Negative Declaration & Notice Of Determination

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

ENVIRONMENTAL DETERMINATION NO. ED17-315 **DATE:** July 7, 2021

PROJECT/ENTITLEMENT: Pereira Minor Use Permit DRC2018-00057

APPLICANT NAME: Allan Pereira **Email:** Francisco@kirk-consulting.net
ADDRESS: 5050 Prefumo Canyon Road, San Luis Obispo, CA 93405
CONTACT PERSON: Francisco Vargas **Telephone:** 805 461-5765

PROPOSED USES/INTENT: A request by Allan Pereira for a Minor Use Permit (DRC2018-00057) to: 1) legalize the as-built replacement and continued use of a mobile home that is not certified under the National Manufactured Housing and Safety Act of 1974, and, 2) to legalize unpermitted as-built grading on slopes greater than 10 percent. The project has resulted in 2.52 acres of disturbance including 5,800 cubic yards (cy) of cut and 5,800 cy of fill on a 162.1 acre parcel within the Agriculture land use category.

LOCATION: The project is located approximately 2,500 feet northwest of Prefumo Canyon Road, approximately 5,300 feet northwest of Chamise Lane southwest of the City of San Luis Obispo.

LEAD AGENCY: **County of San Luis Obispo**

Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040
Website: http://www.sloplanning.org

STATE CLEARINGHOUSE REVIEW: YES ☒ **NO** ☐

OTHER POTENTIAL PERMITTING AGENCIES:

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.
COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County_____ as ☒ *Lead Agency* ☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.

Signature	Project Manager Name	Date	Public Agency
	Cindy Chambers (cchambers@co.slo.ca.us)		County of San Luis Obispo

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. Pereira Minor Use Permit DRC2018-00057 / ED17-315

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.

Cindy Chambers			6/11/2021
Prepared by (Print)	Signature		Date
Steve McMasters	Steven McMasters Digitally signed by Steven McMasters DN: C=US, E=smcmasters@co.slo.ca.us, O=County of San Luis Obispo, OU=Department of Planning & Building, CN=Steven McMasters Date: 2021.07.02 14:34:21-07'00'	For Xzandrea Fowler, Environmental Coordinator	7/1/2021
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 **Allan Pereira** for a Minor Use Permit (DRC2018-00057) to: 1) legalize the as-built replacement and continued use of a mobile home that is not certified under the National Manufactured Housing and Safety Act of 1974, and, 2) to legalize unpermitted as-built grading on slopes greater than 10 percent. The project has resulted in 2.52 acres of disturbance including 5,800 cubic yards (cy) of cut and 5,800 cy of fill on a 162.1 acre parcel within the Agriculture land use category. The project is located approximately 2,500 feet northwest of Prefumo Canyon Road, approximately 5,300 feet northwest of Chamise Lane, southwest of the City of San Luis Obispo in the San Luis Bay Inland Sub-Area of the San Luis Obispo Planning Area.

Setting. The project site is a 162.1-acre single lot of record. The project site is located along a ridgeline that trends northwest to southeast in the Irish Hills southwest of the City of San Luis Obispo. The primary land uses in the area are cattle grazing, horse ranching and rural residences on parcels ranging in size from seven acres to over 400 acres.

The project site has historically been used for cattle grazing and horse ranching. Existing vegetation is primarily native and non-native annual grasslands and oak woodland in the drainages and ravines. Access to the project site is provided by a dirt road that extends northward from Prefumo Canyon Road over three parcels (APNs 076-041-003, 076-042-021, and 076-041-067) by way of a 20-foot wide access easement.

Existing development and permitting status are summarized in Table 1. The mobile home and single family residence are served by an existing well and septic leach field. The project site is not subject to an active Land Conservation Act (Williamson Act) contract. The nearest offsite residence is located about 0.5 miles to the southwest.

Baseline Conditions. Section 15125 of the CEQA Guidelines specifies that the physical conditions in the vicinity of a project site at the time environmental review has commenced constitutes the baseline conditions for determining the significance of environmental effects. In sum, the significance of an impact is determined by considering the difference between the baseline conditions and the conditions likely to arise during project construction and implementation. In this case, the baseline conditions for the Minor Use Permit are those that existed on the site at the time of replacement of the original 1963 mobile home unit (DMV license MU1530

permitted in November, 1980) with another pre-1974 mobile home unit that did not include the required skirting, or a County Building permit, in 2001. The 2001 baseline conditions relating to air quality, biological resources, energy use, greenhouse gas emissions, water demand, noise and motor vehicle trips would be consistent with ongoing livestock operations when the previously-permitted mobile home was in place.

The unpermitted grading took place in 1988, 1995 and 2014 for construction of the unpermitted barn, the unpermitted workshop, horse corrals and arena, respectively. By 1988, a single family residence had been permitted and constructed, followed by the unpermitted barn and workshop. The area of disturbance for unpermitted grading likely supported native and non-native grasses and forbs; serpentine rock outcroppings likely surfaced in some areas which were partially excavated by Pacific Gas and Electric Company in 1981 to use as base material for their access road. For the purposes of CEQA, the baseline is September 2017, when the code enforcement complaint was filed.

Background. Land Use Ordinance Section 22.52.090 sets forth the review and approval process for grading permits, including permits issued for as-built grading. As stated in Section 22.52.090 B., all grading and restoration permit applications for non-exempt grading activities are to be reviewed by the Environmental Coordinator for an environmental determination in accordance with the California Environmental Quality Act (CEQA). Exempt applications under Section 15304 of the State CEQA Guidelines include those that propose grading on terrain with slopes less than 10 percent, will involve less than 5,000 cubic yards of earthwork, do not involve site work in a waterway or wetlands, and are not located within a Sensitive Resource Area. According to the as-built grading plans (Figure 5), portions of the unpermitted grading affected slopes in excess of 10 percent and resulted in earthwork that exceeds 5,000 cubic yards. Accordingly, environmental review of the unpermitted grading is required for issuance of an as-built grading permit.

Table 1 – Existing Development and Permit Status

Structure/Component	Size/Quantity	Year of Construction	Permit Status
Mobile Home	1,334 sq.ft.	1980 & 2001	Installed under a permit finaled November 24, 1980 and included an 800 gallon septic tank and 300 sq.ft. leach field. For reasons cited above, the replacement unit placed in 2001 requires environmental review, Minor Use Permit and building permit issuance.
Single Family Residence	3,149 sq.ft.	1988	Permit No. 52999
Barn	3,600 sq.ft.	1988	Requires as-built building permit.
Workshop	1,800 sq.ft.	1995	Requires as-built building permit.
Horse Corrals	29,000 sq.ft.	2014	No building permit required.
Horse Arena	+/- 20,000 sq.ft.	2014	No building permit required.
Grading for Corral, Horse Arena, Barn and Workshop	110,000 sq.ft. of disturbance 5,800 cy of cut and 5,800 cy of fill Grading in areas of 10 percent slope or more	1988 - 2014	Requires environmental review and as-built grading permit

Regulations for A Residential Mobile Home. County regulations governing the installation of a mobile home are provided in Section 19.60.080 of the County Code:

A mobile home shall be installed on site as provided by this section, with the following completed before final approval:

a. All mobile homes not installed with a perimeter foundation wall shall be skirted with material matching the mobile home or other material as approved by the building official;

b. All mobile homes installed on foundation systems shall comply with the requirements of Title 25 of the California Code of Regulations;

c. All accessory structures shall meet all applicable requirements of this code and applicable State law and regulations;

In addition, Land Use Ordinance (LUO) Section 22.30.450 sets forth standards for the design, permitting and placement of a mobile home. Section 22.30.450 B. provides standards for the location of a residential mobile home:

B. Location. An individual mobile home may be installed where allowed by Section 22.06.030 (Allowable Land Uses and Permit Requirements) in compliance with this Section, provided that the mobile home complies with all applicable County standards for single family dwellings, and:

1. Is certified under the National Manufactured Housing Construction and Safety Act of 1974; and

2. Shall be installed on a permanent foundation or a foundation system in compliance with Section 18551 of the California Health and Safety Code.

Design standards for the exterior siding materials, roofing and roof overhang are provided in Section 22.30.450 E.; these standards apply in addition to the installation standards provided in Section 19.60.

Lastly, Section 22.30.450.F. states that if, in the opinion of the Director, a mobile home proposed for a site does not satisfy the location or design criteria set forth in LUO Section 22.30.450 Subsections B. or E., Minor Use Permit approval is required to allow for the installation of the non-standard mobile home. A In this case, a Minor Use Permit is required because:

- The as-built replacement mobile home does not have a perimeter foundation and was installed without the skirting required by Section 19.60 a., and
- The replacement mobile home unit was constructed prior to 1974 (replacing the previous unit on the originally-permitted foundation) and is not certified under the National Manufactured Housing Construction and Safety Act of 1974.

Ordinance Modification. No ordinance modifications are required for this project.

Initial Study – Environmental Checklist

ASSESSOR PARCEL NUMBER(S): 076-041-002

Latitude: 35º 15' 40.24" N **Longitude:** 120.º 46''54.006"W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

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

Land Use Category: Agriculture

Combining Designation: None

Parcel Size: 162.1 acres

Topography: Nearly level to steeply sloping

Vegetation: Grasses oak woodland

Existing Uses: Agricultural uses ; mobile home; barn

Surrounding Land Use Categories and Uses:

North: Agriculture; agricultural uses

East: Agriculture; agricultural uses, scattered residences

South: Agriculture; agricultural uses

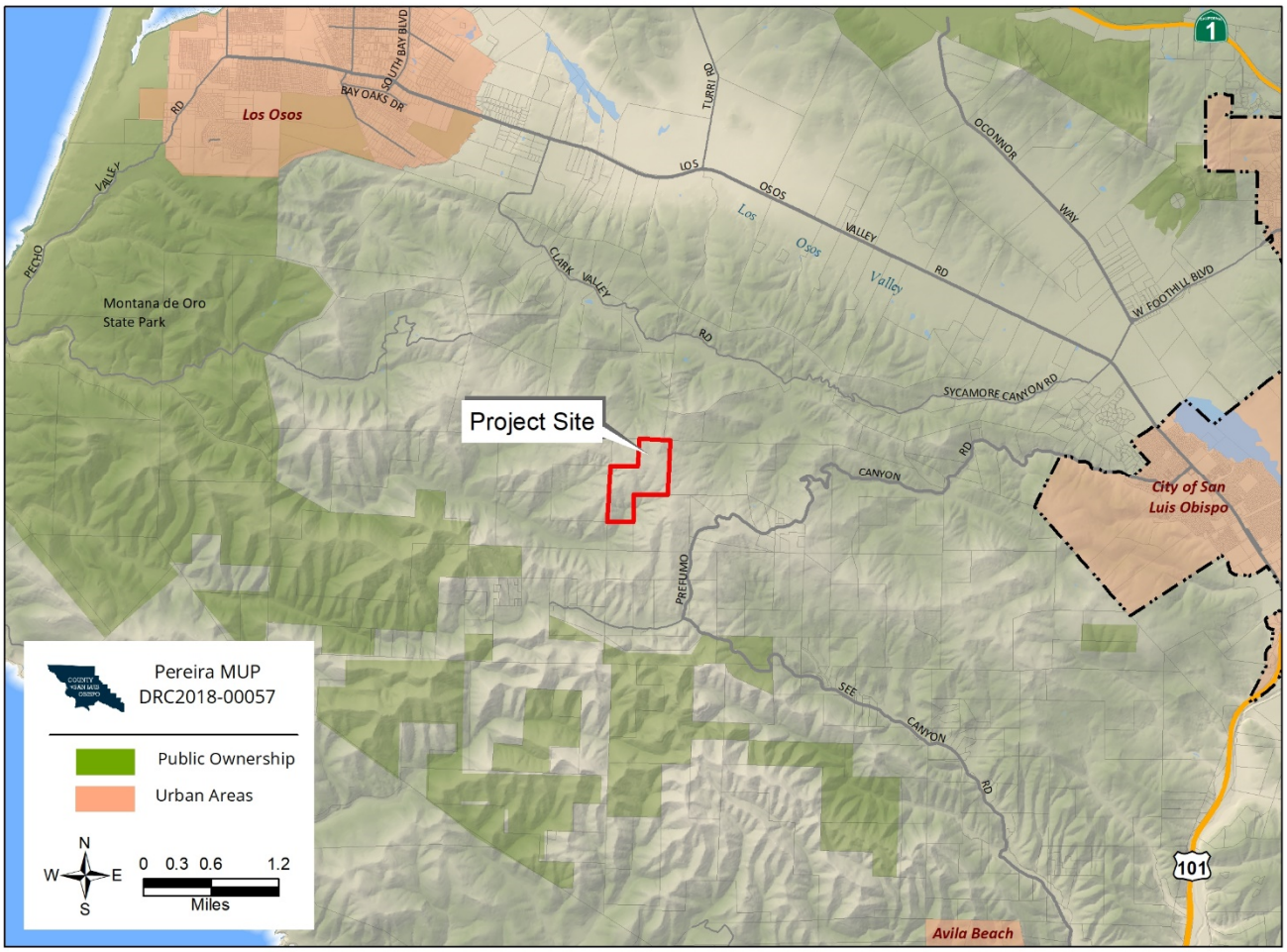
West: Agriculture; sparsely scattered residences

Other Public Agencies Whose Approval is Required

None.

