COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Steinmann Vesting Tentative Tract Map 3164 SUB2021-00023 and Variance/Development Plan/Coastal Development Permit C-DRC2022-00029 /ED23-105

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

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

DETERMINATION:

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

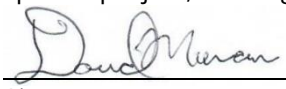
☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

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

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

David Moran			1/31/2024
Prepared by (Print)	Signature		Date
Eric Hughes		Eric Hughes, Principal Environmental Specialist	
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 **Joseph Steinmann** for a Vesting Tentative Tract Map (Tract 3164, SUB2021-00023) to divide a 9.69 acre parcel into an eight residential lot Planned Development for the purpose of sale and development, and one open space lot. The project will include site improvements for vehicular access, the grading of building sites and the extension of utilities over an area of disturbance of about 2.7 acres including 7,000 cubic yards (cy) of cut and 2,500 cy of fill (including trenching for utilities). The project requires approval of a Development Plan to allow grading on slopes between 20% and 30% and a Variance (C-DRC2022-00029) to allow grading on slopes greater than 30%. Lastly, the project includes a request for an adjustment to the design standards set forth in Section 21.03 of the County's Real Property Division regulations and a waiver for the installation of curbs, gutters and sidewalks along a portion of the project frontage. The project site is located on N. Ocean Avenue at the north end of the community of Cayucos within the Residential Multi-Family land use category and the Estero Planning Area.

The project location is shown in Figure 1; an aerial view of existing conditions and the areas of disturbance is provided in Figure 2. Each component of the project is described below.

Vesting Tentative Tract Map – Tract 3164

The vesting tentative tract map (Figures 5 and 6) shows two groups of four residential lots. Lots 1 through 4 will be located on a moderately-sloping area at the north end of the site adjacent to N. Ocean Avenue. Vehicular access will be provided by a private driveway extending north from N. Ocean Avenue over an access and utility easement located between lots 2 and 3. Lots 5 through 8 will be located in the southwest corner of the site in a moderately-sloping area above the roadway adjacent to an existing mobile home park. A driveway access and utility easement serving lots 5 through 8 will extend northward from N. Ocean Avenue. Private vehicular access to lots are to comply with Cal Fire standards (Figure 14) for width and materials). The maximum buildable areas for lots 5 through 8 will be limited to the northernmost 120 feet of each lot as denoted by a building limit line shown on the vesting tentative map. The remaining 8.2 acres, shown as Lot 9, will be owned and maintained by a homeowners association as an open space parcel.

Standards for Determining Parcel Size. The minimum parcel size in the Residential Multi-Family land use category is determined by the type of roadway serving the site, the average slope of the areas under each

parcel, and the type of wastewater disposal to be provided, as described in the standards set forth in CZLUO Section 23.04.028. Based on these standards, the minimum parcel size for newly created parcels on the project site is 6,000 square feet. As shown in Table, 1 lot sizes will range from about 7,000 sq.ft. to about 9,500 sq.ft..

Table 1 – Lot Sizes

Lot	Parcel Area	
	Gross	Net
Existing	9.69 acres	9.69 acres
Proposed		
Lot 1	8,750 sq.ft.	8,750 sq.ft.
Lot 2	7,414 sq.ft.	7,414 sq.ft.
Lot 3	7,838 sq.ft.	7,838 sq.ft.
Lot 4	9,571 sq.ft.	9,571 sq.ft.
Lot 5	7,078 sq.ft.	7,078 sq.ft.
Lot 6	7,587 sq.ft.	7,587 sq.ft.
Lot 7	8,704 sq.ft.	8,704 sq.ft.
Lot 8	8,075 sq.ft.	8,075 sq.ft.
Lot 9 (open space lot)	8.20 acres	7.57 acres[1]

Notes:

1. Net acreage after deducting 0.63 acres for shared access driveways.

Standards for Determining Residential Density. Residential density in the Residential Multi-family land use category is determined by applying the "intensity factors" described in CZLUO section 23.04.010. However, the project site is subject to the Planning Area Standards (PAS) set forth in Chapter 7, Section V. Cayucos Area Standards, Residential Multi-Family part E. North of Locarno Tract of the Estero Area Plan that establish specific limitations for the development of the project site (see also Section XI. Land Use and Planning). PAS No. E. 5. states that the maximum number of dwellings for this site shall be 10 so long as at least 65 percent of site is permanently reserved as undeveloped open space to protect scenic vistas; the maximum may be raised to 15 units if 75 percent or more is so reserved. As discussed above, the vesting tentative map proposes an 8.2 acre an open space lot which constitutes 78 percent of the site and which would allow for a maximum of 15 units. The vesting tentative map proposes a total of eight residential lots consistent with these limitations.

Utilities. The vesting tentative map shows water and wastewater lines extended to serve each group of parcels from existing lines within the N. Ocean Avenue right-of-way. Preliminary grading and drainage plans (Figures 9 and 10) show a system of collection, treatment and disposal features for each lot that incorporate Best Management Practices. The application materials also include a preliminary landscaping plan (Figure 8). Lastly, the application includes draft Covenants, Conditions and Restrictions (CC&Rs) that set forth a number of private limitations relating to the use and development of each lot including architectural standards for the design of future residences.

Development Plan/Coastal Development Permit

A development plan is required because:

- The project site is subject to the Planning Area Standards (PAS) set forth in Chapter 7, Section V. Cayucos Area Standards of the Estero Area Plan, *Residential Multi-Family, Part E. North of Locarno Tract*. Item E. 2. states: "*All development shall be part of a Planned Development and comply with all applicable*

standards in the Coastal Zone Land Use Ordinance for such projects." In this case, the Planned Development requirement is satisfied by the Development Plan provided in Figure 7, in addition to the preliminary landscaping plan and draft CC&Rs that accompany the project application. And,

- CZLUO Section 23.05.034(b)(3) requires approval of a Development Plan to allow grading on slopes of 20 - 30 percent. In this case, grading is proposed on slopes of 20 percent to 30 percent to construct the driveway for Lots 5 through 8 (Figure 13) and to create a level building site on Lot 5. And,

Variance

Grading is proposed on slopes greater than 30% to construct the driveway for Lots 5 through 8 (Figure 13); therefore, the project will require approval of a variance in accordance with CZLUO Section 23.01.045.

Table 2 provides an estimate of the proposed grading and associated slopes.

Table 2 – Summary of Grading and Associated Slopes

Slope	Area of Site (acres)	Percent of Graded Area	Percent of Site
0% - 10%	0.00	0.0%	0.0%
10% - 20%	1.98	76.2%	20.4%
20% - 30%	0.52	20.0%	5.4%
>30%	0.10	3.8%	1.0%
Total:	2.60	100%	26.8%

Source: Calculated based on site and slope map provided with project application materials.

Adjustments to Parcel Design Standard

The project includes a request for an adjustment to the design standards set forth in Section 21.03(3.) (c.) of the County's Real Property Division regulations as follows:

Required Design Standards	Requested Design Adjustment
Lot Width: Min. 60 feet at front setback for the RMF land use category.	Lots 6 and 7 -- 50 feet at the front setback. Lots 1, 2, 3, 4, 5, and 8, no adjustment required.
Lot Depth: Min. 80 feet for the RMF land use category.	No adjustment required for any lot.
Average depth shall be no greater than three times the width (3:1).	Lot 6 – Ratio of 3.04:1 based on an average lot depth of 151 feet and an average lot width of 50 feet. Lot 7 –- Ratio of 3.23:1 based on an average lot depth of 163 feet and an average lot width of 50 feet. Lots 1, 2, 3, 4, 5, and 8, no adjustment required.

Waiver for the Installation of Curbs, Gutters and Sidewalk

The project also includes a request for a waiver for the installation of curbs, gutters and sidewalks along a portion of the project's N. Ocean Avenue frontage and along the interior access driveways as allowed by CZLUO section 23.05.106. Under section 23.05.106 d., a waiver may be granted when the County Engineer finds that the finish grades of the project and the adjoining street are incompatible for the purpose of

accommodating such improvements. As discussed in the project application materials, the County's Public Improvement Standards would require the project frontage on N. Ocean Avenue to be improved consistent with the A-1 rural road standards with a 6-foot wide bicycle lane. However, as shown in Figure 15, the topography of the project site which abuts N. Ocean Avenue is steep and would necessitate significant earthwork and the installation of retaining walls to meet this standard.

Annexation

The project site lies outside the current service area of the Cayucos Sanitary District (CSD), but within its sphere of influence[1]. The applicant intends to petition the Local Agency Formation Commission (LAFCO) for annexation to the CSD; the project will be conditioned to require annexation prior to recordation of the final map.

Ordinance Modification. None are requested.

Baseline Conditions

The project site consists of a vacant, irregularly-shaped parcel of 9.69 acres located between N. Ocean Avenue and the SR 1 right-of-way at the north end of the community of Cayucos (Figure 2). The project site is within the Cayucos urban services line and within County Service Area 10 (Figure 4). The project site is outside the current service area of the Cayucos Sanitary District (CSD), but within its sphere of influence. As discussed above, the applicant intends to petition the Local Agency Formation Commission (LAFCO) for annexation to the CSD. The CSD issued a conditional intent to serve letter for the project on October 5, 2023.

Project application materials indicate that the property owner has contracted for water service from the Cayucos Beach Mutual Water Company who issued a conditional intent to serve letter for the project on January 25, 2024.

The project site is within the Residential Multi-Family land use designation and is subject to the *Archeology* and *Liquefaction and Landslide Area Geologic Study Area* Combining Designations. Surrounding land uses include single family and multi-family residences on the south side of N. Ocean Avenue on the bluff facing the ocean, and a mobile home park adjacent to the east. To the southeast is a 1.04 acre parcel with a single family residence and an abandoned commercial building; this parcel contains no other significant improvements or vegetation.

Topography of the site consists of moderate to steeply sloping terrain covered with annual non-native grasses; the west end of the site supports a small area of coastal scrub. There are no trees or other significant vegetation. An abandoned concrete water tank sits on a relatively level area at the top of the slope in the center of the site; there are no other structures or frontage improvements.

ASSESSOR PARCEL NUMBER(S): 064-481-005

Latitude: 35º 37' 0.213" N **Longitude:** 120.º 54'' 38.503"W **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area: Estero **Sub:** None **Comm:** Cayucos

Land Use Category: Residential Multi-Family

Combining Designation: Archaeolgically Sensitive Geologic Study

[1] Areas into which the Cayucos Sanitary District may expand its service area, as determined by the Local Agency Formation Commission.

Initial Study – Environmental Checklist

Parcel Size: 9.69 acres

Topography: Moderately sloping to steeply sloping

Vegetation: Grasses

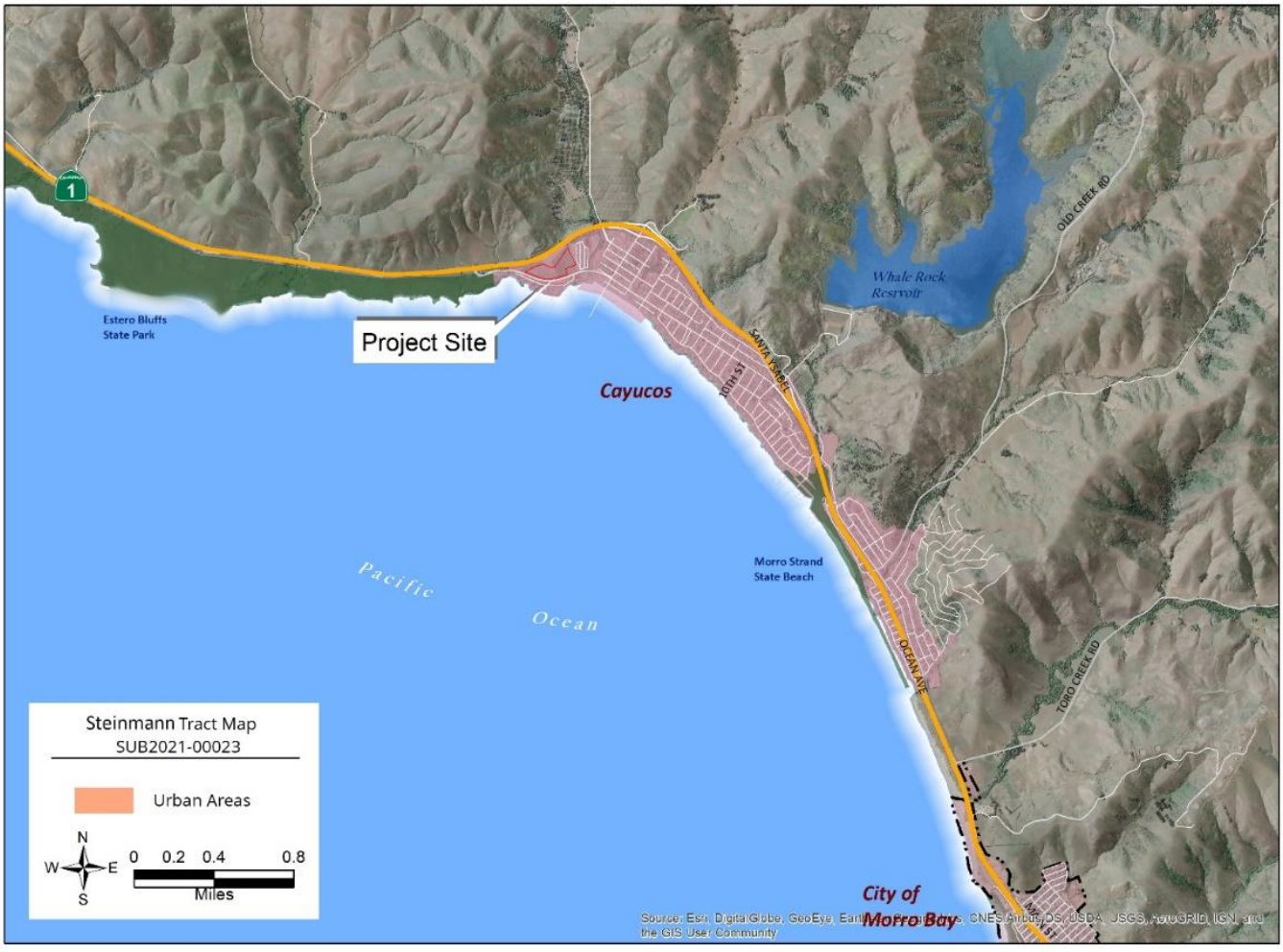
Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses ***East:*** Residential Multi-Family; multi-family residences

