ADUs associated with that growth. This "Maximum Anticipated Infill Development" scenario evaluated in the UWMP conservatively assumes that every parcel that has the capability to subdivide based on the above criteria will subdivide and every new parcel able to add an ADU will do so (MKN 2022). This scenario also includes current NCSD water demand, as well as the required deliveries to the Woodlands Mutual Water Company (WMWC), Golden State Water Company (GSWC), and Golden State Water Company Cypress Ridge (GSWCCR) according to the Water Replenishment Agreement.

Table 23. Future NCSD Water Demand for "Maximum Anticipated Infill Development" Scenario

Description	Water Demand (AFY)
Current NCSD Customer Usage	
Existing NCSD Customers	2,048
Potential NCSD Maximum Anticipated Infill	
Future Demand	340
Future Demand Subtotal	**2,388**
NCSD Interconnection Allocations	
Woodlands Mutual Water Company (WMWC)	417
Golden State Water Company (GSWC)	208
Golden State Water Company Cypress Ridge (GSWCCR)	208
Interconnection Allocation Subtotal	**833**
Total Future Demand with Interconnections (AFY)	**3,221**

Source: MKN (2021)

The NCSD is anticipated to have sufficient water supply to serve existing and reasonably foreseeable future demands during normal, single dry, and multiple dry year conditions (MKN 2021). Table 24 summarizes the NCSD water surplus for normal, single dry, and multiple dry year conditions through the year 2045.

Table 24. NCSD Water Surplus for Normal, Single Dry Year, and Multiple Dry Years Conditions

Condition	2025	2030	2035	2040	2045
Normal	2,406 AFY	2,162 AFY	2,095 AFY	2,028 AFY	1,960 AFY
Single Dry	1,900 AFY	1,656 AFY	1,589 AFY	1,522 AFY	1,454 AFY
Multiple Dry[1]	886 AFY	642 AFY	575 AFY	508 AFY	440 AFY

Source: MKN (2021)

[1] The multiple dry year water surplus reflects the worst-case scenario of 60% reduction in groundwater production following the fifth year of drought conditions.

The project is projected to result in an annual water demand of 53.1 acre-feet per year (AFY) at full build-out of proposed uses (Walsh Engineering 2023). This estimate includes both domestic water uses associated with the proposed residential uses (estimated 52.6 AFY) as well as non-residential water demand associated with the proposed landscaping, clubhouse, and the pool (156,400 gallons per year, or 0.5 AFY). Even if construction of the project began as early as June 2024, the project would not reach full buildout until February 2027. Therefore, it assumed that the project buildout would occur after 2025, during which the NCSD would receive an additional minimum of 2,500 AFY from the City of Santa Maria in accordance with the Wholesale Agreement.

In addition, it is important to note that the project is located within the Nipomo Mesa Water Conservation Area, for which the LUO has identified specific development and landscaping standards (LUO Section 22.98.070.F), including installation of low-flow water fixtures in all new buildings on-site in compliance with current California Green Building Standards and use of smart irrigation controllers and drip irrigation systems for proposed landscaping. The project landscape plans are consistent with County's general landscaping standards set forth in Chapter 22.16 of the Inland LUO as well as the Nipomo Mesa Water Conservation Area landscape standards set forth in the South County Planning Area Standards in LUO Section 22.98.070.F.2 (Jim Burrows Landscape Architecture 2023).

Based on the analysis presented in the 2020 UWMP and the project's estimated annual water demand upon completion of construction, the NCSD would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; therefore, impacts would be *less than significant*.

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

Based on an analysis conducted by Walsh Engineering, the project would generate approximately 17.2 million gallons of wastewater per year (52.78 AFY; Walsh Engineering 2023), which would equate to a rough average of 0.05 million gallons per day (mgd). Wastewater generated by the project would be conveyed to the Southland WWTF for treatment. The Southland WWTF collects and treats wastewater from the majority of the NCSD service area and discharges treated effluent back into the groundwater basin via percolation ponds (MKN 2021). In 2020, the NCSD collected and treated 606 AF of wastewater between the Southland WWTF and the Blacklake WRF. Of the total 606

AF of collected and treated wastewater, 554 AF of wastewater was conveyed to and treated at the Southland WWTF (MKN 2021). Existing Southland WWTF infrastructure has an existing peak hour flow design capacity of 2.45 mgd (MKN 2022).

The NCSD has provided an Intent to Serve letter for NCSD services to provide wastewater collection and treatment services for a proposed 315-unit multi-family residential development on-site[2] (Nipomo Community Services District [NCSD] 2023). This letter states that the NCSD will provide water, wastewater, and solid waste services for all project parcels after specific conditions are met, including, but not limited to preparation of a sewer and water system master plan/hydraulic model review of project impacts and commitment of the project applicant to extending and/or upsizing water and sewer lines on Frontage Road, Grande Avenue, and Hill Street adjacent to the project as needed.

Based on the Intent to Serve letter provided by the NCSD, potential impacts associated with inadequate wastewater service capacity 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?

Implementation of the proposed project would result in an increase in solid waste during construction and operation.

Construction Solid Waste

During construction, the project would result in a short-term increase in construction-related solid waste. Current California Green Building Code (CALGreen) standards require projects to recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction waste (California Department of Resource Recycling and Recovery [CalRecyle] 2023). In addition, Mitigation Measure GHG-1 has been identified to require the reuse and recycling of construction waste (including, but not limited to, soil vegetation, concrete, lumber, metal, and cardboard) to the greatest extent possible.

Solid waste, recycling, and green waste would be serviced by South County Sanitary Services and would be disposed of at Cold Canyon Landfill. Cold Canyon Landfill has a maximum permitted capacity of 23,900,000 cubic yards. As of August 31, 2020, Cold Canyon Landfill had a remaining capacity of 13,000,000 cubic yards (approximately 54.4%) and the landfill currently has an expected close date of December 31, 2040 (CalRecycle 2020). Therefore, Cold Canyon landfill has enough permitted capacity to accommodate the project's construction-related waste, and impacts would be *less than significant*.

Operational Solid Waste

According to the Estimated Solid Waste Generation Rates by CalRecycle, the project would be anticipated to generate approximately 2,692 pounds (lbs) of waste per day following buildout and full occupancy, as shown in Table 25 below.

[2] At the time the NCSD issued the Intent to Serve letter, the proposed project design included 315 multi-family residential units. The project has since been redesigned to include two fewer residential units, resulting in the current design total of 313 proposed multi-family units.

Table 25. Estimated Solid Waste Generation Rates

Waste Generation Source	Generation Rate	Unit of Measure	Proposed Development	Total (lbs per day)
Multi-Family Residential	8.6[1]	lb/dwelling unit/day	313	2,691.8
			Total	**2,691.8**

[1] CalRecycle 2019

The California Solid Waste Reuse and Recycling Access Act requires new commercial, multi-family, and high-density single-family residential developments of 5 units or more to provide adequate, accessible, and convenient areas for collecting and loading recyclable materials. The project includes provision of eight common trash enclosure areas for solid waste disposal, each including disposal bins for solid waste, organic waste, and recyclable materials. Each area would be enclosed by a 6-foot-tall cinder block wall with gates and would have a metal roof extending an additional 4 feet above the enclosure for a total height of 10 feet. South County Sanitary has provided a letter stating that South County Sanitary will provide collection of solid waste, recycling, and organics at the project site following construction and occupancy of the residential buildings, and based on a review of the property and plan set, the space allotted for waste storage and volume of bins anticipated for use is sufficient (South County Sanitary 2022).

As discussed above, as of August 31, 2020, Cold Canyon Landfill had a remaining capacity of 13,000,000 cubic yards and currently has an expected close date of December 31, 2040 (CalRecycle 2020). In addition, the project would be required to comply with mandatory waste reduction requirements of the California Integrated Waste Management Act (AB 939), which requires implementation of programs to divert 50% of solid waste, and Senate Bill 1383, which establishes requirements for organic waste diversion.