Initial Study – Environmental Checklist

Figure 1 -- Project Location



Initial Study – Environmental Checklist

Figure 2 – Project Vicinity

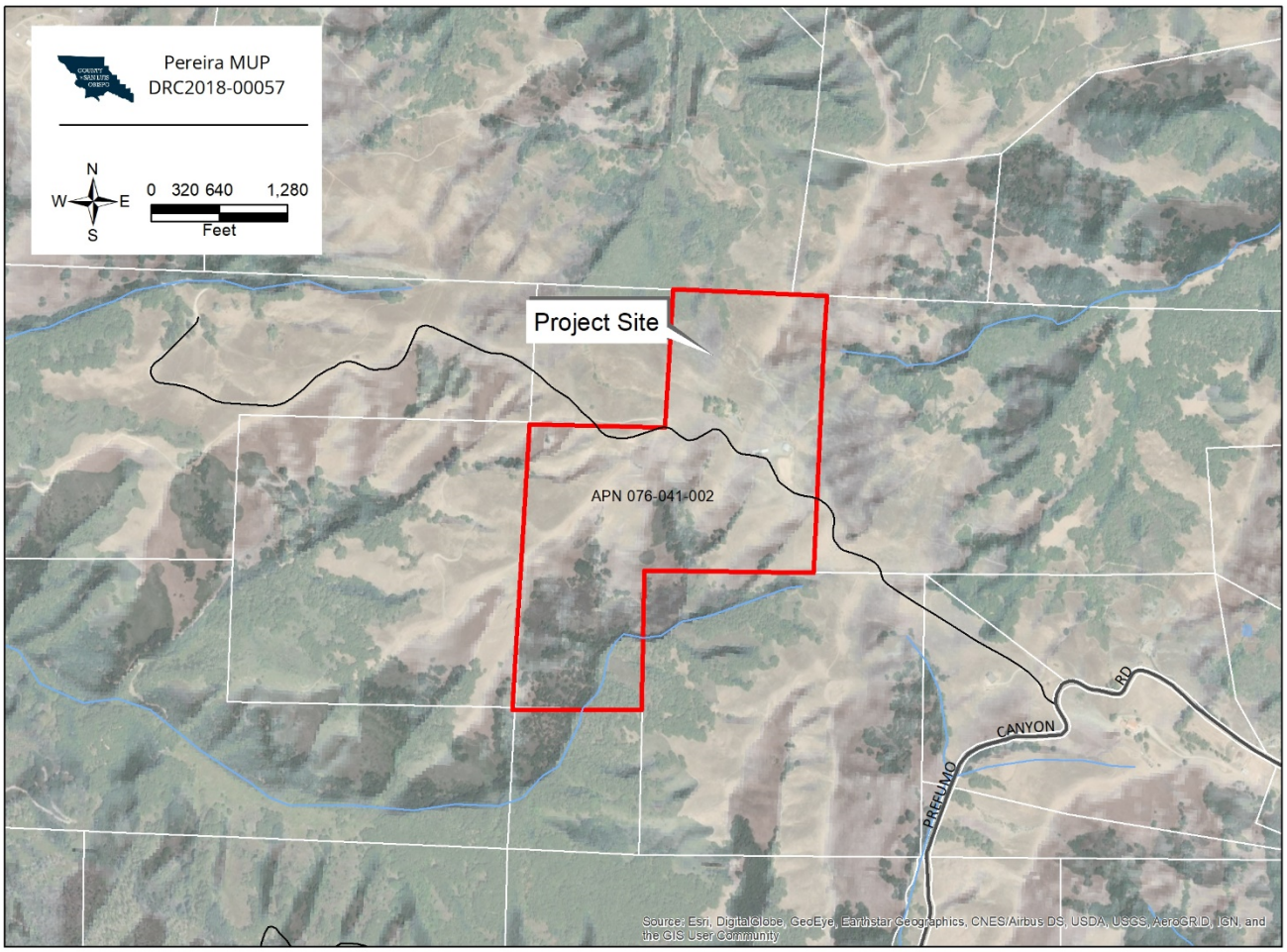
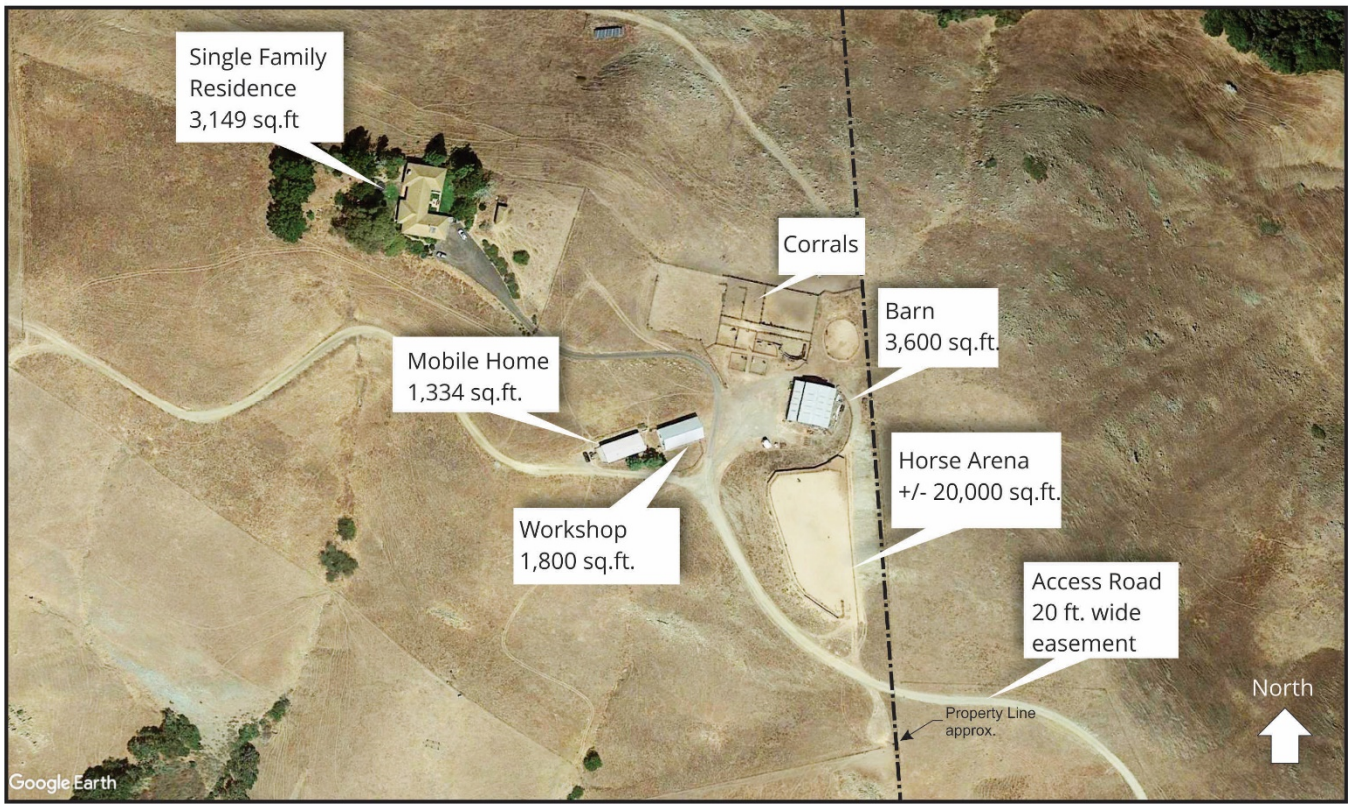
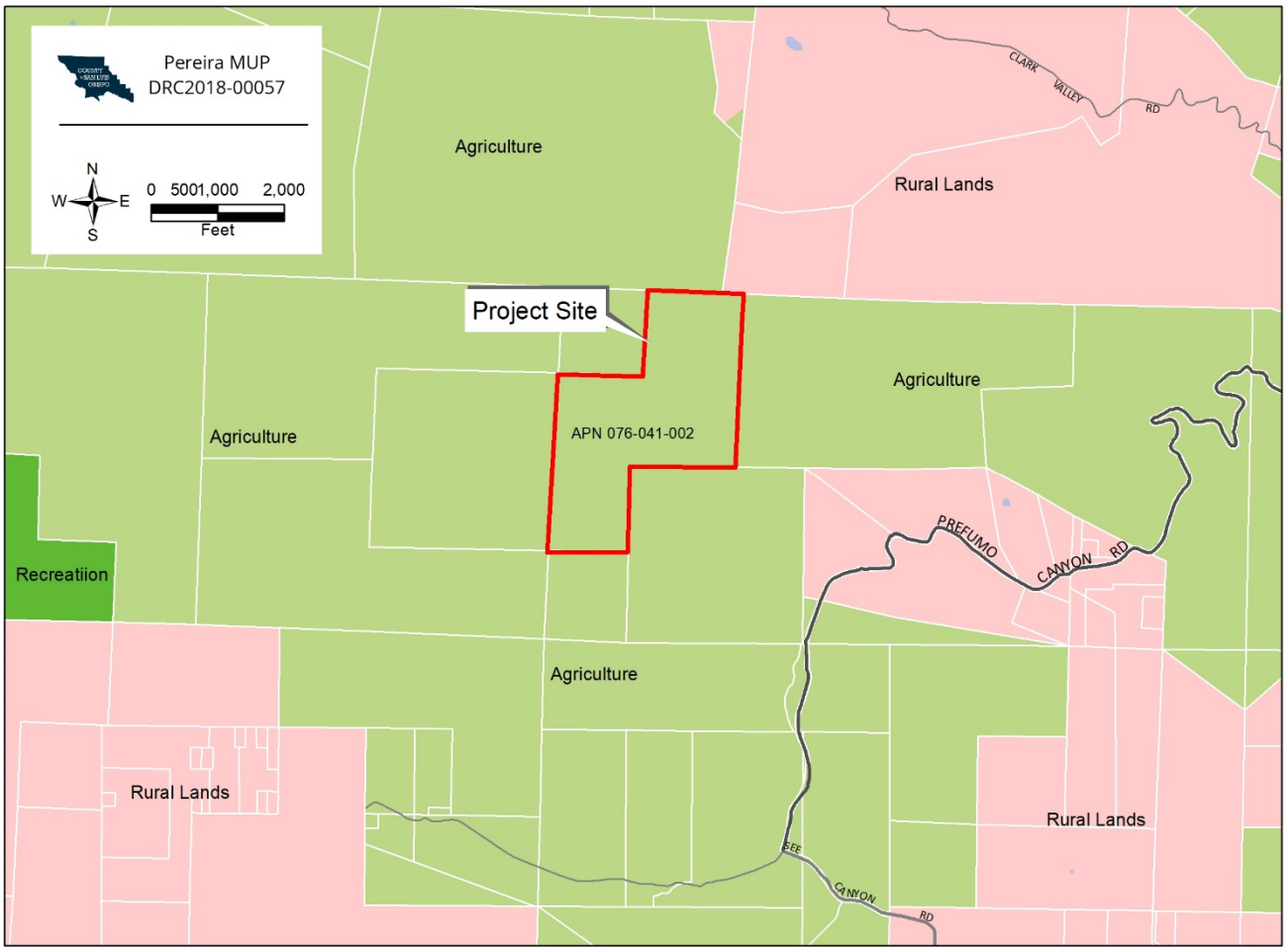