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

Figure 1 -- Project Location

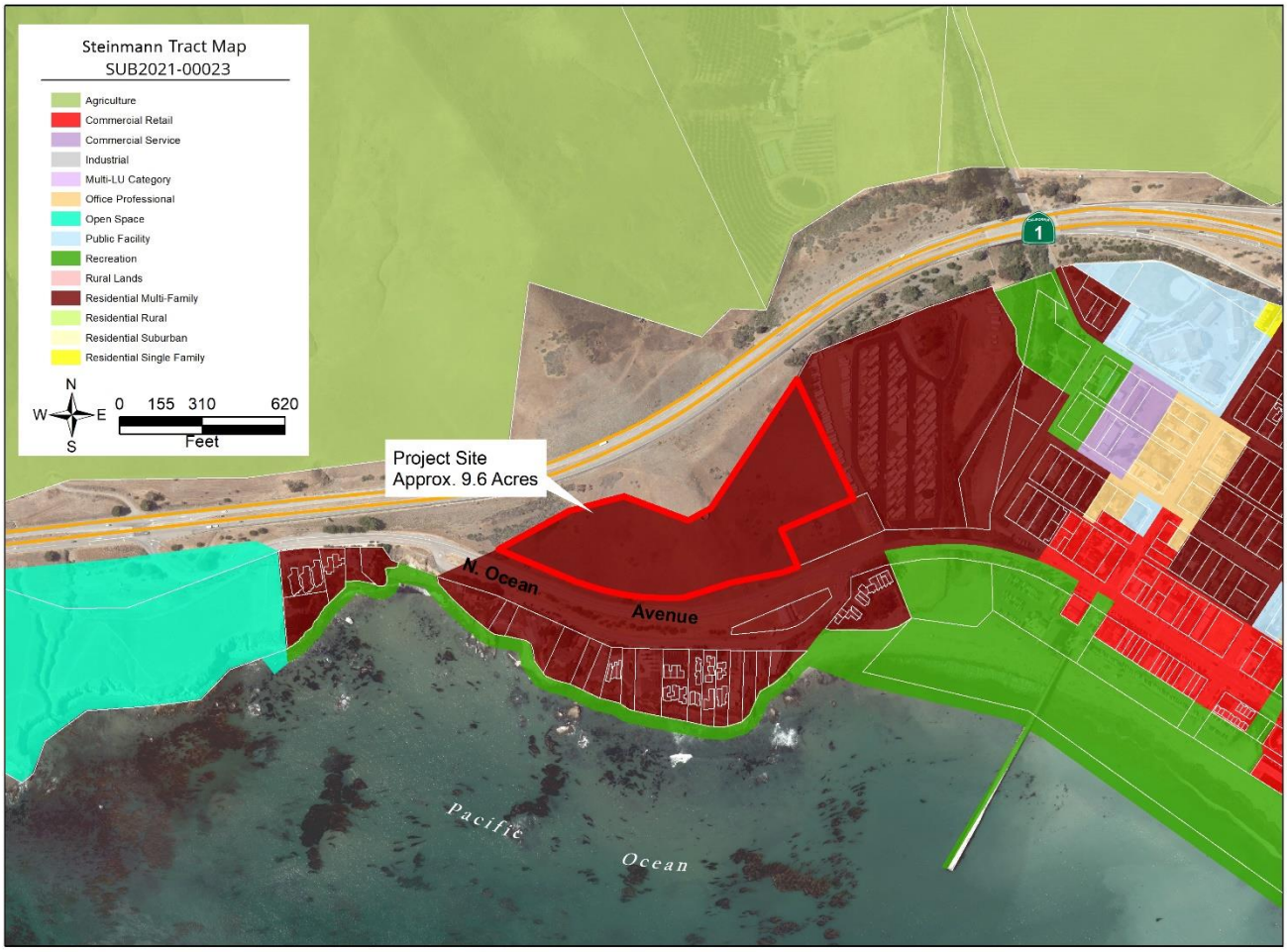


Initial Study – Environmental Checklist

Figure 2 – Existing Conditions and Areas of Disturbance

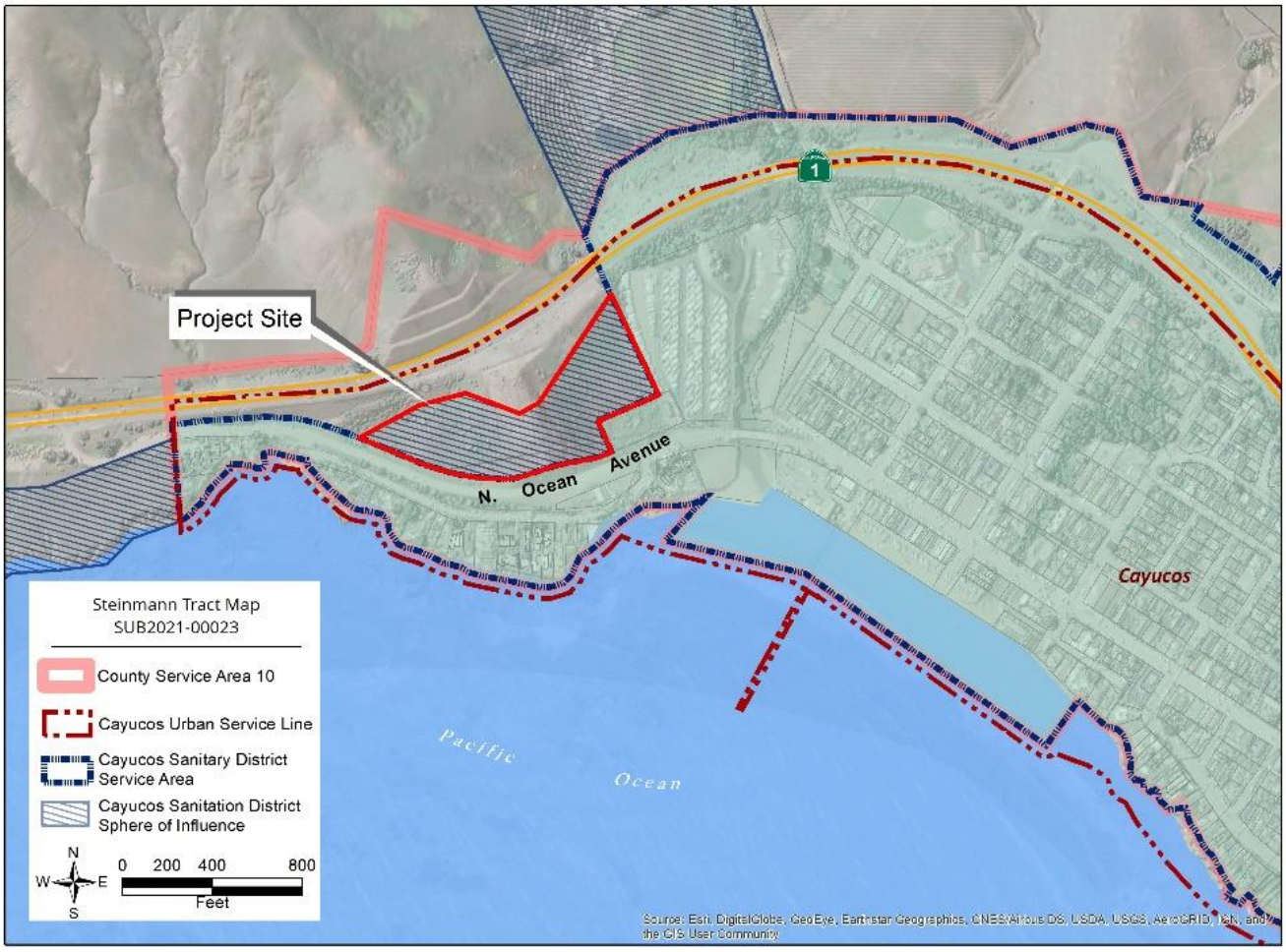
Initial Study – Environmental Checklist

Figure 3 – Land Use Designations



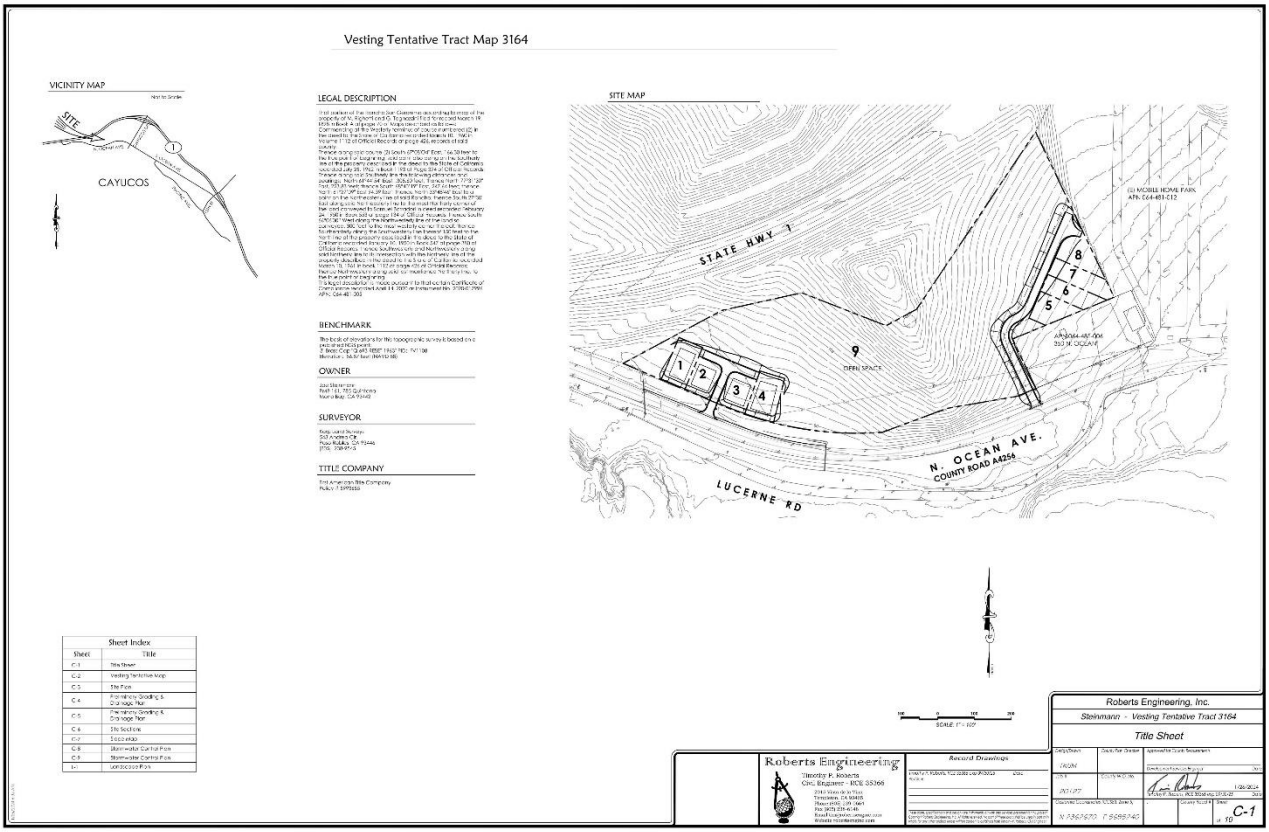
Initial Study – Environmental Checklist

Figure 4 – Service Areas



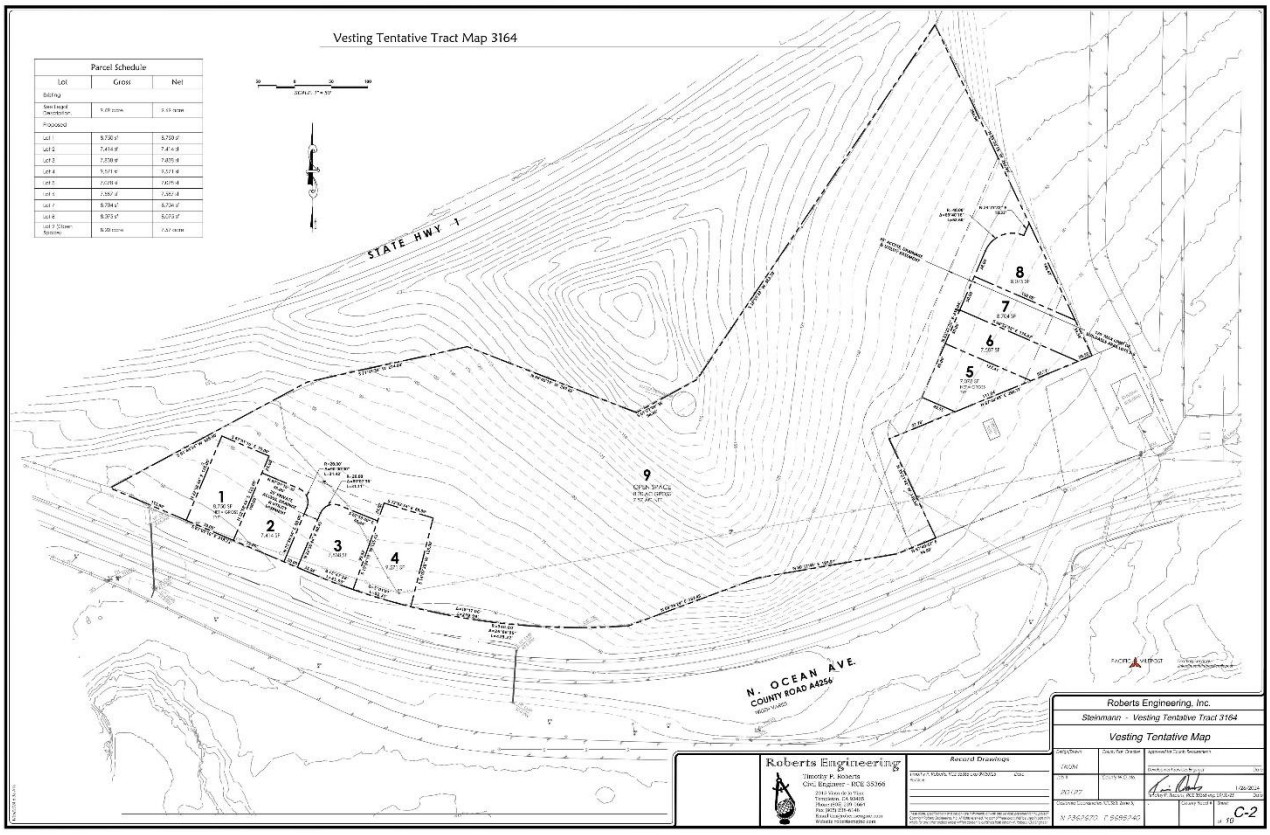
Initial Study – Environmental Checklist

Figure 5 – Vesting Tentative Tract Map Title Sheet



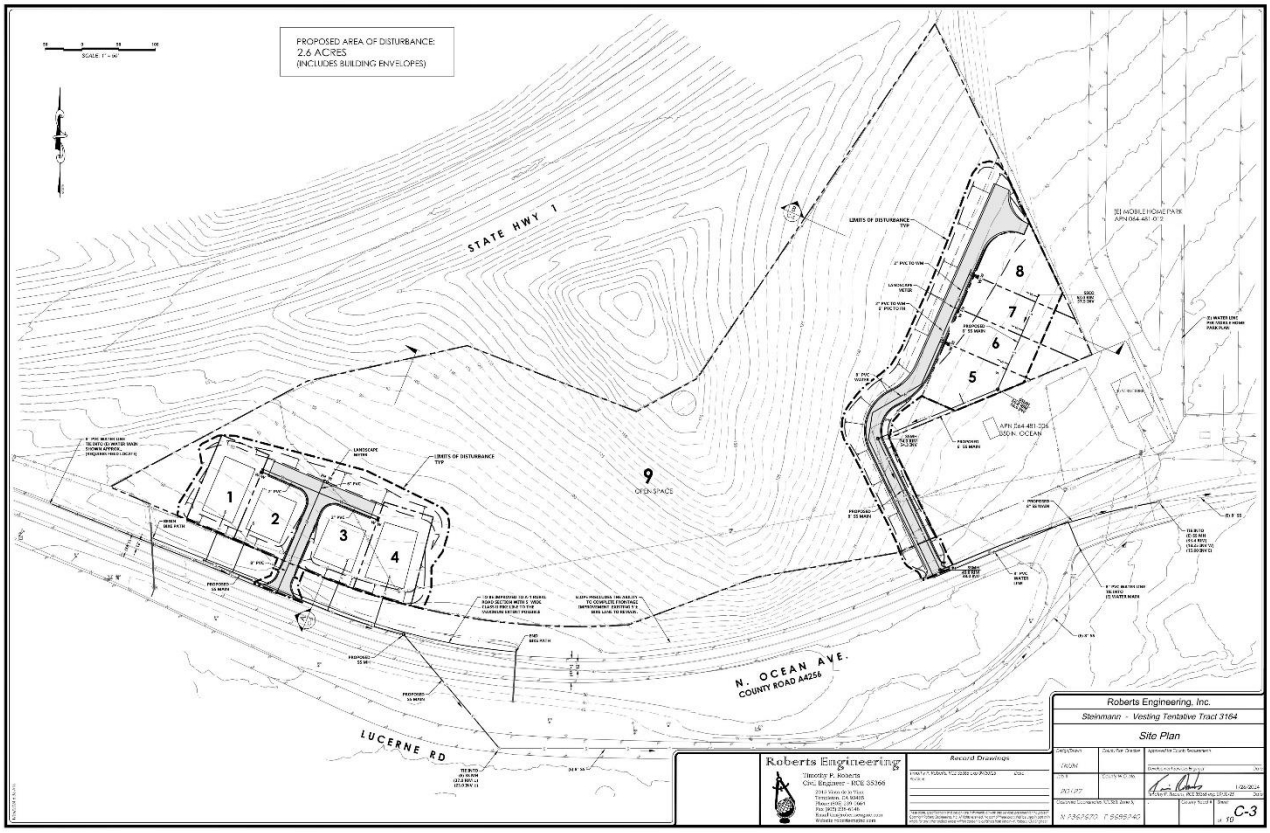
Initial Study – Environmental Checklist

Figure 6 – Vesting Tentative Tract Map



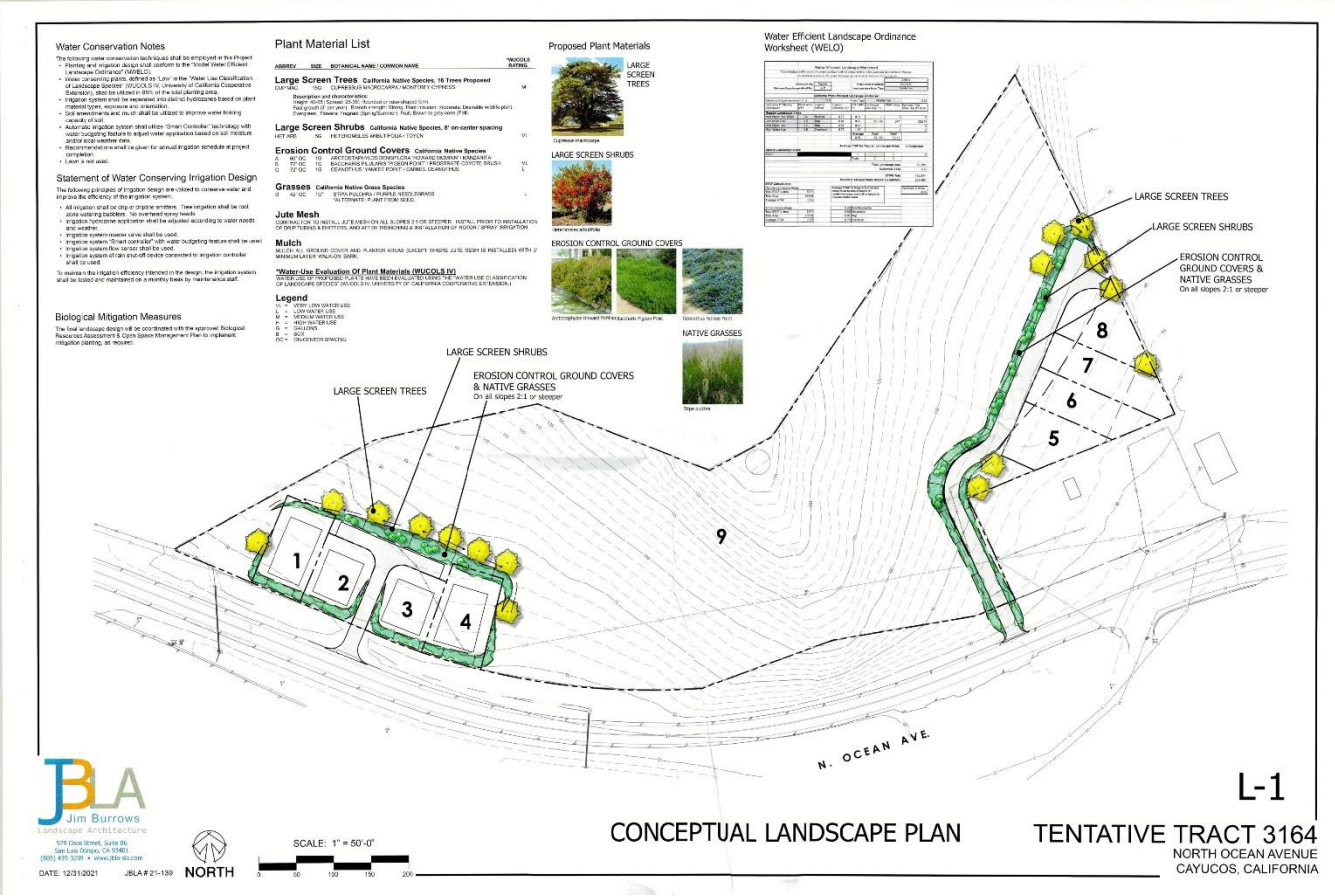
Initial Study – Environmental Checklist

Figure 7 – Development Plan



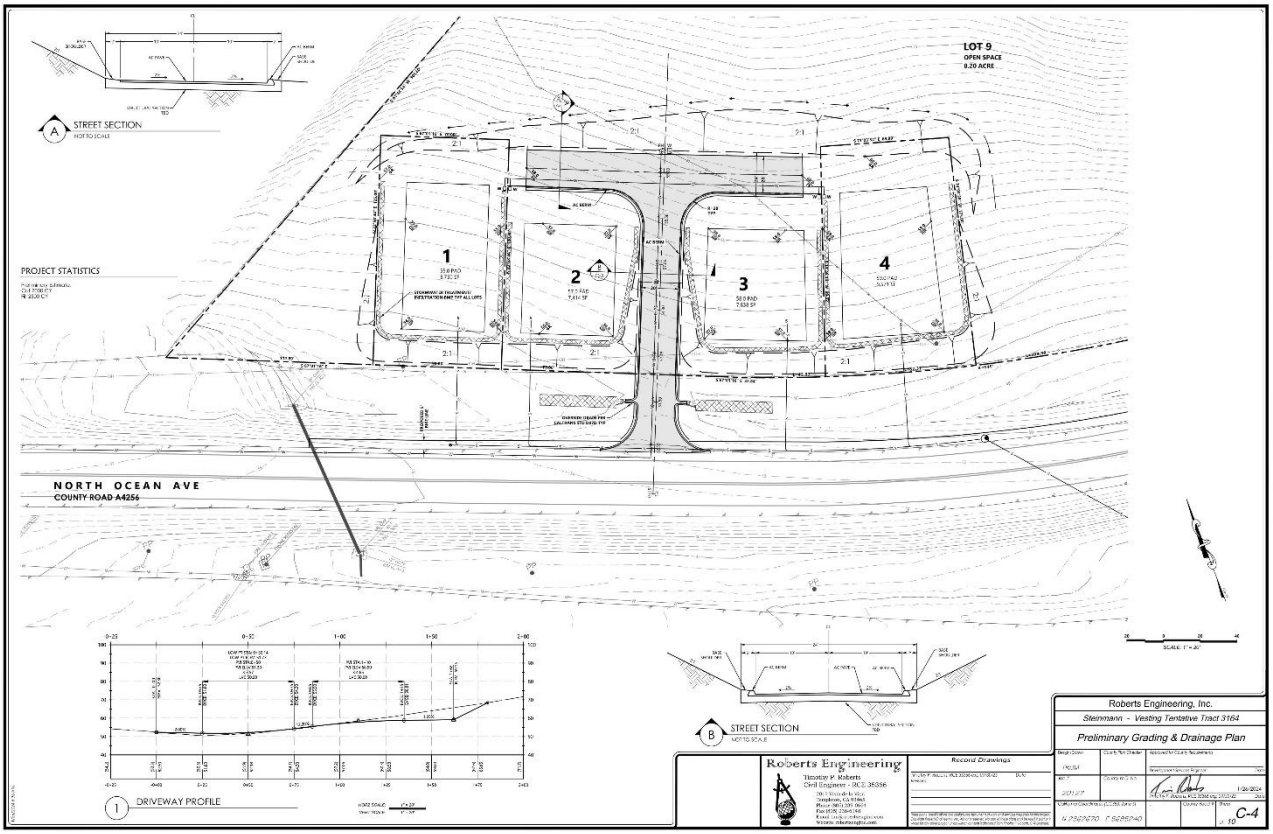
Initial Study – Environmental Checklist

Figure 8 – Preliminary Landscape Plan



Initial Study – Environmental Checklist

Figure 9 – Preliminary Grading Plan – Lots 1 through 4



Initial Study – Environmental Checklist

Figure 10 – Preliminary Grading Plan – Lots 5 through 8

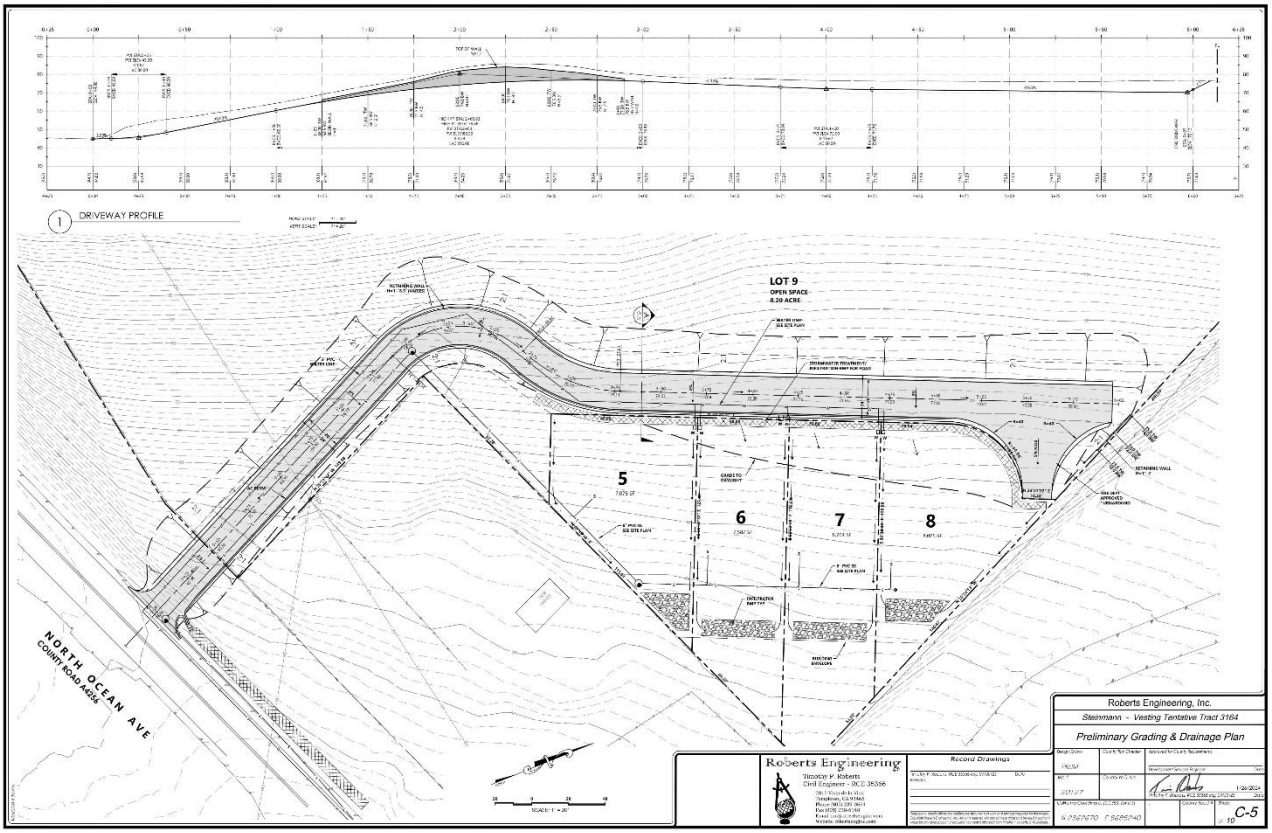
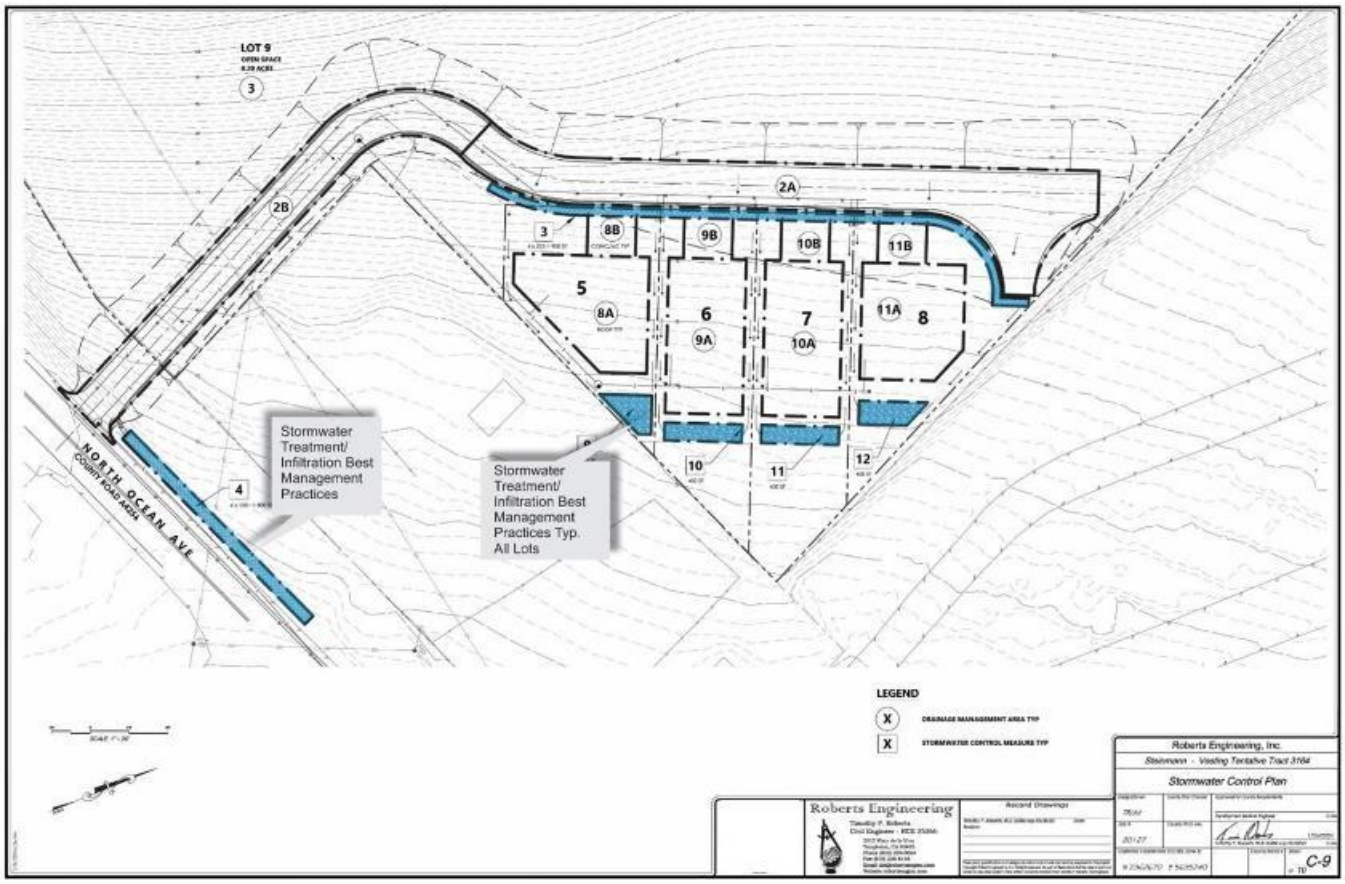


Figure 11 -- Preliminary Stormwater Control Plan, Lots 1 – 4

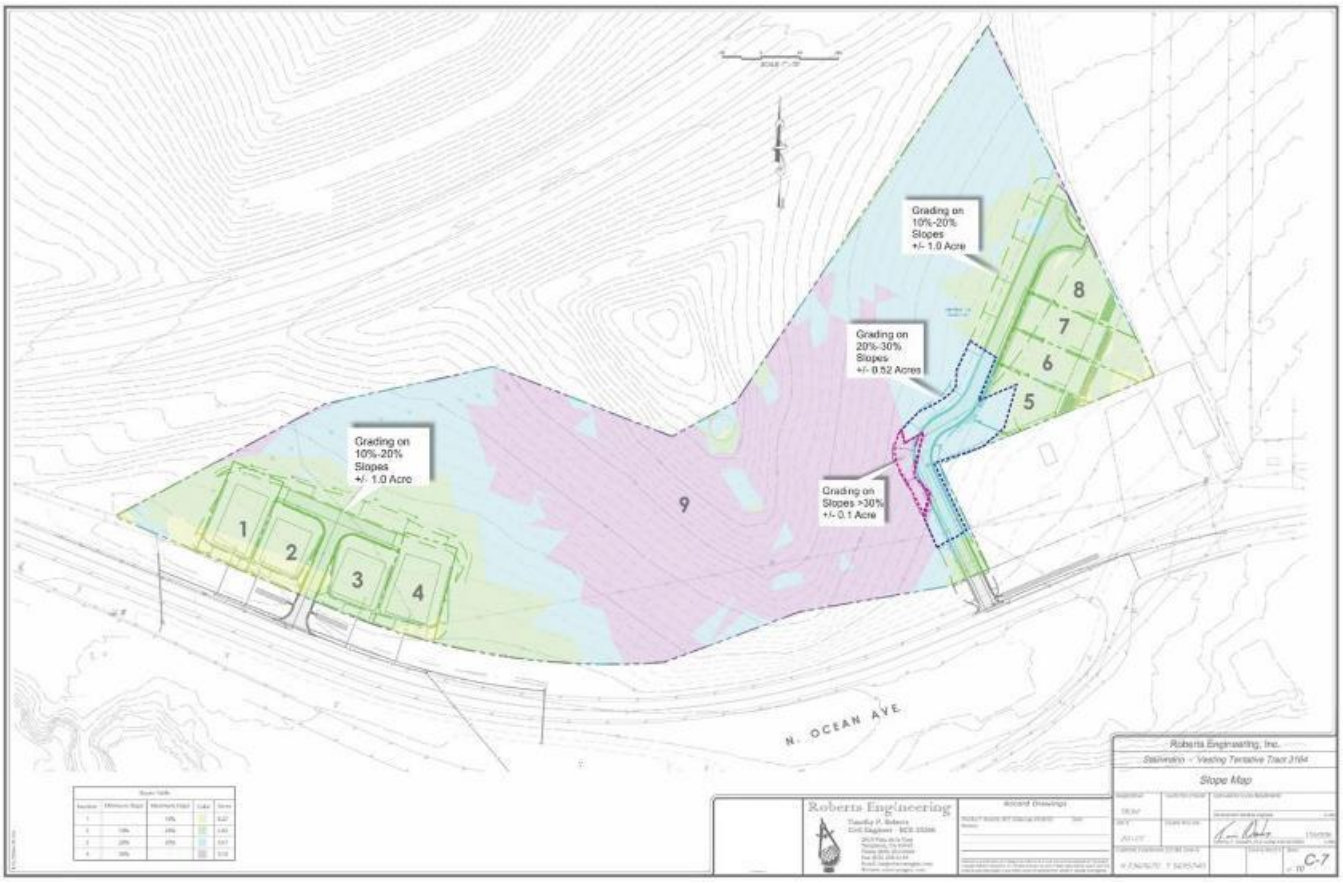
Initial Study – Environmental Checklist

Figure 12 -- Preliminary Stormwater Control Plan, Lots 5 – 8



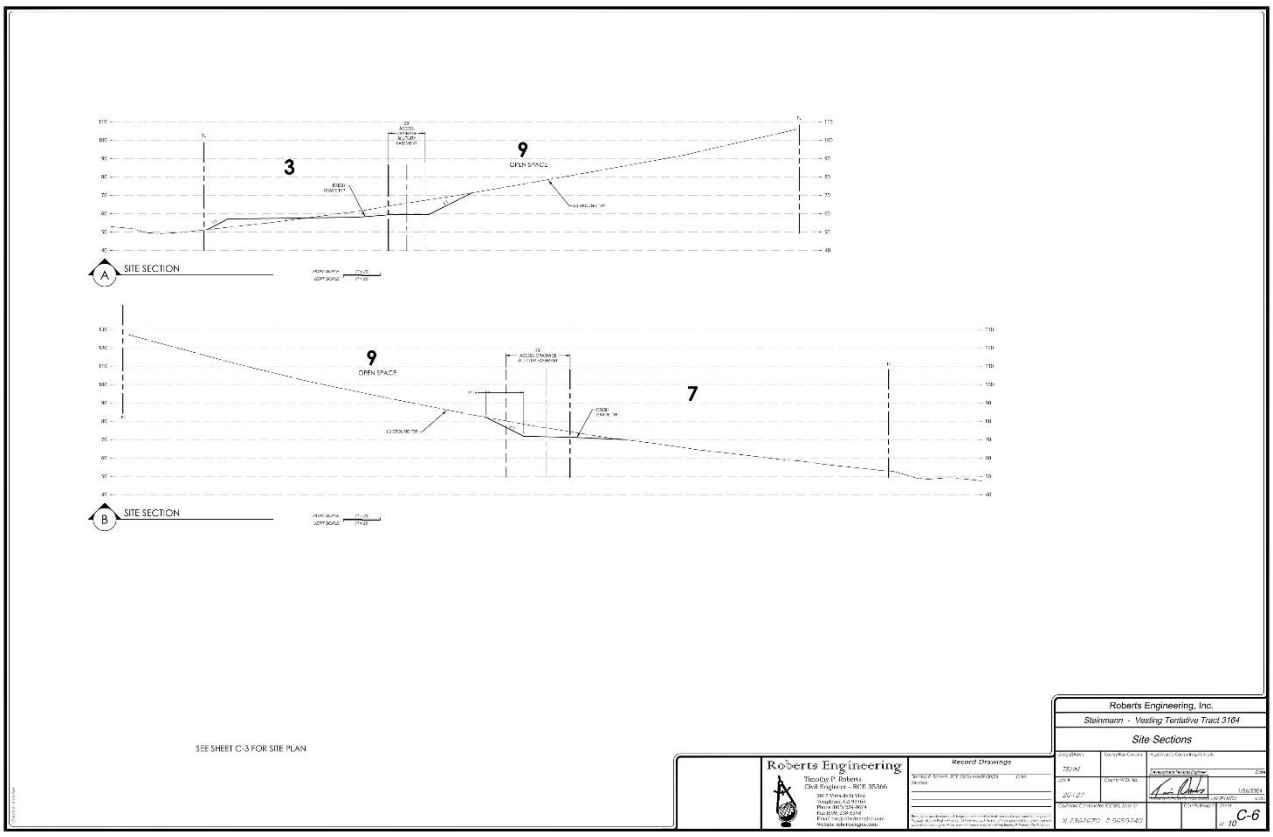
Initial Study – Environmental Checklist

Figure 13 – Slope Analysis



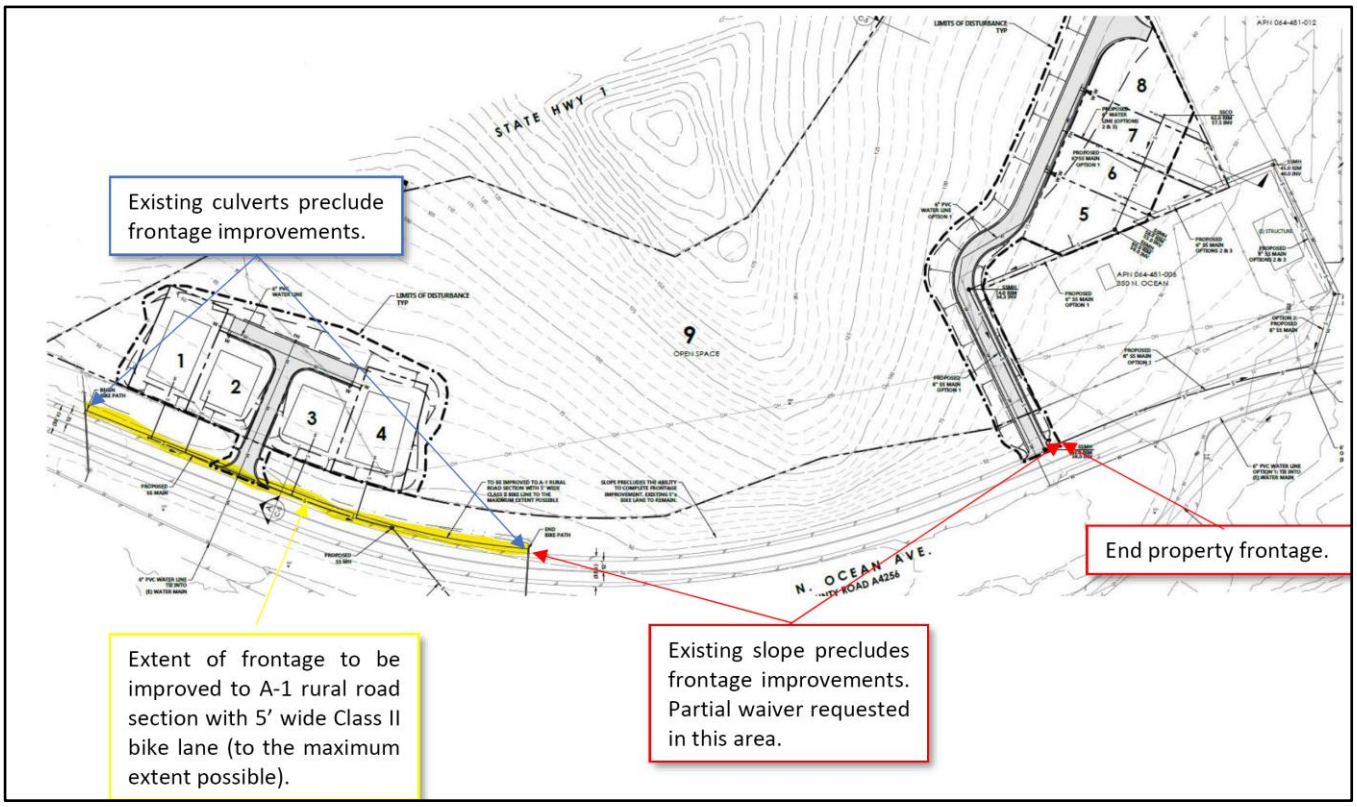
Initial Study – Environmental Checklist

Figure 14 – Site Sections



Initial Study – Environmental Checklist

Figure 15 – Proposed Partial Waiver of Frontage Improvement Requirements



C. Environmental Analysis

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

I. AESTHETICS

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

Setting

The project site consists of a vacant, irregularly-shaped parcel of 9.69 acres located on the north side of N. Ocean Avenue and south of the SR 1 right-of-way at the north end of the community of Cayucos (Figure 2).

