Kasson Residence Minor Use Permit C-DRC2021-00014 (ED24-084)

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

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

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

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

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

SWCA Environmental Consultants	Brandi Cummings Digitally signed by Brandi Cummings Date: 2024.06.24 11:35:40 -07'00'	
Prepared by (Print)	Signature	Date
SLO County Planning Department	Andy Knighton Digitally signed by Andy Knighton DN: C=US, E=aknighton@co.slo.ca.us, O=SLO County, OU=Planning, CN=Andy Knighton Date: 2024.06.24 16:25:51-07'00'	06/24/2024
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 Paul and Melanie Kasson for a Minor Use Permit/Coastal Development Permit (C-DRC2021-00014) to allow for the construction of an approximately 3,580-square-foot single-family residence including an attached garage, a driveway, a septic and leach system, and associated site improvements including landscaping. The project would result in approximately 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill, on a 0.47-acre vacant parcel (Assessor's Parcel Number [APN] 074-326-050). The project site is located at 2680 Cottontail Lane in the community of Los Osos (Figure 1) in the Residential Single-Family (RSF) land use category in the Estero Planning Area (Coastal Zone).

The project includes the construction of a new two-story, three-bedroom single-family residence that would include a 1,831-square-foot first floor that includes an attached 1,000-square-foot garage, a 1,750-square-foot second floor, 560 square feet of deck, and 1,180 square feet of landscaping (Figure 2). The proposed residence would have a maximum height of 26 feet, 10-7/8 inches above the average finished grade (Figure 3). The project also includes the construction of site improvements, including construction of a new driveway off Cottontail Lane, installation of an on-site septic and leach system, landscaping throughout the project site, and installation of underground utilities. The proposed driveway would have two points of ingress off Cottontail Lane, approximately 18 feet wide and 11 feet wide, and would extend from Cottontail Lane to the proposed garage, which would provide two parking spaces on-site. The proposed on-site septic system would include a septic tank, a leach field, and associated sewer lines and would be constructed to the east of the proposed residence. The project includes the installation of landscaping adjacent to the proposed residence (Figure 4). Proposed landscaping would comply with the County's water-efficient landscape requirements and the approved plant list. In addition, the project includes the construction of retaining walls around the northwestern and southern sides of the proposed residence.

The project would require the extension of existing utility infrastructure, including gas, electrical, and water lines within the project site. Existing gas and water services are located at the southwest corner of the parcel adjacent to Cottontail Lane. Approximately 32 feet of trenched gas and water line would originate at the services and terminate at the new house. Electricity would be supplied from the existing power pole located on Bayview Heights Drive. Service lines would run through a utility easement that runs north/south along

the eastern boundary of the subject parcel and neighboring parcel and would be installed using directional boring. The project is anticipated to result in a new potable water demand of 128 gallons per day, which would be provided by Golden State Water Company (GSWC). GSWC has provided a will-serve letter for the project (GSWC 2024). The project includes the construction of a new on-site septic system and would not require connection to the community sewer system.

Construction of the proposed residence and site improvements would be developed in one phase of construction. The project would result in a total of 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill. The removal of three Morro manzanita (*Arctostaphylos morroensis*) trees is required for the project. Additionally, the applicant has obtained an Incidental Take Permit (ITP) from the U.S. Fish and Wildlife Service (USFWS) through an approved Individual Habitat Conservation Plan (HCP) for take of the federally endangered Morro shoulderband snail (MSS) (*Helminthoglypta walkeriana*).

ASSESSOR PARCEL NUMBER(S): 074-32-051

Latitude: 35° 18' 5.07" N **Longitude:** 120° 49' 31.52" W **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area: Estero **Sub:** **Comm:** Los Osos

Land Use Category: Residential Single Family

Combining Designation: Coastal Zone , Archaeologically Sensitive Area

Parcel Size: 0.47 acres

Topography: Nearly level to gently sloping

Vegetation: Chamise chaparral; maritime chaparral

Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North: Residential Single Family; single-family residence(s) undeveloped

East: Residential Suburban; undeveloped single-family residence(s)

South: Residential Suburban; single-family residence(s) , undeveloped

West: Residential Single Family; single-family residence(s) undeveloped

Baseline Conditions

The 0.47-acre parcel is located in the RSF zone in the Estero Planning Area. The project site is currently undeveloped and consists of nearly level to gently sloping topography and chamise and maritime chaparral. The project site is surrounded by undeveloped land to the north and south and single-family residences land to the east and west. The project site would be accessed via Cottontail Lane from the west. There are no surface water features, rock outcroppings, or heritage trees on the project site. There is an existing utility easement along the eastern boundary of the property.