Based on the will-serve letter from South County Sanitary, remaining available capacity of the Cold Canyon Landfill, and required compliance with state and local waste diversion policies, implementation of the project would not result in generation of solid waste in excess of State or local standards or in excess of the capacity of local infrastructure; therefore, impacts would be *less than significant*.

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

The project would comply with all federal, state, and local regulations and diversion requirements pertaining to solid waste disposal, including those intended for reduction, reuse, and recycling of waste to the extent practicable. Non-recyclable demolition debris and construction waste generated by the project would be disposed of at the Cold Canyon Landfill, which had a remaining capacity of 13,000,000 cubic yards, or 54% of the maximum permitted capacity as of 2020. In addition, the project grading and construction activities would be subject to applicable federal, state, and local regulations pertaining to the testing, removal, and disposal of soils with the potential for NOA, as described in Section III, *Air Quality*. Therefore, the project would not an increase in solid waste generation in a manner that would conflict with federal, state, or local management or reduction statutes, and impacts would be *less than significant*.

Conclusion

The project would require the expansion and installation of utility infrastructure to support proposed development. The project would be required to implement Mitigation Measures AQ-1 through AQ-4, BIO-1 through BIO-6, CR-1 through CR-4, GEO-1 and GEO-2, HAZ-1, and N-1 to reduce potential environmental impacts during construction and installation of utility infrastructure for the proposed project. The project's water and wastewater service needs would be provided by the NCSD, which currently has available capacity to serve the proposed project in addition to current and projected future developments' service needs. The project would not generate solid waste in exceedance of state or county regulations. Therefore, upon implementation of the identified mitigation measures, impacts would be less than significant.

Mitigation

Implement Mitigation Measures AQ-1 through AQ-4, BIO-1 through BIO-6, CR-1 through CR-4, GEO-1 and GEO-2, HAZ-1, and N-1.

XX. WILDFIRE

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

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Setting

Wildfire Risk Factors

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Topography influences wildland fire to such an extent that slope conditions can often become a critical wildland fire factor. Conditions such as speed and direction of dominant wind patterns, the length and steepness of slopes, direction of exposure, and/or overall ruggedness of terrain influence the potential intensity and behavior of wildland fires and/or the rates at which they may spread (Barros et al. 2013).

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 (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" and is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The project would be located in a local responsibility area and is not within a mapped high or very high FHSZ. The emergency response time to the project site is approximately 0 to 5 minutes (County of San Luis Obispo 2023a).

California Fire Code

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

San Luis Obispo County Emergency Operations Plan

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

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

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

County of San Luis Obispo General Plan Safety Element

The Safety Element of the County of San Luis Obispo General Plan establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

On-Site Conditions and Surrounding Land Uses

The project site is currently undeveloped and characterized by nearly level to gently sloping topography. The project site generally supports nonnative grassland and scrub vegetation cover, disturbed areas, and scattered blue gum eucalyptus trees that are generally located on the western portion of the site. There are no current uses of the property, with the exception of several houseless encampments on the northern portion of the property. The project site is currently surrounded by Hill Street and commercial retail uses to the north, South Frontage Road and US 101 to the east, Grande Avenue and single- and multi-family residential uses to the south, and low-density residential uses and undeveloped land to the west.

Discussion

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

The project would be located within an LRA which does not have FHSZs associated with it and the site is not located within a mapped CAL FIRE FHSZ.

The project would include the development of 240 market-rate residential units and 73 affordable residential units within the unincorporated community of Nipomo. The project has been designed to comply with applicable County Fire Department/California Fire Code building, landscaping, and emergency access standards. In addition, development plans are subject to review and approval by fire safety personnel per the County's Safety Element to ensure that adequate emergency access and other safety features are included in the final project design.

The project would result in an increased residential population of 845 people and generation of 11 jobs, as detailed in Section XIV, *Population and Housing*, and a generation of approximately 2,082 new daily vehicle trips (CCTC 2023). In the event of an evacuation, proposed internal and existing public roads would be used to reach US 101, located directly east of the site. Based on the scale of proposed development, it is likely that, in the event of an evacuation, the rate of egress from the project area would be slightly reduced; however, all proposed access points, roads, and evacuation routes would be constructed and identified in accordance with CAL FIRE and County Public Works Department requirements to ensure safety along evacuation routes and compliance with all applicable emergency response and emergency evacuation plans.

Construction activities would be required to comply with International Fire Code (IFC) Section 3312 and applicable PRC sections to prevent ignition and spread of a wildfire during construction activities. Vehicle access to adjacent properties would be maintained during construction activities and throughout the project area. In addition, proposed construction activities may require traffic controls along nearby roadways and may slow traffic due to heavy vehicles and machinery traveling

along nearby roadways. However, any traffic controls and vehicle and equipment movement would be temporary in nature and would not result in long-term impacts.

Project implementation would not affect long-term access through the project area and would not contribute substantial enough vehicle traffic to create a cumulatively considerable reduction in evacuation times. Therefore, 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 subject property is not located in a mapped high and very high FHSZ. The project site supports relatively flat to gently sloping topography with nonnative grassland and scrub vegetation cover, disturbed areas, and scattered blue gum eucalyptus trees. The project would be required to comply with California Fire Code standards for roads, access roads, driveways, addressing, landscaping, and fire detection systems. In addition, development plans are subject to review and approval by fire safety personnel per the County's Safety Element to ensure that adequate emergency access and other safety features are included in the final project design. Future construction of multi-family residential uses, open space and recreational amenities, landscaping, parking areas, utility improvements, and roadway improvements would not significantly increase or exacerbate potential fire risks on the project site and the project does not propose any design elements that would exacerbate risks and/or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, potential impacts would be *less than significant*.

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

Future buildout of the residential units would include expanded utility infrastructure and roadway improvements. The project would include the undergrounding of existing overhead electricity lines along the southern and eastern frontages of the project site. Future development of roadway improvements and utility infrastructure would be required to comply with CAL FIRE recommendations and the California Fire Code to ensure installation/improvements would not result in increased risk of wildfire. Proposed utility and roadway improvements would not exacerbate fire risk, and environmental impacts of these improvements are discussed in other sections of this document. Therefore, impacts would be *less than significant*.

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

The project would be located within an LRA which does not have FHSZs associated with it and the site is not located within a mapped CAL FIRE FHSZ. According to the County's Safety Element Maps, the project site has a low potential for landslides. The project site topography varies from nearly level to gently sloping and is not located near steep slopes or other extreme topographic expressions that would result in a high potential for landslide risk. The project site is not located within or adjacent to a 100-year flood zone (Federal Emergency Management Agency [FEMA] 2012).

Future development would be required to comply with the most recent CBC, the California Fire Code, and other CAL FIRE recommendations to reduce potential risks associated with post-fire hazards; therefore, impacts would be *less than significant*.

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Conclusion

Implementation of the proposed project would not result in new development within a high or very high FHSZ. The project would be required to comply with the California Fire Code, County, CBC regulations for emergency access and site design. Based on the scale and location of the proposed project and required compliance with existing regulations, impacts would be less than significant, and no mitigation is necessary.

Mitigation

No mitigation is necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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Discussion

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

As discussed in each resource section above, upon implementation of identified mitigation measures, the proposed project would have the potential to result in significant impacts to biological resources and cultural resources during project construction activities. Mitigation measures have been identified to address these potential impacts and with implementation of these measures, impacts would be reduced to less than significant. Therefore, with compliance with existing state and local policies and implementation of identified mitigation measures, impacts associated with degradation of the quality of the environment, fish and wildlife species and populations, plant and animal communities, and examples of major periods of California history or prehistory would be *less than significant with mitigation*.

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

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

Cumulative Development Scenario

For the purposes of this analysis, the primary cumulative development scenario used to evaluate cumulative impacts was developed by compiling a list of residential development projects that meet all of the following criteria:

1. Located within the Nipomo URL, USL, or NCSD Sphere of Influence;
2. Include more than two new lots with potential for residential development or two new dwelling units; and
3. Are proposed projects currently in the application review process or have been approved in the past 12 months as of October 3, 2023.