Surrounding land uses include single family and multi-family residences on the south side of N. Ocean Avenue on the bluff facing the ocean, and a mobile home park adjacent to the east. To the southeast is a 1.04 acre parcel with a single family residence and abandoned commercial building; this parcel contains no other significant improvements or vegetation.

Topography of the site consists of moderate to steeply sloping terrain covered with annual non-native grasses; the west end of the site supports a small area of coastal scrub. There are no trees or other significant vegetation on the site. An abandoned concrete water tank sits on a relatively level area at the top of the slope in the center of the site; there are no other structures or frontage improvements.

The visual qualities of the project site and surrounding area are considered high; the project site enjoys expansive views of the Pacific Ocean to the south and southeast.

North Ocean Avenue, a County-maintained arterial, is the primary roadway serving the north end of Cayucos. The roadway parallels State Route 1 through the community of Cayucos from 13th Street to the east SR 1 right-of-way at the northwest end of town. Traffic counts taken on N. Ocean Avenue in 2016 revealed an average traffic volume of 1,250 and an afternoon peak hour volume of 178.

Estero Area Plan. The project site is subject to Planning Area Standards set forth in Chapter 7, part E. of the Estero Area Plan (referred to as the *North of Locarno Tract area*). Item 4. of section E. requires that at least 65 percent of the project site be permanently preserved as undeveloped open space to protect scenic vistas. Item E. 5. Limits the maximum number of dwellings to 15 units so long as at least 75 percent of the site is so preserved. Item E. 6. a. limits all development to portions of the site below 80 feet above sea level and on slopes less than 20 percent. Item b. requires all new development to be located where views from Highway 1 and N. Ocean Avenue will be least adversely affected. Item E. c. limits the development of the western portion of the site to no more than 50 percent of the total units proposed for the site. Lastly, item E. 8. Limits the maximum building height to 28 feet.

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

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

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

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

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

Coastal Zone Land Use Ordinance. The Coastal Zone Land Use Ordinance sets forth standards for exterior lighting (CZLUO Section 23.04.320). In accordance with these standards, exterior lighting must be shielded and directed onto the source parcel and away from roadways and adjacent parcels.

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is situated between SR 1 and the Pacific Ocean.

A visual resources impact analysis was provided with the application materials (Robert Carr, April 2021). The analysis is incorporated herein by reference and available for review at the Department of Planning and Building located at 976 Osos Street, San Luis Obispo. The following is a summary of the findings and recommendations of that study.

Initial Study – Environmental Checklist

Methodology and Assumptions

The analysis focuses on the potential for the proposed project components to result in impacts to coastal visual resources as seen from public locations and roadways. The baseline visual condition is analyzed, visual resources identified, and a baseline scenic character established. The analysis methodology evaluates the aggregate affect that the project may have on the overall visual character of the neighborhood, the community and surrounding landscape. If a change in character is identified, it is compared to viewers' expected sensitivity, and is reviewed for consistency with applicable county and state coastal planning policies. Levels of impact are determined according to CEQA definitions and guidelines.

The analysis assumes that each of the proposed residential parcels would be designed and developed individually by subsequent lot owners, therefore the visual resource analysis uses a "reasonable worst-case scenario" (within the parameters of the Zoning Ordinance and CCR's) to assess potential impacts regarding the appearance of the residences and the developed lots. In conducting this analysis, the following assumptions were made:

- Each individual lot will be constructed separately by a new owner who will be responsible for obtaining their own required permits.
- The CZLUO, project description and CCR's define specific building limit lines within each residential lot. It is reasonable to assume that the desire to maximize outward views would result in structure placement on the highest elevation possible within the buildable confines of each lot.
- For Lots 5 through 8 the desire to include second stories to gain a better view would put the roofs at the maximum allowable height above average natural grade. The result would be to increase exposure of the structures to view. The study assumes that each residence will comply with the maximum height restriction defined in the County Zoning Ordinance and the draft project CCR's.
- The study assumes that development of each lot will conform to the applicant's proposed architectural and aesthetic guidelines and restrictions.
- Although some degree of residential landscaping is expected on the residential lots, it is reasonable to assume that individual homeowners are not likely to place trees and other large plants such that quality views would be blocked. As a result, minimal large-scale landscaping is expected to be placed along the ocean-facing sides of residential structures.
- The study assumes that the project CCR's, implementation of architectural guidelines, and subsequent individual site development will be subject to County of San Luis Obispo design review processes relative to the project's consistency with applicable coastal visual policy and ordinances.
- A preliminary landscape plan is proposed (Figure 8) to add Monterey Cypress trees to aid with screening of the property.
- The following architectural, building and height restrictions will apply as indicated.
    1. No more than 60% coverage with non-permeable surfaces (roofs, concrete, asphalt). Lots 1 to 4 only.
    2. Permeable surfaces may be allowed in excess of 60%. (1/4" or greater slatted decking, pavers, gravel). Lots 1 to 4 only.
    3. Maximum height with flat or minimum sloped roof. Eastern portion (Lots 5 – 8) of the site max 14 feet for a single story residence. For a two story residence, the maximum height of the first

story shall be 12 feet with a maximum 22 feet for building face toward Ocean which will be measured from the centerline of the driveway behind the house. Residences on the western portion (Lots 1 – 4) of the site will be a max 12 feet in height measured from the finished pad elevation. Finished pad elevation as approved on the Final Tract Map.

4. All roofs will have a minimum of 2' eaves to avoid box like structures.
5. Exterior finishes will be natural wood, stone or concrete siding.
6. Exterior walls and roofing of the residences and any other structures on site shall be limited to dark muted earth- tones. Exterior colors shall be no brighter than 6 in chroma and value on the Munsell Color Scale on file in the County of San Luis Obispo Department of Planning and Building.
7. Lots 1 to 4 will have a minimum 3' above finished grade garden wall located at the top of slope fronting N. Ocean Ave. This will be backfilled and planted with native CA grasses.

- Architectural character – Guidelines. No one particular design style is required however, homes with a Modernistic, Regionalistic, Organic, Mid-Century Modern, Rustic, Beach Bungalow, Sophisticated Surf Shack or California Ranch character define the vocabulary that will be allowed in the development.

Visual Setting

The community of Cayucos is located on a gently-sloped marine terrace situated between the Pacific Ocean and a series of low foothills rising up to the Santa Lucia Mountain Range. Cayucos is a beach community which retains a small-town visual character. Downtown Cayucos, located approximately 0.2 mile southeast of the project, is defined largely by the Cayucos Pier, Cayucos State Beach, and North Ocean Avenue, the main commercial street and local thoroughfare in town. A general absence of corporate commercial architecture helps the community maintain a rural California beach town atmosphere.

The residential neighborhoods that extend from the downtown area also contribute to the beach town aesthetic of the community. Older homes on small lots help preserve the small-town character of the area. Typical of an era, the buildings that best define the coastal community aesthetic tend to be one or two-story, with gable roofs and horizontal wood siding. Increasingly over time many of the older structures have been remodeled or replaced. Some newer buildings maintain the appearance of the small beach town in terms of architecture and scale, however a percentage of the newer structures are not consistent with the historic aesthetic character of the community. The trend toward utilizing maximum buildable envelopes, Mediterranean architecture, contemporary materials and colors is changing the visual identity of Cayucos.

Immediately north of Cayucos, the Estero Bluffs State Park serves as public open space, providing a natural scenic buffer and visually reinforcing the rural context of the community. Sweeping vistas of Estero Bay, including Cayucos are available from this well-visited public recreation area.

The project proposes to develop two separate locations within a larger, currently undeveloped approximately 9 acre parcel situated between State Highway 1 to the northwest and North Ocean Avenue to the south. Bella Vista mobile home and RV park borders this larger parcel on its eastern side.

The parent parcel is generally bisected by a somewhat rounded north-south oriented ridge. The ridge reaches a high point of approximately 190 feet above sea-level at its north end, and drops in elevation to approximately 50 feet above sea-level near North Ocean Avenue, where the landform appears to have been truncated to build the roadway. On both sides of the ridge, the western and eastern sides of the parcel

slope down approximately 100-120 feet from north to south. The parcel is undeveloped with the exception of an abandoned concrete water tank at the upper portion of the ridge.

The parent parcel is almost entirely covered with ruderal grasses and a few widely-scattered small shrubs. Shrub growth becomes more dense at the westernmost limit of the parcel where the drainage pattern is favorable. No trees or other large vegetation is noticeable on the parcel. Overhead utility lines are seen in the southern portion of the parcel generally paralleling North Ocean Avenue. Overall, the project site contributes to the visual quality of Cayucos and the Highway 1 corridor in terms of its topographic variety and undeveloped character.

Development Sites

The project would develop two distinct areas (referred to in this analysis as the "Western Lots" and the "Eastern Lots") within the larger approximately 9 acre parcel (Figure 2). The visual context for each area is generally described below:

The Western Lots. The western lots area of the proposed development is located just east of the western intersection of North Ocean Avenue and Lucerne Road. This western portion of the proposed development fronts North Ocean Avenue at an elevation ranging from approximately 50 to 70 feet above sea level. The topography of the site rises from North Ocean up to the northeast. This western part of the project is visually defined primarily by the open space of the project site, the residential neighborhood along Lucerne Road, and State Highway 1. The vegetative cover of the western site is mostly low, ruderal grasses and shrubs, and no trees are seen.

State Highway 1 passes immediately northwest of the western project area. Because of its elevated position relative to the project site, the highway lanes themselves cannot be seen from the western project area. However as seen from the western project site the proximity of the highway is evident by visibility of roadside guardrail and the upper portions of vehicles travelling the southbound lanes.

Views of the Pacific Ocean, Cayucos Pier, the coastline, and the greater Cayucos community can be seen from the western project area and are part of the visual context.

Development along Lucerne Road consists of approximately thirty single and multi-family residences fronting the Pacific Ocean. Both one and two-story structures are present, and the neighborhood is well landscaped with trees, shrubs and ground covers.

The Eastern Lots. The eastern lots area of the project is located near the eastern intersection of North Ocean Avenue and Lucerne Road. This eastern development area proposes driveway access to North Ocean Avenue. The residential sites are set back approximately 200 feet from the road, separated from North Ocean Avenue by a different parcel under separate ownership.

The eastern site is located along the lower flanks of the hill, at a more southeastern orientation than the western development site. The eastern project site is approximately 45 feet above sea level at its southwest perimeter, and reaches approximately 95 feet above sea level as it extends up the slope to the north.

This eastern part of the project, which is closer to the downtown area, is more visually influenced by residential and commercial development. The open space of the project site itself helps define the visual character of the setting, however the proximity to higher density residential uses along Lucerne Road, the mobile home development immediately to the east, and the downtown commercial area also contribute to the visual existing visual context. The Historic Borradori Garage sits across North Ocean Avenue from the eastern project site, adding nostalgic character to the view in that area.

The presence of State Highway 1 has little effect on the visual character of the eastern project area. The eastern project area is mostly blocked from the highway by intervening land form and development, with the exception of a portion of the highway near the Cayucos Drive overcrossing approximately 0.4 mile to the east.

As with the western project area, views of the Pacific Ocean, Cayucos Pier, the coastline, and the greater Cayucos community are also part of the visual context.

Photo Simulations

As mentioned previously, each of the proposed residential parcels would be designed and developed individually by subsequent lot owners, which would be subject to San Luis Obispo County design review and approval processes. As a result, at the time of this report the specific form, size and appearance of the residential structures is not known. Accordingly, the photo-simulations and related analysis provided in the study utilize a "massing study" approach. The photo-simulations show the proposed residential structures as simple geometric forms, in order to focus the analysis on the project's massing, location, and general site configuration, and how those may effect coastal visual resources such as scenic vistas and community character. The geometric forms shown in the photo-simulations represent the maximum building size and location allowed for each parcel as described in the Project Description, CCR's, and/or County Ordinance.

The other site development features such as driveways, earthwork, walls, and tree planting are based on preliminary information provided by the project applicant. For the purposes of this study the earthwork shown in the simulations illustrates the extent and form of proposed grading in its most visible condition. Following construction these slopes would receive vegetative erosion control and would likely be less noticeable. The trees in the photo-simulations are shown at an approximate age of 7-10 years after construction.

Field Analysis

The findings of the visual study are based on multiple field visits conducted over several days between January and April, 2021 including review of the entire site as well as the surrounding area. Resource inventories were conducted both on foot and from a moving vehicle. Existing visual resources and site conditions were photographed and recorded. Planning documents and previous studies relevant to the surrounding area were referred to for gaining an understanding of community aesthetic values.

Locations of critical project elements such as the proposed lots, building locations and heights, driveways, and grading limits were identified based on site plan information provided by the project applicant. These critical project features were surveyed and staked in the field, and corresponding horizontal and vertical location data were developed. Reference flags were then positioned at each critical point. These flags were used as a visual scale reference for confirming the project form, ensuring accuracy of photo-simulations, and for determining overall project visibility.

The project sites were viewed from potential viewer group locations in the surrounding area. Representative viewpoints were identified for further analysis, based on dominance of the site within the view, duration of views, and expected sensitivity of the viewer group. Of those representative views, critical Viewpoints (VPs) were selected that best illustrate the visual changes that would occur as a result of the project.

Viewer Sensitivity

Sensitivity to change in the visual environment varies with the viewer's activities and expectations. In determining the viewer sensitivity level for purposes of assessing visual impacts associated with this project,

the number of viewers as well as exposure, duration and dominance of views were also considered. In addition, sensitivity regarding aesthetic issues is reflected in the following planning and regulatory excerpts:

In 1999 Highway 1 was designated by the State of California as an Officially Designated Scenic Highway. The County of San Luis Obispo promoted the designation based on the high level of existing visual quality along the corridor as well as the desire to protect its visual resources in the future. In 2003, Highway 1 was also bestowed the title of "All-American Road" in the National Scenic Byway program. This designation recognizes the visual characteristics of Highway 1 corridor as being among the highest quality in the nation. These designations illustrate the highest level of concern and sensitivity for the aesthetics within the project area and beyond.

Visibility of the Site From Southbound SR 1

The Western Lots. Traveling along Highway 1 in the southbound direction, the project site is first visible at a viewing distance of approximately 600 feet to the southeast. Views are available along an approximately 700-foot stretch of southbound Highway 1, with a viewing duration of approximately 7 seconds travelling at the posted speed limit. Highway 1 is a designated bicycle route, and bicycle users would potentially have more time to view the project. At its closest point, the project site is approximately 250 feet from the southbound lanes of the highway. The viewshed in this southbound direction is defined mostly by sweeping vistas of the Pacific Ocean and Estero Bay, the community of Cayucos as it hugs the coastline, and the open space hillsides along the highway.

Approaching Cayucos in the southbound direction, the Highway 1 roadway maintains a higher elevation, and the highway embankment slopes downward to North Ocean Avenue and the western lots project site. From this elevated vantage point, the project site is visible, but does not dominate views. Closer to the project along southbound Highway 1 the downward viewing angle and intervening road-shoulder landform tends to limit views to the project site. The project site in this area tends to be visually subordinate to the surrounding high-quality long-range views available along southbound Highway 1.

The Eastern Lots. Development on the eastern portion of the project (Lots 5-8) would not visible from southbound Highway 1.

Figure 16 -- View of the Western Project Area from SB State Route1, and Simulated View

Visibility of the Site From Northbound SR 1

The Western Lots. Field review shows that there is no visibility of the western lots (Lots 1-4) as seen from northbound Highway 1. Along Highway 1 in the vicinity of the western lots, the highway's elevated position relative to the project would cause views of the residential structures on Lots 1-4 to be completely blocked by the intervening landform of the southbound lanes and shoulder.

The Eastern Lots. From northbound Highway 1 the eastern portion of the project (Lots 5-8) would be visible along an approximately 0.2 mile section of Highway 1 in the vicinity of the Cayucos Drive overcrossing, approximately 0.4 mile east of site. This viewing duration would be approximately 10 seconds travelling at the posted speed limit. In the northbound direction the project site would also be visible from the northbound Cayucos Drive on-ramp. From both of these northbound locations the project would be visible on the hillside in the distance, although these views would be filtered by roadside trees along the south side of the highway and in the community.

Starting at approximately 0.2 mile north of the Cayucos Drive overcrossing on Highway 1, topography and vegetation on the ocean side of the highway entirely block northbound views to the eastern portion of the project site.

Figure 17 -- View of the Eastern Project Area from SB State Route1, and Simulated View

Visibility From N. Ocean Avenue

North Ocean Avenue passes adjacent to the western and eastern areas of the project. North Ocean Avenue serves as a northern gateway to downtown Cayucos. Soon after exiting Highway 1, heading toward downtown and points east, North Ocean Avenue passes by the western project site. Residents and tourists alike utilize this main community access point, and bicyclists and pedestrians are commonly seen. Because of the gateway and user characteristics, combined with the somewhat elevated viewpoints and view access, viewer sensitivity along North Ocean Avenue is considered high.

From North Ocean Avenue the project would be seen in the overall context of the open space hillside rising up north the roadway, downtown Cayucos and residential areas, the historic Borradori Garage, the Pacific Ocean in the distance, and the background hills inland from Highway 1.

The Western Lots. The western portion of the project would be easily seen from along an approximately 1,000 foot section of North Ocean Avenue. Outside of this section of visibility, views to the site approaching from the west would be screened by existing vegetation and development. East of this section of North Ocean Avenue, views of the western lots would be blocked by the hillside landform.

The Eastern Lots. The eastern lots would be seen from an approximately 0.3 mile section of North Ocean Avenue. Approaching from the west, the eastern lots would first come into view as the roadway curves around the hillside landform, at a viewing distance of approximately 300 feet. As seen from the east, the lots would become visible directly ahead of the westbound North Ocean Avenue viewer at a distance of approximately 0.2 mile. When approaching site from the east the visual context includes the more densely developed business and tourism district.

Figure 18 -- View of the Western Project Area from N. Ocean Avenue, and Simulated View

Figure 19 -- View of the Eastern Project Area from N. Ocean Avenue, and Simulated View

Figure 20 -- View of the Eastern Project Area from Westbound N. Ocean Avenue Near Downtown, and Simulated View

Visibility From the Cayucos Pier and Beach

The Western Lots. Development of the western portion of the project (Lots 1-4) would not be readily visible from the Cayucos Pier or Cayucos Beach.

The Eastern Lots. The eastern lots would be seen from much of the length of the Cayucos Pier, at a viewing distance of approximately 0.2 mile (Figure 21). The project would also be visible from a portion of Cayucos Beach just north of the pier. From these areas the project would be seen at the base of the hill rising up from North Ocean Avenue. The visual setting would also include the mobile home park adjacent to the site, along with the multi-story buildings along Lucerne Road, and other development in the foreground.

Figure 21 -- View of the Project Site From the Cayucos Pier, and Simulation

Visibility From Other Locations

In addition to the primary visibility locations discussed above, the project would be seen from various other parts of the community.

The Western Lots. Other public roads with views of the western portion of the project would be limited to a section of Lucerne Road. From Lucerne Road the western portion of the project would be seen just across North Ocean Avenue at a viewing distance of approximately 300 feet. The project would be seen at the base of the currently undeveloped northern hillside, however much of project visibility would be blocked by a combination of the upward viewing angle, topography, and roadside vegetation.

The Eastern Lots. The eastern portion of the project would be seen from parts of the neighborhoods east of the project. Many of these views would be blocked or filtered by intervening development and/or vegetation, however some locations would allow direct views of the eastern portion of the project.

The eastern portion of the project would also be partially visible from sections of Cayucos Drive, an important local road connecting Highway 1 to the downtown area. Starting at the Cayucos Drive overcrossing at Highway 1, glimpses of the eastern portion of the project would be available, but would be mostly blocked by intervening vegetation and development. The project would also be seen from portions of Hardie Park. Most of these viewpoints from the east would be at distances of between 0.1 and 0.4 mile. Views from these areas would generally see the project as an extension of existing community development along the base of the background hillside to the northwest.

The eastern project area would also be seen from the eastern end of Lucerne Road. The project would be seen north of North Ocean Avenue in the visual context of residential development and the historic Borradori Garage.

Discussion

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

Scenic vistas are panoramic views that have high quality compositional and picturesque value. If the project substantially degrades the scenic landscape as viewed from public roads, or in particular designated scenic routes, or from other public or recreation areas, this would be considered a potentially significant impact on the scenic vista. Scenic vistas in the project vicinity can include views of the Pacific Ocean, the beach and shoreline, the surrounding hills, bluffs and cliffs, the Cayucos Pier, and Morro Rock. The degree of potential impact on scenic vistas would vary with factors such as viewing distance, duration, viewer sensitivity, and the visual context of the surrounding area.

The Western Lots. The western lots portion of the project (Lots 1-4) would be seen from portions of southbound Highway 1, North Ocean Avenue, and Lucerne Road. Field review indicates that because of the project location at the base of the slope, its relationship to the surrounding landform, and the reduced height of the residences, the western project area would not adversely affect views of any scenic vistas in the area. Ocean and coastal views from Highway 1 would be oriented well-above the proposed development. As seen from North Ocean Avenue, the proposed houses would occupy the lowest part of the hillside, and views to the upper slopes and ridgeline would not be interrupted. As a result, the western portion of project would have no adverse effect on scenic vistas as seen from surrounding public viewpoints.

The Eastern Lots. The eastern lots portion of the project (Lots 5-8) would be primarily seen from portions of northbound Highway 1, North Ocean Avenue, Lucerne Road, the Cayucos Pier and Beach, as well as from downtown and neighborhoods to the east. From most of these viewing

locations the project would be seen along the lower portion of the hillside and would not substantially affect views of the upper mid or upper slopes or ridgeline. From nowhere would scenic vistas of the ocean or the coast be blocked or reduced.

Development of the eastern lots would have a minor effect on the hillside view as seen from a short section of North Ocean Avenue adjacent to the project. From this section of the roadway fronting the project the proposed buildings would occupy the fore and mid-ground slope. Field review shows that the proposed residences, even if built to the maximum allowable dimensions would preserve a glimpse of the existing ridgeline in that direction. In addition, from this vantage point the majority of the background hillside would remain visible to the north and west, and scenic vistas of the ocean and coast would not be affected. As a result, the eastern portion of project would have minimal effect on scenic vistas as seen from surrounding public viewpoints.

Based on the analysis provided above, the project will have a *less than significant impact* to a scenic vista.

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

The project would result in a significant impact if it had a substantial adverse effect on a scenic resource as seen from Highway 1, an Officially Designated State Scenic Highway. A scenic resource is a specific feature or element with a high degree of memorability or landmark characteristics that contributes to the high visual quality of the corridor. From along Highway 1 in the project vicinity, the Pacific Ocean, Cayucos Pier, Morro Rock, coastal bluffs, the shoreline, surrounding hills and significant stands of vegetation are considered scenic resources. The project would result in a significant impact if it were to damage or have a substantial negative effect on views of any of those specific resources.

The Western Lots. Because of the western lots' location below Highway 1, the project would have no effect on views from the highway to scenic resources such as the Pacific Ocean, Morro Rock, the Cayucos Pier, the coastal bluffs, shoreline, or significant stands of vegetation. The project would also not block any portion of the scenic hillsides from Highway 1. As a result, the western area of the project would have no adverse effect on scenic resources as seen from Officially Designated State Scenic Highway 1.

The Eastern Lots. The eastern lots would be seen from a section of Highway 1 near the Cayucos Drive overcrossing. From this viewpoint the project would have no effect on views from the highway to scenic resources such as the Pacific Ocean, Morro Rock, the Cayucos Pier, the coastal bluffs, shoreline, or significant stands of vegetation. Although the project would be seen on the lower slopes of the distant slope, quality views of the hillside backdrop and primary ridgeline would remain. As a result, the project would have no adverse effect on scenic resources as seen from Officially Designated State Scenic Highway 1.

Based on the analysis provided above, the project will have a *less than significant impact* to scenic resources visible from 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?*

Project related actions would be considered to have a significant impact on the visual character of the site if they altered the area in a way that substantially changed, detracted from, or degraded the visual quality of the site or was inconsistent with community policies regarding visual character. The degree to which that change reflects documented values and meets viewers' aesthetic expectations is the basis for determining levels of significance. Visual contrast and compatibility may be used as a measure of the potential impact that the project may have on the visual quality of the site. If a strong contrast occurred where project features or activities alter and dominate the landscape setting, this would be considered a potentially significant impact on visual character or quality of the site. Project components that are not subordinate to the landscape setting could result in a significant change in the composition of the landscape. Consideration of potential significance includes analysis of visual character elements such as land use and intensity, visual integrity of the landscape type, and other factors.

The Western Lots. The visual context of the western portion of the project is defined by a combination of the undeveloped hillside landform and the residential neighborhood along Lucerne Road. Although the project would add four residences close to the roadway, the adjacent hillside would continue to provide a high quality visual backdrop as seen from surrounding viewpoints. The project would not introduce a new or unexpected use into the area, and would not appear visually inconsistent with the existing adjacent residential development. As a result, the western portion of the project would have only a minor effect on the visual quality and character of the surrounding area.

The Eastern Lots. The existing visual character of the eastern project site is generally suburban, and defined by both the open hillside and the surrounding residential and commercial areas. The surrounding development includes a variety of architectural styles, forms, densities, exterior materials and colors, landscaping and site amenities. The project's elevation and proximity to downtown and other neighborhoods would increase its visibility in the community. Where visible, the project would be seen immediately adjacent to the existing mobile home park and across from multi-story residential development. As a result the addition of the four residences would generally appear as a logical extension of the existing community development pattern. Although the project would place buildings at the base of the hill, the overall visual quality and value of the background slopes and ridgeline would not be diminished. The proposed allowable style, size, form, materials and colors of the residences would not be inconsistent with the adjacent development along North Ocean Avenue and throughout the community. Accordingly, the eastern portion of the project would have only a minor effect on the visual quality and character of the surrounding area.

Based on the preceding analysis, project impacts associated with the potential degradation of the existing visual character or quality of public views are expected to 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 result in a significant impact if it subjects public viewing locations to a substantial amount of point-source lighting visibility at night, or if project illumination results in a noticeable spillover effect into the nighttime sky, increasing the ambient light over the region. The placement of

lighting, source of illumination, and fixture types combined with viewer locations, adjacent reflective elements, and atmospheric conditions can affect the degree of change to nighttime views. If the project results in direct visibility of a substantial number of lighting sources, or allows a substantial amount of light to project toward the sky, significant impacts on nighttime views and aesthetic character would result.

No specific information is available regarding outdoor lighting proposals associated with future development of each lot, although it is assumed that exterior lighting would be included as part of the residential developments for functional and/or ornamental purposes. Because of the project's proximity to public roadways and recreation areas, night lighting would be seen from the surrounding area. The elevated location and likely multi-story configurations of the residences on the eastern lots (Lots 5-8) would increase visibility of new lighting sources. Unshielded light sources or bright-lights reflected on exterior walls would result in potential impacts. Reflection from window glass on the south and west-facing walls may create daytime glare as seen from surrounding public viewpoints. Fog is a common atmospheric condition of the area and increases the "glow-effect" as potentially seen from great distances.