Initial Study – Environmental Checklist

Figure 1. Project Location Map



Figure 2. Site Plan



SWCA ENVIRONMENTAL CONSULTANTS

Source: Dos Osos, 2021

Initial Study – Environmental Checklist

Figure 3. Elevation Drawing

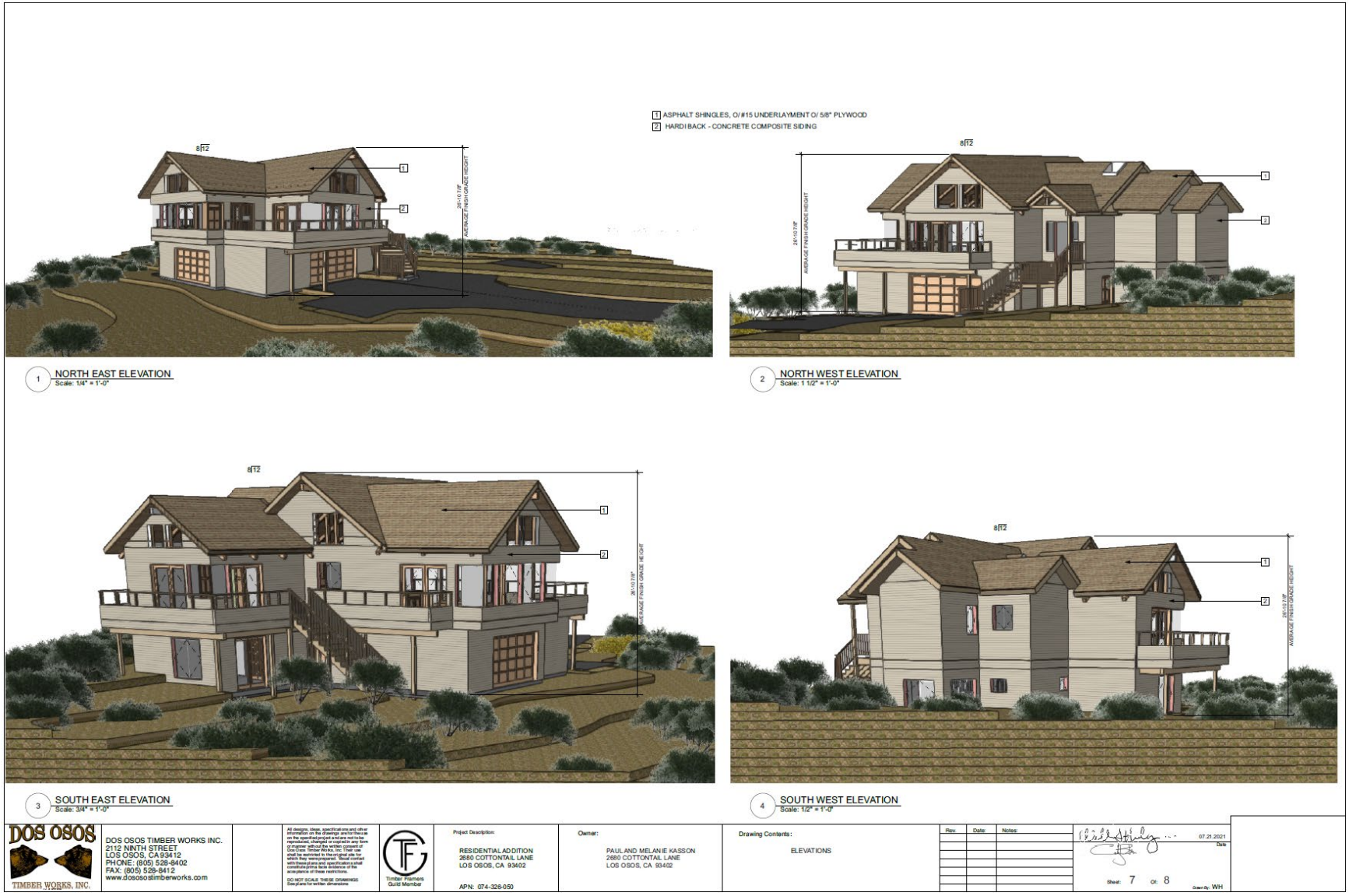
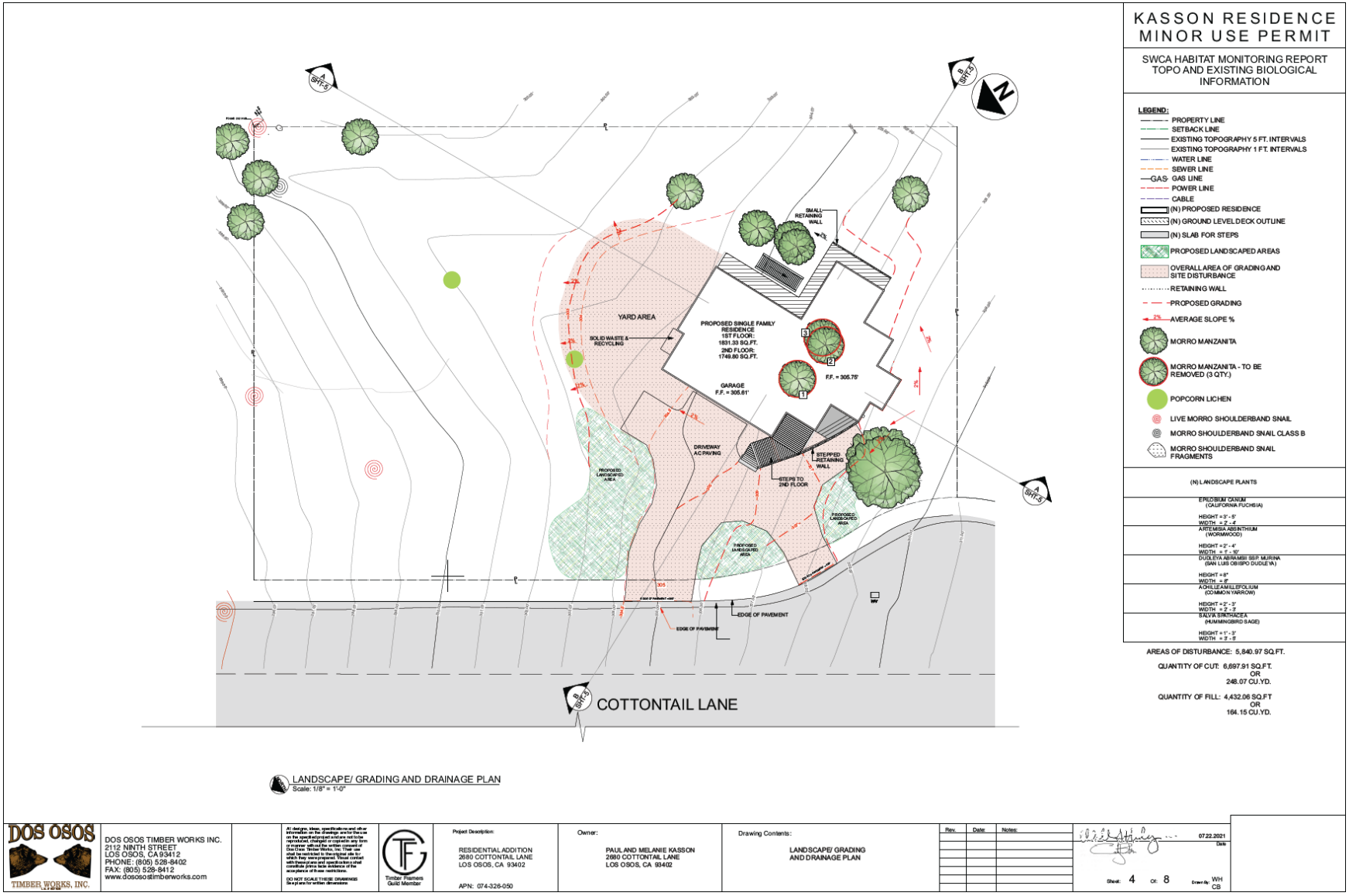