These criteria were selected to focus the review of cumulative impacts for most issue areas to projects that would be located in the proposed project vicinity and would have similar impacts as the proposed project. A list of the projects that meet these criteria is provided in Table 26. Issue areas that relied on this cumulative development scenario include the assumption that the proposed development projects within this list are built within the lifetime of the proposed project.

Table 26. Nipomo Residential Projects Cumulative Development Scenario

Project Name (File Number)	Proposed Residential Units	Proposed Affordable Units (Deed Restricted)	Address/Location	Land Use Category	Status
Dana Reserve Specific Plan (LRP2020-00007)	1,318	104	288-acre property located south of Willow Road and west of US 101	Residential Rural	Recommended for approval by Planning Commission; to be scheduled for review by Board of Supervisors
Gamble General Plan Amendment (LRP2023-00001)	8	0	213 West Dana Street, Nipomo	Office Professional	Initial Review; Scheduled for BOS Authorization
Dana Street Pocket Village (N-DRC2022-00036)					Information Hold
Mesa Trails Apartment Community Conditional Use Permit (N-DRC2023-0001)	313	73	222 South Frontage Road, Nipomo	Commercial Retail	Accepted for Processing/ Environmental Review
Mussell Housing Project (N-DRC2023-00006)	72	71	2.57-acre property located east of Magenta Lane and north of West Tefft Street	Office Professional & Commercial Retail	Accepted for Processing / Environmental Review
Monarch Dunes Specific Plan Amendment (LRP2022-00010)	162	0	1095 Ford Drive, Nipomo	Recreation	Approved June 2023
Hill Street Terraces (SUB2021-00035)	24	0	695 Hill Street, Nipomo	Residential Multi-Family	Approved May 2023
Bowman Nguyen Lot Line Adjustment (N-SUB2023-00038)	2 lots	0	421 Aloma Way, Arroyo Grande	Residential Rural	Information Hold

While this is the cumulative development scenario used to evaluate cumulative impacts for most issue areas, some issue areas' cumulative analyses were based on different scenarios. For example, cumulative impacts associated with noise were evaluated by evaluating cumulative impacts from existing and reasonably foreseeable development within the more immediate project vicinity and proximate roadways. In other instances, cumulative impacts were evaluated using a broader scale, such as Air Quality, because some Air Quality impacts are based on their contribution to air quality of the South Central Coast Air Basin.

Aesthetics

As described in Section I, *Aesthetics*, 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 and would not result in a conflict with an applicable policy pertaining to visual quality. The project would have the potential to result in potentially significant impacts associated with lighting. Mitigation has been identified to reduce this impact to a less-than-significant level.

Project impacts associated with lighting and adverse effects to nighttime views in the area could be cumulatively considerable. Other existing and future residential, commercial, mixed-use, office, and other development in the vicinity of the project that proposes exterior lighting that would be on during nighttime hours could contribute to light pollution in the area. The project's impacts would be reduced through implementation of Mitigation Measure AES-1, which would require the project prepare and implement an exterior lighting plan using guidance and best practices endorsed by the International Dark Sky Association and in compliance with County Title 22 lighting requirements. Other proposed development in the project vicinity would also be subject to review for their impacts associated with lighting and nighttime views through the discretionary review/environmental review process. Proposed projects with the potential to result in potentially significant impacts would be required to be mitigated, like the proposed project. Therefore, based on the mitigation identified for the proposed project and discretionary review of reasonably foreseeable future projects, impacts associated with Aesthetics would be less than cumulatively considerable.

Air Quality

As discussed in Section III, *Air Quality*, the project would have the potential to result in significant impacts associated with a conflict with an applicable air quality plan, a cumulatively considerable net increase in a criteria pollutant for which the project region is in non-attainment, and impacts to sensitive receptors. The project would result in less than significant impacts associated with other emissions such as those leading to odors. With implementation of identified mitigation measures, impacts to Air Quality would be less than significant with mitigation.

Reasonably foreseeable future projects would also be subject to standard SLOAPCD measures to reduce short- and long-term ROG, NO_X, and PM emissions, as necessary, and to reduce exposure to NOA as applicable. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the unincorporated county, the contribution of the subject project to potential impacts to air quality would be less than cumulatively considerable.

Biological Resources

As discussed in Section IV, *Biological Resources*, project grading, vegetation removal, and construction activities have the potential to adversely affect biological resources that may occur within the project site. Mitigation Measures BIO-1 through BIO-6 have been identified to avoid and/or reduce potential impacts to biological resources. Upon implementation of the identified mitigation measures, impacts to biological resources would be less than significant with mitigation.

All reasonably foreseeable future discretionary development projects in the county would be subject to evaluation for their potential to impact biological resources. Based on the mitigation measures identified to reduce potential project impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with biological resources would be less than cumulatively considerable.

Cultural Resources and Tribal Cultural Resources

As discussed in Section V, *Cultural Resources*, the project would have a low potential to result in significant impacts associated with archaeological resources and disturbance of human remains. Mitigation measures have been identified to avoid impacts to these resources. Therefore, impacts associated Cultural Resources and Tribal Cultural Resources would be less than significant with mitigation.

Future discretionary development projects would be subject to evaluation for potential to impacts to cultural resources and would be subject to State and local laws and policies pertaining to protecting historical, archaeological, and tribal cultural resources, including, but not limited to, California Health and Safety Code Section 7050.5, County LUO Section 22.10.040AB 52, AB 52, and SB 18. Based on mitigation measures identified for the proposed project, State and local regulations pertaining to the projection of cultural resources, and the discretionary review of future development projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with cultural resources would be less than cumulatively considerable.

Energy

As discussed in Section VI, *Energy*, the project would not result in unnecessary, inefficient, or wasteful energy use and would not conflict with applicable State or local energy efficiency standards. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the unincorporated county, the contribution of the subject project to potential impacts to energy would be less than cumulatively considerable.

Geology and Soils

As discussed in Section VII, *Geology and Soils*, the project would not result in any potentially significant impacts associated with rupture of a known earthquake fault, substantial erosion or loss of topsoil, expansive soil, septic tank soil suitability, or paleontological resources. Potential impacts associated with strong seismic ground shaking and construction on unstable land would be reduced to less than significant with implementation of identified mitigation measures.

Impacts related to strong seismic ground shaking and construction on unstable land would generally not have the potential to affect surrounding land uses or otherwise be cumulative in nature. Similar to the proposed project, future discretionary development projects in the area would be reviewed

for compliance with CBC standards and special engineering/building design features would be identified for projects that would be developed on land with risk for impacts related to geology and soils. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the unincorporated county, the contribution of the subject project to potential impacts associated with geology and soils would be less than cumulatively considerable.

Greenhouse Gas Emissions

As discussed in Section VIII, *Greenhouse Gas Emissions*, the project would have the potential to exceed applicable local GHG emissions thresholds and therefore would constitute a potentially significant impact on the environment. With implementation of identified mitigation measures, impacts associated with GHG emissions would be reduced to less than significant with mitigation.

GHG impacts are already evaluated based on a cumulative scale, and future discretionary development projects within the county would be evaluated for their potential to exceed local GHG emissions significance thresholds or otherwise conflict with a State or local GHG reduction plan or policy. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the unincorporated county, the contribution of the subject project to potential impacts to GHG emissions would be less than cumulatively considerable.

Hazards and Hazardous Materials

As discussed in Section IX, *Hazards and Hazardous Materials*, the project would not result in any potentially significant impacts related to routine transport, use, or disposal of hazardous materials, emissions of hazardous materials within close proximity to a school site, location on a known hazardous material site, safety hazards associated with airports, or exposure of people or structures to significant wildfire risk. Potential impacts associated with NOA and interference with an emergency response plan would be reduced to less than significant with implementation of identified mitigation measures.