Currently, street lights are seen along North Ocean Avenue east of the project and along Lucerne Road. Commercial lighting is associated with the Downton area, and lighting is also visible with the nearby residential development. Light poles are also part of the Bella Vista mobile home park immediately adjacent to the eastern lots project area

The project will be conditioned to comply with county standards for exterior lighting. Therefore, potential impacts associated with the creation of a new source of substantial light would be *less than significant.*

Conclusion

The project will have a less than significant impact on scenic vistas and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County CZLUO and COSE related to the protection of scenic resources. New sources of light will be subject to compliance with the County's exterior lighting standards as prescribed in CZLUO Section 23.04.320. Impacts to aesthetic resources would be *less than significant*.

Mitigation

None are required.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

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

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

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

Soils of the site are described in detail below. The acreage and corresponding farmland classifications are provided in Tables 3 and 4.

Map Unit: 128—Cropley clay, 2 to 9 percent slopes

Cropley: 90 percent

Slopes are 2 to 9 percent. This component is on alluvial fans on alluvial plains, terraces on alluvial plains. The parent material consists of alluvium derived from calcareous shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 3e. Irrigated land capability classification is 2e. This soil does not meet hydric criteria.

Los osos: 3 percent

The Los Osos soil is a minor component.

Salinas: 3 percent

The Salinas soil is a minor component.

Clear lake: 2 percent

The Clear Lake soil is a minor component.

Capay: 2 percent

The Capay soil is a minor component.

Map Unit: 132—Diablo and Cibo clays, 30 to 50 percent slopes

Diablo: 50 percent

Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from mudstone, sandstone and/or shale. Depth to a root restrictive layer, bedrock, paralithic, is 45 to 58 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Cibo: 45 percent

Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from metasedimentary rock. Depth to a root restrictive layer, bedrock, lithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 2 percent. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Los osos, loam: 2 percent

The Los Osos, loam soil is a minor component.

Lodo, clay loam: 2 percent

The Lodo, clay loam soil is a minor component.

Rock outcrop: 1 percent

The Rock outcrop soil is a minor component.

As shown in Table 3, the Cropley Clay complex, 2% to 9% percent slopes is considered prime farmland and Farmland of Statewide Importance by the COSE. The Diablo and Cibo Clays, 30% – 50% slopes complex is considered not prime.

Table 3 – Farmland Classifications of the COSE and Corresponding Acreages

Soil	COES Classification	Total Acres	Impacted Acres
Cropley Clay, 2 – 9% slopes	Prime Farmland, Farmland of Statewide Importance	2.17	1.30
Diablo and Cibo Clays, 30 – 50% slopes	Not Prime	7.49	1.40
	Total:	**9.66**	**2.70**

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

Table 4 provides a summary of farmland classifications for soils on the project site as determined by the FMMP. As shown in Table 4, about 3.96 acres of the project are considered Farmland of Local Potential.

Table 4 – Farmland Classifications of the FMMP and Corresponding Acreages

FMMP Classification	Total Acres	Impacted Acres
Grazing	5.70	0.70
Farmland of Local Potential	3.96	2.00
Total:	**9.66**	**2.70**

Source: Department of Conservation Farmland Mapping and Monitoring Program

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower because they are based upon farming and open space uses as

opposed to full market value. The project site is within the Cayucos Agricultural Preserve but is not subject to an active Williamson Act contract.

According to California Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not contain any forest land as defined by the PRC.

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

The project site consists of 9.69 acres of vacant land covered with non-native grasses and coastal scrub. As shown in Table 3, the project will impact a total of 1.30 acres of land classified as Prime Farmland by the COSE. As shown in Table 4, the project will impact a total of 2.00 acres of Farmland of Local Potential according to the FMMP. These impacts are considered *less than significant* because:

- The small size, irregular shape, and steep topography of the areas where Prime soils are located make crop production on the project site infeasible. In addition, the Cayucos Beach Mutual Water Company currently does not provide irrigation water for crop production within its service area and it is not clear they would provide water for crop production to the project site.
- The project site is designated for multi-family residential development and is surrounded by urban residential development to the south and east.
- The conversion of up to 2.0 acres of important farmland is a small fraction of the total productive farmland within the County as mapped by the FMMP and COES.
- Of the 2.17 acres of Prime soils associated with the project site, 0.87 acres will be permanently preserved within an open space easement (see mitigation measures BIO-2 in Section IV. Biological Resources).

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

AGP24: Conversion of Agricultural Land.

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

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

Discussion: The project site is located within the URL and USL for the community of Cayucos.

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

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

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

Discussion: The project is consistent with the allowable land uses in the Residential Multi-Family land use category and does not propose a change in the land use designation.

Lastly, the project will require annexation to the Cayucos Sanitary District, an action taken by the Local Agency Formation Commission (LAFCo). While the annexation request will be for services related to wastewater provided by the CSD, LAFCO is required to consider all factors specified in Government Code Section 56668, as well as any other information in the record or special information requested by the staff or the Commission. In addition to the factors required in government code section 56668, LAFCO must make findings with regard to impacts to prime agricultural land with any annexation action as defined by Government Code Section 56064 According to the referral response letter submitted by LAFCo (August 22, 2023), the project site may contain prime agricultural land that meets the definition of 56064, which is as follows:

56064. "Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

b) Land that qualifies for rating 80 through 100 Storie Index Rating.

c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre.

e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

According to the referral response letter, if the Commission finds that the property meets LAFCOs prime agricultural land qualifications as defined in section 56064, then mitigation measures would be required to meet LAFCO policy 2.9.12, which is as follows:

2.9.12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to

by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.

b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.

c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.

As discussed above, the project will adversely impact a total of 1.30 acres of Prime farmland as defined by the County COSE. With respect to satisfying the intent of LAFCo policy 2.9.12, of the 2.17 acres of Prime soils present on the project site, 0.87 acres will be permanently preserved within an open space easement (see mitigation measures BIO-2 in Section IV. Biological Resources). This equates to a substitution ratio of about 67 percent which is slightly less than the 1:1 ratio required by policy 2.9.12. However, the portions of the project site containing prime soils are unsuitable for crop production or livestock grazing based on the factors listed above. Therefore, the intent of policy 2.9.12 is being satisfied and the required findings can be made.

For the above reasons, project impacts would be *less than significant* and *less than cumulatively considerable.*

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

The subject property is located within the Residential Multi-Family land use category and is not subject to a Williamson Act Contract; single family dwellings are an allowable use. Therefore, as conditioned, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur.*

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

The project site does not include land use designations or zoning for forest land or timberland as defined by the Public Resources Code; *no impacts would occur.*

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

The project site does not support resources that meet the definition of "forest land" as prescribed in Public Resources Code Section 12220(g):

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

Therefore, there would be *no impact* relating to the conversion of forest land to a non-forest use.

Initial Study – Environmental Checklist

(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The project site is generally surrounded by urban development. There are no nearby agricultural operations that would be affected by the project. Therefore, potential impacts would be *less than significant.*

Conclusion

The project would result in less than significant impacts relating to 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 *less than cumulatively considerable* and no mitigation measures are necessary.

Mitigation

None necessary.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

III. AIR QUALITY

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

Setting

San Luis Obispo County Clean Air Plan

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

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

SLOAPCD Criteria Pollutant Thresholds

The SLOAPCD has developed and a CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies determine the significance of project-specific air quality impacts and to determine whether mitigation measures are needed. To assist in this task, the Handbook includes screening criteria to determine the significance of project impacts. For example, according to the Handbook, a project with grading in excess of 4.0 acres and moving 1,200 cubic yards of earth per day can exceed the construction threshold for respirable particulate matter (PM_{10}).

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

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

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

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

Sensitive Receptors

Sensitive receptors are people with an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. The nearest sensitive receptors to the site are single-family and multi-family residences located to the south and a mobile home park adjacent to the east.

Naturally Occurring Asbestos

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

Developmental Burning

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

Discussion

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

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

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

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

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

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

Construction Emissions

Based on the project description, the project will have an area of disturbance of about 2.7 acres and will involve 7,000 cubic yards (cy) of cut, 2,500 cy of fill and 4,500 cy of export that will be spread on site or used to refill utility trenches. Construction activities will result in the generation of dust, as well as short-term construction vehicle emissions. Using the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), construction-related emissions were calculated for the project and are shown in Table 5 below.

Table 5 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	107.35 lbs./day[1]	137 lbs./day	No
	0.53 tons/quarter[1]	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	4.66 lbs. /day[2]	7 lbs./day	No
	0.023 tons/quarter[2]	0.13 tons/quarter	No
Fugitive Particulate Matter (PM_{10})	2.0 tons[3]/quarter	2.5 tons/quarter	No

Notes:

1. Based on 9,500 cubic yards of material moved and 0.113 pounds of combined ROG and NOx emissions per cubic yard of material moved and 10 construction days.
2. Based 9,500 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved and 10 construction days.
3. Based on 2.7 total acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

As shown in Table 5, project construction related emissions are not expected to exceed the daily and quarterly emissions thresholds for ozone precursors, diesel particulates or fugitive dust. Therefore, project impacts associated with the exceedance of SLOAPCD daily and quarterly emissions thresholds and will be considered *less than significant*.

Operation-Related Emissions. The project consists of eight single family residences that will likely generate about 72.0 average daily trips. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant* and *less than cumulatively considerable*.

The project site does not require travel on an unpaved roadway.

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

(c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptors are people or other organisms that may have a significantly increased sensitivity to exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), regulatory status (e.g. federal or state listing as a sensitive or endangered species), or proximity to the source. The nearest sensitive receptors are residences located on the properties to the south and a mobile home park that are all within 1,000 feet of potential construction activities. These residences may be occupied by sensitive receptors, and the close proximity, combined with the prevailing winds could result in exposure to diesel particulates and fugitive dust from construction activities. Therefore, potential impacts to sensitive receptors would be *less than significant with mitigation.*

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

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

The project site is located in an area identified as containing NOA which may mobilized during ground disturbance activities. This impact is considered less *than significant with mitigation*. Mitigation Measures AQ-3 and AQ-4 are recommended that require implementation of SLOACPD testing, notification, and disposal protocol to reduce the potential to release NOA during proposed ground disturbance activities and to mitigate health risks if NOA is detected.

The project does not propose to burn any onsite vegetative materials and would be subject to SLOAPCD restrictions on developmental burning of vegetative material; therefore, the project would have *no impact* relating to substantial air pollutant emissions from such activities.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan but diesel and NOA emissions associated with construction activities could adversely impact surrounding sensitive receptors. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Mitigation

AQ-1 **Fugitive Dust Construction Control Measures.** Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

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

AQ-2 **ROG, NO_x, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures shall be shown on grading and building plans:

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

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

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

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

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

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

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

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

g. Electrify equipment when possible.

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

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

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

Initial Study – Environmental Checklist

AQ-4 Naturally Occurring Asbestos Remediation. If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

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

Sources

Provided in Exhibit A.

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

Regulatory Setting

Federal Laws and Regulations

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

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

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

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

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

State Law and Regulations

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

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

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

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

California Native Plant Protection Act. Sections 1900-1913 of the California Fish and Game Code contain the regulations of the Native Plant Protection Act of 1977. The intent of this act is to help conserve and protect rare and endangered plants in the state. The act allowed the CFGC to designate plants as rare or endangered.

Lake and Streambed Alteration. Section 1602 of the CFGC requires any person, state, or local governmental agency to provide advance written notification to CDFW prior to initiating any activity that would: 1) divert or obstruct the natural flow of, or substantially change or remove material from the bed, channel, or bank of any river, stream, or lake; or 2) result in the disposal or deposition of debris, waste, or other material into any river, stream, or lake. The state definition of "lakes, rivers, and streams" includes all rivers or streams that flow at least periodically or permanently through a well-defined bed or channel with banks that support fish or other aquatic life, and watercourses with surface or subsurface flows that support or have supported riparian vegetation.

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

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

Special Status Species and Sensitive Habitat Regulations

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

California Natural Diversity Database (CNDDB)

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

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

Federal and State Endangered Species Listings

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

Global and State Ranks

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

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

California Rare Plant Ranks

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

The California Rare Plant Rank (CRPR) categories range from species with a low threat (4) to species that are presumed extinct (1A). All but a few species are endemic to California. All of them are judged to be vulnerable under present circumstances, or to have a high potential for becoming vulnerable. Threat ranks are assigned as decimal values to a CRPR to further define the level of threat to a given species. The rare plant ranks and threat levels are defined below.

- **1A:** Plants presumed extirpated in California and either rare or extinct elsewhere.
- **1B:** Plants rare, threatened, or endangered in California and elsewhere.
- **2A:** Plants presumed extirpated in California, but common elsewhere
- **2B:** Plants rare, threatened, or endangered in California, but more common elsewhere
- **4:** Plants of limited distribution - a watch list
- **0.1:** Seriously threatened in California (over 80% of occurrences threatened/high degree and immediacy of threat)

- **0.2:** Moderately threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
- **0.3:** Not very threatened in California (less than 20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

California Department of Fish and Wildlife Animal Rank

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

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

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

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

Sensitive Habitats

Sensitive Natural Community is a state-wide designation given by CDFW to specific vegetation associations of ecological importance. Sensitive Natural Communities rarity and ranking involves the knowledge of range and distribution of a given type of vegetation, and the proportion of occurrences that are of good ecological integrity (CDFW 2018a). Evaluation is conducted at both the Global (G) and State (S) levels, resulting in a rank ranging from 1 for very rare and threatened to 5 for demonstrably secure. Natural Communities with ranks of S1-S3 are considered Sensitive Natural Communities in California and may need to be addressed in the environmental review processes of CEQA and its equivalents.

Environmental Setting

A biological resources assessment (BRA) was prepared for the project site in 2021 (Kevin Merk Associates, LLC, October 22, 2021) which is incorporated herein by reference and available for review in its entirety at the Department of Planning and Building. The BRA included appropriately-timed botanical field surveys and an assessment of potential project impacts to sensitive biological resources. The following is a summary of the findings and recommendations of that study.

Methodology

The biologists conducted a desktop review of natural resources databases, maps, literature and online sources to identify special-status biological resources documented from the region that may be present on the property. Available online imagery was employed in coordination with field surveys to define the current

extent of onsite and adjacent biotic conditions. Time series aerial and streetside photography (Google Earth, Bing) was also reviewed to obtain information on the history of land use onsite and abutting properties.

Surveys

A field survey of the site was conducted on April 16, 2021 from 1200 to 1430 hours to assess the potential of the site to support sensitive biological resources, including rare plants. The weather during the survey was clear, with northwest wind five (5) to 10 miles per hour (mph) and gusts to 15 mph, and air temperature was 63° Fahrenheit (° F). The property was assessed in entirety, which was considered to be the study area for this project. This included walking the entire property including areas proposed for development and areas to be set aside as open space.

Additional field surveys were conducted on May 21 and June 17,2021 to ensure thorough coverage of the blooming period for each of the special-status plant species that are known to occur in the region, which is the period when they are the most readily identifiable. Weather conditions during the May and June surveys were clear, variable wind to five (5) mph, and air temperatures ranging from 60° to 68° F.

The methodology used during the focused botanical surveys followed the guidance in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018) and *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants* (USFWS 2000). This included walking the study area using meandering transects to observe and document all plant species observed. Plant species were identified to a level necessary to determine rarity. The extent of interesting botanical resources found in the study area, such as patches of native grasses, was recorded using a Trimble Ge-XH 6000 Geographic Positioning System (GPS) handheld unit and imported into ArcGIS for map production.

All plant and animal species observed during the surveys were recorded. Plant taxonomy followed the Jepson Flora Project (2021), and nomenclature for animals is reported as it appears in the CNDDB (CDFW 2021a) or as updates are available (California Herps 2021). Habitat types, representing land use and plant communities, were mapped on ESRI (2021) aerial imagery. Land use types followed *A Guide to Wildlife Habitats in California,* which is updated through the California Wildlife Habitat Relationships (CWHR) System (CDFW 2021c). Designation of plant communities generally followed Holland's (1986) *Preliminary Descriptions of the Terrestrial Natural Communities of California.* Sawyer et al.'s (2009) *Manual of California Vegetation* and *VegCAMP* (CDFW 2021b) were also referenced. Plant communities were determined as to whether or not they met the criteria of sensitive natural communities. A photo plate was prepared of representative photographs of the study area to document site conditions.

The *Web Soil Survey* (Natural Resources Conservation Service [NRCS] 2021) was used to identify the soil mapping units present within the study area. The *National Wetlands Inventory* (NWI) was examined to evaluate the extent of any identified wetlands on the site and in the vicinity (USFWS 2021a). USGS topographic maps were also reviewed for information on hydrologic and topographic features.

A query of the CNDDB was completed to identify occurrence records of special-status biological resources (plants, animals and sensitive natural communities) documented within the vicinity of the project site. This search included the following quadrangles: Cypress Mountain, Cambria, Cayucos, Morro Bay North, and Morro Bay South. A nine-quadrangle search was not applicable due to the coastal location of the study area, where there are no adjoining quadrangles in the ocean and those quadrangles with small land areas are grouped with others in the CNDDB. CNDDB records of special-status plant and animal occurrences within a five-mile buffer from the study area were mapped. Those species that occur in coastal habitats along the Estero Bay were considered to be within the project vicinity and were listed in Appendix D. Species that are

restricted to other biogeographical settings, such as mountainous areas of the Santa Lucia Range (e.g., the York Mountain quadrangle) and Morro Bay/Los Osos, were excluded. Based upon KMA's knowledge of the local area and other sources of species occurrence records (particularly observations recorded in Calflora [2021] and The Cornell Lab of Ornithology [2021a]), additional special-status biological resources that have been documented in the project vicinity were included. For the list of special-status species identified in the search, local distribution and ecological information was obtained from a variety of online and published sources (Jennings and Hayes 1994, Bolster 1998, Moyle etal. 2015, Thompson et al. 2016, Audubon 2021, Calflora 2021, California Native Plant Society [CNPS] 2021, California Herps 2021, The Cornell Lab of Ornithology 2021a, 2021b; CDFW 2021c). Designated critical habitat for species listed under FESA was identified and mapped based upon information provided in *Environmental Conservation Online System* (USFWS 2021b).

Within the list compiled of all special-status species known from the project vicinity, an evaluation of those species with potential to occur in the study area was performed based upon the suitability of habitat conditions on the property and the local distribution (geographical and elevational ranges) and specific requirements (plant communities and soils) of the species considered. Definitive surveys for the presence or absence of special-status animal species were not conducted, and the biologists used a habitat suitability approach to determine if a species had potential to occur onsite.

As detailed above, focused plant surveys were conducted to confirm the absence of special status plants. The biologists relied on existing information and known occurrence records in the region, coupled with the biologist's site-specific observations from other locations in the surrounding area, to make determinations for the probability of occurrence of each special-status species within the study area. If any special-status species had been observed during the site surveys they would have been listed as "Present" in Appendix D of the BRA. Those species considered as "Potential" met the following requirements: records in the site vicinity, appropriate plant community and/or soil associations onsite, and within the elevational range of the species. If any one of these elements was not met or considered to be marginal for the site, but the other elements were present, that species was considered "Unlikely". If onsite environmental conditions were clearly inappropriate, the particular plant was not observed during the surveys, or the species has a limited distribution that does not overlap the site, those species were considered "Not Expected". If any lifestage or particular life history use (i.e., foraging) fit the requirements of the onsite conditions, even while other aspects were inappropriate for certain functions (i.e., breeding), these species, such as the variety of birds known from the area, were still considered to have potential to occur onsite. The likelihood of occurring onsite along with a description of site suitability are provided in the special-status species table as well as a more in-depth analysis in the text.

The initial background review determined that there were several special-status plant species that have been documented in similar habitat conditions near the site, and would be considered to have "Potential" to occur. The blooming period of each of these species includes the month of April, in which the first survey was conducted. Additional plant surveys were conducted in May and June to ensure full coverage of the species' blooming periods. The evaluation of occurrence for those species was then changed from "Potential" to "Unlikely" or "Not Expected" in Appendix D of the BRA based upon the results of the surveys. The botanical surveys were determined to be conclusive in that they covered the blooming periods of the species with potential to occur and are representative of what species were present in 2021; however, the "Unlikely" determination (instead of "Not Expected") considers that potentially suitable environmental conditions are present onsite and considering the local distribution of these species, there is a slight chance that they could become established at some point in the future.

The biologists determined whether special-status plant and animal species, designated critical habitat, sensitive natural communities and potential jurisdictional areas could or do occur on or the site. Potential impacts of proposed future development of the resulting parcels were evaluated for each of these biological resource issues, including the six additional impacts in CEQA Appendix G. This evaluation used the limits of disturbance as shown on the Tentative Tract Map (TTM) provided in Appendix A of the BRA for the impact analysis. An evaluation of significance as defined under CEQA is provided for each potential impact, and mitigation is proposed to reduce any potentially significant impact to a level below the significance threshold.

A list of plants and animals observed during the surveys is provided in Appendix B of the BRA. A plate of photographs taken during the site visits to characterize habitat types and onsite conditions is provided in Appendix C of the BRA. Appendix D of the BRA is a summary of all special-status species, sensitive plant communities, and designated critical habitat recorded within the site vicinity, and the biologist's evaluation of their potential presence onsite. Figure 22 is a habitat map of the study area showing the area occupied by each of the habitat types. No sensitive natural communities were reported in the CNDDB within five miles of the site, but the biologist's knowledge of the area identified a number of rare plant communities that were evaluated in the BRA. Surveys confirmed no rare plants are present onsite, and identified suitable habitat for a suite of wildlife species known from the region.

Habitats/Vegetative Communities of the Project Site

Habitat acreages and distribution in the study area are presented in Table 6 and Figure 22 and described below.

Table 6 -- Habitat Types and Vegetative Communities of the Project Site

Community	Acres	Percent of Study Area
Coastal Scrub	0.23	2.37%
Developed/Ruderal	0.02	0.21%
Fennel	0.66	6.81%
Valley Needlegrass Grassland	0.52	5.37%
Non-Native Grassland	8.25	65.23%
Total:	9.69	100.00%

Source: Kevin Merk Associates, LLC, and DLM, 2023

Four plant communities or land use types were identified within the study area, and include: 1) Coastal Scrub; 2) Non-native Grassland (including a mapped Fennel patch); 3) Valley Needlegrass Grassland; and, 4) Developed/Ruderal. Each of these habitat types is described below.

Coastal Scrub

Patches of coyote brush *(Baccharis pilularis)* of low- to medium-height were scattered about the site with a more dense occurrence located just outside the western property boundary (Figure 22). This community consisted of the disturbance follower, coyote brush, growing on old road fill and other areas that appear to have been graded in the past. Most of the gentle topographic parts of the site are mowed on an annual basis, and no other species characteristic of native stands of coastal scrub with a higher degree of species diversity were observed. Along the southern property line at the Ocean Avenue road cut, a California sagebrush *(Artemisia californica)* shrub was observed. This stand of coyote brush shrubs generally corresponds to the Central (Lucian) Coastal Scrub community described by Holland (1986), but as stated

above, lacks the species diversity typically associated with this habitat type. It is more consistent with the Coyote Brush Scrub association described by Sawyer etal. (2009) since it is comprised solely of this species.

Non-native Grassland and Fennel

The majority of the site was Non-native Grassland that was dominated by introduced, weedy species such as Italian rye grass *(Festuca [=Lolium] perennis),* slender wild oat *(Avena barbata),* bristly ox-tongue *(Helminthotheca echioides),* Italian thistle *(Carduus pycnocephalus),* black mustard *(Brassica nigra),* summer mustard *(Hirschfeldia incana),* and yellow starthistle *(Centaurea solstitialis).* Past and ongoing site disturbance promotes the persistence of these non-native, weedy species. Still, several native grassland plants, including coast morning glory *(Calystegia macrostegia* ssp. *cyclostegia)* and ladies' tobacco *(Pseudognaphalium califomicum),* are able to persist in select areas. A dense stand of invasive fennel *(Foeniculum vulgare)* was also present in the eastern part of the property, and this species also occurred scattered throughout the grassland and in smaller patches across the entire property.

The steep ridge had a higher proportion of native plant species, such as a stand of California poppy *(Eschscholzia califomica),* due to the shallower soils. In addition, the poppies were present along an old road cut that apparently removed topsoil reducing the non-native grass cover. The eastern slope of the ridge had a dense stand of black mustard that was six feet tall at the time of the June survey.

The North Ocean Avenue roadcut, which is outside the property boundary, had a high proportion of cover by non-native elephant grass *(Pennisetum purpureum).* Elephant grass and California poppy also occurred in the roadside swale immediately south of the property. This habitat type generally corresponds to the Non-native Grassland community described by Holland (1986) and due to the predominance of non-native species, primarily annual grasses, the majority of the site was mapped as Non-native Grassland. Vegetation ecologists would further delineate the herbaceous plant occurrences onsite, and the grass-dominated areas would be classified as a combination of the Italian ryegrass, Wild Oats and Annual Brome Grasslands semi-natural alliance (CDFW 2021b). The stand of fennel is described as Poison Hemlock or Fennel Patches by Sawyer et al. (2009) and the *Foeniculum vulgare* special stand and semi-natural alliance in VegCAMP (CDFW 2021b). Areas with black mustard and yellow starthistle are classified as Upland Mustards or Star-thistle Fields by Sawyer et al. (2009) and this is a semi-natural alliance. While it is useful to know the extent of invasive species dominating the site for future management considerations, from a CEQA perspective, the entire area is Non-native Grassland with no special regulatory status.

Valley Needlegrass Grassland

Purple needlegrass *(Stipa pulchra)* was encountered in six patches throughout the site, and since this is a native grass it was mapped separately from the Non-native Grassland habitat type to characterize the grasslands onsite and ultimately help management guidelines for the project including the development of a native seed mix for the project. Large intact grasslands typically greater than 0.5 acre that are dominated by purple needlegrass can support a suite of native species and be classified as a special status plant community during the CEQA and Coastal Act review process. Small disjunct patches such as those that occur onsite, however, were searched for rare plants and other native species during the surveys to assess their function and value. Based on the data collected during field work, these patches appear to be relict stands reduced by development in the area and the spread of non-native invasive species. A small circular patch of beardless wild rye *(Elymus [Leymus] triticoides)* was also observed and mapped onsite, and included in this habitat type. Purple needlegrass stands on the site correspond to the Valley Needlegrass Grassland

community described by Holland (1986) and the Purple Needlegrass Grassland described by Sawyer et al. (2009).

Developed/Ruderal
While the entire property has been affected by development in the area, only the old water tank/cistern on the hilltop was mapped as developed/ruderal since it had bare soils and a concrete structure. The former road cut from Highway 1 was vegetated and supported a stand of California poppies, and although disturbed, it was included in the grassland habitat type. Old access roads onto the site from Ocean Avenue also had been colonized by weedy grasses and forbs and were included in the Non-native Grassland habitat type. The developed/ruderal habitat type is not a natural plant community, but a human influenced area generally devoid of vegetation or supporting a human built structure. As such, it is not described by Holland (1986) or Sawyer et al (2009), and would be classified as the Barren or Urban habitat type in the CWHR (CDFW 2021c).

Aquatic Resources

No streams or drainages are shown within the study area on the USGS topographic quadrangle or the NWI. The property lies in between the Cayucos Creek watershed area to the east and a small ephemeral drainage feature's watershed to the west. The eastern portion of the site slopes toward Cayucos Creek and no focused runoff or drainage area or pattern was observed that would direct site runoff directly into the creek. During winter rain events, precipitation appears to percolate into the ground on the eastern side of the property, and any site runoff associated with large storms would gradually drain onto the roadway where it is directed in an easterly direction down North Ocean Avenue into the storm drain system. The western portion of the site slopes toward the Pacific Ocean. A roadside swale is located along North Ocean Avenue just outside the western property line, and the swale would be expected to collect any surface runoff from the site and roadway and direct it to a storm drain pipe in the southwest corner of the site. The swale did not have signs of flowing or ponded water and the vegetative characteristics did not differ from the surrounding upland grassland habitat observed throughout the site. There are no topographic depressions or stormwater basins that would collect surface water onsite, and therefore, no wetland or riparian plant communities were present within the study area. Saline marsh and riparian habitat along the lower portion of Cayucos Creek as it meets the beach to the east is separated from the site by the RV park and Ocean Avenue, and at the closest distance is over 400 feet (122 meters) away.