Figure 3 – Aerial View of Existing Development



Initial Study – Environmental Checklist

Figure 4 – Land Use Categories



Initial Study – Environmental Checklist

Figure 5 – As-Built Grading Plan Details

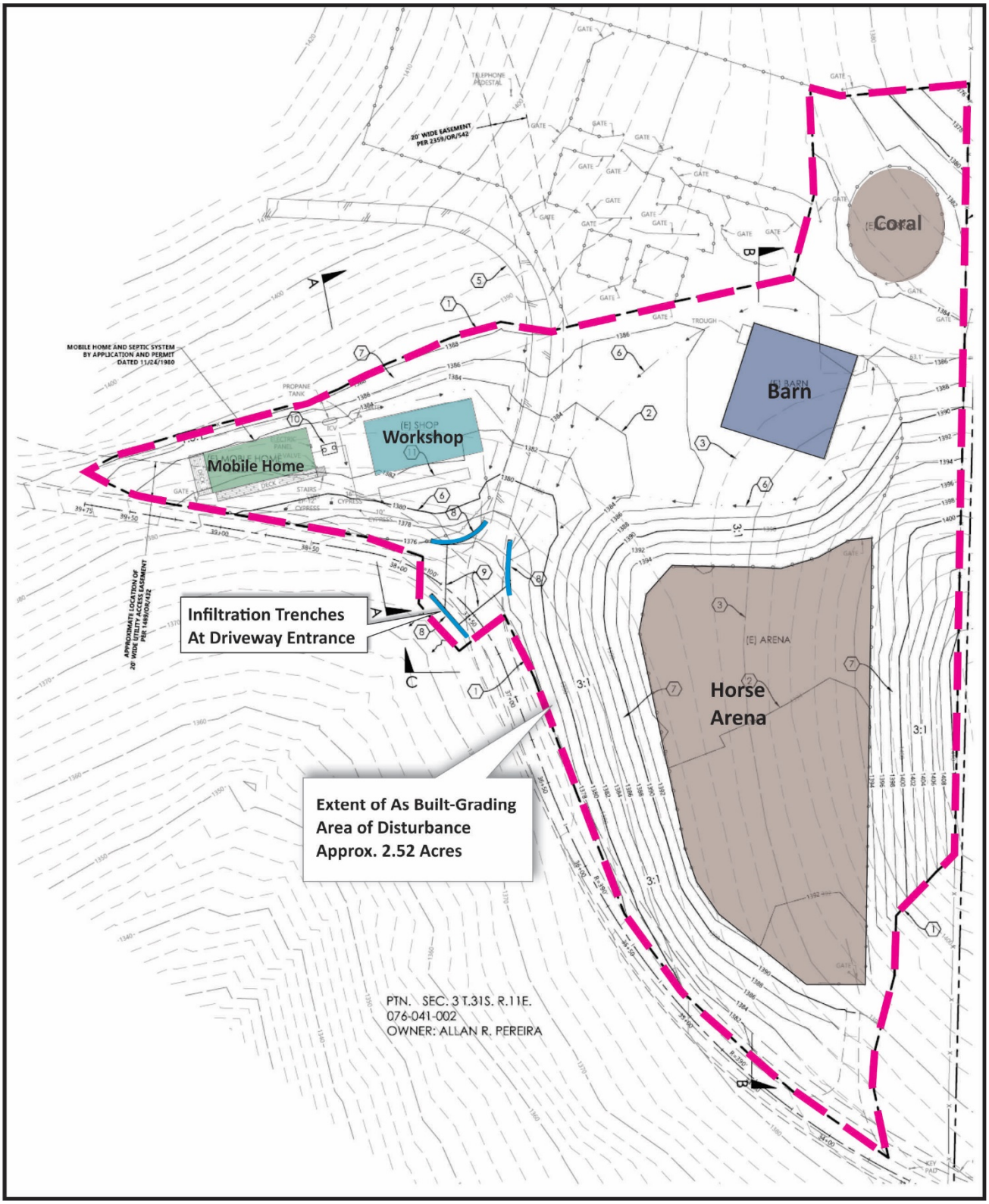


Figure 6 – Photographs of Existing Mobile Home

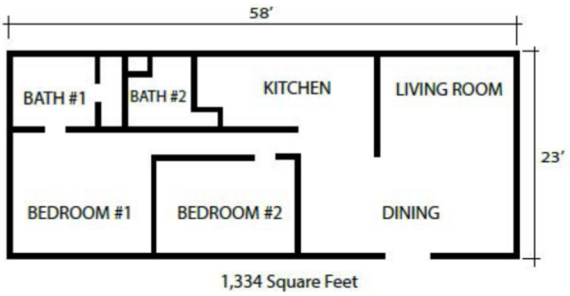


Figure 7 – Photographs of Existing Horse Arena

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 is a 162.1-acre parcel located southwest of the City of San Luis Obispo in a semi-rural area of the county where the primary land uses are livestock grazing, crop production and rural residences on parcels ranging in size from 8 acres to over 450 acres.

The project site takes access from an unpaved access road that extends northwestward from Prefumo Canyon Road (Figures 2 and 3) through three neighboring properties. Prefumo Canyon Road is a rural collector that connects San Luis Obispo to Avila Beach through the Irish Hills. The visual quality of the area is high; views of the Los Osos Valley and beyond are expansive from portions of Prefumo Canyon Road as it winds through Irish Hills through See Canyon to Avila Beach. Traffic counts taken on Prefumo Canyon Road in 2019 west of Los Osos Valley Road revealed an afternoon peak hour volume of 30 and 246 average daily trips.

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

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

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

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.

It should also be noted that the Inland Land Use Ordinance sets forth standards for exterior lighting (LUO Section 22.10.060); however, these standards do not apply to uses established within the Agriculture land use category.

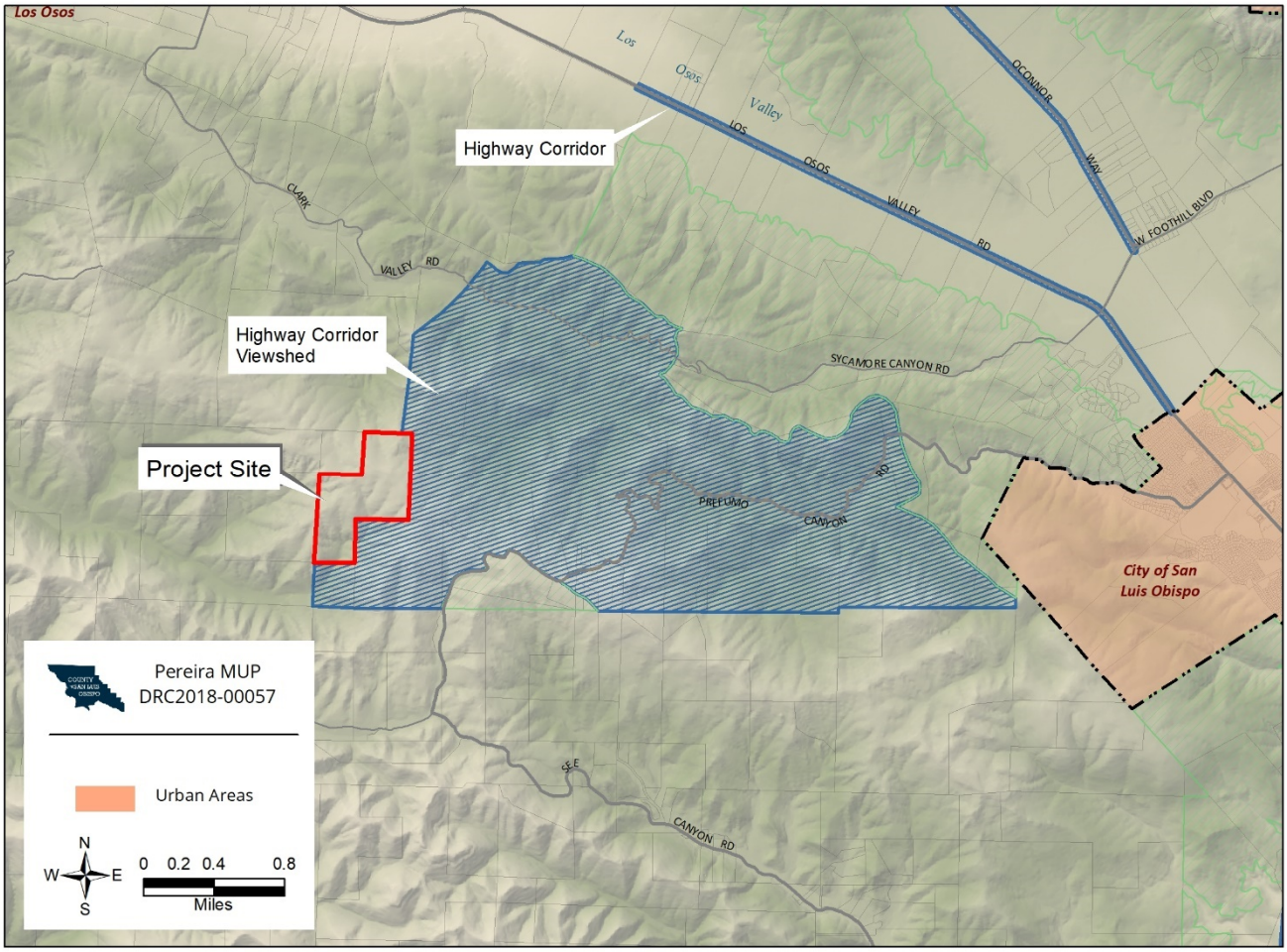
Land Use Ordinance Section 22.10.095 sets forth Highway Corridor Design Standards for highway corridors in the San Luis Obispo area that apply to all residential structures, access roads, and certain accessory structures. The Highway Corridor Design Standards are intended to supplement the Sensitive Resource Area combining designation that is applied to the most critical scenic resources such as the Morros. The Highway Corridor Design Standards are intended to protect views of scenic backdrops and background vistas and foreground views from scenic roads and highways, and other environmental resources that provide habitat and watershed drainage. Figure 8 shows the project site in relation to the areas governed by the Highway Corridor Design Standards.

The only Officially Designated State Scenic Highway in San Luis Obispo County is Highway 1. The project site is not visible from Highway 1.

The existing mobile home and area of disturbance are situated on a relatively level portion of an east-west trending ridgeline north of Prefumo Canyon Road. The baseline conditions for aesthetic and visual resources are those that existed prior to the placement of the mobile home and prior to the unpermitted grading and construction of the horse corrals and arena. According to the as-built grading plans and the application materials, the areas of disturbance were moderately sloped and were excavated and benched to provide level building pads. The cut slopes are estimated to be as deep as 12 -15 feet for the horse arena and the cut material was used to create 3:1 manufactured slopes on the uphill and downhill sides of the excavated area.

Figure 8 – View of the Access Road Leading to the Project Site From Prefumo Canyon Road

Figure 9 – Project Site In Relation to Areas Governed By Highway Design Standards



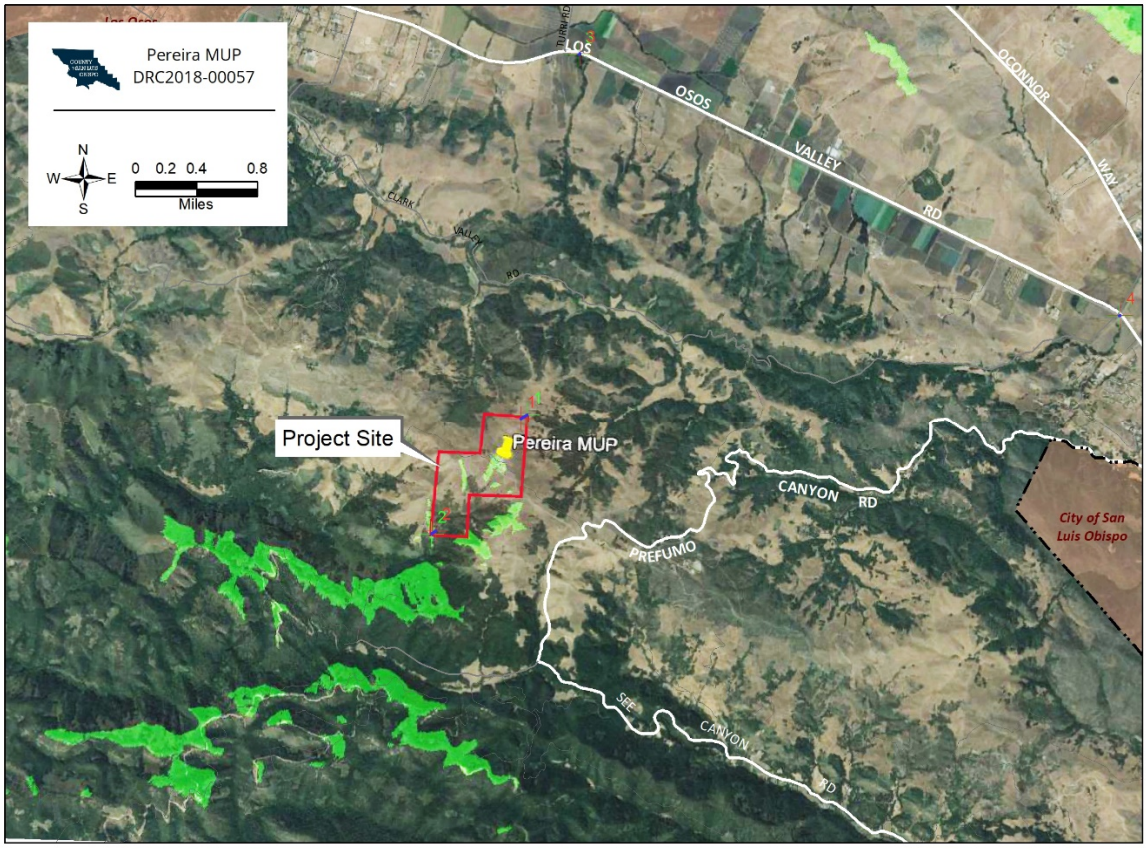
Discussion

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

For the purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. The project site is located in a semi-rural area accessed by an unpaved road off of Prefumo Canyon Road which would serve as the primary public vantage for viewing the project site. Prefumo Canyon Road is a Suggested Scenic Corridor identified by Table VR-2 of the Conservation and Open Space Element. In addition, as shown in Figure 9, the project site is adjacent to areas governed by the Highway Corridor Design Standards which are aimed at protecting views of the Irish Hills from Los Osos Valley Road and O'Connor Way.