Figure 4. Landscape Plan and Habitat Map



C. Environmental Analysis

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

I. AESTHETICS

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

Setting

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state "with . . . enjoyment of aesthetic, natural, scenic and historic environmental qualities" (Public Resources Code [PRC] Section 21001(b)).

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent on the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

California Scenic Highway Program

The California Scenic Highway Program was created by the State Legislature in 1963 with the intention of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors. Within the County Coastal Zone, there is one officially designated state scenic highway and several eligible state scenic highways. State Route (SR) 1 is an Officially Designated State Scenic Highway and All-American Road from the city of San Luis Obispo to the northern San Luis Obispo County boundary. Portions of U.S. Route 101 (US 101), SR 46, SR 41, SR 166, and a southern portion of SR 1 are also classified as Eligible State Scenic Highways – Not Officially Designated.

County of San Luis Obispo Coastal Zone Land Use Ordinance

The *County of San Luis Obispo Coastal Zone Land Use Ordinance* (County CZLUO) establishes regulations for visual resources that apply to all projects that are visible from the shoreline, public beaches, the Morro Bay estuary, and any of the roads specified in the applicable planning area standards for Critical Viewsheds, Scenic Corridors, or Sensitive Resource Areas (SRAs) intended to protect visual resources (County CZLUO Section 23.04.210). Structures that are not visible from these locations or agricultural structures that are 600 square feet or less in area or other minor agriculturally related development are exempt from these standards. The County CZLUO also includes a section detailing standards for all outdoor night-lighting sources, with the exception of streetlights located within public rights-of-way and all uses established in the Agriculture land use category (County CZLUO Section 23.04.320).

County Conservation and Open Space Element

The *County of San Luis Obispo General Plan Conservation and Open Space Element* (County COSE) provides guidelines for the appropriate placement of development so that the natural landscape continues to be the dominant view in rural parts of the county and to ensure the visual character contributes to a robust sense of place in urban areas. The County COSE provides a number of goals and policies to protect the visual character and identity of the county while protecting private property rights, such as the identification and protection of community separators (rural-appearing land located between separate, identifiable communities and towns), designation of scenic corridors along public roads and highways, retaining existing access to scenic vista points, and ensuring that new development in Urban and Village areas are consistent with the local character, identity, and sense of place. Policies in the County COSE supplement County CZLUO policies, except when the County COSE policies conflict with County CZLUO policies, for which the County CZLUO policies would control (County COSE Policy 9.2).

Existing Conditions

The 0.47-acre parcel is located in a semi-rural residential area in the RSF zone in the Estero Planning Area, within the community of Los Osos. The project site is currently undeveloped and consists of nearly level to gently sloping topography and chamise and maritime chaparral. There are no surface water features, rock outcroppings, or heritage trees on the project site. There is an existing utility easement along the southern portion of the property. The project site is surrounded by undeveloped land to the north and single-family residences to the south, east, and west. The project site would be accessed via Cottontail Lane from the west. There are no officially designated or eligible scenic highways located within close proximity to the project site. The nearest scenic highway is SR 1, located approximately 4.2 miles north of the project site (California Department of Transportation [Caltrans] 2021).