Special Status Resources

The approximately 9.69-acre property is predominantly vegetated by non-native plant species, but has patches of native species. It is composed entirely of upland habitat, and is surrounded by development including residential and commercial areas in the community of Cayucos and roads such as Highway 1 and North Ocean Avenue. Large expanses of undeveloped grassland and farmland including orchards as well as some row crop production are present in the area surrounding the urban setting. The background review contained a large number of special-status plants, plant communities and wildlife that have been documented within the general project vicinity. Because the habitats onsite have been disturbed by human development, are separated from more expansive habitat by roadways and urban areas, and have no significant or unique values, only a fraction of the wildlife species in the background review were determined to have potential to occur onsite.

The seasonally-timed botanical surveys were sufficient to confirm no special status plants are present on the site, and the habitat mapping effort confirmed no special status plant communities were present.

Special Status Wildlife Species. Based upon the background review of special-status species records, two invertebrate and a number of bird species were considered to have "Potential" to occur on the property. No special-status fish would occur because there are no streams or other aquatic habitats onsite. The site is also separated from Cayucos Creek by urban development, and it is unlikely that the California red-legged frog *(Rana draytonii)* or western pond turtle *(Emys marmorata)* would move through urban areas and across the site during the winter and spring months when wet conditions are present. Although American badgers *(Taxidea taxus)* have potential to occur in the general area, there was only one record in the vicinity, and no dens or excavations were *seen* during the surveys. In addition, Highway 1 may effectively isolate the site from offsite suitable habitat. The study area is within the range of several special-status bat species, but there were no compelling nearby records that would suggest their presence and no suitable roosting structures are present onsite.

Therefore, no special-status mammals were considered to have Potential to occur onsite. The listing status, habitat associations and evaluation of occurrence of the species recorded in the project vicinity are summarized in Appendix D of the BRA. The nineteen species that were determined to have Potential to occur are described in further detail below.

The **monarch butterfly** *(Danaus plexippus,* population 1) is a Candidate for federal listing by the USFWS under the Endangered Species Act and considered sensitive by CDFW for overwintering colonies. This species undertakes multi-generational migrations of thousands of miles (Center for Biological Diversity et al. 2014). In the late summer, the butterflies leave Canada and the northern United States to their overwintering habitat on the south-central California/Baja California coast or mountains of central Mexico. "Population 1" of the species refers to those that overwinter in California, historically ranging from northern Mendocino County through San Diego County. In the California central coast region, they roost colonially during the winter in wind-protected groves of eucalyptus, Monterey pine and cypress. These colonial roost sites are occupied by large numbers of butterflies throughout the winter and the individual sites are generally reused each year. There are several records of overwintering populations along the coastline in the vicinity, but they have not been seen in recent decades at the nearest locality, Cayucos Creek (CDFW 2021a). The County (2020) also maps a monarch butterfly roosting area along Little Cayucos Creek within the residential area. Individuals could periodically feed on flowering plants, including the invasive fennel and mustards, in the grassland habitat and occur as transients while migrating or moving through the area.

The **obscure bumble bee** *(Bombus caliginosus)* does not have a specific listing status, but is considered sensitive in the CNDDB and could be a species of local concern. It is found along the California coast from Santa Barbara County northward. The host plants for this species occur in coastal scrub, riparian, and grassland habitats. Typical plant species that can be used include ceanothus, coyote brush, thistles, sweet peas, lupines, willows, clover and blackberry. Queens emerge from hibernation in late-January, workers appear in early-March, and males emerge in April. Colonies dissolve in late-October, with only the new queens surviving. Little is known about this species in San Luis Obispo County. There are a few records in the vicinity, but the most recent is from 1974 (CDFW 2021a). Coyote brush and other flowering plants observed onsite could be used as a food source for this species.

The **California red-legged frog** *(Rana draytonii)* is a federally Threatened species and a CDFW Species of Special Concern. This species requires aquatic habitats for reproduction and inhabits these sites most of the year. The types of aquatic habitats they use include seasonal and permanent ponds, intermittent and perennial streams, springs, well boxes, artificial impoundments (i.e., stock ponds, reservoirs), marshes, dune ponds and lagoons. Preferred aquatic habitat is characterized by dense shoreline or emergent vegetation,

such as willows, cattails, and bulrushes, with still or slow-moving water at least 2.3 feet deep (Hayes and Jennings 1989).

This species has also been known to use the mouths of streams subject to periodic tidal inundation, however, high salinity may preclude frogs from persisting in areas subject to tidal surges. The frogs move up and down drainages, using slough and lagoon habitats when freshwater conditions are present, such as during winter when sandbars have washed out and there are substantial flows from precipitation (Rathbun et al. 1993).

California red-legged frogs also use a variety of upland habitats. Adults can move away from water during the winter during migrations between aquatic sites or for aestivation; they move away from aquatic sites when they dry down in the late summer or fall; and, post-metamorphic juveniles disperse away from aquatic sites where they remain in uplands for an unknown number of years. The adult migratory period is late-October through mid-May, and they are nocturnal and undergo movements at night when sufficient moisture is present (Bulger et al. 2003). Adults move away from water in response to rain events and may remain on land between early-December to late-March (Christopher 2000, 2004; Bulger et al. 2003). In mesic habitats along the coast (primarily in northern California), adults have been found to move through upland habitats up to a total distance of 2 miles (3.2 kilometers) in one season, with the greatest segment without encountering a water source being 0.74 miles (1.2 kilometers) (Bulger et al. 2003). Individuals migrating between aquatic sites used for summer residence and other aquatic sites used for breeding have been found to move overland distances of at least 1.7 miles (2.8 kilometers) (Bulger et al. 2003). In xeric to moderately mesic local climates such as in the Estero Bay area where populations did not undergo breeding migrations, they also used upland habitats in winter, but remained within 200 feet (60 meters) of water (Rathbun et al. 1993, Christopher 2004, Tatarian 2008).

The USFWS uses a 1.0-mile (1.6 kilometer) radius from known localities when evaluating project sites (USFWS 2005) and for determining the extent of critical habitat within upland areas (USFWS 2010). No suitable aquatic habitat for California red-legged frogs is present on or adjacent to the site. Breeding has been documented in Cayucos Creek downstream from Highway 1 (Occurrence Number 493; CDFW 2021a), a distance of approximately 775 feet (236 meters) east of the study area. They have also been documented in San Geronimo Creek to the west of the study area, downstream from Highway 1 (Occurrence Number 525), a distance of over 1.15 miles (1.85 kilometers) from the study area. There are numerous other records from coastal streams in the vicinity of the project site. Given the barriers and urban development surrounding the site, it is unlikely that individuals in Cayucos Creek could pass through the study area during winter migration. The RV park and North Ocean Avenue between the site and Cayucos Creek would be a deterrent and the vertical creek banks would also restrict movement of the species towards the site. The study area lacks mesic conditions, riparian trees or other dense shrub cover that are associated with prolonged upland habitat use; therefore, it would be unlikely for a frog to move onto the site compared to moving upstream along the creek corridors and into areas with extensive open space north of Highway 1.

The **southwestern (=western) pond turtle** *(Actinemys pallida)* is a CDFW Species of Special Concern. They occupy streams, rivers, lagoons, as well as created ponds and irrigation reservoirs, especially those with areas of open water and some perimeter vegetation such as bulrushes, cattails and willows (Bury et al. 2012). Southwestern pond turtles move away from aquatic sites in late-summer or fall when water levels decline to begin a period of dormancy over the winter (Rathbun et al. 1993). At sites with permanent water, they remain buried in the substrate of the aquatic site during the winter (Bury et al. 2012). They have been found to undergo movements of up to 3,596 feet (1,096 meters) within upland habitats in one season when extensive open space is available, and they occupy woodland, scrub and chaparral vegetation within 1,640

feet (500 meters) from their aquatic sites for up to 30 weeks (Reese and Welsh 1997, Rathbun et al. 2002, Pilliod et al. 2013). During dormant periods, turtles remain buried under dense cover such as willow/blackberry thickets, patches of coyote brush, or Monterey pine stands (Rathbun et al. 1993). Nesting, which occurs in summer, is in upland areas 98 to 558 feet (30 to 170 meters) from aquatic habitats, in well-compacted soils of sunny open areas within sparse grassland (Rathbun etal. 1992, 1993, 2002; Scott etal. 2008). Hatchlings may leave the nest in the fall or overwinter in the nest and move to water the following spring.

This species is primarily diurnal, and they make overland movements during the day. This species has been recorded from Cayucos Creek (Occurrence Number 1052; CDFW 2021a), and the study area is within the distance that turtles move away from aquatic habitats in the winter. However, the developed nature of the RV park and North Ocean Avenue between the site and Cayucos Creek would be a deterrent to movement. There is no aquatic habitat in the study area that could be used as a stopover point, and the large central ridge would also decrease the probability that they would move through this area. They are also known to occur at numerous coastal streams in the project vicinity and in areas of extensive open space outside urban development (CDFW 2021a); therefore, it is highly unlikely they would move out of Cayucos Creek, through the RV Park or down the road and onto the study area while searching for a suitable aquatic site. In addition, nesting would not occur onsite due to distance from suitable aquatic habitat in Cayucos Creek, and they are unlikely to pass through the RV park or onto the road while searching for nest sites.

The **bald eagle** *(Haliaeetus leucocephalus)* is a state Endangered species for nesting and wintering habitats and is a CDFW Fully Protected species. Their primary prey is fish, but they also feed on small mammals, amphibians, reptiles and carrion (The Cornell Lab of Ornithology 2021b). They are usually in close proximity to large bodies of water, rivers or flooded fields with large trees or other perches nearby (CDFW 2021c). They roost communally in winter in dense conifer stands away from human disturbance. Nests are in large trees in stands with moderately low canopy within 1 mile of water (CDFW 2021c). There are numerous observations of this species from the surrounding coastline and Whale Rock Reservoir (The Cornell Lab of Ornithology 2021a). There is a chance that individuals may fly over the site and could forage on the property, but there is no suitable nesting or roosting habitat.

The **California horned lark** *(Eremophila alpestris actia)* is on the CDFW Watch List. It occurs in open habitats such as agricultural areas and grassland, and prefers areas with sparse vegetation or patches of bare ground. Nests are placed on the ground in open areas, sparse vegetation, or next to a grass clump or other object (Audubon 2021). This species has been recorded in coastal areas to the west of the property and inland near Whale Rock Reservoir (The Cornell Lab of Ornithology 2021a). This species could occur within the grassland habitats onsite on a regular or transitory basis and could nest onsite.

Common yellowthroat *(Geothlypis trichas sinuosa)* is a federal Bird of Conservation Concern and a CDFW Species of Special Concern. It inhabits freshwater marshes and riparian areas and is found occasionally in fallow fields, pine forests, orchards, and shrublands (The Cornell Lab of Ornithology 2021b). They feed on insects and spiders. Nests are placed on or near the ground in freshwater emergent vegetation (The Cornell Lab of Ornithology 2021b). They are present year-round in the California central coast. This species has been recorded throughout coastal bluff areas to the west of the site and along Cayucos Creek (The Cornell Lab of Ornithology 2021a). They could occur as a transient while moving around the area and may forage periodically in the Coastal Scrub and Fennel areas, but are unlikely to nest due to lack of marsh habitat.

Cooper's hawk *(Accipiter cooperii)* is on the CDFW Watch List for nesting. This is a woodland species that prefers dense stands of coast live oak, riparian forest, and mixed coniferous forests near a source of water, but also can occur in suburban habitats with tall trees. They prey on birds, small mammals, reptiles and

amphibians. There are numerous observations from along the coast near the site (The Cornell Lab of Ornithology 2021a). Individuals could forage onsite or occur as a transient, but there is no dense woodland for nesting.

The **golden eagle** *(Aquila chrysaetos)* is considered a Fully Protected species by CDFW and is on the Watch List for nesting and wintering. They prey on small to medium-sized small mammals such as hares, rabbits, ground squirrels, birds, badgers, fish and carrion (The Cornell Lab of Ornithology 2021b). Nesting is on cliffs, large trees, on the ground or structures such as electrical towers (The Cornell Lab of Ornithology 2021b). There are several records from areas surrounding the property (The Cornell Lab of Ornithology 2021a). This species forages over a variety of open habitats, and is likely to forage at the study area.

The **grasshopper sparrow** *(Ammodramus savannarum)* is a CDFW Species of Special Concern for nesting that occurs almost exclusively in grassland habitats. Other types of open habitats with patches of bare ground and little shrub cover, such as pastures and agricultural fields, may also be used (The Cornell Lab of Ornithology 2021b). They nest on the ground at the base of clumps of grass and prey on grasshoppers and other invertebrates, where there are patches of bare ground (The Cornell Lab of Ornithology 2021b). There are numerous sightings of this species surrounding the site (The Cornell Lab of Ornithology 2021a). They could forage and nest throughout the property.

The **great blue heron** *(Ardea herodias),* **great egret** *(Ardea alba),* and **snowy egret** *(Egretta thula)* are considered sensitive species for nesting colonies in the CNDDB but have no specific listing status. Each of these species is highly associated with wetland and lagoon habitats, but individuals can occasionally be found foraging in upland habitats. Each of these species has been observed in the mouth of Cayucos Creek (The Cornell Lab of Ornithology 2021a). Individuals of these three species could occur periodically in the study area, but suitable habitat to support nesting colonies is not present and the great egret only occurs in this area during the non-breeding season.

The **loggerhead shrike** *(Lanius ludovicianus)* is a CDFW Species of Special Concern for nesting. This species occurs in variety of relatively open habitats with low vegetation and well-spaced shrubs or trees, such as coastal scrub, grasslands, agricultural fields, pastures, riparian areas, desert scrub, savannas, prairies, golf courses, and along roadsides. They prefer areas where there are objects to perch on such as fences, trees or shrubs (Audubon 2021). Nests are placed in dense and sometimes thorny trees or shrubs and brush piles (Audubon 2021). They prey on insects, amphibians, reptiles and small mammals, and may impale their prey on sharp objects. There are numerous observations of this species in the general area surrounding the study area (The Cornell Lab of Ornithology 2021a). The grassland and scrub habitats onsite are suitable for foraging, but because the shrubs have been mowed, they may not provide enough cover for nesting.

The **merlin** *(Falco columbarius)* is on the CDFW Watch List for wintering. They are a small falcon that preys on songbirds and shorebirds (The Cornell Lab of Ornithology 2021b), and also small mammals and insects (CDFW 2021c). They occur in this area in winter, when they occupy coastal areas, grasslands, savannahs, woodlands, lakes, wetlands, and edges of coniferous forest (CDFW 2021c). There are records surrounding and close to the site (The Cornell Lab of Ornithology 2021a). Suitable foraging habitat is present throughout the study area, but they do not nest in this region.

The **northern harrier** *(Circus cyaneus)* is a CDFW Species of Special Concern for nesting. This species prefers wide open country with wetlands but they also occur in rolling grasslands or desert shrubland. Nests are placed on the ground in dense clumps of vegetation, usually in marshes, but occasionally they nest in dry open fields (Audubon 2021). The occur year-round along the coast within the county (The Cornell Lab of Ornithology 2021b).

There are numerous observations in close proximity to the study area (The Cornell Lab of Ornithology 2021a) and nesting has been recorded along the coast nearby (CDFW 2021a). Individuals may forage onsite, but they are unlikely to nest due to the degree of human activity surrounding the site and lack of wetland habitat.

The **sharp-shinned hawk** *(Accipiter striatus)* is on the CDFW Watch List for nesting. This species generally occurs in semi-open woodlands, margins of open areas, coniferous forests, mixed woodlands and riparian habitats, and dense forest is required for nesting. They prey on birds, and may occur in residential areas preying on birds at bird feeders. During migration, it uses coastlines, lake shores and mountain ridges (Audubon 2021). It does not breed in San Luis Obispo County, and they are an uncommon transient and winter visitor. They have been recorded at various locations surrounding the site (The Cornell Lab of Ornithology 2021a). Individuals could forage onsite but they do not nest in this area.

The **tricolored blackbird** *(Agelaius tricolor)* is a state Threatened species and a CDFW Species of Special Concern for nesting colonies. This species nests and roosts colonially in freshwater marshes with dense tules, cattails, or blackberry thickets. They forage in areas with low-growing vegetation such as agricultural fields, grasslands and feedlots. Wintering tricolored blackbirds congregate in large multispecies flocks, often containing red-winged blackbirds (The Tricolored Blackbird Working Group 2007). This species has been recorded in numerous locations surrounding the site (The Cornell Lab of Ornithology 2021a). They may forage periodically or occur as transients throughout the study area, but there is no wetland habitat to support breeding.

The **white-tailed kite** *(Elan us leucurus)* is a CDFW Fully Protected species for nesting sites. This species prefers open areas for foraging, including grasslands, river valleys, oak savanna, agricultural areas, deserts, and marshes (Audubon 2021). They nest in large isolated trees, and occasionally in riparian habitats (CDFW 2021c). During the non-breeding season, they roost communally in trees or tall shrubs at the edges of grasslands (The Cornell Lab of Ornithology 20214 This species has been recorded at several locations adjacent to the property (The Cornell Lab of Ornithology 2021a). They could use the open grassland habitats onsite for foraging but there are no trees for nesting.

Critical Habitats and Special Status Natural Communities

No designated critical habitat for federally listed species occurs on the site or in adjacent areas. California red-legged frog critical habitat Unit SLO-2 Piedras Blancas to Cayucos Creek encompasses the coastal foothills surrounding the site, but does not include areas within the urban boundary of Cayucos in which the property is located. Tidewater goby *(Eucyclogobius newberryi)* critical habitat is within the lower portions of several creeks in the vicinity, but there are no such creeks in the study area and Cayucos Creek has not been included in the designation for this species. Critical habitat for the south-central California coast steelhead *(Oncorhynchus mykiss irideus* population 9) occurs in Cayucos Creek and several other coastal drainages nearby, but there are no steelhead streams on the property. Western snowy plover *(Charadrius alexandrinus nivosus)* critical habitat is on beaches in the vicinity of the study area, but the project site does not abut sandy beach habitat.

No sensitive natural communities were recorded in the CNDDB as occurring within five miles of the site, and the biologist's review included those known to occur in the region. Valley Needlegrass Grassland that occurs in at least a 0.5 acre or larger of contiguous cover has a State Rarity Rank of S3.1. The onsite patches of purple needlegrass do not form contiguous habitat, and as such, are not expected to be considered sensitive by CDFW or meet the rarity threshold for consideration under CEQA (CDFW 2021b). In addition, the six small patches of purple needlegrass and one small patch of creeping wild rye would not be considered ESHA. The occurrences of native grasses were mapped and sampled as part of this investigation to help

develop an appropriate seed mix for restoring disturbed slopes and for guiding future management activities for the proposed open space.

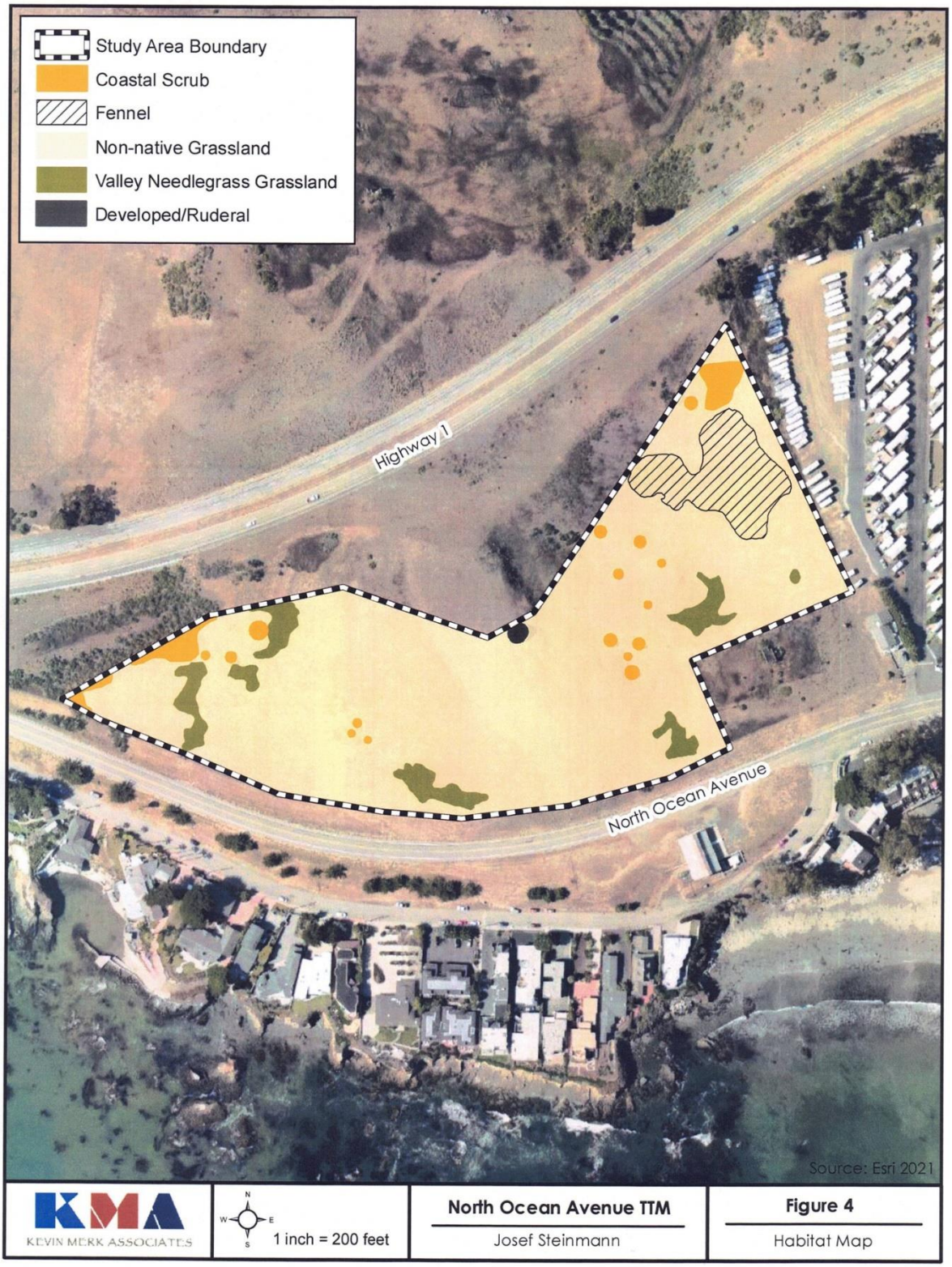
Coastal Scrub, or the Coyote Brush Scrub association, has a State Rarity Rank of S5 and would not be considered sensitive. The status of the grassland subtypes identified varies, but overall those areas that were differentiated from Valley Needlegrass Grassland had a predominance of introduced species and would be considered the Italian Ryegrass, Wild Oats and Annual Brome Grasslands, Poison Hemlock or Fennel Patches and Upland Mustards or Star-thistle Fields, all three of which are semi-natural alliances and are not sensitive.

Special-status Plant Species

No special-status plant species were found during the appropriately timed focused botanical surveys. The ridge with thinner, rocky soils had some native plants present, but was primarily composed of non-native species. The 2020/2021 rain season had below average rainfall with the majority of precipitation received in one large storm event. Cayucos was reported to have received approximately nine (9) inches this season (John Lindsey, unpublished data), whereas the average total annual precipitation (1938 to 2005) for Cayucos is typically about 15 inches (Western Regional Climate Center 2021).

The background review identified potentially suitable habitat conditions for several grassland rare plant species, as well as the suite of serpentine endemic species that have been recorded in the region. The focused rare plant surveys conducted for this investigation took place during the blooming period of these species (see Appendix D of the BRA), and none were found. Reference sites of the serpentine endemic species as well as other grassland species were also visited in the Cayucos area (i.e., Estero Bluffs State Park and serpentine ridge near Whale Rock Reservoir) to confirm plant phenology and the timing of the surveys were consistent with the flowering schedules of the target species, and that they were in identifiable condition and would have been observed onsite if encountered. The botanical surveys conducted during the 2021 growing season were determined to be conclusive in that these species were considered to not occur on the property, and no further surveys are recommended at this time.

Figure 22 -- Habitats of the Project Site



Discussion

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

Special-Status Plants

Impacts to vegetative communities present on the project site are presented in Table 7 below.

Table 7 -- Summary of Project Impacts to Different Vegetative Communities

Community	Impacted Acres
Coastal Scrub	0.004
Developed/Ruderal	0.000
Fennel	0.188
Valley Needlegrass Grassland	0.212
Non-Native Grassland	2.296
Total:	2.700

Source: Kevin Merk Associates, LLC, and DLM, 2023

No special-status plant species were found during the focused plant surveys, and none are expected to occur in the proposed development area due to the disturbed conditions of the site. The botanical surveys were conducted during the blooming period of the rare plants known to occur in the region which is the time that they are the most readily identifiable. Therefore, the surveys were considered to be conclusive in that no special-status plant species are present onsite during the 2020/2021 growing season.

Based on the results of a suitably-timed plant survey, project impacts to special status plant species are considered *less than significant*.

Special Status Wildlife

As discussed in the setting, above, project development would result in the permanent loss of about 2.7 acres of habitat that could be used by special-status wildlife species such as invertebrates and birds. However, loss of this habitat is considered to have a *less than significant impact* on special status wildlife because:

- Remaining habitat on the project site is considered marginally productive, fragmented and disturbed.
- The vesting tentative map shows the creation of a 8.2 acre open space lot that would preserve 78 percent of the site that remain available to special-status wildlife species.
- Special-status species with the potential to use the site are mobile and would only use the site periodically while foraging or moving through; they are not expected to use the area for breeding or other key life history traits.
- Construction activities would occur during the day and would not affect nocturnal foraging of bats and other nocturnal foraging species. Although disruption of normal activities would

be a temporary "effect", the level of the effect would not be considered significant under CEQA.

Based on the preceding analysis, project impacts to listed wildlife species are considered *less than significant*.

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

The nearest creek that meets the definition of Waters of the United States is Cayucos Creek located about 0.2 miles to the east of the project site. Cayucos Creek is considered an Environmentally Sensitive Habitat Area (ESHA) as defined by the Coastal Act. However, there are no tributaries or other ephemeral or blue line drainages contributary to Cayucos Creek associated with the project site as determined by the CNDDB records search associated with the BRA. Moreover, the project includes preliminary grading and drainage plans for each group of lots that incorporate Best Management Practices that will protect surface water quality associated with the creek and the Pacific Ocean.

No designated critical habitat for federally listed species occurs on the site or in adjacent areas. California red-legged frog critical habitat Unit SLO-2 Piedras Blancas to Cayucos Creek encompasses the coastal foothills surrounding the site, but does not include areas within the urban boundary of Cayucos in which the property is located. Tidewater goby *(Eucyclogobius newberryi)* critical habitat is within the lower portions of several creeks in the vicinity, but there are no such creeks in the study area and Cayucos Creek has not been included in the designation for this species. Critical habitat for the south-central California coast steelhead *(Oncorhynchus mykiss irideus* population 9) occurs in Cayucos Creek and several other coastal drainages nearby, but there are no steelhead streams on the property. Western snowy plover *(Charadrius alexandrinus nivosus)* critical habitat is on beaches in the vicinity of the study area, but the project site does not abut sandy beach habitat.

No sensitive natural communities were recorded in the CNDDB as occurring within five miles of the site, and the biologist's review included those known to occur in the region (provided in Appendix D of BRA). Valley Needlegrass Grassland that occurs in at least a 0.5 acre or larger of contiguous cover has a State Rarity Rank of S3.1. The onsite patches of purple needlegrass do not form contiguous habitat, and as such, are not expected to be considered sensitive by CDFW or meet the rarity threshold for consideration under CEQA (CDFW 2021b). In addition, the six small patches of purple needlegrass and one small patch of creeping wild rye would not be considered ESHA. The occurrences of native grasses were mapped and sampled as part of this investigation to help develop an appropriate seed mix for restoring disturbed slopes and for guiding future management activities for the proposed open space.

Coastal Scrub, or the Coyote Brush Scrub association, has a State Rarity Rank of S5 and would not be considered sensitive. The status of the grassland subtypes identified varies, but overall those areas that were differentiated from Valley Needlegrass Grassland had a predominance of introduced species and would be considered the Italian Ryegrass, Wild Oats and Annual Brome Grasslands, Poison Hemlock or Fennel Patches and Upland Mustards or Star-thistle Fields, all three of which are semi-natural alliances and are not sensitive.