Figure 10 provides a viewshed analysis that identifies areas (in green) with a line-of-site view of the area of disturbance.

Figure 10 – Areas (Shown in Green) With A Line-of-Sight View of the Area of Disturbance



As shown in Figure 10, the area of disturbance associated with the unpermitted grading and mobile home are not visible from Prefumo Canyon Road, Los Osos Valley Road or O'Connor Way. Therefore, scenic vistas enjoyed prior to the placement of the mobile home and unpermitted grading are unaffected and *no impacts would occur.*

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

The project site is not located along, nor visible from, a designated state scenic highway or eligible state scenic highway (Caltrans 2021). As discussed above, the project site is not visible from the surrounding roadways nor is it visible from areas governed by the County's Highway Corridor Design Standards. Therefore, the project would not result in substantial damage to scenic resources within a state scenic highway, and *no impacts would occur.*

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

As discussed above, the project site is located in a semi-rural area and will not be visible from surrounding public vantage points. When considering the preceding factors within the context of the larger visual landscape, the project will have a *less than significant impact* on scenic vistas, scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, and will not substantially degrade the existing visual character or quality of public views of the site and its surroundings.

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

The project is located in an area with low existing levels of light pollution (Darksitefinder.com 2019). The baseline visual conditions prior to the placement of the mobile home included light associated with ongoing livestock operations. The mobile home introduced a new source of light to the project site that is comparable to a single family residence. The project will be conditioned to comply with county standards for exterior lighting, including downcast lighting and shielding of elements. Therefore, potential impacts associated with the creation of a new source of substantial light would be *less than significant.*

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project will produce a new source of light and glare. However, compliance with county ordinance standards that require lighting to be shielded and directed downward will ensure a less than significant impact. Impacts to aesthetic resources would be *less than significant*.

Mitigation

None required.

Sources

Provided in Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Farmland of Local Importance, and Grazing Land are considered "agricultural land." Other non-agricultural designations include Urban and Built-up Land, Other Land, and Water. Based on the FMMP, soils at the project site are within the Grazing Land designation (CDOC 2016).

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

Soils of the project site are described in detail below. The acreage and corresponding farmland classifications are provided in Table 2:

Map Unit: 143—Gazos-Lodo clay loams, 15 to 30 percent slopes

This component is on hills. The parent material consists of residuum weathered from sandstone and shale. 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 low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

The Lodo component makes up 40 percent of the map unit. Slopes are 15 to 30 percent. This component is on hills. The parent material consists of residuum weathered from sandstone and shale. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 4e. Irrigated land capability classification is 4e. This soil does not meet hydric criteria.

Map Unit: 144—Gazos-Lodo clay loams, 30 to 50 percent slopes

This component is on hills. The parent material consists of residuum weathered from sandstone and shale. Depth to a root restrictive layer, bedrock, lithic, is 22 to 38 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

The Lodo component makes up 40 percent of the map unit. Slopes are 30 to 50 percent. This component is on hills. The parent material consists of residuum weathered from sandstone and shale. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Map Unit: 149—Lodo clay loam, 30 to 50 percent slopes, MLRA 15

This component is on hillslopes, mountain slopes on mountains. The parent material consists of residuum weathered from sandstone and shale. Depth to a root restrictive layer, bedrock, lithic, is 4 to 20 inches. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not

ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 6e. Irrigated land capability classification is 6e. This soil does not meet hydric criteria.

Map Unit: 156—Lopez very shaly clay loam, 30 to 75 percent slopes

This component is on mountains. The parent material consists of residuum weathered from acid shale. The natural drainage class is somewhat excessively drained. Water movement in the most restrictive layer is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

Map Unit: 161—Los Osos loam, 30 to 50 percent slopes

This component is on hills, uplands. The parent material consists of residuum weathered from sandstone and shale. Depth to a root restrictive layer, bedrock, paralithic, is 20 to 40 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria.

Map Unit: 178—Nacimiento silty clay loam, 30 to 50 percent slopes, MLRA 15

This component is on hillslopes on hills, mountain slopes on mountains. The parent material consists of residuum weathered from calcareous shale. 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 moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 6e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40 inches, typically, does not exceed 12 percent.

Map Unit: 183—Obispo-Rock outcrop complex, 15 to 75 percent slopes

This component is on mountain slopes. The parent material consists of residuum weathered from serpentinite. The natural drainage class is well drained. Water movement in the most restrictive layer is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. Nonirrigated land capability classification is 7e. Irrigated land capability classification is 7e. This soil does not meet hydric criteria.

Table 2 – Farmland Classifications of the COSE and Corresponding Acreages

Soil	COES Classification	Acres	Acres Impacted
Gazos-Lodo clay loams, 15 to 30 percent slopes	Not classified/Not Prime	38.67	0.80
Gazos-Lodo clay loams, 30 to 50 percent slopes	Not classified/Not Prime	14.64	0
Lodo clay loam, 30 to 50 percent slopes, MLRA 15	Not classified/Not Prime	12.69	0
Lopez very shaly clay loam, 30 to 75 percent slopes	Not classified/Not Prime	0.32	0
Los Osos loam, 30 to 50 percent slopes	Not classified/Not Prime	26.62	0
Nacimiento silty clay loam, 30 to 50 percent slopes, MLRA 15	Not classified/Not Prime	4.28	0
Obispo-Rock outcrop complex, 15 to 75 percent slopes	Not classified/Not Prime	64.88	1.70
Total:		**162.1**	**2.52**

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

Table 3 – FMMP Farmland Classifications and Acreages of Soils On-Site

FMMP Classification	Acres	Acres Impacted
Grazing	162.1	2.52
Total:	**162.1**	**2.52**

Source: Farmland Mapping and Monitoring Program, 2016

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

(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 area of project disturbance is classified as Grazing Land by the FMMP and is not classified by the COES. Therefore, the project will have no impact on land classified as Prime Farmland, or Farmland of Statewide Importance pursuant to the FMMP (California Department of Conservation [DOC] 2016).

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:

AGP8: Intensive Agricultural Facilities.

a. Allow the development of compatible intensive agricultural facilities that support local agricultural production, processing, packing, and support industries.

b. Locate intensive agricultural facilities off of productive agricultural lands unless there are no other feasible locations. Locate new structures where land use compatibility, circulation, and infrastructure capacity exist or can be developed compatible with agricultural uses.

AGP18: Location of Improvements.

a. Locate new buildings, access roads, and structures so as to protect agricultural land.

Discussion: The mobile home and unpermitted grading are located on soils classified as Grazing Land and would therefore not directly impact Prime Farmland.

AGP14: Agricultural Preserve Program.

a. Encourage eligible property owners to participate in the county's agricultural preserve program.

Discussion: The project site is not subject to an active LCA contract.

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 about 2.5 miles from the nearest urban reserve and urban fringe.

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 Agriculture land use category and does not propose a change in the land use designation. In addition, existing livestock operations will continue.

The project, together with activities proposed on adjacent properties, would not result in the conversion of important farmland to non-agricultural use. For the reasons stated above, the impact 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 Agriculture land use category; the placement of a mobile home and grading activities are allowed uses within this land use designation.

The 162.1 acre parcel is not governed by an active Williamson Act contract.

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.

(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 agricultural operations that are primarily involved in livestock grazing. Surrounding agricultural activities could have been temporarily affected by noise and dust generated during grading activities. However, these impacts were temporary in nature and would not result in the direct impairment or conversion of agricultural land to other uses.

Therefore, potential impacts are *less than significant.*

Conclusion

The project would not result in the conversion of important 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.

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. In order to be considered consistent with the San Luis Obispo County CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the CAP.

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}).

SLOAPCD Criteria Pollutant Thresholds

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

project impacts. 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 nearest sensitive receptors to the site are single-family residences located approximately 0.5 miles south of the project site.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NOx), reactive organic gases (ROG), greenhouse gases (GHG), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. 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 of significance for ozone precursors. Operational impacts are focused primarily on the indirect emissions associated with motor vehicle trips associated with development. For example, 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 west. The nearest offsite residences are downwind to the south.

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 are offsite residences located about 0.5 miles to the south of the project site.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout San Luis Obispo County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. Based on SLOAPCD's NOA Screening Map, the project site is likely located in an area identified as having 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 the land use planning and transportation control measures and strategies outlined in the CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land use, and balancing jobs and housing. The project does not include development of retail or commercial uses that would be open to the public, therefore, land use planning strategies such as mixed-use development and planning compact communities are generally not applicable. The project would legalize the previous placement of a mobile home that would be typically occupied by as many as three persons. The project would likely draw occupants from the local housing market and 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 would not be a source of employment and would therefore not be a candidate for this program. 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

The placement of the mobile home and unpermitted grading took place between 1980 and 2014. Based on the as-built grading plans the unpermitted grading resulted in an area of disturbance of about 2.52 acres and involved 5,800 cy of cut and 5,800 cy of fill which was balanced on site. Based on the SLOAPCD's CEQA Air Quality Handbook (2012) and Clarification Memorandum (2017), estimated construction-related emissions associated with unpermitted grading were calculated and are shown in Table 3 below. As shown in Table 4, construction related emissions likely did not exceede the general thresholds triggering construction-related mitigation.

Table 4 -- Estimated Construction-Related Emissions

Pollutant	Total Estimated Emissions	APCD Emissions Threshold	Mitigation Required?
Reactive Organic Gases (ROG) + Nitrogen Oxide (NO_x) (combined)	131.08 lbs.	137 lbs./day	No
	0.65 tons [1]	2.5 tons/quarter	No
Diesel Particulate Matter (DPM)	5.68 lbs.	7 lbs./day	No
	0.02 tons [2]	0.13 tons/quarter	No
Fugitive Particulate Matter (PM_{10})	1.89 tons[3]	2.5 tons/quarter	No

Notes:

1. Based on 11,600 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 11,600 cubic yards of material moved and 0.0049 pounds of diesel particulate emissions per cubic yard of material moved.
3. Based on 2.52 total acres of disturbance and 0.75 tons of PM10 generated per acre of disturbance per month and 10 days of construction.

Since grading activities have already occurred and was completed in phased intervals over several years, there would be *no construction related impacts*. However, as shown in Table 4, above, construction related impacts would not likely have exceeded thresholds of significance.

Operation-Related Emissions. According to the Institute of Transportation Engineers (ITE), a mobile home generates about 9.6 vehicle trips per day. As discussed above, a project that generates more than 99 average daily motor vehicle trips will likely generate emissions that exceed the threshold of significance for ozone precursors and greenhouse gas emissions. Accordingly, project-specific and cumulative operational impacts are considered a *less than significant* and *less than cumulatively considerable*.

As discussed above, the SLO APCD has estimated the distance along an unpaved roadway that would likely generate fugitive dust emissions (PM10) that would exceed the daily threshold of significance of 25 lbs/day. In this case, motor vehicle trips associated with the mobile home would travel about 0.6 miles along an unpaved access road to Prefumo Canyon Road. According to the SLO APCD, it would take a total of 9.9 vehicle trips per day to exceed the PM10 threshold. Therefore, the daily PM10 threshold will not be exceeded.

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 offsite residences located about 0.5 mile to the south. Although these residences may be occupied by sensitive receptors, since the

construction activities have already occurred, there would be *no impact* to sensitive receptors. Nonetheless, the distance would have prevented significant exposure to diesel particulates and fugitive dust associated with the unpermitted grading.

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

According to the engineering geology report prepared for the project site (GeoSolutions, Inc. July, 2019) there is a moderate potential for natural occurring asbestos to be present at the property due to the presence of Franciscan Complex units. Naturally occurring asbestos is associated with serpentinite rock units within the Franciscan Complex. Serpentinite was observed by the engineering geologist. As grading has already been performed and , the potential of naturally occurring asbestos is low; however if additional grading is required testing can be performed to verify the presence/absence of naturally occurring asbestos. This is considered a *less than significant impact with mitigation*.

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 not result in substantial air pollutant emissions from such activities.

Unpermitted grading activities would have generated odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would have been temporary and would have been consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. Therefore, potential impacts associated with other emissions, such as odors, would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan. Construction activities would likely have not exceeded the threshold for construction related dust emissions. However, if additional testing or remedial grading is proposed, it must be preceded by testing for naturally occurring asbestos and the implementation of an asbestos mitigation plan consistent with APCD requirements. Therefore, potential impacts to air quality would be *less than significant with mitigation*.

Mitigation

AQ-1 **Prior to the onset of any additional ground disturbing activities**, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Sources

Provided in Exhibit A.

IV. BIOLOGICAL RESOURCES

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

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 they also regulate 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 the Biological Report, 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. In the following sections, further details are provided to highlight the different guidelines and qualifications that are used to help identify special status species.

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

The 2.52 acre area of unpermitted grading by definition has been disturbed by grading and construction activities and by ongoing use for equestrian and cattle ranching. The area currently support native and non-native annual grasslands, non-native forbs and developed areas that include corrals, the horse arena, workshop, barn and mobile home. However, the underlying serpentine soils are known to support a number of special-status plants, as discussed below.

Hydrologic Features

Potentially jurisdictional wetlands and waters are not present in the Study Area.