Discretionary development projects located in the project vicinity would be subject to review for impacts related to hazards and hazardous materials. For projects that could result in impacts associated with NOA or interference with an emergency response plan, similar mitigation measures would likely be implemented as the ones identified for the proposed project. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the unincorporated county, the contribution of the subject project to potential impacts associated with Hazards and Hazardous Materials would be less than cumulatively considerable.

Hydrology/Water Demand

As discussed in Section X, *Hydrology and Water Quality*, the project would not result in any potentially significant impacts associated with hydrology or water quality. Discretionary development projects located within the project vicinity would be subject to evaluation for potential to impact related to water quality, groundwater supply and recharge, stormwater management, flooding, and other hydrological impacts. Based on the less than significant level of project-level impacts and discretionary review of surrounding projects, when considered with the potential impacts of other reasonably foreseeable development in the area, project impacts associated with hydrology and water quality resources would be less than cumulatively considerable.

Noise

As discussed in Section XIII, *Noise*, The project would not generate excessive groundborne noise during construction or operation and would not be located within an ALUP or public or private airstrip. Development of the project would have the potential to result in exposure of surrounding noise-sensitive land uses to noise levels in exceedance of County standards, and project occupants would have the potential to be exposed to noise levels in exceedance of County standards. Mitigation has been identified to reduce both of these impacts and with implementation of these measures, impacts would be reduced to less than significant. Therefore, impacts would be less than significant with mitigation.

Future projects with potential to generate noise above County standards or noise that would adversely affect surrounding sensitive receptors would be required to implement measures to reduce associated impacts. Therefore, when considered with the potential impacts of other reasonably foreseeable development projects in the unincorporated county, the contribution of the subject project to potential noise impacts would be less than cumulatively considerable.

Population and Housing

Based on the discussion in Section XIV, *Population and Housing*, the project would not result in substantial unplanned population growth or displace substantial numbers of people or housing.

As shown in Table 26, the community of Nipomo has seen an influx of proposed and approved residential development particularly in the past 12 months (October 2022 to October 2023). One of these projects, the Dana Reserve Specific Plan, has been determined to result in a Class I significant and unavoidable impact related to substantial, unplanned population growth in the community of Nipomo and South County Planning Area (SWCA 2022). However, as discussed in Section XIV, *Population and Housing*, the proposed project would include development of multi-family residential uses that have already been accounted for in local planning documents, including the County Housing Element. Therefore, the proposed project's contribution to the issue of substantial unplanned population growth would be less than cumulatively considerable because the project-induced population growth is part of the planned growth projected for the area. Therefore, when considered with the potential impacts of other reasonably foreseeable projects in the unincorporated county, the contribution of the subject project to impacts related to housing and population would be less than cumulatively considerable.

Public Services

Based on the discussion in Section XV, *Public Services*, the project and surrounding reasonably foreseeable future development would be subject to adopted public facility (County) and school fee programs (California Government Code Section 65995 et seq.) to offset impacts to public services. Therefore, when considered with the potential impacts of other reasonably foreseeable development projects in the unincorporated county, the contribution of the subject project to potential public services impacts would be less than cumulatively considerable.

Recreation

Based on the discussion in Section XVI, *Recreation*, the project would not substantially induce population growth that could result in the need for new or expanded recreational facilities or cause deterioration of existing ones. The project would be subject to adopted public facility fee programs to offset impacts on public recreational facilities. Therefore, when considered with the potential

impacts of other reasonably foreseeable development projects in the unincorporated county, the contribution of the subject project to potential recreation impacts would be less than cumulatively considerable.

Transportation

Based on the analysis in Section XVII, *Transportation*, the project would not result in potentially significant impacts associated with conflicting with an applicable circulation plan or policy or VMT. The project may result in potentially significant impacts associated with construction-related increased hazards due to incompatible uses and inadequate emergency access associated with temporary roadway/lane closures. With incorporation of Mitigation Measures HAZ-1 and TR-1, residual impacts associated with transportation would be less than significant.

As discussed in Section XVII, *Transportation*, transportation impacts were evaluated by comparing "Existing Conditions," "Existing Conditions Plus Project," "Cumulative Conditions," and "Cumulative Conditions Plus Project" development scenarios. The "Cumulative Conditions" development scenario represented future traffic considerations reflective of the General Plan buildout of land uses in the area, not including the proposed project (CCTC 2023). Under Cumulative Conditions, additional regional improvements would be required to avoid queue spillback at key intersections both with and without the project. Per the South County Circulation Study, a new Southland interchange would be required under Cumulative Conditions reflecting buildout of the Nipomo area. The project would pay its fair share towards regional improvements through payment of the South County Road Improvement Fee (RIF).

While the "Cumulative Conditions" development scenario did not include buildout of the proposed Dana Reserve Specific Plan project (LRP2020-00007), future construction of residential and commercial uses within the Dana Reserve Specific Plan Area in accordance with the proposed Specific Plan would not change the findings of the TIS because the Dana Reserve Specific Plan project includes construction of a new Frontage Road and Collector B roadways, which will shift traffic away from West Tefft Street.

Future discretionary development projects in the project vicinity would be subject to review for impacts to the local and regional circulation systems and VMT. Additionally, the project and any other reasonably foreseeable development projects in the South County Planning Area would be subject to Road Improvement fees. Therefore, when considered with the potential impacts of other reasonably foreseeable development projects in the unincorporated county, the contribution of the subject project to potential transportation impacts would be less than cumulatively considerable.

Utilities and Service Systems

As discussed in Section XIX, *Utilities and Service Systems*, the project would require the expansion and installation of utility infrastructure to support proposed development. Mitigation measures have been identified to reduce potential environmental impacts during construction and installation of utility infrastructure to a less-than-significant level. The project's water and wastewater service needs would be provided by the NCSD, which currently has available capacity to serve the proposed project in addition to current and projected future developments within the NCSD service area. The project would not generate solid waste in exceedance of state or county regulations.

Projections of future water demand for the NCSD service area were developed in the 2020 Urban Water Management Plan (UWMP). Future demand conditions conservatively included water service to parcels within the existing service area that are not currently served by the NCSD. This included parcels not currently on the NCSD's system but that have the potential to be added to the system, parcels served by private wells, vacant parcels, and ADUs associated with that growth. This "Maximum Anticipated Infill Development" scenario evaluated in the UWMP conservatively assumes that every parcel that has the capability to subdivide based on the above criteria will subdivide and every new parcel able to add an ADU will do so (MKN 2022). Based on the analysis provided in Section XIX, *Utilities and Service Systems*, the NCSD has available domestic water supplies to serve the proposed project and other development within its service area under the Maximum Anticipated Infill Development scenario during normal, dry, and multiple dry years through at least year 2045.

Based on an analysis conducted by Walsh Engineering, the project would generate approximately 17.2 million gallons of wastewater per year (52.78 AFY; Walsh Engineering 2023), which would equate to a rough average of 0.05 million gallons per day (mgd). Existing Southland WWTF infrastructure has an existing peak hour flow design capacity of 2.45 mgd (MKN 2022). In 2022, an analysis was completed to document existing NCSD and County Service Area flows, future flows from the consolidation of the Blacklake Water Reclamation Facility, and future NCSD area flows (see Table 27).

Table 27. Southland Existing and Future Wastewater Flows

Flows	Average Annual Flow (mgd)	Maximum Month Flow (mgd)	Peak Flow Day (mgd)	Peak Hour Flow (mgd)
Existing District and County Service Area Flows	0.59	0.60	0.67	1.5
Future Blacklake Service Area Flows	0.058	0.078	0.13	0.23
Future District Service Area Flows	0.40	0.41	0.46	1.0
ADU Contributions	0.026	0.027	0.030	0.068
Dana Reserve Projections	0.20	0.21	0.23	0.53
Total Future Flows	**1.28**	**1.33**	**1.53**	**3.41**

Source: MKN (2022)

[1] Blacklake Maximum Month Flow (MMF), Peak Day Flow (PDF), and Peak Hour Flow (PHF) estimated using peaking factors of 1.34, 2.30, and 4.0 respectively from the 2017 Blacklake Sewer Master Plan.