Therefore, the project will have *no impact* to riparian habitat or other sensitive natural communities.

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

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

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

Wildlife Corridors

Maintaining connectivity between areas of suitable habitat is critical for dispersal, migration, foraging, and genetic health of plant and wildlife species. A functional network of connected habitats is essential to the continued existence of California's diverse species and natural communities in the face of both human land use and climate change. Terrestrial species must navigate a habitat landscape that meets their needs for breeding, feeding and shelter. Projects that introduce substantial barriers to movement of resident or migratory wildlife species or hinder the normal activities of wildlife require mitigation to offset Project effects.

The TTM has been designed so that the future development parcels are clustered in two distinct areas that would allow wildlife movement to pass through the site in a northerly-southerly direction along the central ridge that will be preserved as open space. Wildlife may also pass through the site in an easterly-westerly direction across the northern portion of the property, or along the offsite roadside swale. Because of the way the development has been designed, there would be no effects on movement of wildlife and the open space parcel facilitates continued use of the site. The grassland habitats onsite are not expected to be used as a significant wildlife corridor or nursery site. Ground-nesting birds and invertebrates are expected to breed onsite, but the grassland habitat is dominated by non-native weedy species and does not represent high quality wildlife nursery habitat. The value of the open space parcel for wildlife movement and reproduction is low considering the surrounding development and human presence.

The Project does not introduce significant features that would be expected to affect wildlife movement through surrounding natural habitats and impacts to wildlife movement are considered *less than significant*.

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

If construction activities are initiated during the nesting season (February 1st to August 31st), impacts to nesting birds protected under the Migratory Bird Treaty Act and California Fish and Game Code could occur. Active nests containing eggs and/or young could be killed during vegetation removal and/or noise and physical disturbance could disrupt nesting behavior causing the adults to abandon the nest.

Migratory bird species may utilize the project site for foraging; however, the usage is likely transient and limited to species that forage over open grassland areas. The project site does not possess any characteristics that would indicate a locally significant stopover point for migratory species including raptors or waterfowl.

With the recommended mitigation measures impacts related to interference with the movement of migratory fish or wildlife would be *less than significant with mitigation*.

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

Impacts to, or removal of, mature oak trees (i.e., greater than six inches in diameter at breast height [DBH]) or oak woodland habitat is evaluated under CEQA. As a CEQA Lead Agency, the County of San Luis Obispo currently applies a 4:1 mitigation ratio for removed trees and a 2:1 mitigation ratio for impacted trees. No oak trees or other native trees are present on the project site or proposed for removal. Therefore there would be *no impacts* associated with conflict with local ordinances or policies protecting biological resources.

As discussed in the project description, the project site is subject to the Planning Area Standards set forth in the Estero Area Plan. More specifically, the PAS's require the establishment of an open space easement over at least 65 percent of the project site to protect scenic vistas from Highway 1. Accordingly, the vesting tentative tract map identifies lot 9 as an open space lot that will be maintained by a homeowners association. However, there are no provisions within the project description and draft CC&R's for the ongoing management of the open space parcel. The absence of specific management strategies could lead to the further spread of non-native, invasive species further reducing habitat value onsite and surrounding areas. This impact is considered less *than significant with mitigation*.

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

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

Conclusion

Upon implementation of mitigation measures BIO-1 and BIO-2 potential impacts to biological resources would be *less than significant*.

Mitigation

BIO-1 Pre-construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

- A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

- If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

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

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-2 Open Space Easement (No Build Zone). Prior to recordation of the final map, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create an open space easement over approximately 8.2 acres of the project, shown as Lot 9 on the vesting tentative tract map. The terms of the open space easement shall allow only activities that help the long term protection of native plant species, minimize the spread of invasive, non-native species, and protect scenic vistas from Highway 1, and shall be accompanied by an Open Space Management Plan prepared by a qualified biologist that includes at least the following:

- The overall goals and measurable objectives to reduce non-native species cover and promote native species in natural habitat areas;
- Identification of areas within the open space parcel for habitat enhancement, in which nonnative species will be removed to allow natural establishment of native grasses, forbs and shrubs that will produce flowers and other food sources for wildlife.
- A planting and/or seeding plan that includes seasonally timed seed collection of local genetic stock, identification of seed and/or nursery sources for container plantings, and seeding/planting locations;
- Specific habitat management methods to be used during the establishment period following seeding/planting and enhancement efforts (e.g., seasonally timed weed abatement program and supplemental irrigation, if needed);
- Success criteria based on the goals and objectives to ensure a reduction of non-native species and increase in native cover occurs in the open space parcel;

- Annual monitoring to ensure that success criteria are being met (e.g., annual population census surveys and identification of monitoring reference sites, if needed);
- Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
- Adaptive management including remedial measures to address circumstances that may affect the program's ability to meet identified success criteria, such as fuel modification and other fire management considerations.
- A prohibition on off-road vehicle use, crop production, equestrian uses, or other animal raising or keeping activities within the open space easement area.
- The use of fire management activities such as brush removal, tree trimming, intermittent animal grazing for vegetation management purposes.
- The planting of native trees (ie. Monterey Cypress) is permitted in accordance with the approved landscape plan.
- Access roads, retaining walls, landscaping, irrigation lines, drainage and utility lines are permitted within the Open Space Easement consistent with the approved Development Plan, landscaping, grading plan and subdivision improvement plans.

These provisions for limited open space use shall be added to any CC&Rs developed for the project.

Sources

Provided in Exhibit A.

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

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

Discussion

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

A Phase I Archaeological Surface Survey Report was prepared for the project site in May 2019 (Applied Earthworks, Inc.) and an extended Phase I subsurface survey was conducted for the project site in November, 2021 (Applied Earthworks, Inc.). Both studies are incorporated herein by reference and available for review in their entirety at the Department of Planning and Building. The Phase I survey included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System. No historical resources as defined by section 15064.5 were identified for the project site. However, one historic site and one historic structure are located within 0.25 miles of the project site; neither will be impacted by the project. However, the concrete water

tank located on the proposed open space lot suggests that it may be more than 50 years old and may have been used for highway construction as well as potentially for municipal water supply purposes. Since no development is proposed on the open space parcel, the concrete tank will be preserved in its current location and condition. However, the project site does not contain any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. According to the Phase I study, the project site does not contain a site under the Historic Site (H) combining designation. Therefore, the project would result in *no impacts* associated with an adverse change in the significance of a historical resources.

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

As discussed under item a., above, a Phase I Archaeological Surface Survey Report was prepared for the project site in 2019 that included a records search using the Central Coast Information Center (CCIC) of the California Historical Resources Information System and a full-coverage pedestrian survey was performed. The purpose of the Phase I survey was to determine the likely presence or absence of cultural resources with the project area in a timely and cost effective manner.

On March 13, 2019, an archaeologist examined the approximately ten-acre Project site for archaeological resources. The Project site was surveyed in transect intervals of no greater than 10 meters, where not constrained by dense vegetation.

A records search of the files of the Regional Archaeological Information Center in Santa Barbara was requested to determine if any research had been done previously in the area. The project area and its immediate vicinity were included in the search, including historic and prehistoric resources. The Information Center is one of a number of centers coordinated from the Office of Historic Preservation in Sacramento that maintains comprehensive records of most cultural resources in the state. A copy of the Phase I report was filed with them at the conclusion of work, in a format consistent with the Guidelines for Cultural Resource Management Reports (OHP 1989) recommended by the Office of Historic Preservation.

A total of five previously recorded archaeological sites have been identified within a 0.25 mile radius of the project site, but no previously identified sites were identified for the project site. No evidence of prehistoric archaeological resources were noted on the property during the Phase I survey conducted at the project site. There was no evidence of bedrock mortars or other prehistoric remains in the project area and no evidence was present to suggest that they may exist in immediate vicinity but have not yet been identified.

In July 2020, the archaeologists conducted archaeological monitoring during ground-disturbing geotechnical activities. The scope of work included mechanical trenching with a backhoe to conduct geologic observation and testing. Four, north-to-south oriented trenches, each measuring approximately 18 feet long, 2 feet wide, and 10 feet deep, were excavated in the southwestern portion of the Project area. No cultural materials were discovered during monitoring (Kidwell 2020).

However, consultation with local tribes reiterated that the Chumash and Salinans used this area widely prior to modern occupation and the lack of prehistoric archaeological materials on the surface does not imply that such materials are not present (see also Section XVIII. Tribal Cultural Resources). Therefore, an Extended Phase I subsurface testing program was completed in November, 2021 to assess if any subsurface resources are present.

Principal Archaeologist Erin Enright (M.A., Registered Professional Archaeologist [RPA] 16575) served as principal investigator and Senior Archaeologist Simone Schinsing (M.A. RPA 28577763) served as project manager. Associate Archaeologist Kelli Wathen oversaw fieldwork and authored the extended Phase I report. Additionally, Northern Chumash Tribal Council representatives, Michael Khus and Violet Walker, were present during all excavation activities. The archaeologists conducted fieldwork October 4 through 7 and October 14, 2021. Fieldwork included excavation of 10 shovel test pits (STP), one on each of the proposed lots 1–8 and two within the proposed access roads. The 10 shovel test pits were spaced approximately 30 meters apart. All shovel test pits were 50 centimeters in diameter and excavated to a depth of 40 to 60 centimeters. STPs 1–3 were excavated to a depth of 60 centimeters, and STP 6 was excavated to 40 centimeters and a 10-centimeter auger was used to further explore for subsurface deposits to 100 centimeters. STP 6 was placed on the eastern access road near the plotted site boundary of CA-SLO-519. The remaining shovel test pits were excavated to a depth of 40 centimeters due to the extremely compact soil and lack of cultural materials. All excavated sediments were dry-screened through 1/8-inch hardware mesh and field sorted. The units were recorded on field forms, mapped using ESRI Field Maps and Arrow 100 Global Positioning System, and photographs were taken to document fieldwork. All sediments were returned to the unit they originated from and all units were backfilled.

According to the extended Phase I subsurface survey, cultural materials were not present in any of the shovel test pits. Soils in all but one of the shovel test pits was extremely compact and dry with surface cracks and rodent burrows extending into subsurface soils. STP 6/STX 6 was placed near the boundary of CA-SLO-519 and augered to a depth of 100 centimeters. No cultural material was observed within this test pit. Based on the results of this testing effort, no further archaeological treatment or archaeological construction monitoring is recommended.

In the event that resources are uncovered during grading activities, implementation of CZLUO 23.05.140 (Archeological Resources Discovery) would be required. This section requires that in the event archaeological resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department must be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. This protocol would ensure full compliance with California State Health and Safety Code Section 7050.5 as well as CDFA requirements regarding accidental discovery of cultural resources.

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

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

Based on existing conditions and results of the archaeological surface and subsurface surveys, buried human remains are not expected to be present in the area proposed for development. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and CZLUO 23.05.140 (Archeological Resources Discovery) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County CZLUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Initial Study – Environmental Checklist

Conclusion

The existing concrete water tank may constitute an historic resource. However, the tank will not be impacted by project development. Adherence with County CZLUO standards and State Health and Safety Code procedures would reduce potential impacts. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

Mitigation

None required.

Sources

Provided in Exhibit A.

VI. ENERGY

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

Setting

Local Utilities

The Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within San Luis Obispo County. Approximately 31% of electricity provided by PG&E is sourced from renewable sources and an additional 43% is sourced from non-renewable GHG-free resources (PG&E 2020).

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.

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

Local Energy Plans and Policies

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

State Building Code Requirements

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the *2022 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements. While the CBC has strict energy and green-building standards, U-occupancy structures (such as greenhouses used for cultivation activities) are typically not regulated by these standards.

Vehicle Fuel Economy Standards

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

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

In January 2012, CARB approved the Advanced Clean Cars Program which combines the control of Greenhouse Gas (GHG) missions 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, the Advanced Clean Cars II rule, establishes a year-by-year roadmap so that by 2035 100% of new cars and light trucks sold in California will be zero-emission vehicles, including plug-in hybrid electric vehicles. The regulation realizes and codifies the light-duty vehicle goals set forth in Governor Newsom's Executive Order N-79-20.

The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 percent fewer global warming gases and 75 percent fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2016).

All self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles (except on-road two-engine sweepers) are subject to the CARB's Regulation for In-Use Off-

Road Diesel Fueled Fleets (Off-Road regulation). This includes vehicles that are rented or leased (rental or leased fleets). The overall purpose of the Off-Road regulation is to reduce emissions of oxides of nitrogen (NO_x) and particulate matter (PM) from off-road diesel vehicles operating within California through the implementation of standards including, but not limited to, limits on idling, reporting and labeling of off-road vehicles, limitations on use of old engines, and performance requirements.

Discussion

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

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

Construction Activities

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

Project Operations

Electricity and Natural Gas Use. There are no occupied buildings or accessory structures on the project site. The project's operational electricity needs would be met by a connection to PG&E infrastructure. Natural gas is provided by PG&E.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards. A new single family residence is subject to compliance with these standards. Lastly, the new residences will be required to comply with the relevant provisions of the 2022 California Green Building Code and the County of San Luis Obispo's Green Building Ordinance.

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

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

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

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

Initial Study – Environmental Checklist

Conclusion

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

Mitigation

None are required.

Sources

Provided in Exhibit A.

VII. GEOLOGY AND SOILS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
	(ii) Strong seismic ground shaking?	☐	☐	☒	☐
	(iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
	(iv) Landslides?	☐	☐	☒	☐
(b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒	☐

Initial Study – Environmental Checklist

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

Setting

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

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is the Cambria fault located approximately 2 miles to the southeast.

The County CZLUO 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 eastern portion of project site is located within a Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with a moderate landslide risk potential and a low liquefaction potential.

The project site is located on early to late Pleistocene alluvial deposits.

The following geotechnical reports were prepared for the project:

- An engineering geology study and slope stability analysis was prepared by GeoSolutions (2022). This study presents the result of subsurface exploration, laboratory testing and recommendations for geotechnical engineering aspects of the project design.
- A preliminary geologic hazards study investigation of the project site was prepared by Cleath-Harriz Geologists, Inc. (March 2019). The main objective of this study was to evaluate the slope conditions of the site with respect to the proposed roadways and proposed lots.

Both studies incorporate the findings and recommendations of peer review conducted under the direction of the County Geologist. The following discussion is a summary of the findings and recommendations of these studies.

Geologic Setting

The project site is located at the inland edge of the Cayucos marine terrace which is dated to approximately 140,000 years before present. The topography slopes from the hilltop elevation of 185 feet to the east coner at 52 feet elevation and to the southwest at an elevation of 49 feet. A topographic map using LiDar data was prepared to determine slopes on the project site. California State Route 1was constructed in the 1960s and the roadway was graded with an embankment and temporary access road along the northeasterly property line.

Soils are described in Section II, Agricultural Resources. As described in the NRCS Soil Survey, soils on the project site exhibit the following erodibility and drainage characteristics:

Table 8 -- Soils of the Project Site and Their Susceptibility to Erosion

Soil	Susceptibility to Erosion	Drainage	Acreage of The Areas of Disturbance
Cropley Clay, 2 – 9% slopes	Moderate	Moderately well drained	1.30
Diablo and Cibo Clays, 30 – 50% slopes	Severe	Well drained	1.40
Total			**2.70**

Source: NRCS Web Soil Survey, 2023

Decomposition of bedrock on the hills has resulted in colluvial deposits and, in one area, a landslide has been mapped within the colluvial deposits, metavolcanic rock and terrace deposits. The landslide does not appear to extend into the underlying bedrock.

Serpentinite is mapped on the eastern slope of the hill in the center of the project site but it is not clear if it extends onto the subject property.

The project site is partially within the watershed of Cayucos Creek located about 0.5 miles to the east.

Discussion

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

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

The project site is not located within an Alquist-Priolo Fault Hazard Zone. The potential for ground rupture at the site during ground shaking is considered low. The closest known Quaternary age fault is the Cambria fault located approximately 3 miles southeast of the site which is considered potentially active but does not underly the project site. Therefore, there will be *no impact* related to the rupture of a known earthquake fault.

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

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition.

The most detailed mapping and characterization of regional faults capable of generating sufficient ground motion within the region has been conducted for Pacific Gas and Electric as a part of the Long Term Seismic Studies for Diablo Nuclear Power Plant. These studies identify the Hosgri-San Simeon fault zone (5 mile distance) and the San Andreas fault zone (50 mile distance), both strike-slip type faults, as the primary sources of ground shaking for the Diablo Canyon Nuclear Power Plant. The Hosgri-San Simeon fault is projected to have a maximum credible earthquake of M 8,3 but the more characteristic earthquakes would range from 6 to 7.3 (PGE, 2015). The Cambria fault is potentially active with a maximum moment magnitude of 6.25 and the Cayucos fault is inactive (County of San Luis Obispo Seismic Safety Element, 1999). The Oceanic-West Huasna fault, an oblique-reverse movement fault, located 4.3 miles northeast of the site, was the site of the most recent major earthquake in the area in 2003 (Mw 6.5 magnitude).

Maximum peak ground acceleration in the area of Cayucos as indicated on the State of California Peak Ground Acceleration Atlas for the property is about 0.30 g. Ground shaking from the San Simeon earthquake (2003) was between 0.09 g and 0.18 g according to CISN Rapid Instrumental Intensity Map. Ground shaking at Cayucos resulting from a maximum credible earthquake on the Oceanic-West Huasna fault (M 6.9-7.2) is estimated at 0.62-0.64 g (Table 4, California DMG Open-File Report 80-6).

The project would be required to comply with the CBC and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. Implementation of the project in compliance with relevant construction codes would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant.*

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

Based on the Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction.

In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant.*

(a-iv) Landslides?

Based on the Safety Element Landslide Hazards Map the project site is located in an area with a moderate potential for landslides.

Hall, 1979, Hall, 1975, and Webber, 1979 do not map a landslide at the site. DeLattre, 2016 does map a landslide in the vicinity of lots 1-4. Slope stability analysis was conducted in the area of lots 1-4 and lots 5-8 and the analysis showed slopes meet the minimum standard of care for stable slopes. Historical aerial photos are presented in geologic hazards investigation that show no indication of historic grading at the site.

During trenching and drilling in the vicinity of lots 1-4, the subsurface conditions encountered consisted of Franciscan Complex metavolcanic rock with weathering at the shallower depths with slightly weathered to fresh, dense, hard rock encountered with depth. Weathering became less apparent with depth. Greywacke sandstone was encountered at a depth of 23 feet below land surface (bls) in boring B-1. The geologic hazards study interprets the subsurface materials in the vicinity of Lots 1-4 as weathered Franciscan Complex material.

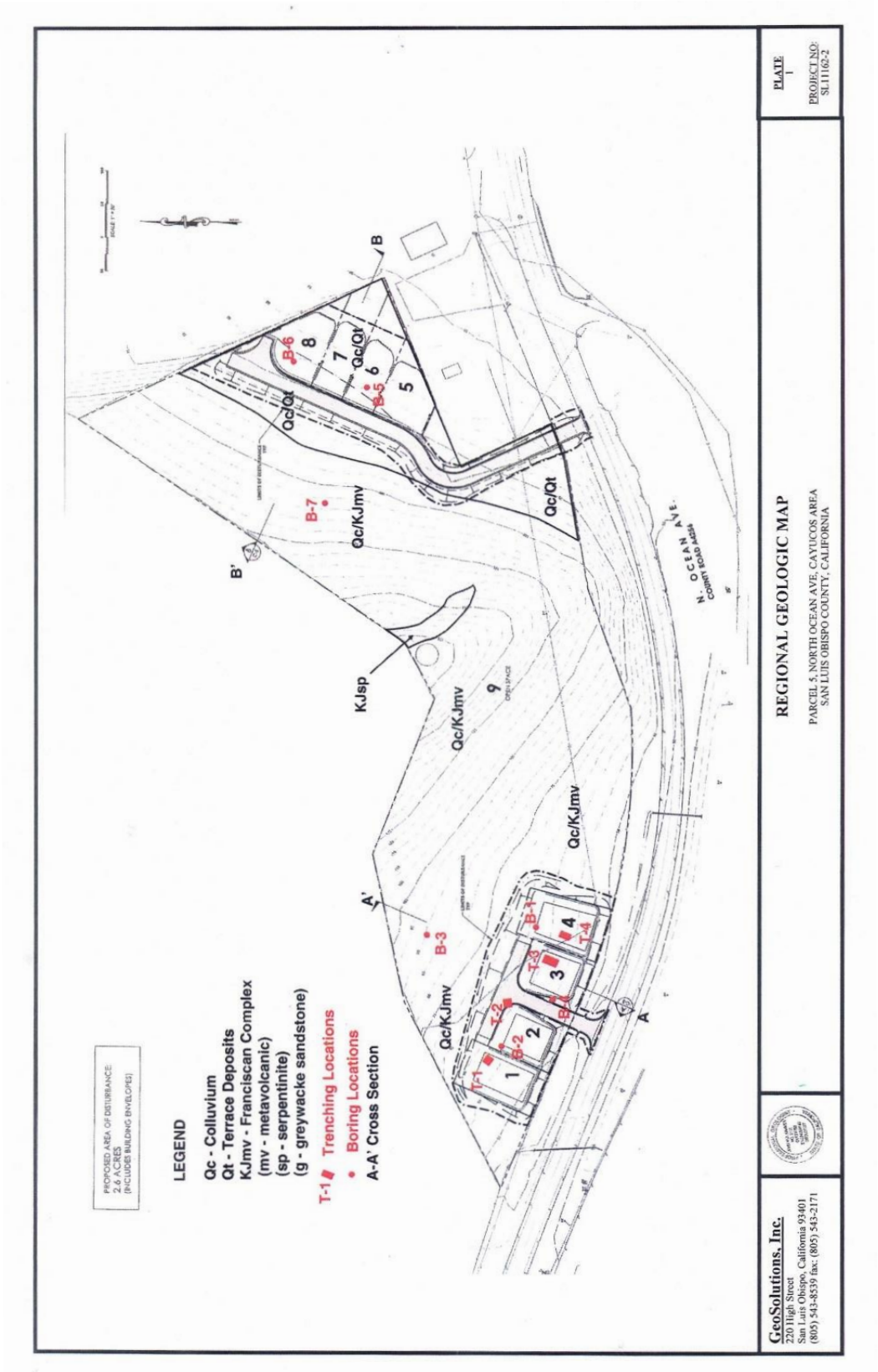
Slope stability analysis was conducted on section lines A-A' and B-B' as shown in Figure 23. The stability analysis was performed utilizing the subsurface materials observed during boring operations. For line A-A', Direct shear tests (ultimate) were performed on a soil sample B-1 at 4 feet for the colluvium (surface soils),

The purpose of the numerical slope stability analysis was to determine the factor of safety for the area of Lots 1-4 and determine the potential slip surface for a factor of safety of 1.5 for static conditions and 1.12 for psuedo-static conditions. As the slope may be affected by seismic events, a dynamic loading condition was applied to the existing slope (pseudo-static conditions). From the quantitative assessment of the slope at section line A-A', the existing slope configuration is determined to be stable as it stands.

For section line B-B', direct shear (ultimate) tests were performed on a soil sample obtain from boring B-5 at 5 feet for the colluvium (surface soil). For the soil values of Terrace Deposits, values from a similar project (located at 871 North Ocean Avenue, Cayucos) were utilized as there were no samples collected within the Terrace Deposits during drilling of lots 5-8. Laboratory data sheets from 871 North Ocean Avenue were collected from a depth of 10 feet and utilized within the slope stability analysis herein. The sample from boring B-1 at 15 feet was used for the lower material (ultimate).

In the area of lots 5-8, thickened colluvium was encountered overlying Terrace Deposits. Underlying Terrace Deposits was Franciscan Complex metavolcanic, serpentinite, and greywacke rock. Landslide deposits were not interpreted in the vicinity of Lots 5-8. Therefore, the potential impacts would be *less than significant.* In addition, the project will be conditioned to comply with CBC building requirements.

Figure 23-- Regional Geology and Location of Cross Sections for Slope Stability Analysis



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

The project would result in approximately 2.7 acres of site disturbance and would require 7,000 cubic yards (cy) of cut, 2,500 cy of fill and 4,500 cy of export that will be spread on site or used to refill utility trenches. During site preparation and grading/leveling activities, there would be a potential for erosion to occur.

Section 23.05.036 of the CZLUO requires a sedimentation and erosion control plan to be prepared when a grading permit is required or when land disturbance on slopes exceeding 30 percent. Section 23.05.042 states that any project that would involve over 40,000 sf of land disturbance. CZLUO Section 23.05.036 (d.) includes requirements for specific erosion control methods and materials.

The project application materials include a detailed preliminary grading and erosion control plan (Figures 9 and 10) that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not cause erosion or adversely impact the quality of downstream surface or groundwater bodies.

In addition, the project would be subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion. The application materials include a Preliminary Stormwater Control Plan (PSCP) prepared by a registered civil engineer and illustrated by Figures 11 and 12. Upon implementation of the BMPs included in the Preliminary Stormwater Control Plan as well as compliance with the standards required by the CZLUO and RWQCB, impacts related to soil erosion would be *less than significant*.

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

Landslide Risk

As discussed above under item a-iv, based on the Safety Element Landslide Hazards Map, the project site is located in an area with a moderate landslide risk. The slope analysis summarized above concludes that the slopes associated with Lots 1 through 4 and Lots 5 through 8 are stable.

Based on the Safety Element and U.S. Geological Survey (USGS) data, the project is not located in an area of historical or current land subsidence (USGS 2019) and is located in an area with low potential for liquefaction risk. Due to the distance to the nearest active fault zone and topography of the project site, lateral spreading is not likely to occur on-site.

Coastal Bluff Erosion

Erosion of the coastal bluff is variable depending on the geologic formation that is being attacked by wave action. General coastal bluff retreat rates in the Cayucos area are estimated to range from 4 to 8 inches per year according to the US Geological Survey. However, the retreat rate of the bluff adjacent to the subject property is much less, based on CHG experience and localized investigations, with the exception of the area near the intersection of North Ocean Avenue and Lucerne Road.

The bluff face along most of the coastal properties adjacent to the subject property is comprised of the resistant metavolcanic rock and sandstone, and as a result, has a low retreat rate. However, the

bluff face west of the extreme western property corner is underlain by the Franciscan mélange, and this area has a significantly higher retreat rate.

The subject property is approximately 300 feet distant to the bluff at 707 Lucerne Road, across two roadways, and this closest bluff area is already developed with seawalls and protective revetments. Therefore, the potential for bluff erosion at this location to have an impact on this property is low.

A Geologic Coastal Bluff Evaluation was performed for the property at 709 Lucerne Road, whose bluff is nearest to the property (GeoSolutions, 2009). This evaluation estimated the bluff erosion retreat rate averaged 1 inch per year and recommended a retreat rate of 2 inches per year. The potential for erosion where sandstone and metavolcanics crop out on the bluff at this property to have an impact on the subject property is low.

A higher, but not quantified, retreat rate was estimated by GeoSolutions for the westernmost bluff face at 709 Lucerne Road. This western bluff area is adjacent to North Ocean Avenue. Erosion of the coastal bluff has already caused the loss of a portion of North Ocean Avenue adjacent to this property, where the Franciscan mélange rock crops out on the bluff face. There is a potential that the North Ocean Avenue road alignment may need to be moved inland, which could impinge on the western corner of the subject property. For further information on this issue, a consultation with the County of San Luis Obispo Public Works Department and CalTrans would be appropriate.

The project will be conditioned to comply with the CBC standards designed to significantly reduce potential risks associated with unstable earth conditions. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant.*

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

According to the geologic hazards investigation, the clayey soils on the property are expansive but may be addressed through relevant provisions of CBC standards designed to reduce potential risks associated with expansive soils. Therefore, potential impacts associated with expansive soil would be *less than significant.*

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

The project intends to pursue annexation into the Cayucos Sanitary District and connect to the community wastewater collection and treatment system. Therefore, the project will have *no impact* associated soils incapable of adequately supporting the use of septic tanks.

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

The underlying geologic material is considered to have low to moderate paleontological sensitivity (County of Monterey 2014, SWCA Environmental Consultants 2019). Potential impacts to paleontological resources would be *less than significant.*

Conclusion

The project site is not subject to significant geologic hazards such as landslides and shallow groundwater. Based on the preceding analysis, compliance with the relevant provisions of the CBC, guided by the site-specific recommendations of the geologic hazards, engineering geology and slope stability analyses, will reduce impacts associated with geology and geologic hazards to *less than significant*.