Special-status Plant Species

Terra Verde Environmental Consulting, LLC, conducted two spring focused botanical surveys of the project site on May 31 and July 5, 2018, which included the entire project site and an immediate buffer. Specifically, the surveys focused on determining the presence/absence of the following special-status plant species with potential to occur on site:

- Pecho manzanita (*Arctostaphylos pechoensis*); California Rare Plant Ranking (CRPR) 1B.2
- Santa Lucia manzanita (*Arctostaphylos luciana*); CRPR 1B.2
- Arroyo de la Cruz manzanita (*Arctostaphylos cruzensis)*; CRPR 1B.2
- Salinas milkvetch (*Astragalus macrodon*); CRPR 4.3
- La Panza mariposa lily (*Calochortus simulans*); CRPR 1B.3
- Cambria morning-glory (*Calystegia subacaulis* subsp. *episcopalis*); CRPR 4.2
- San Luis Obispo owl's-clover (*Castilleja densiflora* subsp*. obispoensis*); CRPR 1B.2
- San Luis Obispo fountain thistle (*Cirsium fontinale* var*. obispoense*); Federal Endangered, State Endangered, CRPR 1B.2
- Dwarf soaproot (*Chlorogalum pomeridianum* var. *minus*);CRPR 1B.2
- Brewer's spineflower (*Chorizanthe breweri*); CRPR 1B.3
- Palmer's spineflower (*Chorizanthe palmeri*); CRPR 4.2

The survey was completed by Terra Verde botanist Amy Golub on May 31 and July 5, 2018. The entire project area and an approximately 100-foot buffer were surveyed on foot to ensure complete visual coverage of the survey area. The surveys included an inventory of all botanical species observed and an assessment of the type and quality of habitat present. The survey also included a preliminary assessment of as-built impacts and distribution of sensitive resources on site. The surveys were timed to coincide with the typical blooming and/or fruiting period of regionally-occurring, special-status plant species determined to have potential to occur on site, when plants are most readily identifiable. At the time of the May survey, numerous common, annual-blooming species were readily identifiable at the site. A follow-up July survey was conducted to capture late-season blooming species that were not readily identifiable during the May survey. Botanical species identifications and taxonomic nomenclature followed The Jepson Manual: Vascular Plants of California, 2nd edition (Baldwin et al., 2012) as well as taxonomic updates provided in the Jepson eFlora (Jepson Flora Project, 2018). A complete list of botanical species observed during the two surveys is included as Attachment B of the BRA.

The survey area included the following habitat types: annual grassland, serpentine outcrop, and areas exhibiting ruderal/disturbed characteristics from past and current activities on site. Those communities occurring immediately adjacent to ruderal/disturbed areas (i.e., annual grassland habitat and serpentine outcrops) provide suitable habitat for a number of special-status plant species. During the survey efforts, two special-status plant species, Cambria morning-glory and Palmer's spineflower, were identified within the survey area. Specifically, several individuals of Cambria morning-glory were observed within the annual grassland habitat immediately west of the existing corrals and Palmer's spineflower was observed in abundance on the serpentine outcrops and grassland habitat surrounding the horse arena and south of the existing access road where serpentine substrates are present.

Special-status Wildlife Species

According to the CNDDB, the Irish Hills are known to support a number of listed special status wildlife species, including: Cooper's hawk (*Accipiter cooperi*), Monarch butterfly (*Danaus plexippus*), white-tailed kite (*Elanus leucurus*), Morro shoulderband snail (*Helminthoglypta walkeriana*), southern steelhead (*Oncorhynchus mykiss irideus*), Morro blue butterfly (*Plebejus icariodes moroensis*), California red-legged frog (*Rana aurora draytonii*), and Allen's hummingbird (*Selasphorus sasin*). However, the area of disturbance does not provide suitable habitat for any of these species.

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

As discussed in the setting, seasonally timed botanical surveys of the areas subjected to unpermitted grading were conducted by Terra Verde in 2018. The biologist concluded that, based on the observations of Cambria morning-glory on site, google imagery (Google Earth, 1989 – 2017), and lack of clay soils, this species was likely not impacted by as built structures (i.e., horse arena, mobile home, and agricultural barn). However, the biologist found that Palmer's spineflower is present on the serpentine substrates surrounding the horse arena and it is likely this species was affected by development of the as-built barn.

A follow-up spring botanical survey was conducted by Terra Verde in July, 2020 to assess the presence of botanical resources along an existing access road that were not previously assessed as a part of the original botanical surveys conducted in 2018. The three access road turnout areas and an approximately 50-foot buffer were surveyed on foot to ensure complete visual coverage during the survey. In addition, the biologist re-assessed the known Palmer's spineflower and Cambria morning-glory populations to evaluate if the population size had changed since 2018.

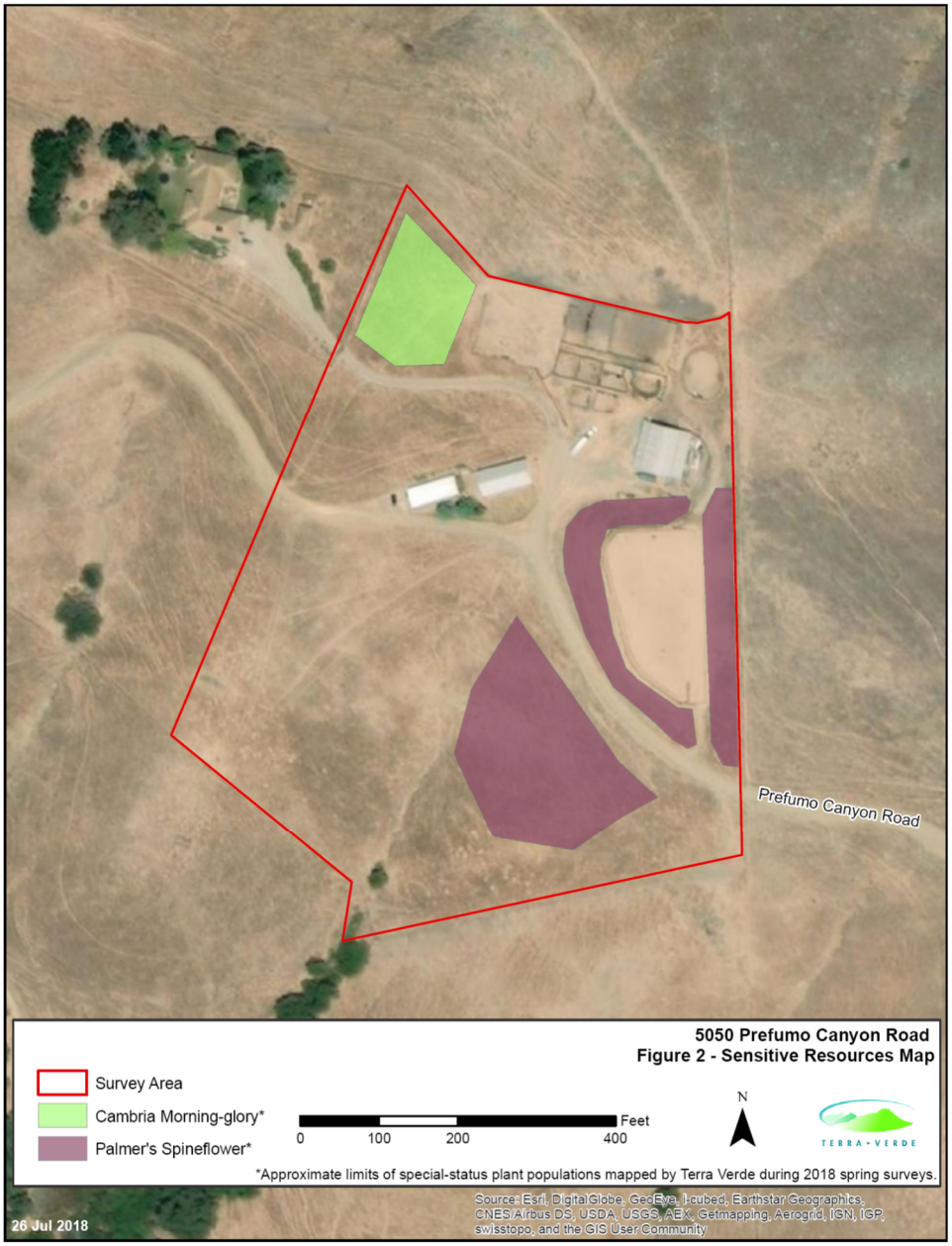
Based on previous survey results in 2018, the survey was timed to coincide with the blooming period for Palmer's spineflower as this species was known to occur on site and has potential to occur within the turnout locations. The survey was also timed to occur during the blooming period for Chorro Creek bog thistle (*Cirsium fontinale* var. *obispoense*, Federal Endangered, State Endangered, CRPR 1B.2). The survey was not conducted during the typical blooming period for Cambria morning-glory or earlier blooming special-status plants species; however, it should be noted that surveys conducted in 2018 were appropriately timed and the likelihood of other potential special-status plants occurring in the additional survey areas is considered low due to the disturbed nature of the road edges and quality of habitat at the turnout locations.

The survey focused on the presence of special-status plant species with potential to occur and included an assessment of the type and quality of habitat present for special-status plants with potential to occur. The survey also included a preliminary assessment of as-built impacts and distribution of sensitive resources on site. Based upon the July 2020 survey, the previous populations did not appear to change in shape, size, or population density as compared to what was documented in 2018.

The limits of special-status species populations were not formally mapped as a part of the survey efforts; however, Figure 11 provides a map of sensitive resources and the approximate location of sensitive plant populations on site.

No unknown or unidentifiable plants were observed on site. It is expected that based on the time of the surveys and the phenology of species on site, no other special-status species are expected to occur. The baseline for initiating CEQA analysis is 2017, long after the unpermitted grading occurred; however it is reasonable to assume that ongoing use of the barn, workshop and arena areas have the potential to further impact sensitive species that are currently present in the graded areas. Therefore, the loss of habitat for Palmer's spineflower is considered *less than significant with mitigation.*

Figure _11 -- Sensitive Botanical Resources



Special Status Wildlife

As described above, the 2.52 acre area of disturbance for unpermitted grading likely supported native and non-native annual grasses and forbs. The area is bounded on the west by the access road and is crossed by the driveway to the single family residence. Given the ongoing disturbance and fractured nature of the habitat that existed prior to the unpermitted grading, it is unlikely that this area provided suitable habitat for listed wildlife species.

(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?*

There are no riparian resources within the areas of disturbance or nearby that would be impacted by the mobile home and unpermitted grading. Therefore, there would be *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 areas of disturbance on nearby that would be impacted by the mobile home or unpermitted grading. 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 the survival and reproduction of plants and wildlife. Intact habitats benefit plants by ensuring proper dispersal of pollen and seeds, which sustains or grows the population and contributes to the genetic health of the species. Wildlife need contiguous habitats for the acquisition of food, access to mates and suitable habitat that supports reproduction, migration, and rest, and for the successful dispersal of young.

Large tracts of undeveloped land are present in the surrounding landscape. However, existing barriers to migration, particularly for wildlife, include public and private roadways, rural residences and patches of agricultural operations in the region, which typically correlates with a high frequency of land manipulation, wildlife-exclusion fences, and pest management activities.

No additional construction is proposed and the fenced areas of the horse arena and corrals would allow the passage of wildlife. In addition, there is ample open land around each of the unpermitted buildings. Therefore, potential impacts associated with 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.

Avian species can be expected to occur within the project site during all seasons and were likely present during construction and grading activities. The potential for encounter and to disrupt these species is highest during their nesting season (generally February 1 through September 15, as early as January for raptors) when nests are likely to be active, and eggs and young are present.

No new construction is proposed. Therefore, impacts related to interference with the movement of migratory fish or wildlife would be *less than significant*.

(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.

There are no significant stands of native trees within the area of disturbance and none were removed as part of the unpermitted construction and grading. Therefore, there would be *no impacts* associated with conflict with local ordinances or policies protecting biological resources.

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

The project is not located within an area under an adopted Habitat Conservation Plan, 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 impacts would be *less than significant.*

Conclusion

Upon implementation of mitigation measure BIO-1 to address potential impacts to special-status plants, potential impacts to biological resources would be *less than significant*.

Mitigation

BIO-1 **Sensitive Plant Species Conservation Easement. Prior to issuance of an as-built grading permit,** the applicant shall enter into a conservation or open space easement or other deed restriction in a form acceptable to County Counsel, to establish a Restricted Use Area around the areas impacted by unpermitted grading generally as shown on Figure A-1. The purpose of the Restricted Use Area agreement is to protect existing populations of Palmer's spineflower (*Chorizanthe palmeri*) and associated serpentine habitat. The terms of the Restricted Use agreement shall include at least the following limitations:

1. Foot traffic, only, shall be allowed within the Restricted Use Area throughout the calendar year;
2. Grazing may be allowed from September through February and shall be prohibited between March and August;
3. Such other measures as deemed necessary by the Director to ensure the permanent preservation of areas currently occupied by Palmer's spineflower within the areas shown on Figure A-1.