According to the Dana Reserve Water and Wastewater Evaluation (MKN 2022), the NCSD identifies the future installment of a third screw centrifugal pump at the Southland WWTF to handle increased flow in future phases. Installation of a third pump would allow two pumps to operate at one time, with the third pump on standby. With installation of the third pump, the peak hour flow design capacity would be increased to 4.83 mgd, which would be capable of supporting projected wastewater flows of 3.41 mgd identified in Table27.

The proposed project would result in an average of 0.05 mgd of wastewater flows that would be treated at the Southland WWTF. These flows were likely projected as part of the "Future District Service Area Flows" based on the development potential of the project site and its location within the existing NCSD service area. If in the event the project is fully developed prior to the NCSD's installation of a third pump, the Southland WWTF has existing capacity to collect and treat the project's projected wastewater flows, in addition to its existing wastewater flows, future Blacklake Service Area flows, and a portion of projected future NCSD service area flows/ADU contributions.

Therefore, when considered with the potential impacts of other reasonably foreseeable development projects in the unincorporated county, the contribution of the subject project to potential impacts associated with utilities and service systems would be less than cumulatively considerable.

Other Issue Areas

Cumulative impacts associated with other issue areas, including Agriculture and Forestry Resources, Land Use and Planning, Mineral Resources, and Wildfire would not be cumulatively considerable based on the project-level impacts being less than significant or mitigated to a less than significant level, the low probability that project-level impacts would have any cumulatively considerable contribution to cumulative impacts associated with other foreseeable projects, and discretionary review of development projects that would have the potential to contribute to a cumulatively considerable impact.

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. As such, implementation of Mitigation Measures AES-1, AQ-1 through AQ-4, CR-1 through CR-4, GEO-1 and GEO-2, HAZ-1, N-1 and N-2, and TR-1 identified in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be less than significant with mitigation.

Conclusion

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

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Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☒	County Environmental Health Services	**In File****
☐	County Agricultural Commissioner's Office	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☒	Air Pollution Control District	**In File****
☒	County Sheriff's Department	**In File****
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry (CAL FIRE)	**None**
☒	CA Department of Transportation	**None**
☒	Nipomo Community Services District	**None**
☒	County Building Division	**None**
☒	AB 52 California Native American Tribes	**In File****
☒	Old Towne Nipomo Association	**None**
☒	South County Advisory Council	**None**
☒	Lucia Mar Unified School District	**None**

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

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

☒ Project File for the Subject Application

County Documents

☐ Coastal Plan Policies
☒ Framework for Planning (Coastal/Inland)
☒ General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:
- ☒ Agriculture Element
- ☒ Conservation & Open Space Element
- ☐ Economic Element
- ☒ Housing Element
- ☒ Noise Element
- ☒ Parks & Recreation Element/Project List
- ☒ Safety Element

☒ Land Use Ordinance (Inland/Coastal)
☐ Building and Construction Ordinance
☐ Public Facilities Fee Ordinance
☐ Design Plan
☐ Specific Plan
☐ Annual Resource Summary Report
☐ Circulation Study

Other Documents

☒ Clean Air Plan/APCD Handbook
☐ Regional Transportation Plan
☐ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ Archaeological Resources Map
☐ Area of Critical Concerns Map
☐ Special Biological Importance Map
☒ CA Natural Species Diversity Database
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps

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- ☐ Real Property Division Ordinance
- ☐ Affordable Housing Fund
- ☐ Airport Land Use Plan
- ☒ Energy Wise Plan
- ☐
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other

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

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Appendices

In addition, the appendices below are incorporated into this document by reference. The appendices can be found on the County of San Luis Obispo Permit SLO Portal located here: https://energov.sloplanning.org/energov_prod/selfservice#/plan/0dfff13b-28ed-4c50-a2d8-2d12acddd6d4?tab=attachments

Appendix A. Mesa Trails Apartment Community Entitlement Package Plan Set (July 2023)

Appendix B. Air Quality & Greenhouse Gas Impact Assessment (November 2023)

Appendix C. Air Quality & Greenhouse Gas Memorandum (December 2022)

Appendix D. Health Risk Assessment (December 2022)

Appendix E. Biological Resource Assessment (December 2022)

Appendix F. Soils Engineering Report (October 2022)

Appendix G. Phase I Environmental Site Assessment (December 2022)

Appendix H. Stormwater Control Plan (March 2023)

Appendix I. Noise Impact Assessment (December 2022)

Appendix J. Population Memorandum (August 2023)

Appendix K. Transportation Impact Study (October 2023)

Appendix L. Transportation Trip Generation Memorandum (December 2022)

Appendix M. Yearly Water and Sewer Demand Memorandum (September 2023)

Initial Study – Environmental Checklist

Exhibit B – Developer's Statement

DATE: December 19, 2023

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR MESA TRAILS APARTMENT COMMUNITY CONDITIONAL USE PERMIT
N-DRC2023-00001 (ED23-139)

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.

Aesthetics (AES)

AES-1 **Exterior Lighting Plan.** At the time of application for project building permits, the project applicant shall submit an exterior lighting plan to the County of San Luis Obispo Planning Department for review and approval. The lighting plan shall be prepared using guidance and best practices endorsed by the International Dark Sky Association and shall comply with County Title 22 lighting requirements and proposed lighting located within the West Tefft Corridor Design Plan area shall be in compliance with the standards for lighting in the West Tefft Corridor Design Plan. The lighting plan shall include the following:

a. All exterior point-source lighting shall be directed downward and fully shielded from off-site views.
b. Exterior lighting shall be designed so that it does not focus illumination onto exterior walls or the hillside on or adjacent to the proposed development.
c. Any security lighting installed on the property shall be equipped with motion detectors to prevent the illumination from remaining on.

d. Any exterior lighting, including lighting for signs, shall be "warm-white" or filtered (correlated color temperature of < 3,000 Kelvin; scotopic/photopic ratio of < 1.2) to minimize blue emissions.

Monitoring: Required at the time of application for project building permits. Compliance will be verified by the County Department of Planning and Building.

AIR QUALITY (AQ)

AQ-1 **NO_X and ROG Emissions and Idling Control Measures**. The following measures shall be implemented to reduce construction generated mobile-source and evaporative emissions:

a. A Construction Activity Management Plan (CAMP) shall be prepared. The CAMP shall be submitted to SLOAPCD for review and approval at least three months before the start of construction. The CAMP shall include a dust-control management plan, tabulation of on and off-road construction equipment (age, horsepower, and usage rates), construction truck trip schedules, construction work-day period, and construction phasing. If implementation of Standard Mitigation and Best Available Control Technology measures cannot reduce project emissions to below SLOAPCD's Tier 2 threshold, off-site mitigation shall be implemented in coordination with SLOAPCD to reduce NO_X and ROG emissions to below the Tier 2 threshold. At a minimum, the following measures shall be implemented and included in the CAMP to reduce construction generated mobile-source and evaporative emissions:
    a. Maintain all construction equipment in proper tune according to manufacturer's specifications.
    b. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
    c. Diesel-fueled construction equipment shall meet, at a minimum, ARB's Tier 4 emission standards for off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
    d. Use on-road heavy-duty trucks that meet the ARB's 2010, or cleaner, certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
    e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or NO_X

exempt area fleets) may be eligible by proving alternative compliance.

f. Electrify equipment when feasible.
g. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
h. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
i. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the APCD. Such equipment may include power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.
j. Construction of the proposed project shall use low-VOC content paints not exceeding 50 grams per liter.
k. To the extent locally available, use prefinished building materials or materials that do not require the application of architectural coatings.
l. The following idling restrictions near sensitive receptors for both on- and off-road equipment shall be implemented:
    i. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    ii. Diesel idling when equipment is not in use is not permitted;
    iii. Use of alternative fueled equipment is recommended whenever possible; and,
    iv. Signs that specify the no-idling requirements must be posted and enforced at the construction site.
m. On-road vehicle operations shall comply with Section 2485 of Title 13, the California Code of Regulations limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways.