Initial Study – Environmental Checklist

Mitigation

None are required.

Sources

Provided in Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

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

Senate Bill (SB) 32 and EO S-3-05 extend the state's GHG reduction goals and require CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40% below 1990 levels by 2030, and 80% below 1990 levels by 2050. The initial Scoping Plan was first approved by CARB on December 11, 2008, and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by the CARB is the *Draft 2022 Scoping Plan Update*, which was released on May 10, 2022. The Draft 2022 Scoping Plan identifies a plan to reach carbon neutrality by 2045 or earlier.

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

In addition, state law also sets forth general environmental protection measures for cannabis cultivation in Title 3, Division 8, Chapter 1 Article 4 of the CCR. Section 8305 relating to Renewable Energy Requirements:

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 climate change is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation. Accordingly, in March 2012, the SLOAPCD approved thresholds for GHG impacts that were incorporated into their 2012 CEQA Air Quality Handbook. The Handbook recommended applying a 1,150 $MTCO_2e$ per year Bright Line Threshold for commercial and residential projects and included a list of general land uses and estimated sizes or capacities of uses expected to exceed this threshold. According to the SLOAPCD, this threshold was based on a 'gap analysis' and was used for CEQA compliance evaluations to demonstrate consistency with the state's GHG emission reduction goals associated with the Global Warming Solutions Act (AB32) and the 2008 Climate Change Scoping Plan which have a target year of 2020. However, in 2015, the California Supreme Court issued an opinion in the case of *Center for Biological Diversity vs California Department of Fish and Wildlife* ("Newhall Ranch") that determined that AB 32 based thresholds derived from a gap analysis are invalid for projects with a planning horizon beyond 2020. Since the bright-line and service population GHG thresholds in the Handbook are AB 32 based, and project horizons are now beyond 2020 and the SLOAPCD no longer recommends the use of these thresholds for CEQA evaluations. Instead, the following threshold options are recommended for consideration by the lead agency:

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

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

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

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

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

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

from new development to help achieve the SB 32 goal. To help secure these reductions, best management practices were established for new development.

- *GHG Bright-line and Efficiency Thresholds*

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

As discussed above, SB 32 requires the state to reduce GHG levels by 40 percent below 1990 levels by the year 2030. According to the California Greenhouse Gas Emissions for 2000 to 2017, Trends of Emissions and Other Indicators published by the California Air Resources Board, emissions of GHG statewide in 2017 were 424 million $MMTCO_2e$, which was 7 million MTCO2e below the 2020 GHG target of 431 $MMTCO_2e$ established by AB 32. At the local level, an update of the County's EnergyWise Plan prepared in 2016 revealed that overall GHG emissions in San Luis Obispo County decreased by approximately seven percent between 2006 and 2013, or about one-half of the year 2020 target of reducing greenhouse gas emissions by 15% relative to the 2006 baseline[2]. Therefore, application of the 1,150 $MTCO_2e$ Bright Line Threshold in San Luis Obispo County, together with other local and State-wide efforts to reduce GHG emissions, proved to be an effective approach for achieving the reduction targets set forth by AB32 for the year 2020. It should be noted that the 1,150 $MTCO_2e$ per year Bright Line Threshold was based on the assumption that a project with the potential to emit less than 1,150 $MTCO_2e$ per year would result in impacts that are less than significant and less than cumulatively considerable impact and would be consistent with state and local GHG reduction goals.

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

Discussion

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

The California Energy Emissions Model (CalEEMod, 2022) was utilized to estimate the project's projected annual construction related and operational carbon dioxide equivalent emissions in metric tons (MTCO2e; Table 9). The estimated emissions were then compared with the interim threshold of 690 MMTCO2e per year to determine significance.

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

Table 9 – Operational GHG Emissions

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation[1]
		Construction	Operation	
Single Family Residences	8	1.87	11.8	290

Sources: County of San Luis Obispo Department of Planning and Building, 2023, CalEEMOD version 2022

Notes:

1. CalEEMOD CalEEMOD version 2022

As shown in Table 9, project-related GHG emissions will be well below the 690 MTCO2e interim threshold. As stated above, a project estimated to generate less than 690 MMTCO2e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

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

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

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

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

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

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

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

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

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

- Implement SB350 which is aimed at reducing GHG emissions in the electricity sector;

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

The strategies described in the 2017 Scoping Plan are programmatic and intended to be implemented state-wide and industry-wide. They are therefore not applicable at the level of an individual project. However, as discussed in Section XVII. Transportation, the project is not expected to generate a significant increase in construction-related or operational traffic trips or Vehicle Miles Traveled (VMT) which is consistent with Scoping Plan strategies for reducing vehicle miles traveled. Overall, the project is consistent with adopted plans and policies aimed at reducing GHG emissions.

Conclusion

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

Mitigation

None are required.

Sources

Provided in Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

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

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 is not located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2021; California Department of Toxic Substance Control [DTSC] 2021).

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

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The Safety Element of the County of San Luis Obispo General Plan provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones. The project is located within the State Responsibility Area. Based on the Safety Element map of response times, it would take approximately less than 5 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project site is not located within an Airport Review Area.

Discussion

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

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

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

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

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

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

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

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

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

The closest school facility is located approximately 0.5 mile to the northeast of the project site. Therefore, the project site is not located within 0.25 mile of an existing or proposed school; therefore, *no impacts* would occur.

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

Based on the California DTSC's Envirostor and SWRCB's GeoTracker, the proposed project site is not listed on, nor is it located in close proximity to, a site listed on the Cortese List, which is a list of hazardous materials sites compiled pursuant to CGC Section 65962.5; therefore, *no impacts* would occur.

(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

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

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

The project may require temporary road closures to construct wastewater and water line connections within N. Ocean Avenue. However, any road closures would be required to be designed

to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant.*

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

The project is within the urban area of Cayucos and less than one mile from the Cayucos Fire Station (Station 11). The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter (CalFire, May 15, 2021), including, but not limited to implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant.*

Conclusion

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

Mitigation

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

Sources

Provided in Exhibit A.

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

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

In accordance with the CZLUO, a project that would change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent is required to prepare a drainage plan for review and approval by the County. A drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing. The CZLUO also requires the preparation of an erosion and sedimentation control plan for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

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

The application materials provide evidence of an agreement between the property owner and the Cayucos Beach Mutual Water Company to serve the project with potable water. In addition, the Public Health Department has provided a preliminary assessment of the availability of water to serve the project (August 19, 2021, referral response letter).

According to the 2016-2018 Resource Summary Report, no Levels of Severity (LOS) have been assigned to any of the water purveyors serving the community of Cayucos, including the Cayucos Beach Mutual Water Company. This means that water demand projected over a period exceeding the LOS timeframe of 20 years will not equal or exceed the estimated dependable supply.

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

Discussion

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

The project will involve 7,000 cubic yards (cy) of cut, 2,500 cy of fill and 4,500 cy of export and an area of disturbance of about 2.7 acres. The project application materials include a detailed preliminary grading, grading and erosion control plan (Figures 9 and 10) that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not cause erosion or adversely impact the quality of downstream surface or groundwater bodies.

Section 23.05.036 of the CZLUO requires a sedimentation and erosion control plan to be prepared when a grading permit is required or when land disturbance on slopes exceeding 30 percent. Section 23.05.042 states that any project that would involve over 40,000 sf of land disturbance. CZLUO Section 23.05.036 (d.) includes requirements for specific erosion control methods and materials.

The erosion and sedimentation control plan must set forth measures to minimize potential impacts related to erosion and will include requirements for specific erosion control materials, setbacks from creeks, and siltation. In addition, the project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants.

The application materials include a Preliminary Stormwater Control Plan (PSCP) prepared by a registered civil engineer and illustrated by Figures 11 and 12. Upon implementation of the BMPs included in the Preliminary Stormwater Control Plan as well as compliance with the standards required by the CZLUO and RWQCB,

The project will be conditioned to require all potentially hazardous materials to be stored, refilled, and dispensed on-site in full compliance with applicable County Department of Environmental Health standards and Mitigation Measures HAZ-1 and HAZ-2, and compliance with existing County and state water quality, sedimentation, and erosion control standards. Therefore, the project would not result in a violation of any water quality standards, discharge into surface waters, or otherwise alter surface water quality; therefore, impacts would be *less than significant.*

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

Project water demand would be served by the Cayucos Beach Mutual Water Company who derives all of their supplies from Whale Rock Reservoir. The water company has issued a conditional intent-to-serve letter dated January 25, 2024 indicating that the company possesses adequate water and infrastructure of serve the project. Therefore, the project would have *no impact* to groundwater resources.

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

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

The project will involve 7,000 cubic yards (cy) of cut, 2,500 cy of fill and 4,500 cy of export and an area of disturbance of about 2.7 acres. The project application materials include a detailed

preliminary grading, grading and erosion control plan (Figures 9 and 10) that includes drainage collection, storage and conveyance infrastructure to ensure runoff does not cause erosion or adversely impact the quality of downstream surface or groundwater bodies.

Section 23.05.036 of the CZLUO requires a sedimentation and erosion control plan to be prepared when a grading permit is required or when land disturbance on slopes exceeding 30 percent. Section 23.05.042 states that any project that would involve over 40,000 sf of land disturbance. CZLUO Section 23.05.036 (d.) includes requirements for specific erosion control methods and materials.

The erosion and sedimentation control plan must set forth measures to minimize potential impacts related to erosion and will include requirements for specific erosion control materials, setbacks from creeks, and siltation.

The project is located outside of a stormwater management area (MS4) and proposes a disturbance area greater than 1.0 acre, therefore, the project will be required to prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) by a qualified SWPPP developer in order to demonstrate compliance with the Federal Clean Water Act which prohibits certain discharges of stormwater containing pollutants. The application materials include a Preliminary Stormwater Control Plan (PSCP) prepared by a registered civil engineer and illustrated by Figures 11 and 12. Upon implementation of the BMPs included in the Preliminary Stormwater Control Plan, as confirmed by the Hydrology and Drainage Calculations Report, as well as compliance with the standards required by the CZLUO and RWQCB, project impacts would be *less than significant.*

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

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

The project will be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. The application materials include a Preliminary Stormwater Control Plan (PSCP) prepared by a registered civil engineer and illustrated by Figures 11 and 12, as well as a Hydrology and Drainage Calculations Report which confirms compliance with NPDES standards.

In addition, the application materials include a Hydrology and Drainage Calculations Report (Roberts Engineering, December 21, 2023) that provides an analysis of the existing culverts under N. Ocean Avenue along the project frontage to confirm that the culverts can accommodate post-construction runoff originating from the project site. The report is incorporated herein by reference and is available for review at the Department of Planning and Building, 976 Osos Street, San Luis Obispo.

According to the hydrology report, there are two 18 inch culverts that convey flow from the project site to the south under N. Ocean Avenue. The drainage area contributing to these culverts was estimated to be about 1.4 acres each. For purposes of the analysis, the hydrology report assumes flows associated with a 100-year storm event. According to the analysis, the existing culverts will convey a 100-year storm without overtopping.

For the purpose of analyzing post-construction runoff, the analysis assumed 3,500 to 4,500 sf of impervious surfaces per residential lot. Pre-construction and post-construction peak runoff was

calculated. The analysis proposes storm water control measures to intercept and infiltrate runoff from the proposed access drives and future residences as shown in Figures 11 and 12. To accommodate peak runoff, the analysis proposes the use of bioretention basins. The control measures will be designed with a 6 inch ponding depth over 18 inches of "bio soil" mix and 12 inch minimum graded drain rock. The analysis concludes that the proposed bioretention basins/swales designed for the project will satisfy NPDES Post Construction Storm Water Quality Treatment standard PR3 and will also satisfy standard PR-4 peak reduction requirements.

Based on required compliance with applicable state and County drainage and stormwater control regulations, as well as implementation of the Preliminary Stormwater Control Plan, project impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

(c-iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project will be subject to post-construction stormwater requirements through preparation and implementation of a SWPPP, which would identify appropriate Best Management Practices to capture and treat runoff before it leaves the site. As discussed in item c-ii, above, the application materials include a Hydrology and Drainage Calculations Report as well as a Preliminary Stormwater Control Plan (PSCP) prepared by a registered civil engineer and illustrated by Figures 11 and 12. Based on required compliance with applicable state and County drainage and stormwater control regulations, as well as implementation of the Preliminary Stormwater Control Plan, project impacts associated with increased surface runoff resulting in flooding on- or off-site would be *less than significant.*

(c-iv) Impede or redirect flood flows?

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

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

Based on the Safety Element Flood Hazard Map, the project site is not located within a 100-year flood zone (County of San Luis Obispo 2013). Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an evacuation area with the potential for inundation by a tsunami (CDOC 2023). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur.*

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

As discussed in the setting, the project is required to comply with relevant permitting of the RWQCB. Therefore, potential impacts associated with conflict or obstruction of a water quality control plan or sustainable groundwater management plan would be *less than significant.*

Conclusion

The project will result in *less than significant impacts* associated with water supply, water quality and hydrology.

Mitigation

None are required.

Initial Study – Environmental Checklist

Sources

See Exhibit A.

Initial Study – Environmental Checklist

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 CZLUO was established to guide and manage the future growth in the county in accordance with the County of San Luis Obispo General Plan and Local Coastal Program; 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 CZLUO is the primary tool used by the County to carry out the goals, objectives, and policies of the General Plan and Local Coastal Program.

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

The Coastal Zone LUE also contains the area plans for each of the four inland planning areas: Estero, North Coast, San Luis Bay 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 CZLUE contains community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated coastal urban and village areas.

The project site is located within the Estero Planning Area and is subject to the *Archeology* and the *Liquefaction and Landslide Geologic Study Area* Combining Designations.

Discussion

(a) Physically divide an established community?

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

(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Consistency With the Coastal Zone Land Use Ordinance

In the Residential Multi-Family land use category, the minimum parcel size is determined by applying the standards set forth in CZLUO Section 23.04.028 which relate the minimum parcel size to the type of roadway serving the site, the average slope of the areas under each parcel, and the type of wastewater disposal to be provided. By applying these standards, the minimum parcel size for newly created parcels on the project site is 6,000 square feet. As shown in Table, 1 lot sizes will range from about 7,000 sq.ft. to about 9,500 sq.ft. consistent with the CZLUO standards.

Consistency With the Estero Area Plan – Planning Area Standards

The number of multiple family dwellings allowed on a single lot is based upon the "intensity factor" of the site which will be either low, medium or high, based upon the type of street serving the site, the sewer service provided and the distance of the site from the central business district. However, the project site is subject to site specific Planning Area Standards (PAS) set forth in Chapter 7, part E. of the Estero Area Plan which, in part, are intended to ensure that new development protects scenic vistas currently enjoyed from Highway 1. Protect consistency with relevant planning area standards is summarized in Table 10.

Table 10 -- Consistency With Relevant Planning Area Standards

Planning Area Standard	Project Characteristics	Consistent?
Limitation on Use. Allowable uses shall be limited to single family dwellings, multi-family dwellings, mobilehomes, and residential accessory uses.	Project CC&Rs limit development of each lot to one single family residence.	Yes
Multi-Family and Planned Developments. All development shall be part of a Planned Development and comply with all applicable standards in the Coastal Zone Land Use Ordinance for such projects.	Project includes a Development Plan and draft CC&Rs that set forth development limitations consistent with this requirement.	Yes, as the project may be conditioned.
Application Content. The land use permit application shall include a visual analysis prepared by a licensed architect,	A visual resources analysis was included with the application materials (see also Section I. Aesthetics).	Yes
Open Space. a. At least 65 percent of the site shall be permanently reserved as undeveloped open space to protect scenic vistas. A road may be	The tentative map shows eight residential lots and one open space	Yes, as the project may conditioned.

included within this open space, only if it is needed to provide access to the eastern portion of the site, and access cannot otherwise be provided to that portion of the site. The access road shall be located to minimize grading and visual impacts. b. The required amount of open space shall be guaranteed through an open space or conservation easement, dedication of fee or partial fee title to a public or quasi-public agency, or other mechanism that achieves the goal of permanent protection of undeveloped open space.	lot that comprises about 78 percent of the site. Mitigation measure BIO-2 requires that the applicant enter into an agreement with the County to create an open space easement over approximately 8.2 acres of the project site as shown as lot 9 on the vesting tentative tract map.	
Number of Dwellings. The maximum number of dwelling units shall be 10 if at least 65 percent of the site is permanently reserved as undeveloped open space to protect scenic vistas; 15 dwelling units if 75 or more percent of the site is so reserved.	The tentative map shows eight residential lots and one open space lot that comprises about 78 percent of the site.	Yes
Location of Development a. All development shall be located below an elevation of 80 feet above sea level and on slopes less than 20 percent. An exception may be approved in the case of a road, only if it is needed to provide access to the eastern portion of the site, and access cannot otherwise be provided to that portion of the site. The access road shall be located to minimize grading and visual impacts. b. All development shall be located where views from Highway 1 and North Ocean Avenue will be least adversely affected, as demonstrated by the required visual analysis. c. The western portion of the site shall be developed with no more than 50 percent of the total number of dwelling units proposed on the site.	The vesting tentative tract map shows all development below the 80 foot contour. As discussed in the project description, a portion of the private driveway for lots 5 through 8 will be on slopes in excess of 20 percent. As demonstrated by the analysis provided in Section I. Aesthetics, all development will be located where views from Highway 1 and North Ocean Avenue will be least adversely affected. The western portion of the site contains one half of the total proposed lots.	Yes, as the project may be conditioned.
Type of Dwelling Units. Multi-family dwellings are not allowable on the western portion of the site.	All parcels will be developed with one single family residence.	Yes

Building Height. Maximum building height shall be 28 feet.		Yes, as project may be conditioned.
Building Face Height and Setback. Building face height and setback shall be as required in Residential Single Family standard C1 for areas outside of Community Small-Scale Design Neighborhoods.		Yes, as project may be conditioned.

Source: Estero Area Plan Chapter 7

Policies and Programs of the General Plan Housing Element

The Housing Element (adopted in 2020) sets forth goals, policies and implementation programs to ensure that the unincorporated areas of the County provide safe, sound, affordable housing for County residents. Within the context of the Housing Element, 'affordable' refers to a cost for housing that is available to a full range of household incomes, while allowing for expenditures on other living expenses. Generally, housing is considered "affordable" if total housing costs do not exceed 30 percent of total household income. The Housing Element defines these household income categories as follows:

Extremely low-income: No more than 30 percent of county median income.

Very low-income: Greater than 30 percent but no more than 50 percent of county median income.

Low-income: Greater than 50 percent but no more than 80 percent of county median income.

Moderate-income: Greater than 80 percent but no more than 120 percent of county median income.

Workforce-income category: No more than 160 percent of county median income.

Above moderate-income: Above 120 percent of county median income.

In accordance with State law, the Housing Element must be updated every eight years. For each Housing Element cycle, the State Department of Housing and Community Development produces a Regional Housing Needs Allocation for the county which is then distributed among the County and the seven incorporated cities by the Council of Governments (SLOCOG). According to the 2019 Regional Housing Needs Assessment, the methodology for making these allocations is based on a jurisdiction's proportional share of population and jobs and is aimed at improving the intraregional jobs/housing imbalance. The share of dwelling units allocated to the unincorporated county is provided below by income category:

Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
400	401	505	585	1,365	3,256

Source: 2020-2028 Housing Element, Table 4.1.

The Housing Element provides an assessment of vacant land within the urban areas of the unincorporated county to demonstrate that there is sufficient land designated for housing development to construct the County's projected Regional Housing Need of 3,256 units. The analysis includes an inventory of vacant sites and assumes an average residential density of 18 units per acre, based on actual densities achieved by approved residential development within the unincorporated areas of the County. The analysis (summarized in Table 7.5 of the Housing Element)

demonstrates that there are sufficient vacant parcels designated for housing development to accommodate the construction of about 1,459 dwellings affordable to Extremely Low, Very Low, and Low income households. This number exceeds the 1,306 units allocated to the unincorporated areas for these income categories. However, two important qualifications to this analysis should be noted:

- The analysis is intended to demonstrate the feasibility of meeting the County's Regional Housing Need, only, and does not include all of the vacant land designated for residential development within the unincorporated county. For example, none of the parcels in the site analysis are located within the Coastal Zone or within the community of Cayucos. An informal survey of vacant land designated for multi-family development within the Cayucos urban services area (DLM, 2023) revealed ten vacant parcels with a total area of about 3.2 acres that could support as many as 10 – 20 additional units. However, given the higher cost of land in Cayucos compared to inland communities, these new units are unlikely to be affordable to even Above Moderate or Workforce income households. And,
- Although the analysis identifies a number of sites where the construction of affordable housing is feasible, it does not identify specific communities or sites where affordable housing *must* be constructed to meet the Regional Housing Need. Rather, the provision of affordable housing is considered a regional problem to be solved throughout the unincorporated county. As a result, Housing Element strategies aimed at achieving the County's Regional Housing Need may not address the 'affordability gap' within a given unincorporated community.

As discussed above, the Planning Area Standards would allow for the development of 15 total dwelling units on the project site and the project is designed to support a total of eight, market rate single family dwellings. This number is less than the maximum allowed and is a consequence of the considerable constraints that limit residential development on this site. Nonetheless, as shown in Table 7.5 of the Housing Element, the County can meet its Regional Housing Need for affordable housing without the development of this site. Therefore, the project is considered consistent with the goals, policies and programs of the Housing Element.

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

Conclusion

The project is consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan and Coastal Zone LUO. The project, as it may be conditioned, was found to be consistent with standards and policies set forth in the County of San Luis Obispo General Plan, the San Luis Obispo Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project will be conditioned to comply with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with air quality, biological resources, hazards and hazardous materials.

Mitigation

Implement mitigation measures AQ-1 through AQ-4, BIO-1 and BIO-2, HAZ-1 and HAZ-2.

Initial Study – Environmental Checklist

Sources

Provided in Exhibit A.

XII. MINERAL RESOURCES

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

Setting

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

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

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

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

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

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

Initial Study – Environmental Checklist

Discussion

(a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*

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

In addition, based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area. The project is not located within a designated mineral resource zone area or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact* to mineral resources.

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

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

Conclusion

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

Mitigation

None necessary.

Sources

Provided in Exhibit A.

XIII. NOISE

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

Setting

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

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

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

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

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

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

Table 11 -- Maximum allowable exterior noise level standards[1]

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

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

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

The existing ambient noise environment is characterized by traffic on N. Ocean Avenue and SR 1. The nearest sensitive receptors are offsite residences located about less than 1,000 feet to the east and south of potential construction areas.

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

Discussion

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

Construction Impacts. According to the 2005 Federal Highway Administration's Roadway Construction Noise Mode Database, noise associated with heavy construction equipment can range from about 73 to 101 dBA for non-impact equipment. Noise levels 50 feet from stationary equipment can range from 68 to 88 dBA, with. Table 12 provides an estimate of noise generated by temporary construction activities that may be used for construction of the project.

Table 12 -- Estimate of Noise From Construction Equipment

Equipment	Quantity	dBA at 50 Feet[1]
Backhoe	1	78
Dozer	1	82
Excavator	1	81
Dump Truck	1	76
Generator	1	81
Pickup Truck	2	75
Total:	7	872

Notes:

1. Source: Federal Highway Administration's Roadway Construction Noise Mode Database.
2. Assumes all equipment are operating concurrently.

As shown in Table 12, construction related noise would likely temporarily exceed the maximum hourly daytime levels allowed by the County's noise standards at the nearest property line located to the east and south of the areas of construction for Lots 5 through 8, including the access roadway. Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County CZLUO requires that construction activities be conducted during daytime hours and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be *less than significant*.

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

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

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

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

(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The nearest airstrip in proximity to the project site is the San Luis Obispo County Regional Airport located approximately 10 miles to the east. The project site is not located within an Airport Review designation or adjacent to a private airstrip. The project site is not located within or adjacent to an

airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur*.

Conclusion

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

Mitigation

None are required.

Sources

Provided in Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting

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

In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provide limited financing to projects relating to affordable housing throughout the county.

The project site is currently vacant.

Discussion

(a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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

Initial Study – Environmental Checklist

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

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

Conclusion

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

Mitigation

None necessary.

Sources

Provided in Exhibit A.

XV. PUBLIC SERVICES

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

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county, and the project would be served by CAL FIRE station #11, located approximately 0.5 miles east of the project site. Emergency personnel would be able to reach the site within less than 5 minutes of receiving a call.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North County Station in Templeton, and the South Station in Oceano. The project would be served by the County Sheriff's Office, and the nearest sheriff station is located approximately 8 miles to the south in the community of Los Osos.

Initial Study – Environmental Checklist

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the Coast Unified and Cayucos Elementary School Districts.

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

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

Discussion

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

Fire protection?

The project will be designed to comply with all applicable fire safety rules and regulations, including the California Fire Code and California PRC, which require access roads to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of a water storage tank for fire protection (if fire sprinklers are required). The project will be conditioned to implement all requirements identified by the County Fire Department/CAL FIRE for the project, as detailed in the referral response letter from CalFire (letter of May 15, 2021), including items to be completed prior to final inspection/operation, but not limited to implementation of a fire safety plan. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project will be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

Police protection?

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

Schools?

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

Parks?

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

Other public facilities?

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

Conclusion

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

Mitigation

None are necessary.

Sources

Provided in Exhibit A.

XVI. RECREATION

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

Setting

The Parks and Recreation Element (Recreation Element) of the County of San Luis Obispo General Plan establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks and recreation facilities and the development of new parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county. The nearest public park to the project site is Hardie Park located about 0.5 miles from the project site.

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

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

Discussion

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

The project proposes the construction of eight single family residences that could be occupied by as many as three persons each for a total of 24 total new residents. The project is not proposed in a

location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant.*

(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. The project proposes the dedication of an 8.2 acre private open space parcel in the center of the site that will be owned and maintained by a homeowner's association. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant.*

Conclusion

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

Mitigation

None are necessary.

Sources

Provided in Exhibit A.

XVII. TRANSPORTATION

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

Setting

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

The County has established Level of Service (LOS) "C" or better for rural roadways. The project site is currently undeveloped and generates a very low volume of traffic. The project site is served by N. Ocean Avenue, a county-maintained arterial that extends from 13th Street in the south, to the SR 1 right-of-way on the north. Traffic counts taken on N. Ocean Avenue in 2016 revealed an average traffic volume of 1,250 and an afternoon peak hour volume of 178. The project site is not located in an adopted Road Impact Fee area.

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

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

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County of San Luis Obispo General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. Due to the remote location of the project site, there are no pedestrian, bicycle, or public transit facilities serving of the project site.

The 2023 Regional Transportation Plan (RTP) is the region's long-range (2023-2045) plan and Sustainable Communities Strategy (SCS). The RTP provides a collective vision for the region's future balancing transportation and housing needs with social, economic, and environmental goals. The Plan identified and tested growth scenarios to accommodate the coming 42,000 new people, 18,000 new homes, and 18,000 new jobs. The plan helps guide future planning efforts and policy decisions that affect transportation, including its relationship with housing and land use that will reduce greenhouse gas emissions in our region.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. Motor vehicle trips associated with the project are expected to about: 9.6 x 8 = 78 trips per day. Construction activities will require temporary construction trips to and from the site.

The project would not noticeably impact traffic operations on N. Ocean Avenue and is not expected to reduce levels of service on nearby roads, conflict with adopted policies, plans or programs for transportation, and would not cause congestion on the local circulatory network. The project would is not likely to generate significant foot or bicycle traffic, or generate significant public transit demand and would have a less than impact on levels of service/conditions for these facilities.

Marginal increases in traffic can be accommodated by existing local streets and the project would not result in any long-term changes in traffic or circulation or reduce the Level of Service below LOS "C". The project does not propose uses that would interfere or conflict with applicable policies related to circulation, transit, roadway, bicycle, or pedestrian systems or facilities. The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2023 RTP. Therefore, potential impacts would be *less than significant*.

The project has requested a waiver for the installation of curbs, gutters and sidewalks along a portion of the project's N. Ocean Avenue frontage and along the interior access driveways as allowed by CZLUO section 23.05.106 because of the incompatible grade between the project site and the right-of-way (Figure 15). Under section 23.05.106 d., a waiver may be granted when the County Engineer finds that the finish grades of the project and the adjoining street are incompatible for the purpose of accommodating such improvements.

The project was referred to the Public Works Department and no significant traffic impacts were identified except for sight distance (discussed below under item c.), and no mitigation measures

above what are already required by existing regulations are necessary. In their referral response, the Public Works Department is in support of the requested waiver.