The area subject to the Restricted Use agreement shall be drawn and recorded by a licensed surveyor and shall be maintained in its current state. Active management or maintenance is not

required.

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.

In the event of an accidental discovery or recognition of any human remains, Title 3, Division 8, Chapter 1 Article 4 of the California Code of Regulations section 8304 (d) requires development projects to immediately halt all ground-disturbing activities and implement section 7050.5 of the Health and Safety Code. California State Health and Safety Code Section 7050.5 and LUO Section 22.10.040 (Archaeological Resources) require that in the event of accidental discovery or recognition of any human remains, no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to California PRC Section 5097.98.

Discussion

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

Based on the project description, the project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would 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?

The project was referred for AB52 consult on May 21, 2021. No known or potentially significant cultural resources were identified in the tribal consultation. The area of disturbance does not contain any physical features such as creeks and oak woodlands typically associated with native peoples of the Central Coast. In addition, the project site is not subject to the Archaeology Combining designation. Lastly, all of the earth moving activities have been completed and any cultural resources that may have been present within the area of disturbance have been disturbed.

If any additional remedial grading is proposed, implementation of LUO 22.10.040 (Archaeological Resources) 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.

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

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

Based on existing conditions and the lack of features typically associated with native peoples, it is unlikely that the placement of the mobile home on the prior foundation and the unpermitted grading unearthed human remains. In the event additional remedial grading results in the accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) would 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 LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant.*

Conclusion

No additional ground disturbance is proposed. However, no historical resources are known or expected to occur within or adjacent to the project site. Adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts associated any additional remedial grading that is proposed. Accordingly, impacts related to a substantial adverse change in the significance of archaeological resources would be *less than significant*.

Initial Study – Environmental Checklist

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 39% of electricity provided by PG&E is sourced from renewable resources and an additional 47% is sourced from non-renewable GHG-free resources (PG&E 2019).

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

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

Local Energy Plans and Policies

The 2010 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 *2019 Building Energy Efficiency Standards*. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

Vehicle Fuel Economy Standards

In October 2012, the U.S. Environmental Protection Agency (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.

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

As part of 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 GHG emissions and criteria air pollutants, as well as requirements for greater numbers of zero-emission vehicles, into a single package of standards for vehicle model years 2017 through 2025. The new rules strengthen the GHG standard for 2017 models and beyond. This will be achieved through existing technologies, the use of stronger and lighter materials, and more efficient drivetrains and engines. The program's zero-emission vehicle regulation requires a battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules

will be fully implemented, the statewide fleet of new cars and light trucks will emit 34 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

No additional construction is proposed. However, during the unpermitted grading activities, fossil fuels, electricity, and natural gas would have been 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, the project would not have the potential to result in adverse environmental impacts through its use of diesel fuel for construction equipment. 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 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. Currently there is one residence and two accessory structures on the project site in addition to the mobile home; therefore, existing energy demand is low. At the time of placement of the mobile home (1980), there were no structures on the project site.

The project's operational electricity needs would be met by a connection to PG&E infrastructure.

The CBC 2019 Building Energy Efficiency Standards include mandatory energy efficiency standards that apply to new residential construction. These standards do not apply to structures constructed prior to 2019.

Table 5 provides an estimate of current and ongoing energy use associated with the project sit

Table 5 -- Total Energy Demand for Pereira MUP

Source	Demand Factor	Electricity Demand
Single family residence	8,090 kWhr/dwelling/year[1]	8.090 kWhr/year
3,600 sq.ft. barn	5.35 kWhr/sq.ft./year[1]	19,260 kWhr/year
1,800 sq.ft. workshop	5.35 kWhr/sq.ft./year[1]	9,630 kWhr/year
Total:		**36,980 kWh/year**

Sources:

1. CalEEMOD v. 2016

The project includes the legalization of an existing mobile home that was constructed to comply with the standards for energy efficiency that existed prior to 1974. The project was referred to the Building Division for review and comment. In their response dated May 9, 2018, the Building Division states that the as-built construction (including the mobile home, workshop and barn) must comply with the 2016 California Residential Code as well as Title 19 of the County Code. The project will be conditioned to comply with applicable building codes, including those related to energy efficiency. Therefore, placement of the mobile home will not result in wasteful, inefficient or unnecessary energy use and project impacts associated with electricity use are considered *less than significant* and *less than cumulatively considerable*.

Fuel Use. Ongoing operation of the project would result in fuel use associated with residential occupancy. All vehicles used by occupants of the mobile home during operation 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.*

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?	☐	☐	☒	☐

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

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 in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. The nearest potentially capable fault line is located approximately 0.5 miles to the north; the San Andres fault zone is located about 43 miles to the east.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. The project site is located within the LUO Geologic Study Area (GSA) combining designation. Based on the Safety Element, the project site is located in an area with moderate to high landslide risk potential and low liquefaction potential.

The project site is underlain by the serpentine and Vaqueros Sandstone formations. This type of underlying geologic material is considered to have low paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

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, and the nearest potentially capable fault line is located approximately 0.5 miles to the north of the project site based on the County Land Use View mapping tool. Therefore, there would 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. No new structures for human occupation are proposed as part of the project. However, the existing mobile home will be required to comply with the relevant provisions of the 2016 California Building Code as well as LUO Section 22.30.450 and Section 18551 of the California Health and Safety Code. Compliance with applicable seismic safety building codes will ensure implementation of the project 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, potential impacts would be *less than significant.*

(a-iv) Landslides?

Based on the Safety Element Landslide Hazards Map, the mobile home and area of disturbance associated with unpermitted grading are located in an area with moderate to high potential for landslide risk. The mobile home is placed on a building pad that was reviewed and approved by the County in 1980. However, at the recommendation of the County Geologist, the project site was subject to an evaluation by an engineering geologist (GeoSolutions, July 2019). That study provided the following findings:

- Dibblee, 2004 and Wiegers, 2009 did not map landslides in the immediate vicinity of the Site. Wiegers, 2009 maps large landslides within the Franciscan Complex approximately 1,000 feet north of the site.
- During site mapping and review of aerial photography, landslides were not observed at the Site. There appears to be a low potential for landslide to affect the proposed development. There is a low rockfall potential to affect the proposed mobile home based on the lack of boulders upslope of the proposed development.

Therefore, based on the engineering geologist's evaluation, the continued use of the mobile home in it's present location would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

The project has resulted in approximately 2.52 acres of site disturbance and 5,800 cubic yards (CY) of cut and 5,800 cy of fill. Section 22.51.120 of the LUO requires any 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 to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C. Compliance with these mandatory BMPs help ensure new construction protects water quality.

In addition, the project would have been subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion.

The unpermitted grading was completed without an erosion and sedimentation control plan, or SWPPP. Accordingly, the as-built grading plans prepared by a registered civil engineer (Figure 5) include an analysis of potential erosion and sedimentation impacts associated with the as-built slopes. The conclusion of the project engineer is that the existing grading and slopes will not result in significant erosion or the sedimentation of downslope surface water bodies. However, the engineer recommends the installation of three interconnected infiltration trenches at the entrance to the project site that extends north from the shared access road. The trenches would improve drainage and reduce the risk of stormwater accumulation potentially resulting in erosion and downstream sedimentation. With implementation of recommended mitigation measures GEO-1 and GEO-2, project impacts associated with erosion and sedimentation will be *less than significant with mitigation*.

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

Based on the Safety Element Landslide Hazards Map, the mobile home and area of disturbance associated with unpermitted grading are located in an area with moderate to high potential for landslide risk. The mobile home is placed on a building pad that was reviewed and approved by the County in 1980. However, to assess the potential hazards associated with the as-built grading, the project was subject to an evaluation by an engineering geologist (GeoSolutions, July 2019). That study provided the following findings:

- Dibblee, 2004 and Wiegers, 2009 did not map landslides in the immediate vicinity of the Site. Wiegers, 2009 maps large landslides within the Franciscan Complex approximately 1,000 feet north of the site.
- During site mapping and review of aerial photography, landslides were not observed at the Site. There appears to be a low potential for landslide to affect the proposed development. There is a low rockfall potential to affect the proposed mobile home based on the lack of boulders upslope of the proposed development.

Therefore, the continued use of the mobile home in its present location would not result in significant adverse effects associated with landslides and impacts would be *less than significant.*

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

The area of disturbance is underlain by soils of the Gazos-Lodo clay loams, 15 to 30 percent slopes and Obispo-Rock outcrop complex, 15 to 75 percent slopes. The mobile home site has been evaluated by an engineering geologist (GeoSolutions, July 2019). According to that study, the potential for expansive soil at the mobile home site is high based on laboratory testing in the Soils Engineering Report (GeoSolutions, Inc., September 22, 2017), expansion index of 94. Mitigation measures GEO-1 and GEO-2 will ensure compliance with the California Building Code with regard to the presence of expansive soils under the foundation of the mobile home. Therefore, impacts associated with expansive soil would be *less than significant with mitigation.*

(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 will not include the construction of a new septic system. Therefore, there will be *no impact* associated with soils incapable of adequately supporting the use of septic tanks. The engineering geology report prepared for the project site concluded that the previously constructed septic system would not affect the adjacent slope.

The project was referred to the Environmental Health Department for review and comment. In their response of February 25, 2019, they had no concerns.

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

The project site does not contain any unique rock outcroppings or other unique geologic features. The project site is underlain by serpentine and Vaqueros Sandstone. These types of underlying geologic material are considered to have low to high paleontological sensitivity with sensitivity increasing with depth past surface soils, approximately 3 to 5 feet (County of Monterey 2014, SWCA Environmental Consultants 2019).

Based on the project description, the project will not require any additional excavations, cut or fill, or extensive grading that would impact previously undiscovered paleontological resources. Potential impacts to paleontological resources would be *less than significant.*

Conclusion

Potential impacts to geology, soils and paleontological resources would be *less than significant*.

Mitigation

GEO-1 Plans submitted for building permit issuance for the as-built mobile home shall be consistent with all of the relevant requirements of the 2016 California Residential Code, Title 19 of the County Code, and the recommendations of the Engineering Geology Report dated July 31, 2019 prepared by GeoSolutions, Inc.

GEO-2 Plans submitted for a grading permit for the as-built grading shall be consistent with the preliminary Engineered Grading Plans submitted for the project (Roberts Engineering, 1/22/2019) and all of the relevant requirements of Titles 19 and 22 of the County Code.

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

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

The initial Scoping Plan was first approved by CARB on December 11, 2008 and is updated every 5 years. The first update of the Scoping Plan was approved by the CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by CARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

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. However, the baseline conditions for GHG emissions for the mobile home is 1980 which precedes the reduction targets of AB32. For the unpermitted grading, the baseline is 2014, the year the unpermitted grading occurred, and the 1,150 MTCO2e threshold applies.

Discussion

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

No additional construction or grading is proposed as part of the project. The California Energy Emissions Model (CalEEMod) was utilized to estimate the project's projected annual carbon dioxide equivalent emissions in metric tons for the unpermitted grading. The estimated emissions were then compared with 1,150 MMTCO2e per year Bright Line Threshold to determine significance.

Table 6 – Existing and Projected Operational GHG Emissions

Project Component	Quantity	Emissions Rate (Annual $MTCO_2e$/sf)		Estimated Projected Annual CO_2 Emissions (MT/year) Without Mitigation[1]
		Construction	Operation	
As-Built Grading	2.52 acres	2.1 tons per acre	n/a	5.47
Total:				**5.47**

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

Notes:

1. CalEEMOD CalEEMOD version 2016.3.2

As shown in Table 6, project-related GHG emissions were likely well below the 1,150 MTCO2e threshold. As stated above, a project estimated to generate less than 1,150 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 associated with the unpermitted grading were likely *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 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 Measure No. 7 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.	The mobile home will be required to satisfy all applicable provisions of the 2016 California Residential Code as well as Title 19 of the County Code.
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.	No new habitable structures are proposed.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	No parking areas are proposed.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	No new roadways are proposed.

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.

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 legalization of an existing mobile home for ongoing occupancy. The project would likely draw from the local housing market and 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 Reduce GHG emissions in the electricity sector;
- 2030 Low Carbon Fuel Standard (LCFS) -- Transition to cleaner/less-polluting fuels that have a lower carbon footprint.
- 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 59VariousSB 1383 which is aimed at reducing Short-Lived Climate Pollutants to reduce highly potent GHGs.
- Implement the 2030.2030 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.2030 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 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.

Initial Study – Environmental Checklist

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?	☐	☐	☒	☐

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 in a Very High fire hazard severity zone. Based on the Safety Element map of response times, it would take approximately 15-20 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX, Wildfire.

The project would be not located within an Airport Review Area and there are no active public or private landing strips within the immediate project vicinity.

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. However, no new construction is proposed.

Project operations (ongoing occupancy of the mobile home) would involve the intermittent use of small amounts of over-the-counter household hazardous materials such as cleaners 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?*

Project operations (ongoing occupancy of the mobile home) would involve the intermittent use of small amounts of over-the-counter household hazardous materials such as cleaners 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.