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

i. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and,

ii. 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 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

iii. Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

n. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use Off-Road Diesel regulation available at: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

o. Signs shall be posted in the designated queuing areas and job sites to remind on-road and off-road equipment operators of the idling restrictions.

AQ-2 **Fugitive Dust Control Measures**. The following measures shall be implemented to reduce construction generated fugitive dust. These measures shall be shown on grading and building plans:

a. Reduce the amount of disturbed areas where possible.

b. Use water trucks, SLOAPCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of a SLOAPCD-approved dust suppressant where feasible

to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

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.

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

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

j. Install wheel washers at the construction site entrance/exit, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other SLOAPCD-approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways.

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

l. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the SLOAPCD prohibited developmental burning of vegetative material within the County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.

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 the 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 or earthwork.

AQ-3 **Operational Air Pollutant Control Measures**. The following mitigation measures shall be implemented, to the extent possible, to minimize long-term operational emissions:

a. The installation of wood burning or natural-gas fired hearths and appliances in residential units shall be prohibited.
b. Provide a pedestrian-friendly and interconnected streetscape with good access to/from the development for pedestrians, bicyclists, and transit users to make alternative transportation more convenient, comfortable and safe. Features may include appropriate signalization and signage, linking cul-de-sacs and dead ends, orienting buildings toward streets with automobile parking in the rear, etc.
c. Provide a landscaping plan that demonstrates over 50 percent of parking spaces will be shaded (e.g., through tree planting or built structures) within 15 years following completion of each phase of development to reduce evaporative emissions from parked vehicles, excluding areas where increased shade would affect the performance of solar PV systems.
d. Reduce fugitive dust from roads and parking areas with the use of paving or other materials.
e. Implement driveway design standards (e.g., speed bumps, curved driveway) for self-enforcement of reduced speed limits on unpaved driveways.
f. Use an SLOAPCD-approved suppressant on private unpaved roads leading to the site, unpaved driveways and parking areas applied at a rate and frequency that ensures compliance with SLOAPCD Rule 401: Visible Emissions, ensures off-site nuisance impacts do not occur.
g. Incorporate traffic calming modifications to project roads to reduce vehicle speeds and increase pedestrian and bicycle usage and safety.
h. Provide evidence of collaboration with SLOCOG to participate in the creation, improvement, or expansion of a nearby 'Park and Ride' lot with car parking and bike lockers in proportion to the size of the

project. Potential improvements may include, but would not be limited to, repaving hardscapes, repainting, providing new or improved signage, installing bicycle locker facilities, expanding the park and ride lot to include additional vehicle parking spaces, and/or payment of a fee to be used for future expansion of the facility.

i. Exceed applicable building standards at the time of development for providing electric vehicle charging infrastructure.

j. Exceed applicable building standards at the time of development for building energy efficiency with a goal of achieving zero net energy (ZNE) buildings.

k. Exceed applicable building standards at the time of development for reducing cement use in the concrete mix as allowed by local ordinance and conditions.

l. Exceed applicable building standards at the time of development for the use of greywater, rainwater, or recycled water.

m. Exceed applicable building standards at the time of development for water conservation (e.g., use of low-flow fixtures, water-efficient irrigation systems, drought-tolerant landscaping).

n. Exceed applicable building standards at the time of development for using shading, trees, plants, cool roofs, etc. to reduce the "heat island" effect.

o. All built-in appliances shall comply with California Title 20, Appliance Efficiency Regulation.

p. Utilize on-site renewable energy systems (e.g., solar, wind, geothermal, biomass and/or biogas) sufficient to exceed applicable building standards at the time of development with a goal of achieving ZNE buildings.

q. Design roof trusses to handle dead weight loads of standard solar-heated water and photovoltaic panels.

AQ-4 **Naturally Occurring Asbestos**. Prior to any grading activities, a geologic evaluation shall be conducted to determine if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the SLOAPCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM. These requirements may include but are not limited to:

a. Development of an Asbestos Dust Mitigation Plan which must be approved by the SLOAPCD before operations begin; and,

b. Development and approval of an Asbestos Health and Safety Program (required for some projects).

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

BIOLOGICAL RESOURCES (BIO)

BIO-1 **Retention of a County-Qualified Biologist**. At the time of application for grading or construction permits, whichever occurs first, the applicant shall provide evidence that they have retained a County-qualified biologist.

BIO-2 **Burrowing Owl Avoidance and Minimization (Wintering).** If proposed site preparation and/or ground disturbance is scheduled to begin between September 1 and January 31, no more than one week before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat. If wintering burrowing owls are found during the pre-construction survey, a qualified biologist may passively relocate burrowing owls found within construction areas per the following measures:

a. Prior to passively relocating burrowing owls, a Burrowing Owl Exclusion Plan shall be prepared by a qualified biologist in accordance with Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The Burrowing Owl Exclusion Plan shall be submitted for review and approval to the CDFW and County Department of Planning and Building prior to implementation.

b. The biologist shall accomplish such relocations using one-way burrow doors installed and left in place for at least two nights; owls exiting their burrows will not be able to re-enter. Then, immediately before the start of construction activities, the biologists shall remove all doors and excavate the burrows to ensure that no animals are present in the burrow. The excavated burrows shall then be backfilled. To prevent evicted owls from occupying other burrows in the impact area, the biologist shall, before eviction occurs, (1) install one-way doors and backfill all potentially suitable burrows within the impact area, and (2) install one-way doors in all suitable burrows located within approximately 50 feet of the active burrow, then remove them once the displaced owls have settled elsewhere.

c. When temporary or permanent burrow-exclusion methods are implemented, the following steps shall be taken: Prior to excavation, a qualified biologist shall verify that evicted owls have access to multiple, unoccupied, alternative burrows, located nearby (within 250 feet) and outside of the projected disturbance zone. If no suitable alternative natural burrows are available for the owls, then, for each owl that is evicted, at least two artificial burrows shall be installed in suitable nearby habitat areas. Installation of any required artificial burrows preferably shall occur at least two to three weeks before the relevant evictions occur, to give the owls time to become familiar with the new burrow locations before being evicted. The artificial burrow design and installation shall be as described in the Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans per Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012).

d. Passive relocation of burrowing owls shall be limited in areas adjacent to Project activities that have a sustained or low-level disturbance regime; this approach shall allow burrowing owls that are tolerant of Project activities to occupy quality, suitable nesting and refuge burrows. The use of passive relocation techniques in a given area shall be determined by a qualified biologist who may consult with CDFW and shall depend on existing and future conditions (e.g., time of year, vegetation/topographic screening, and disturbance regimes).

BIO-3 **Burrowing Owl Avoidance and Minimization (Breeding).** If proposed site preparation and/or ground disturbance is scheduled to begin between February 1 and August 31 no more than 30 days before the start of initial ground disturbing activities, a qualified biologist(s) shall conduct focused, preconstruction, take-avoidance surveys for burrowing owls within all areas proposed for ground disturbance that contain suitable owl habitat. Preconstruction surveys shall be consistent with CDFW recommended methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012), conducted on foot such that 100% of the survey area is visible, and shall cover the entire Project site impact footprint plus a 500-foot buffer (where accessible). All observations of burrowing owl and sign of burrowing owl (including suitable burrows, pellets, whitewash) shall be mapped on a site-specific aerial image. A report of survey findings shall be submitted to the County Department of Planning and Building prior to initiation of construction activities. If no suitable burrows are found, a final take avoidance survey shall be completed within 48 hours prior to initiation of ground disturbing activities.