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

Based on the Technical Advisory on Evaluating Transportation Impacts in CEQA, projects that do not indicate substantial evidence that a project would generate a potentially significant level of VMT, that are consistent with an SCS or general plan, or that would generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (California Governor's Office of Planning and Research [OPR] 2018).

The County of San Luis Obispo has developed a Vehicle Miles Traveled (VMT) Program (Transportation Impact Analysis Guidelines; Rincon, October 2020 & VMT Thresholds Study; GHD, March 2021). The program provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. The proposed project would facilitate the future development of eight single-family residential dwellings. Based on the County VMT Program, the project would be expected to generate a limited increase in vehicle trips that would fall below the suggested screening threshold of 110 trips/day identified in the State guidance; therefore, potential impacts would be *less than significant*.

(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

A project referral package was sent to the Public Works Department; in their response letter of May 20, 2021, the Public Works Department raised concerns regarding the sight distances associated with the two private driveways proposed to provide access to the two groups of lots. As a result, a sight distance and speed evaluation was prepared for these two proposed intersections (Roberts Engineering, August 11, 2021) which is incorporated by reference and available for review in its entirety at the County Planning Department located at 976 Osos Street, San Luis Obispo. The study concludes that sight distance provided for both intersections meets or exceeds the minimum stopping sight distance requirement set forth by County Standard A-5a. Therefore, project impacts related to traffic hazards are considered *less than significant*.

The project will be conditioned to construct all access improvements from N. Ocean Avenue consistent with County standards.

(d) Result in inadequate emergency access?

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

Conclusion

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

Initial Study – Environmental Checklist

Mitigation

None are required.

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

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

Initial Study – Environmental Checklist

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

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

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

Discussion

(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

(a-i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

According to the Phase I cultural resources survey, there are no known, previously documented historical resources associated with the project site. However, the existing cement water tank may be of historical significance but does not likely meet the definition of an historical resource as defined by the Public Resources Code. Regardless, the water tank is outside the areas of disturbance and will be preserved on the proposed open space lot.

Also according to the Phase I study, the project site does not contain any known tribal cultural resources that have been listed or have been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1.

Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to CZLUO 23.07.104 (Archaeologically Sensitive Areas), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, there would be *no impact* related to a substantial adverse change in the significance of tribal cultural resources.

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

On February 25, 2019, the archaeologists contacted the Native American Heritage Commission (NAHC) to request a search of their Sacred Lands File to identify any known places within or adjacent to the Project area of importance to Native Americans. The archaeologist also requested a list of

local Native American representatives in order to provide them with information and solicit any concerns or comments regarding the Project area. Notification letters were sent to each of the individuals on the list on March 5, 2019 informing them of the Phase 1 survey and follow up phone calls were placed on March 22, 2019.

The NAHC responded to an information request on March 5, 2019 and noted that its search of the Sacred Lands File failed to indicate the presence of any Native American cultural resources within the Project area. Additionally, the NAHC provided a contact list of local individuals and groups and suggested that the archaeologist request more information from these contacts. The archaeologist sent a notification letter on March 5, 2019, to each of the individuals on the list soliciting comments or concerns. Follow-up phones calls were initiated on March 22, 2019. Table 13 identifies each individual or group on the list that was contacted and provides responses to the request for information.

Table 13 -- Results of Native American Tribes Consultations

Name	Tribe/Group	Comments
Gino Altamirano	Coastal Band of the Chumash Nation	Letter sent March 5, 2019. No phone number provided
Mona Olivas Tucker	yak tityu tityu - Northern Chumash Tribe	Letter sent March 5, 2019. March 22, 2019 Ms. Tucker remarked that this is a very sensitive area and no development planning should take place prior to additional archaeological investigations. She also noted that a lack of reporting to the CC1C may be why there are no documented previous studies or site records for the space within the Project area.
Kenneth Kahn	Santa Ynez Band of Chumash Indians	Letter sent March 5,2019. Called March 22, 2019 and left message.
Fed Collins	Northern Chumash Tribal Council	Letter sent March 5,2019. Mr. Collins responded via email March 18, 2019 and noted that this area is very sensitive and that he may want to visit the property as well. He would also like to see the results of the records search and any cultural survey reports. Full response provided in Appendix B of the Phase I study.
Julie Lynn Tumamait-Stennslie	Barbareno Nentureno Band of Mission Indians	Letter sent March 5,2019. Called March 22, 2019 and left message.
Karen White	Xolon-Salinan Tribe	Letter sent March 5, 2019. Called March 22, 2019 called and left message. April 2, 2019 received follow up email stating, "[t]his particular area-land within the Central Coast has always been sensitive to the ancestors. They had many seasonal and permanent villages within these lands. We do not know of any specific sensitive sites within this project. Ground disturbance will always remain a concern for the ancestors, especially around water tributaries." Full response provided in Appendix B of the Phase I study.

Raudel Banuelos	BarbarenoNentureno Band of Mission Indians	Letter sent March 5,2019. Called March 22, 2019 and left message.
Eleanor Arrellanes	BarbarenoNentureno Band of Mission Indians	Letter sent March 5,2019. Called March 22, 2019 and left message.
Donna Haro	Xolon-Salinan Tribe	Letter sent March 5, 2019. March 22, 2019 Ms. Haro noted that this is a strong area with dense artifacts and abundant midden sites. She also remarked that there is no site knowledge for this property.
Violet Walker	Northern Chumash Tribal Council	Letter sent March 5, 2019. March 22, 2019 Ms. Walker noted that prior to any development plans, additional subsurface testing should be conducted to ensure that buried deposits are identified and any future ground disturbance must be monitored.
Patrick Tumamait	BarbarenoNentureno Band of Mission Indians	Letter sent March 5,2019. March 14, 2019 Mr. Tumamait made sure the archaeologist was completing a CCM records search in addition to the NAHC search.
Mark Vigil	San Luis Obispo County Chumash Council	Letter sent March 5, 2019. Called March 22, 2019 and could not leave a voice mail due to full inbox.
Julio Quair	Chumash Council of Bakersfield	Letter sent March 5, 2019. Called March 22, 2019 and left message.

As discussed in Section V. Cultural Resources, due to the sensitivity of the immediate vicinity, there is the potential for encountering prehistoric or historic-period materials. Prehistoric materials that may be present within the Project area include chert flaked stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing fire-altered rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials might include stone, concrete, wood or adobe building foundations, corrals, and walls; filled wells or privies; mining features; and deposits of metal, glass, and/or ceramic refuse.

As discussed in Section V. Cultural Resources, the Phase I survey of the project site revealed no evidence of cultural resources in the areas of disturbance. However, in response to concerns raised by tribal representatives, an extended Phase I subsurface survey was conducted for the project site in November, 2021. According to the extended Phase I subsurface survey, cultural materials were not present in any of the shovel test pits. Soils in all but one of the shovel test pits was extremely compact and dry with surface cracks and rodent burrows extending into subsurface soils. STP 6/STX 6 was placed near the boundary of CA-SLO-519 and augered to a depth of 100 centimeters. No cultural material was observed within this test pit. Based on the results of this testing effort, no further archaeological treatment or archaeological construction monitoring is recommended.

If human remains are discovered during future construction within APN 064-481-005, work must stop at the discovery location and any nearby area suspected to contain human remains (California Public Resources Code [PRC] 7050.5). The San Luis Obispo County Coroner must be contacted to determine whether the cause of death should be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC 5097). The

coroner will contact the NAHC. The NAHC will contact the most likely descendant (MLD) who will be afforded the opportunity to recommend means for treatment of the human remains following protocols in PRC 5097.98.

Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 23.07.104), would reduce potential impacts to *less than significant*.

Conclusion

Cultural resources are not expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with CZLUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be *less than significant.*

Mitigation

None are required.

Sources

Provided in Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

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

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

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

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

Discussion

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

The project site is within the sphere of influence for the Cayucos Sanitary District (CSD) wastewater system but currently outside its service area. The applicant intends to petition LAFCO to be annexed into the district and to connect to the wastewater system by way of a collection line located in the N. Ocean Avenue right-of-way. In their referral response dated May 10, 2021, the CSD states that the District has capacity to serve the project following annexation. The CSD has issued a conditional intent to serve letter for the project on October 5, 2023. In addition, the project site has contracted with the Cayucos Beach Mutual Water Company to provide potable water. The water company issued a conditional intent to serve letter for the project on January 25, 2024.

Connection to the existing water line and wastewater collection system will require extending subsurface pipes from the project site into the roadway. Construction will be completed using conventional construction methods and will require an encroachment permit from the County which will ensure, among other things, that potential impacts associated with erosion and sedimentation will be addressed, as well as roadway safety.

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

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

As discussed in Section X, Hydrology and Water Quality, the application materials provide evidence of an agreement between the property owner and the Cayucos Beach Mutual Water Company to serve the project with potable water and the water company issued a conditional intent to serve letter for the project on January 25, 2024.

According to the 2016-2018 Resource Summary Report, no Levels of Severity (LOS) have been assigned to any of the water purveyors serving the community of Cayucos, including the Cayucos Beach Mutual Water Company. This means that water demand projected over a period exceeding the LOS timeframe of 20 years will not equal or exceed the estimated dependable supply. Therefore, as conditioned, impacts related to water supplies would be *less than significant.*

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

The project site is within the sphere of influence for the Cayucos Sanitary District wastewater system but currently outside its service area. The applicant intends to petition LAFCO to be annexed into the district and to connect to the wastewater system to a collection line located in the N. Ocean Avenue right-of-way. In their referral response dated May 10, 2021, the CSD states that the District has capacity to serve the project following annexation and the CSD issued a conditional intent to serve letter for the project on October 5, 2023.

According to the 2016-2018 Resource Summary Report, there are no Levels of Severity adopted for the Cayucos Sanitary District wastewater collection or treatment systems. This means that the average daily wastewater flows expected over the next six years or more will be less than the capacity of the collection system and that projected flows over the next two years will be less than 75% of treatment plant capacity. Therefore, *impacts will 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?

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

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

The project would not result in a substantial increase in waste generation during project construction or operation. Construction waste disposal would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, potential impacts would be *less than significant.*

Conclusion

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

Mitigation

None are required.

Sources

Provided in Exhibit A.

XX. WILDFIRE

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
(a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Setting

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

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

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

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

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

The Safety Element establishes goals, policies, and programs to reduce the threat to life, structures, and the environment caused by fire. Policy S-13 identifies that new development should be carefully located, with special attention given to fuel management in higher fire risk areas, and that new development in fire hazard areas should be configured to minimize the potential for added danger. Implementation strategies for this policy include identifying high risk areas, developing and implementing mitigation efforts to reduce the threat of fire, requiring fire resistant material be used for building construction in fire hazard areas, and encouraging applicants applying for subdivisions in fire hazard areas to cluster development to allow for a wildfire protection zone.

The California Fire Code provides minimum standards for many aspects of fire prevention and suppression activities. These standards include provisions for emergency vehicle access, water supply, fire protection systems, and the use of fire resistant building materials.

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

Discussion

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

The project may require temporary road closures to construct wastewater and water line connections within N. Ocean Avenue. However, any road closures would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project.

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

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

(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

The eight residences will be located on moderately sloping land at the tow of the slope heading north toward the SR 1 right-of-way. Winds in the area vary from 6-8 miles per hour and primarily come from the north and west. As described in Section 6, Geology and Soils, the numerical slope analysis concluded that the potential for landslides affecting either group of parcels is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows off site.

The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take less than 5 minutes to respond to a call regarding fire or life safety. The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and Public Resources Code, which includes improvements to the site to accommodate emergency vehicle access, vegetation clearing or trimming, and installation of a water storage tank for fire protection. The project will be conditioned to comply with all applicable fire protection standards as determined by CAL FIRE, as detailed in the referral response letter (CalFire, May 15, 2021), including, but not limited to implementation of a fire safety plan, and the applicant will be required to comply with the requirements of the plan for the life of the project. Compliance with the Uniform Fire Code and the recommendations of CalFIRE will ensure that potential impacts associated with slope, prevailing winds, and other factors will be *less than significant*.

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

(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

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

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

The eight residences will be located on moderately sloping land at the tow of the slope heading north toward the SR 1 right-of-way. Winds in the area vary from 6-8 miles per hour and primarily come from the north and west. As described in Section 6, Geology and Soils, the numerical slope analysis concluded that the potential for landslides affecting either group of parcels is low, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows off site. The project includes the construction of dwellings and other design elements that would not expose people or structures to significant risks such as downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

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

Mitigation

None are required.

Sources

Provided in Exhibit A.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

As discussed in each of the preceding topical sections, upon implementation of identified mitigation measures, the proposed project would not result in significant impacts to biological or cultural resources and would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or

eliminate important examples of the major periods of California history or prehistory. Therefore, impacts would be *less than significant with mitigation incorporated.*

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

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

Aesthetics

The analysis provided in Section I., Aesthetics, concludes that the project will result in development that is consistent with the type, scale, character and location of surrounding properties and areas visible from public vantages and would not adversely impact views from SR 1. Project impacts, when combined with additional development and activities likely to occur on surrounding properties within the viewshed are considered *less than cumulatively considerable*.

Agriculture and Forestry Resources

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

Air Quality

The analysis provided in Section III, Air Quality, concludes that the project's potential construction-related emissions would not exceed SLOAPCD thresholds of significance for construction emissions. However, construction related emissions could adversely impact sensitive receptors on the surrounding parcels. With implementation of recommended mitigation measures AQ-1 through AQ-4, project construction, operational, and cumulative impacts would be *less than cumulatively considerable with mitigation*.

Biological Resources

The analysis provided in Section IV, Biological Resources, concludes that the project would have a less-than-significant impact upon implementation of the identified avoidance and mitigation measures for special-status wildlife species and their habitats. With implementation of measures BIO-1 and BIO-2 potential impacts to biological resources would be less than significant.

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

Cultural Resources

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

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

Energy

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

Geology and Soils

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

Greenhouse Gas Emissions

As discussed in Section VI, Energy, the project is estimated to generate approximately 290 metric tons of CO_2 per year. As stated in Section VIII., a project estimated to generate less than 690 MMTCO2e GHG is assumed to have a less than significant adverse impact that is not cumulatively considerable and consistent with the GHG reduction objectives of AB32 and SB32.

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

Hazards and Hazardous Materials

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

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

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, the application materials provide evidence of an agreement between the property owner and the Cayucos Beach Mutual Water Company to serve the project with potable water. According to the 2016-2018 Resource Summary Report, no Levels of Severity (LOS) have been assigned to any of the water purveyors serving the community of Cayucos, including the Cayucos Beach Mutual Water Company. This means that cumulative water demand within their service area, projected over a period exceeding the LOS timeframe of 20 years, will not equal or exceed the estimated dependable supply.

With regard to stormwater runoff, as discussed in Section X. Hydrology and Water Quality, the application materials include calculations that demonstrate post-construction runoff will satisfy NPDES standards and will not adversely impact downstream properties or improvements.

Therefore, project impacts are considered *less than cumulatively considerable*.

Noise

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

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

Population and Housing

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

The project could be expected to be occupied by about 24 residents. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the unincorporated county, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

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

Transportation

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

County Fire/CAL FIRE requirements will be enforced as conditions of approval.

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

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

Other Impact Issue Areas

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

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

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly, are analyzed in each environmental resource section above. In addition, implementation of mitigation measures AQ-1 through AQ-4, HAZ-1 and HAZ-2, and identified in in the resource sections above would reduce potential adverse effects on human beings to less than significant; therefore, impacts would be *less than significant with mitigation.*

Conclusion

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

Sources

Provided in Exhibit A.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

- ☒ Project File for the Subject Application

County Documents

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

Other Documents

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

Initial Study – Environmental Checklist

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

Project-Specific Studies and Supporting Materials

Project application materials

Ian McCarville, letter of September 29, 2023, Title 21 Adjustment to Offsite Frontage Improvements

Robert G. Carr, Visual Resource Consultant, April 2021, Visual Assessment of the Steinmann Residential Subdivision

Applied Earthworks, Inc., May, 2019, Cultural Resource Study at APN 064-481-005 on North Ocean Avenue, Cayucos, CA

Applied Earthworks, Inc., November 2, 2021, Extended Phase 1 Cultural Resource Testing for APN 064-481-005, Cayucos, San Luis Obispo County, California

Cleath-Harris Geologists, March 2019, Preliminary Geologic Hazards Study

Cotton Shires Associates, Inc. August 8, 2022, Peer Review of GeoSolutions, Inc. March 3, 2022 Engineering Geology Investigation of N. Ocean Avenue

GeoSolutions, March 3, 2022, Engineering Geology Investigation

GeoSolutions, December 7, 2022, response to peer review by Cotton, Shires Associates, Inc.

Water Stock Certificate and Will Serve letter from the Cayucos Beach Mutual Water Company, March 10, 2017

Robert Engineering, Inc., August 11, 2021, Spot Speed Survey for Vesting Tentative Tract 3164

Robert Engineering, Inc., September 29, 2023, Preliminary Stormwater Control Plan for Vesting Tentative Tract 3164

Robert Engineering, Inc., December 21, 2023, Hydrology and Drainage Calculations for Vesting Tentative Tract 3164

Kevin Merk Associates, LLC, October 22, 2021, Biological Resources Assessment

Agency And Tribal Review

Department of Public Works, January 30, 2024 referral response letter

Environmental Health – Acknowledgement of preliminary evidence of water and wastewater services date August 19, 2021

Local Agency Formation Commission – Letter of August 22, 2023

General Services/Parks – In their referral response dated May 19, 2021 (E. Kavanough) the Parks Department is recommending that the project be conditioned to require payment of required park in-lieu ("Quimby") fees.

County Fire / Cal Fire – the project is to comply with all fire safety rules and regulations. (Wells, May 15, 2021)

AB52 – Various responses. In addition, an e-mail from Patti Dunton, Tribal Administrator for the Salinan tribe dated August 26, 2021requests that all ground disturbing activities be monitored by a cultural specialist from their tribe.

California Coastal Commission – No response.

Cayucos Sanitary District – Project is within the sphere of influence of the CSD, but annexation must be approved by LAFCo prior to issuance of an intent to serve letter (Rick Koon, August 1, 2023). Conditional intent to serve letter issued for the project dated October 5, 2023

Cayucos Beach Mutual Water Company – Evidence of a water stock certificate for the project site dated September 12, 2017. Conditional intent to serve letter issued for the project dated January 25, 2024

Cayucos Citizens Advisory Council comments provided to the County on October 10, 2023

San Luis Obispo Air Pollution Control District LOAPCD - No response.

Other County References

California Department of Conservation (CDOC). 2015. CGS Information Warehouse: Regulatory Maps http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps accessed August 2018

San Luis Obispo County.1999.General Plan Safety Element. https://www.slocounty.ca.gov/getattachment/893b6c58-7550-4113-911c-3ef46d22b7c8/Safety-Element.aspx accessed August 2018

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. Forests 2013, 4; Pp 197-217." 2013.

CalEEMOD version 2016.3.2

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at < http://maps.conservation.ca.gov/cgs/fam/>.

_____. 2016. California Important Farmland Finder. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>.

_____. 2019. San Luis Obispo County Tsunami Inundation Maps. Available at <https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>

California Department of Forestry and Fire Protection (CAL FIRE). 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

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

California Department of Transportation (Caltrans). 2019. California Scenic Highways Mapping Tool. Available at: < https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=f0259b1ad0fe4093a5604c9b838a486a>.

Carollo Engineers, San Luis Obispo County 2012 Master Water Report, Volume III, Table 8.

California Geological Survey (CGS). 2015. CGS Information Warehouse: Mineral Land Classification. Available at <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

County of San Luis Obispo. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

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Initial Study – Environmental Checklist

Exhibit B - Mitigation Summary Table

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

Air Quality

AQ-1 **Fugitive Dust Construction Control Measures.** ***Prior to issuance of construction permits***, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control.;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114.
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.
7. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division

prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).

9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities.
10. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
12. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-2 **ROG, NOx, DPM Emissions.** The following measures based on the SLOAPCD standard mitigation measures for construction equipment for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment shall be implemented to reduce expose of sensitive receptors to substantial pollutant concentrations. These measures ***shall be shown on grading and building plans***:

1. Implement Mitigation Measure AQ-1, as identified above.
2. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
    a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
    b. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
3. Maintain all construction equipment in proper tune according to manufacturer's specifications.
4. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
5. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
6. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.

7. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
8. Electrify equipment when possible.
9. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
10. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

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

Biological Resources

BIO-1 **Pre-construction Survey for Sensitive and Nesting Birds.** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

1. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

2. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

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

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-2 Open Space Easement (No Build Zone). Prior to recordation of the final map, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create an open space easement over approximately 8.2 acres of the project as shown on the vesting tentative tract map. The terms of the open space easement shall allow only activities that help the long term protection of native plant species, minimize the spread of invasive, non-native species, and protect scenic vistas from Highway 1, and shall be accompanied by an Open Space Management Plan prepared by a qualified biologist that includes at least the following:

- The overall goals and measurable objectives to reduce non-native species cover and promote native species in natural habitat areas;
- Identification of areas within the open space parcel for habitat enhancement, in which nonnative species will be removed to allow natural establishment of native grasses, forbs and shrubs that will produce flowers and other food sources for wildlife.
- A planting and/or seeding plan that includes seasonally timed seed collection of local genetic stock, identification of seed and/or nursery sources for container plantings, and seeding/planting locations;
- Specific habitat management methods to be used during the establishment period following seeding/planting and enhancement efforts (e.g., seasonally timed weed abatement program and supplemental irrigation, if needed);
- Success criteria based on the goals and objectives to ensure a reduction of non-native species and increase in native cover occurs in the open space parcel;
- Annual monitoring to ensure that success criteria are being met (e.g., annual population census surveys and identification of monitoring reference sites, if needed);
- Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
- Adaptive management including remedial measures to address circumstances that may affect the program's ability to meet identified success criteria, such as fuel modification and other fire management considerations.
- A prohibition on off-road vehicle use, crop production, equestrian uses, or other animal raising or keeping activities within the open space easement area.
- The use of fire management activities such as brush removal, tree trimming, intermittent animal grazing for vegetation management purposes.

- The planting of native trees (ie. Monterey Cypress) is permitted in accordance with the approved landscape plan.
- Access roads, retaining walls, landscaping, irrigation lines, drainage and utility lines are permitted within the Open Space Easement consistent with the approved Development Plan, landscaping, grading plan and subdivision improvement plans.

These provisions for limited open space use shall be added to any CC&Rs developed for the project.

Hazards and Hazardous Materials

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

DEVELOPER'S STATEMENT FOR
STEINMANN VESTING TENTATIVE TRACT MAP 3164 SUB2021-00023
VARIANCE/DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT C-DRC2022-00029
(ED23-105)

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.

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

EXHIBIT B - MITIGATION SUMMARY

The following mitigation measures address impacts that may occur as a result of the development of the project.

AIR QUALITY

AQ-1 **Fugitive Dust Construction Control Measures**. Prior to issuance of construction permits, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When water use is a concern due to drought conditions, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control.;
3. All dirt stock-pile areas shall be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code (CVC) Section 23114.
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at

preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

7. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities.
10. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
12. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

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1. Implement Mitigation Measure AQ-1, as identified above.
2. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
    a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
    b. Shall not operate a diesel-fueled auxiliary power system to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any

location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

3. Maintain all construction equipment in proper tune according to manufacturer's specifications.
4. Fuel all off-road and portable diesel-powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
5. Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
6. Use on-road heavy-duty trucks that meet the CARB's 2010 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
7. Idling of all on and off-road diesel-fueled vehicles shall not be permitted when not in use. Signs shall be posted in the designated queuing areas and or job site to remind drivers and operators of the no idling limitation.
8. Electrify equipment when possible.
9. Substitute gasoline-powered in place of diesel-powered equipment, when available. and,
10. Use alternatively fueled construction equipment on-site when available, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

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

AQ-4 **Naturally Occurring Asbestos Remediation.** If NOA are determined to be present on-site per AQ-3, proposed earthwork, demolition, and construction activities for initial site improvements and future residential development shall be conducted in full compliance with the various regulatory jurisdictions regarding NOA, including the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) and requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (NESHAP; 40 Code of Federal Regulations [CFR] Section 61, Subpart M – Asbestos). These requirements include, but are not limited to, the following:

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

AQ-1, AQ-2, AQ-3, and AQ-4 Monitoring: Required prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BIOLOGICAL RESOURCES

BIO-1 Pre-construction Survey for Sensitive and Nesting Birds. If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to initial project activity beginning, including ground disturbance and/or vegetation removal/trimming. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged, or the nest is no longer deemed active.

1. A 50-foot exclusion zone shall be placed around non-listed, passerine species, and a 250-foot exclusion zone will be implemented for raptor species. Each exclusion zone shall encircle the nest and have a radius of 50 feet (non-listed passerine species) or 250 feet (raptor species). All project activities, including foot and vehicle traffic and storage of supplies and equipment, are prohibited inside exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, or it has been determined by a qualified biologist that the young have fledged or that proposed project activities would not cause adverse impacts to the nest, adults, eggs, or young.

2. If special-status avian species (aside from the burrowing owl or tricolored blackbird [if identified in biological report]) are identified and nesting within the work area, no work will begin until an appropriate exclusion zone is determined in consultation with the County and any relevant resource agencies.

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

If two weeks lapse between different phases of project activities (e.g., vegetation trimming and the start of grading), during which no or minimal work activity occurs, the nesting bird survey shall be repeated.

BIO-1 Monitoring: Required within one week of site disturbance or construction activities. A final report is required within 30 days of completion of surveys. Compliance will be verified by the County Department of Planning and Building.

BIO-2 Open Space Easement (No Build Zone). Prior to recordation of the final map, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to create an open space easement over approximately 8.2 acres of the project as shown on the vesting tentative tract map. The terms of the open space easement shall allow only activities that help the long term protection of native plant species, minimize the spread of invasive, non-native species, and protect scenic vistas from Highway 1, and shall be accompanied by an Open Space Management Plan prepared by a qualified biologist that includes at least the following:

1. The overall goals and measurable objectives to reduce non-native species cover and promote native species in natural habitat areas;
2. Identification of areas within the open space parcel for habitat enhancement, in which nonnative species will be removed to allow natural establishment of native grasses, forbs and shrubs that will produce flowers and other food sources for wildlife.
3. A planting and/or seeding plan that includes seasonally timed seed collection of local genetic stock, identification of seed and/or nursery sources for container plantings, and seeding/planting locations;
4. Specific habitat management methods to be used during the establishment period following seeding/planting and enhancement efforts (e.g., seasonally timed weed abatement program and supplemental irrigation, if needed);
5. Success criteria based on the goals and objectives to ensure a reduction of non-native species and increase in native cover occurs in the open space parcel;
6. Annual monitoring to ensure that success criteria are being met (e.g., annual population census surveys and identification of monitoring reference sites, if needed);
7. Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
8. Adaptive management including remedial measures to address circumstances that may affect the program's ability to meet identified success criteria, such as fuel modification and other fire management considerations.
9. A prohibition on off-road vehicle use, crop production, equestrian uses, or other animal raising or keeping activities within the open space easement area.
10. The use of fire management activities such as brush removal, tree trimming, intermittent animal grazing for vegetation management purposes.
11. The planting of native trees (ie. Monterey Cypress) is permitted in accordance with the approved landscape plan.
12. Access roads, retaining walls, landscaping, irrigation lines, drainage and utility lines are permitted within the Open Space Easement consistent with the approved Development Plan, landscaping, grading plan and subdivision improvement plans.

These provisions for limited open space use shall be added to any CC&Rs developed for the project.

BIO-2 Monitoring: Required prior to recordation of the final map. Compliance will be verified by the County Department of Planning and Building.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 **Equipment Maintenance and Refueling.** During all construction activities, the cleaning, refueling, and maintenance of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to all Best Management Practices applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

HAZ-2 **Spill Response Protocol.** During all construction activities, all project-related spills of hazardous materials shall be cleaned up immediately. Appropriate spill prevention and cleanup materials shall be onsite at all times during construction.

HAZ-1 and HAZ-2 Monitoring: Required during all construction activities, and required for all operational activities (i.e., HAZ-2). Implementation and compliance will be verified by the County Department of Planning and Building.

The applicant understands that any changes made to the project description after 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.

Signature of Agent(s)/Owner

2-1-2024
Date

JOSEF M STEINMANN
Name (Print)