Potential impacts associated with hazards to the public or the environment through reasonably foreseeable upset or accident conditions would be *less than significant.*

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

The closest school facility is located approximately 3 miles north of the project site. 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 or 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 County 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 impacts would occur.*

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

The project does not require any road closures and 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 located in a Very High Fire Hazard Severity Zone. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to implementation of a fire safety plan and roadway improvements for emergency vehicles. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant.*

Conclusion

Potential impacts associated with hazards and hazardous materials would be *less than significant.*

Mitigation

None are required.

Sources

Provided in Exhibit A.

X. HYDROLOGY AND WATER QUALITY

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

Setting

The RWQCB'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.

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

Per the County's Stormwater Program, the 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 LUO.

The project water demand would continue to be served by an existing groundwater well. The project was referred to CalFIRE for review and comment regarding life-safety requirements, including fire suppression water storage. Their response letter of April 2, 2020 sets forth requirements that will be incorporated into the conditions of approval.

The project is not within a groundwater basin identified by Bulletin 118 of the Department of Water Resources, nor has it been assigned a Level of Severity by the County Resource Management System. Therefore, no water demand offset is required.

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 has resulted in approximately 2.52 acres of site disturbance and 5,800 cubic yards (CY) of cut and 5,800 cy of fill. Section 22.51.120 of the LUO requires any 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 to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C.. Compliance with these mandatory BMPs help ensure new construction protects water quality.

In addition, the project would have been subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion.

However, the unpermitted grading was completed without an erosion and sedimentation control plan, or SWPPP. Accordingly, the as-built grading plans prepared by a registered civil engineer (Figure 5) include an analysis of potential erosion and sedimentation impacts associated with the as-built slopes. The conclusion of the project engineer is that the existing grading and slopes will not result in significant erosion or the sedimentation of downslope surface water bodies. However, the engineer recommends the installation of three interconnected infiltration trenches at the entrance to the project site that extends north from the shared access road. With implementation of recommended mitigation measures GEO-1 and GEO-2, project impacts associated with erosion and sedimentation will be *less than significant with mitigation*.

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

The project water demand would be served by an existing groundwater well. The project was referred to the Environmental Health Department, and their response letter of June 1, 2018 did not identify any concerns relating to water supply.

(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?

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

(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?

(c-iv) Impede or redirect flood flows?

The project has resulted in approximately 2.52 acres of site disturbance and 5,800 cubic yards (CY) of cut and 5,800 cy of fill. Section 22.51.120 of the LUO requires any 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 to prepare and implement a sedimentation and erosion control plan. LUO Section 22.51.120 includes requirements for specific erosion control materials and states that Best Management Practices (BMPs) shall be employed to control sedimentation and erosion. These mandatory BMPs are set forth in LUO Section 22.52.150 B. and C.. Compliance with these mandatory BMPs help ensure new construction protects water quality.

In addition, the project would have been subject to Regional Water Quality Control Board (RWQCB) requirements for preparation of a Storm Water Pollution Prevention Plan (SWPPP) (LUO Section 22.52.130), which may include the preparation of a Storm Water Control Plan to further minimize on-site erosion.

However, the unpermitted grading was completed without an erosion and sedimentation control plan, or SWPPP. Accordingly, the as-built grading plans prepared by a registered civil engineer (Figure 5) include an analysis of potential erosion and sedimentation impacts associated with the as-built slopes. The conclusion of the project engineer is that the existing grading and slopes will not result in significant erosion or the sedimentation of downslope surface water bodies. However, the engineer recommends the installation of three interconnected infiltration trenches at the entrance to the project site that extends north from the shared access road. With implementation of recommended mitigation measures GEO-1 and GEO-2, project impacts associated with erosion and sedimentation will be *less than significant with mitigation*.

(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 area with potential for inundation by a tsunami (CDOC 2021). 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 requirements 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

Compliance with existing regulations and/or required plans would adequately reduce potential impacts associated with hydrology and water quality to *be less than significant with mitigation*.

Mitigation

Implement mitigation measures GEO-1 and GEO-2.

Sources

Provided in Exhibit A.

XI. LAND USE AND PLANNING

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

Setting

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

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 Agriculture land use designation. The project site is currently developed.

The inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide," in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project site is located within the San Luis Obispo North Sub-Area of the San Luis Obispo Planning Area.

Initial Study – Environmental Checklist

Discussion

(a) Physically divide an established community?

The project does not propose 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?

The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, inland LUO, and the COSE. The project 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 would be required to be consistent with standards set forth by County Fire/CAL FIRE and the County Public Works Department.

The project would be required to implement measures to mitigate potential impacts associated with biological resources, water quality and erosion; 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 would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures provided for biology and geology (as related to hydrology and water quality).

Mitigation

Implement mitigation measures, BIO-1 and GEO-1 and GEO-2.

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

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

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the 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 2015). 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 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 7 -- 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 marginal traffic on Prefumo Canyon Road and connecting roadways, as well as noise associated with ongoing livestock operations on the project site and surrounding properties. The nearest sensitive receptors are offsite residences located about 0.5 miles to the south.

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. The County LUO noise standards are subject to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on weekdays, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. Noise associated with agricultural land uses (as listed in Section 22.06.030), traffic on public roadways, railroad line operations, and aircraft in flight are also exempt.

No additional construction activities are proposed. Therefore there will be *no impacts* associated with construction.

Operational Impacts. Operational noise will be limited to motor vehicle traffic associated with the mobile home and single family residence and would be comparable to the existing baseline conditions associated. Therefore, operational noise will be below than County standards and impacts would be *less than significant*.

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

The project does not propose any new construction activities. Therefore, there would be *no impacts* related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise.

(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 Airport located approximately 5 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

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 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.

The County's Inclusionary Housing Ordinance requires the provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions. In its efforts to provide for affordable housing, the County currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provide limited financing to projects relating to affordable housing throughout the county.

The project site is currently developed with a single-family residence and mobile home which would remain on site.

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 the legalization of an existing mobile home. Therefore, the project would not generate a substantial number of new employment or housing 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 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.*

(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, there would be *no impact.*

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 #15 located approximately 8 miles west of the project site in the community of Los Osos. Emergency personnel would be able to reach the site within 15 - 20 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 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 west of the project site, in the community of Los Osos.

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

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 would be conditioned to comply with all applicable fire safety rules and regulations, including the California Fire Code and California PRC, which may include improvements to the existing access road to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and potential installation of water storage for fire protection (if fire sprinklers are required). The County Fire Department/CAL FIRE has provided a referral response letter for the project that details required items to be completed prior to final inspection/operation of the project. Based on the limited amount of development proposed, the project would not create a significant new demand for fire services. In addition, the project would 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 involves legalizing an existing mobile home for continued occupancy. Therefore, impacts related to police services would be *less than significant.*

Schools?

As discussed in Section XIV, Population/Housing, the project would not induce 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, impacts related to other public facilities would be *less than significant.*

Conclusion

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

Mitigation

None 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.

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

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

Discussion

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

The project proposes the legalization of an existing mobile home. 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. 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 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 developed with a single-family residence and mobile home and generates a very low volume of traffic. The project site takes access from Prefumo Canyon Road, a rural collector that provides the primary vehicular access to ranches in the area. Traffic counts taken on Prefumo Canyon Road in 2019 north of Los Osos Valley Road revealed an afternoon peak hour volume of 30, and 246 average daily trips. Based on the San Luis Obispo Area Plan, no roads within the general vicinity have been identified as having congestion concerns or needing improvements (County of San Luis Obispo 2014). A privately maintained dirt road will be used to access the project site that extends north from Prefumo Canyon Road. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

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]). Beginning July 1, 2020, the newly adopted VMT criteria for determining significance of transportation impacts were implemented statewide. Also in December, 2018, the Office of Planning and Research (OPR) published a Technical Advisory On the Evaluation of Transportation Impacts In CEQA to assist local governments in implementing the new VMT requirements. The 2018 Technical Advisory states that a development project that generates less than 110 average daily trips (ADT) will not have a project-specific or cumulatively considerable impact with respect to vehicle miles travelled.

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.

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. A mobile home generates about 9.6 average daily trips. Therefore, the project would not noticeably impact traffic operations on Prefumo Canyon Road, would not 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. Since the project would generate very little foot or bicycle traffic, or generate public transit demand, and since no public transit facilities, pedestrian or bicycle facilities exist in the area, the project would have no 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 2019 RTP. Therefore, potential impacts would be *less than significant*.

No significant traffic impacts were identified, and no mitigation measures above what are already required by existing regulations are necessary.

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

The project involves the legalization of an existing mobile home which did not generate a significant increase in operational traffic trips or VMT. No changes in VMT will occur as a result of permitting the existing development. Therefore, potential impacts would be *less than significant*.

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

The project was referred to the Public Works Department for review and comment. Their referral response did not identify any traffic hazards associated with the project. Therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project would not result in road closures during short-term construction activities or long-term operations. 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.

Mitigation

None are required.

Sources

Provided in Exhibit A.

XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

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

1. Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    a. Included or determined to be eligible for inclusion in the 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).

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.

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)?*

The project does not have the potential to adversely impact tribal cultural resources or historic resources. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant.*

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

AB52 referral was conducted on May 21, 2021. One response was received from NCTC expressing concerns of development on the ridgeline where the ranch complex and as-built grading are located, and effects to the Sacred Viewshed. Staff responded that the two residential structures were permitted decades ago. A replacement mobile home on the permitted foundation requires a permit but will not introduce new development to the site. Grading for the arena, workshop and barn is as-built, and new disturbance proposed is 1,500 square feet of grading for drainage improvements to prevent erosion. Grading would not affect the viewshed. No significant concerns were identified for tribal cultural resources.

As discussed in Section V. Cultural Resources, the proposed site disturbance for drainage improvements would affect 1,500 square feet and involve less than 50 cubic yards. In the event additional remedial grading is proposed, impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040), would reduce potential impacts to *less than significant*.

Conclusion

Cultural resources are not expected to be affected by the project. Therefore, potential impacts to tribal cultural resources would be *less than significant.*

Initial Study – Environmental Checklist

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).

Per the County's Stormwater Program, 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 for water and portable restrooms. 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 Mid-State Solid Waste and Recycling and 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?*

Based on the project description, 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 project consists of the legalization of an existing mobile home which has been served by an existing well since 1980. The project was referred to the Environmental Health Department, and their response letter of June 1, 2018 did not identify any concerns relating to water supply. Therefore, impacts associated with water supplies available to serve the project would be *less than significant.*

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

The project would be served by an existing septic leach field. The project was referred to the Environmental Health Department, and their response letter of June 1, 2018 did not identify any concerns relating to wastewater disposal. Therefore, *no impacts would occur.*

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

The nearest landfill to the site is the Cold Canyon Landfill, located approximately 10 miles to the southeast. The landfill has a remaining capacity of approximately 2.8 million cubic yards as of 2019. The incremental amount of waste generated by the project that is not recycled/reused would be within the service capacity of the landfill. Local landfills have adequate permit capacity to continue to serve the existing mobile home 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?

Based on the project description, the project would not result in a substantial increase in waste generation. 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 a "Very High" fire hazard severity zone, and, based on CAL FIRE's referral response letter, it would take approximately 15 - 20 minutes to respond to a call regarding fire or life safety.

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

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

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

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

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

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 does not require any road closures and would be designed to accommodate emergency vehicle access approved by CalFire. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. No new construction is proposed. However, 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. There are adequate alternative routes available to accommodate any rerouted trips through the project area.

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. 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 existing mobile home is located on a ridgeline surrounded by relatively steep slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the west. The site is located within a State Responsibility Area and, based on the County's fire response time map, it would take approximately 15-20 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 access road to accommodate emergency vehicle access, vegetation clearing or trimming, and installation of water storage tanks for fire protection. 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 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.

As described in Section 6, Geology and Soils, the potential for landslides in the project area is low to moderate, and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels.

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 may include improvements to the existing access road/driveway to accommodate emergency vehicle access, vegetation clearing or trimming around all existing and proposed structures, and water storage for fire protection. 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 existing mobile home is located on a ridgeline surrounded by moderate to steep slopes. Winds in the area vary from 6-8 miles per hour and primarily come from the west. As described in Section 6, Geology and Soils, the potential for landslides in the project area is low and the project is not proposing disturbance in areas of steep slopes that would be conducive to the formation of debris flows in the nearby existing channels. The project does not include the construction of new buildings or any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

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.

Initial Study – Environmental Checklist

Mitigation

None necessary.

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 resource section above, 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.

Existing and Reasonably Foreseeable Development

Reasonably foreseeable development in the vicinity of the project site includes single family residences on large parcels.

Aesthetics

The analysis provided in Section I, Aesthetic and Visual Resources, provides an overview of the visual setting and concludes that the potential project-specific impacts would be less than significant. The existing mobile home is an allowable use in the Agriculture land use category and would be visually compatible with surrounding development.

Therefore, the impacts to aesthetic and visual resources of this project, when considered with the potential impacts of other reasonably foreseeable development in the area, would be *less than cumulatively considerable*.

Agriculture and Forestry Resources

The analysis provided in Section II, Agriculture and Forestry Resources, indicates that the project would not result in the permanent conversion of Important Farmland, based on the FMMP and the COES.