If suitable burrows for burrowing owls are found during preconstruction surveys on the Project site; burrowing owl occupancy shall be determined through up to three additional focused surveys on potential burrows during the morning and/or evening survey windows as defined in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). If the burrows are determined to be unoccupied, they shall be hand excavated by a qualified biologist. If the presence of burrowing owls is confirmed, the following avoidance measures shall be implemented:

a. Occupied burrows shall not be disturbed during the nesting season (typically February through August) unless a qualified biologist verifies, through non-invasive methods, that the burrow is either not being used for breeding. Owls present after February 1 shall be assumed to be nesting unless evidence indicates otherwise. Nest protection buffers described below shall remain in effect until August 31 or until the nest has failed or all juvenile owls are foraging independently as determined by a qualified biologist.
b. Site-specific, no-disturbance buffer zones shall be established and maintained between Project activities and occupied burrows, using the distances recommended in the CDFW guidelines (CDFW 2012). Buffer distances may be modified by a qualified biologist in consultation with CDFW. The buffer zones shall be clearly delineated by highly visible orange construction fencing, which shall be maintained in good condition through Project completion or until construction activities are no longer occurring near the burrow.

BIO-4 **Coast Horned Lizard Protection and Relocation.** A focused preconstruction survey for coast horned lizards shall be conducted in proposed work areas immediately prior to ground-breaking activities that would affect potentially suitable habitat, as determined by the project biologist. The preconstruction survey shall be conducted by a qualified biologist familiar with coast horned lizard and survey methods, and with appropriate permits to relocate horned lizards out of harm's way. The scope of the survey shall be determined by a qualified biologist and shall be sufficient to determine presence or absence in the project areas. If the focused survey results are negative, a letter report shall be submitted to the County of San Luis Obispo Planning and Building Department, and no further action shall be required. If coast horned lizards are found to be present in the proposed work areas the following steps shall be taken:

a. Coast horned lizards shall be captured by hand by the project biologist and relocated to an appropriate location well outside the project areas.

b. Construction monitoring shall be required for all new ground-breaking activities located within coast horned lizard habitat. Construction monitors shall capture and relocate lizards as specified above.

c. A letter report shall be submitted to the County of San Luis Obispo Planning and Building Department within 30 days of legless lizard or coast horned lizard relocation.

BIO-5 **American Badger Avoidance.** An American badger pre-construction survey shall be conducted by a qualified biologist within no more than thirty days of before beginning work on the site to identify if badgers are present. The results of the survey shall be sent to the County of San Luis Obispo, Planning and Building Department.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire impact area and examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction.

If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July.

Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. Exclusion of badgers from dens may only be done during the non-breeding season by a qualified biologist experienced in den exclusions. Dens must be fully excavated and backfilled after eviction is complete.

BIO-6 **Nesting Bird Preconstruction Survey and Nest Avoidance**. If site preparation, grading or construction activities are proposed during the typical nesting bird season (February 1 through September 15), within one week prior to ground disturbance activities, a nesting bird survey shall be conducted by a qualified biologist to determine presence/absence of nesting birds. Surveys shall cover all areas potentially affected by the

project via direct impacts (e.g., nest destruction) or indirect impacts (e.g., noise, vibration, odors, movement of workers or equipment, etc.). If absence of nesting birds is verified, construction activities may begin upon submittal of a survey report to the County of San Luis Obispo Planning Department. If nesting activities are detected, the following measures shall be implemented:

a. **Buffer Establishment.** If an active bird nest is observed during preconstruction surveys or during construction, a minimum no-disturbance buffer of 250 feet around active nests of non-listed passerine bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors shall be implemented using high visibility markers or fencing. These buffers shall remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

b. **Variance of Buffer Distances.** Variance from the no-disturbance buffers described above may be allowable when there is a compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. Any variance from the no-disturbance buffers shall be advised and supported by a qualified biologist and the County of San Luis Obispo Planning Department and CDFW shall be notified in advance of implementing a variance.

c. **Nest Monitoring.** If nest buffers are reduced, the biologist shall monitor any construction activities that take place within 250 feet of non-listed passerine bird species nests, and 500 feet of non-listed raptor nests. If nesting birds show any signs of disturbance, including changes in behavior, significantly reducing frequency of nests visits, or refusal to visit the nest, the biologist will stop work and increase the nest buffer. If appropriate on a case-by-case basis, as determined by the qualified biologist, nest monitoring may be reduced to weekly spot-check monitoring, at a minimum, if the biologist determines that the nesting birds have shown no signs of disturbance from construction activities and a continuation of the same types of construction activities are unlikely to disturb the nesting birds.

d. **Nest Removal.** Nests, eggs, or young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code shall not be moved or disturbed until a qualified biologist has determined that the nest has become inactive or young have fledged and become independent of the nest.

e. **Reporting.** A qualified biologist shall document all active nests and submit a letter report to the County of San Luis Obispo Planning Department documenting project compliance with the Migratory Bird Treaty Act, California Fish and Game Code, and applicable project mitigation measures.

Monitoring: Required 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.

Cultural Resources (CR)

CR-1 **Cultural Resources Awareness Training.** Prior to initial ground-disturbing activities**,** a County-qualified archaeologist shall conduct a cultural resource awareness training for all construction personnel, which will include the following:

a. Review the types of archaeological artifacts that may be uncovered;
b. Provide examples of common archaeological artifacts to examine;
c. Review what makes an archaeological resource significant to archaeologists and local native Americans;
d. Describe procedures for notifying involved or interested parties in case of a new discovery;
e. Describe reporting requirements and responsibilities of construction personnel;
f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

CR-2 **Archaeological Resources Monitoring Plan.** At the time of application for grading or construction permits, whichever occurs first, the Applicant shall submit an Archaeological Resources Monitoring Plan (Monitoring Plan), prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Monitoring Plan shall be to monitor all initial earth-disturbing activities in native soil on the project site, per the approved Monitoring Plan. The Monitoring Plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;
b. Inclusion of involvement of the Native American community, as appropriate;
c. Description of how the monitoring shall occur;

d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
e. Description of what resources are expected to be encountered;
f. Description of procedures for halting work on the site and notification procedures; and
g. Description of monitoring reporting procedures; and
h. Specific, detailed protocols for what to do in the event of the discovery of human remains.

CR-3 **Construction Monitoring.** During all initial ground disturbing construction activities associated with the project, the applicant shall retain a qualified archaeologist (approved by the County Environmental Coordinator) to monitor all initial earth disturbing activities, per the approved Archaeological Resource Monitoring Plan outlined in Mitigation Measures CR-2. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated and recorded by an archaeologist and any other appropriate individuals. Disposition of artifacts may be accomplished in accordance with state and federal law.

CR-4 **Archaeological Resource Monitoring Reporting.** Upon completion of all archaeological monitoring/ mitigation activities, and final inspection/occupancy of buildings on-site, the project archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all required mitigation measures have been met.

Monitoring: Required 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.

Geology and Soils (GEO)

GEO-1 **Geotechnical Design Recommendations.** Prior to application for project grading, building, and construction permits, the project applicant shall retain a County-qualified engineer to consult the project team during plan preparation, conduct a comprehensive review of all project plans, and certify that they have been prepared in accordance with all recommendations identified in the Soils Engineering Report prepared for the project associated with preparation of building pads, conventional foundations, slab-on-grade construction, exterior concrete flatwork,

retaining walls, preparation of paved areas, pavement design (GeoSolutions 2022).

GEO-2 **Geotechnical Inspections and Reports.** During grading, excavation operations, construction of reinforced concrete, structural masonry, high strength bolting, epoxy embedment of threaded rods and reinforcing steel, and welding of structural steel, a County-qualified engineer shall conduct regular inspections to ensure these activities are in conformance with the recommendations identified in the Soils Engineering Report prepared for the project (GeoSolutions 2022) to the satisfaction of the County Building Division. The County-qualified engineer shall submit inspection reports to the County of San Luis Obispo Planning and Building Department summarizing their findings. Frequency of inspections and associated reports shall be determined by the County Building Division.

Monitoring: Required prior to application for project grading, building, and construction permits and during construction activities. Compliance will be verified by the County Department of Planning and Building.