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 any existing Williamson Act contracts. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the vicinity, the contribution of the project's potential impacts to agriculture and forestry resources is considered *less than cumulatively considerable*.

Air Quality

No new construction is proposed. However, the analysis provided in Section III, Air Quality, concludes that the project's construction-related emissions would have likely not exceeded SLOAPCD thresholds of significance for construction emissions, resulting in a less than cumulatively considerable contribution to the county's non-attainment status under state air quality standards for fugitive dust.

The analysis provided in Section III, Air Quality also concludes that the project's potential other emissions (such as those leading to odor) would be less than significant based on the distance to the nearest residences.

Therefore, with implementation of the mitigation measure identified relating to naturally occurring asbestos, the contribution of the project's potential impacts to air quality are considered *less than cumulatively considerable*.

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 mitigation measure for special-status plant species and their habitats. With implementation of measure BIO-1, 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*.

Cultural Resources

The analysis provided in Section V. Cultural Resources concludes tha project development would not result in significant impacts to historical or 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

Based on the analysis provided in Section VI., the project's contribution to the overall increased demand for electricity would not have the potential to result in potentially cumulatively considerable environmental impacts associated with the wasteful, inefficient and unnecessary use of energy. 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. Implementation of mitigation measures GEO-1 and GEO-2 will ensure potential impacts associated with erosion and sedimentation will be less than significant.

Therefore, cumulative impacts associated with geology and soils would be *less than cumulatively considerable with mitigation*.

Greenhouse Gas Emissions

No new construction is proposed. However, as discussed in Section VIII, the project is estimated to generate less than 1,150 MMTCO2e GHG and is therefore 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, the project may include the use of household hazardous materials that are not acutely hazardous. Therefore, when considered with other reasonably foreseeable development in the vicinity, project impacts associated with hazards and hazardous materials would be *less than cumulatively considerable*.

Hydrology and Water Quality

As discussed in Section X. Hydrology and Water Quality, the existing mobile home has been served by an existing well since 1980. The project was referred to the Department of Environmental Health and their response did not identify any concerns relating to water supply. 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 likely have been less than significant.

Therefore, when considered with the potential impacts of other reasonably foreseeable development projects in the vicinity, 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 small increase in projected population associated with the project is not expected to result in a substantial increased demand for housing throughout the county. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the area, the contribution of the subject project to impacts related to housing and population is considered *less than cumulatively considerable*.

Public Services

The project and surrounding reasonably foreseeable future development 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 development in the vicinity, 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 County has not yet identified an appropriate model or method to estimate VMT for proposed land use development projects. State CEQA Guidelines Section 15064.3(b) states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively.

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 proposed development in the vicinity is estimated to result in a very 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. Therefore, when considered with the potential impacts of other reasonably foreseeable development in the vicinity, 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, 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, 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	**Not Applicable**
☐	County Airport Manager	**Not Applicable**
☐	Airport Land Use Commission	**Not Applicable**
☐	Air Pollution Control District	**Not Applicable**
☐	County Sheriff's Department	**Not Applicable**
☐	Regional Water Quality Control Board	**Not Applicable**
☐	CA Coastal Commission	**Not Applicable**
☐	CA Department of Fish and Wildlife	**Not Applicable**
☒	CA Department of Forestry (Cal Fire)	**In File****
☐	CA Department of Transportation	**None**
☐	Community Services District	**Not Applicable**
☐	Other _____	**Not Applicable**
☐	Other AB 52 Tribes	**Not Applicable**

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

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County 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
☒ SLO Area Plan/SLO (north) sub area
☐ 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

- Roberts Engineering, 5050 Prefumo Canyon Road As-Built Grading and Erosion Control Plan (1/22/2019)
- Terra Verde Environmental Consulting, October 30, 2018, Focused Spring Botanical Survey Results Memorandum for 5050 Prefumo Canyon Road (APN 076-041-002 and 076-021-031), San Luis Obispo County, California
- Terra Verde Environmental Consulting, July 17, 2020, Follow-up Spring Botanical Survey Results Memorandum for 5050 Prefumo Canyon Road (APN 076-041-002 and 076-021-031), San Luis Obispo County, California
- GeoSolutions, July 21, 2019, Engineering and Geology Investigation Revision No. 2

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

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GEI Consultants, 2014, San Luis Obispo County 2014 Integrated Regional Water Management Plan

Occupational Health and Safety Administration Technical Manual, Section III, Chapter 5 part II.B.6.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. April 2012.

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State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at <http://geotracker.waterboards.ca.gov/>

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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 **Prior to the onset of any additional ground disturbing activities**, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Biological Resources

BIO-1 **Sensitive Plant Species Conservation Easement. Prior to issuance of an as-built grading permit,** the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to establish a Restricted Use Area around the areas impacted by unpermitted grading generally as shown on Figure A-1. The purpose of the Restricted Use Area agreement is to protect existing populations of Palmer's spineflower (*Chorizanthe palmeri*) and associated serpentine habitat. The terms of the Restricted Use agreement shall include at least the following limitations:

1. Foot traffic, only, shall be allowed within the Restricted Use Area throughout the calendar year;
2. Grazing may be allowed from September through February and shall be prohibited between March and August;
3. Such other measures as deemed necessary by the Director to ensure the permanent preservation of areas currently occupied by Palmer's spineflower within the areas shown on Figure A-1.

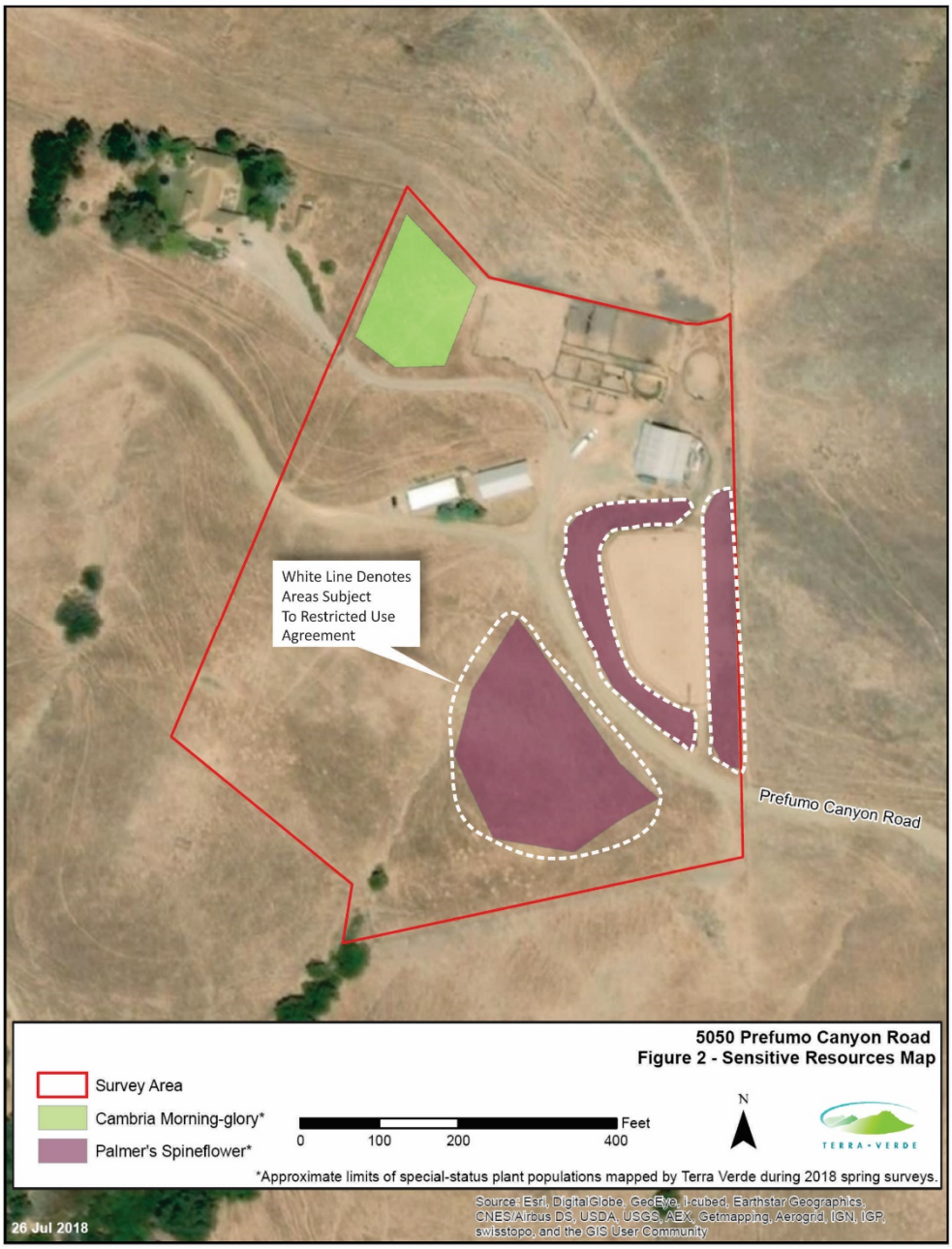
The area subject to the Restricted Use agreement shall be drawn and recorded by a licensed surveyor and shall be maintained in its current state. Active management or maintenance is not required.

Geology and Soils

GEO-1 Plans submitted for building permit issuance for the as-built mobile home shall be consistent with all of the relevant requirements of the 2016 California Residential Code, Title 19 of the County Code, and the recommendations of the Engineering Geology Report dated July 31, 2019 prepared by GeoSolutions, Inc.

GEO-2 Plans submitted for a grading permit for the as-built grading shall be consistent with the preliminary Engineered Grading Plans submitted for the project (Roberts Engineering, 1/22/2019) and all of the relevant requirements of Titles 19 and 22 of the County Code.

Figure A-1 – Areas Subject to Restricted Use Agreement



DATE: May 25, 2021
REVISED:

DEVELOPER'S STATEMENT FOR PEREIRA MINOR USE PERMIT ED17-315 (DRC2018-00057)

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

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

Project Description:

A request by Allan Pereira for a Minor Use Permit (DRC2018-00057) to: 1) legalize the 2001 as-built replacement and continued use of a mobile home that is not certified under the National Manufactured Housing and Safety Act of 1974, and, 2) to legalize unpermitted as-built grading on slopes greater than 10 percent. The project has resulted in 2.52 acres of disturbance including 5,800 cubic yards (cy) of cut and 5,800 cy of fill on a 162.1-acre parcel within the Agriculture land use category. The project is located approximately 2,500 feet northwest of Prefumo Canyon Road, approximately 5,300 feet northwest of Chamise Lane, southwest of the City of San Luis Obispo in the San Luis Obispo Bay Sub-Area of the San Luis Obispo Planning Area.

Compliance Measures:

Air Quality

AQ-1 Prior to the onset of any additional ground disturbing activities, the applicant shall prepare a geologic investigation of the project site by a qualified professional to determine if Naturally Occurring Asbestos (NOA) is present within the area of disturbance, including the access roadway. If the investigation determines that NOA is not present, an exemption request shall be filed with the San Luis Obispo Air Pollution Control District (APCD). If NOA is found at the site, the applicant shall comply with all relevant requirements outlined in the California Air Resources Board Air Toxics Control Measure (ATCM) for Construction. This may include, but is not limited to, development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

Biological Resources

BIO-1 Sensitive Plant Species Conservation Easement. Prior to issuance of an as-built grading permit, the applicant shall enter into an agreement with the County, in a form acceptable to County Counsel, to establish a Restricted Use Area around the areas impacted by unpermitted grading generally as shown on Figure A-1. The purpose of the Restricted Use Area agreement is to protect existing populations of Palmer's spineflower (Chorizanthe

palmeri) and associated serpentine habitat. The terms of the Restricted Use agreement shall include at least the following limitations:

1. Foot traffic, only, shall be allowed within the Restricted Use Area throughout the calendar year;
2. Grazing may be allowed from September through February and shall be prohibited between March and August;
3. Such other measures as deemed necessary by the Director to ensure the permanent preservation of areas currently occupied by Palmer's spineflower within the areas shown on Figure A-1.

The area subject to the Restricted Use agreement shall be drawn and recorded by a licensed surveyor and shall be maintained in its current state. Active management or maintenance is not required.

Geology and Soils

GEO-1 Plans submitted for building permit issuance for the as-built mobile home shall be consistent with all of the relevant requirements of the 2016 California Residential Code, Title 19 of the County Code, and the recommendations of the Engineering Geology Report dated July 31, 2019 prepared by GeoSolutions, Inc.

GEO-2 Plans submitted for a grading permit for the as-built grading shall be consistent with the preliminary Engineered Grading Plans submitted for the project (Roberts Engineering, 1/22/2019) and all of the relevant requirements of Titles 19 and 22 of the County Code.

Monitoring: Compliance with AQ-1, BIO-1, GEO-1 and GEO-2 will be verified by the County Department of Planning and Building prior to issuance of Grading or Building Permits for the project.

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

Signature of Owner(s)	ALLAN PEREIRA	6-3-21
	Name (Print)	Date