Greenhouse Gas Emissions (GHG)

GHG-1 **GHG Reduction Measures.** At the time of application for building permits, the project developers shall incorporate the following measures into project plans to reduce project-generated GHG emissions:

a. To the extent practical, the project shall reuse and recycle construction waste (including, but not limited to, soil vegetation, concrete, lumber, metal, and cardboard);
b. The servicing of residential development by natural gas shall be prohibited. To the extent that alternatively-powered equipment is locally available and installation is feasible, non-residential development shall install electrically-powered appliances and building mechanical equipment in place of natural-gas fueled equipment. If natural-gas-fueled equipment is installed for non-residential development, electrical service/outlets for the equipment shall be provided to allow for the future conversion of the equipment from natural gas service to electrical service.
c. Encourage future project tenants to participate in Central Coast Community Energy as the electricity.
d. The project shall be designed to incorporate drought-resistant and native plants for on-site landscaping plans.
e. The proposed project shall install high-reflectance roofing materials (e.g., EPA "Energy Star"-rated), to the extent practical, to reduce building heat absorption and summer energy costs.

f. The electrical systems for single-family homes shall be designed with sufficient capacity to accommodate Level 2 residential use electric vehicle chargers.

GHG-2 **Electrical Conduit for Future Transportation Electrification.** At the time of application for building permits, the project plans shall meet or exceed installation of code-required EV Capable parking spaces and include installation of additional electrical conduit to support the future retrofit to at least double the capacity of EV Capable parking spaces to anticipate increases in charging demands beyond capacity after the project is built.

Monitoring: Required at the time of application for building permits. Compliance will be verified by the County Department of Planning and Building.

Hazards and Hazardous Materials (HAZ)

HAZ-1 **Road Closure Notifications**. At least 8 weeks prior to scheduled road and/or vehicle lane closure, the project developer shall notify local emergency service providers and owners and tenants of properties that would be directly affected of road closures along Hill Street, South Frontage Road, and Grande Avenue. The notice shall include dates and estimated duration of the closure, identify alternative access routes to properties made inaccessible by the closure (as applicable), and contact information available if there are issues or complaints.

Monitoring: Required at least 8 weeks prior to scheduled road and/or vehicle lane closure. Compliance will be verified by the County Department of Planning and Building.

Noise (N)

N-1 **Construction Noise Control Measures.** At the time of application for construction permits, the following measures shall be documented on all project plans and implemented throughout all phases of project site preparation, grading, construction, and paving activities to reduce exposure to short-term construction noise:

a. Unless otherwise provided for in a validly issued permit or approval, noise-generating construction activities should be limited to the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or legal holidays.

b. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and

engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds should be closed during equipment operation.

c. Equipment shall be turned off when not in use.

d. Construction haul truck routes shall be routed away from nearby noise-sensitive land uses, to the extent possible.

e. Staging and queuing areas shall be located at the furthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.

f. Stationary equipment (e.g., generators, compressors) shall be located at the furthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.

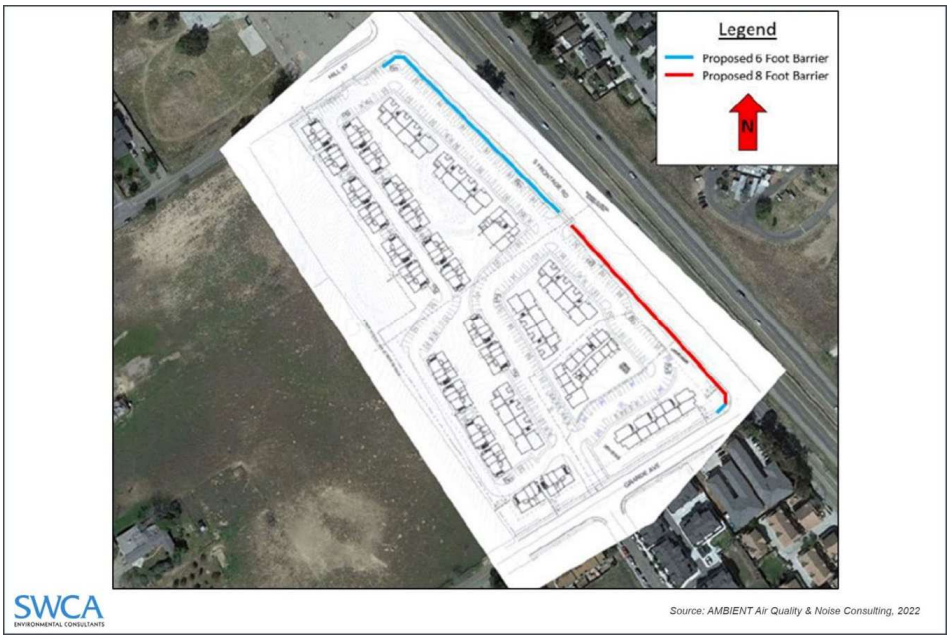
g. A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns related to construction-generated noise, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern. Where necessary, additional measures, such as equipment repairs, equipment enclosures, or temporary barriers, shall be implemented to address local concerns.

h. Signage shall be placed at the project site construction entrance(s) to advise the public of anticipated dates of construction. The signage shall include the phone number of the public liaison appointed to address construction-related noise concerns.

N-2 **Noise Barrier.** At the time of application for building permits, the project building plans shall include the following measures to reduce long-term exposure to transportation noise from US 101:

a. A noise barrier shall be constructed along the eastern boundary of the project site. The barrier shall be constructed to minimum height of eight feet above ground level at locations parallel to Frontage Road on the south end of the project and decreasing to six feet above ground level at location parallel to Frontage Road on the north side of the project, with a gap for vehicle/pedestrian access at the proposed driveway location. A proposed barrier shall extend perpendicular to Frontage Road at the northern and southern project boundaries at a distance of approximately 16 feet at a height of six feet above ground level. Noise barriers may consist of walls, earthen berms, or a combination of the two. The proposed noise barrier shall be constructed of materials weighing 4

lbs/sf, or more, or having a minimum combined sound transmission loss (STL) of 25 dBA. Acceptable materials would include concrete block, prefabricated concrete panels, or wood panels having a minimum thickness of 2.25 inches. Barrier components shall be constructed so that there are no visible air gaps between barrier components or at the base of the barrier. For aesthetic purposes, changes in barrier heights should occur gradually in increments of approximately one foot. Recommended barrier locations and heights are depicted in the figure below.



b. Proposed residential dwellings shall be designed to include the installation of centralized air circulation systems and/or other features sufficient to allow windows to remain closed during inclement weather conditions.

Monitoring: Required at the time of application for construction permits. Compliance will be verified by the County Department of Planning and Building.

Transportation (TR)

TR-1 **Construction Traffic Management Plan.** Prior to the issuance of construction permits, the construction contractor shall meet with the County Public Works Department to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion, impacts to bicyclists and pedestrians, impacts to public transit services (as applicable), and impacts to emergency service providers during construction of the project. The construction contractor shall develop a construction traffic management plan for review and approval by the

County Public Works Department. The plan shall include, at minimum, the following items and requirements:

a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic and pedestrian hours, detour signs if required, lane closure procedures, sidewalk closure procedures, signs, designated construction access routes, and temporary traffic control measures for automobile, bicycle, and pedestrian traffic.
b. Notification procedures for adjacent property owners and public safety service provider personnel regarding when major deliveries, detours, and lane closures will occur (see Mitigation Measure HAZ-1 for additional details).
c. Location of construction staging areas for materials, equipment, and vehicles.
d. Identification of haul routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety.
e. Temporary construction fencing to contain debris and material and to secure the site.
f. Provisions for removal of trash generated by project construction activity.
g. A process for responding to and tracking complaints pertaining to construction activity.
h. Provisions for monitoring surface streets used for haul and truck routes so that any damage and debris attributable to construction-related trips can be identified and corrected, including regular street sweeping within the project vicinity.
i. Location and signage of bicycle and pedestrian detours. Safe access for pedestrians and bicyclists shall be maintained to the greatest extent possible throughout the duration of construction activities.

Monitoring: Required prior to the issuance of 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.

DocuSigned by:	Aaryn Abbott	12/20/2023
Signature of Applicant	**Name (Print)**	**Date**