Initial Study – Environmental Checklist

Discussion

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

A scenic vista is generally defined as a high-quality view displaying good aesthetic and compositional values that can be seen from public viewpoints and may be officially or informally designated by public agencies or other organizations. Vistas are inherently expansive views, usually from an open area or an elevated point. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. The project site is not located within a designated scenic vista, a visually sensitive area, or an area with high scenic quality. The nearest suggested scenic corridor included in the County COSE is Pecho Valley Road, which is located approximately 1.88 miles northwest of the project site. Due to distance, intervening topography, and existing development and vegetation, the project site is entirely blocked from the viewshed of Pecho Valley Road. In addition, the project would be compliant with design requirements for the RSF land use designation and would not introduce a new incompatible land use or design feature that could be inconsistent with existing and surrounding land uses. Based on proposed project design and intervening topography, the project would not have a substantial adverse effect on a scenic vista and *no impact* would occur.

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

The nearest designated state scenic highway is SR 1, which is located approximately 4.2 miles north of the project site (Caltrans 2021). Due to distance, intervening topography, and existing development and vegetation, the project would not be visible from SR 1; therefore, implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway, and *no impact* would occur.

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

The project is located in an urban residential area within the RSF land use and zoning designation. The project includes the construction of an approximately 3,580 square-foot single-family residence that would include a 1,831-square-foot first floor (includes an attached 1,000-square-foot garage), a 1,750-square-foot second floor, decking, and landscaping. The proposed two-story residence would have a maximum height of 26 feet, 10-7/8 inches above the average finish grade, which is consistent with the allowable height of the RSF land use designation for this neighborhood within the Estero Area Plan. The project would also be consistent with the minimum floor area, allowable density, and other development standards of the RSF land use designation. The proposed residence would be generally consistent with the design and scale of surrounding single-family residences and would not introduce new architectural features that could significantly alter the existing visual character of the project area. As described in Impact Discussion I(a), the project would not have a substantial adverse effect on a scenic vista, which is consistent with the County COSE and other applicable County planning documents. Therefore, the proposed project would not conflict with applicable zoning standards or other regulations governing scenic quality, and impacts would be *less than significant*.

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

Existing sources of nighttime lighting within the project area include residential lighting from neighboring single-family residences and intermittent vehicle headlights along Bayview Heights Drive and Cottontail Lane. The project does not include the use or installation of highly reflective materials that would create a substantial source of glare, proposed materials for the residence include asphalt shingles and concrete composite siding. New sources of outdoor lighting associated with the project would be consistent with the level and scale of lighting from existing development in the project vicinity. In addition, the project would be required to comply with County CZLUO Section 23.04.320 for outdoor lighting requirements. Based on required compliance with County CZLUO Section 23.04.320, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area; therefore, impacts would be *less than significant.*

Conclusion

The project would not result in a substantial change to a scenic vista, scenic corridor, or other scenic resources in the area. The project would be consistent with existing policies and standards in the County CZLUO and County COSE related to the protection of scenic resources. Potential impacts to aesthetic resources would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Initial Study – Environmental Checklist

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

San Luis Obispo County supports a unique, diverse, and valuable agricultural industry that can be attributed to its Mediterranean climate, fertile soils, and sufficient water supply. Wine grapes are regularly the top agricultural crop in the county. Top value agricultural products in the county also include fruit and nuts, vegetables, field crops, nursery products, and animals. The *County of San Luis Obispo General Plan Agriculture Element* (County Agriculture Element) includes policies, goals, objectives, and other requirements that apply to lands designated in the Agriculture land use category. In addition to the County Agriculture Element, in accordance with Sections 2272 and 2279 of the California Food and Agriculture Code, the County Agricultural Commissioner releases an annual report on the condition, acreage, production, pest management, and value of agricultural products within the county. The most recent annual crop report can be found here: https://www.slocounty.ca.gov/Departments/Agriculture-Weights-and-Measures/All-Forms-Documents/Information/Crop-Report.aspx.

Farmland Designations

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 (CDOC 2022a). 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 designated as Urban and Built-Up Land (CDOC 2022a).

On-site Soils

According to the Soil Survey for San Luis Obispo County and the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey, the project site is underlain by the following soil types (NRCS 2023):

- **Soil Unit 104: Baywood fine sand, 2 to 9 percent slopes.** The parent material of this soil type is eolian sands, and it consists of Baywood and similar soils at 85 percent. The drainage class of this soil type is somewhat excessively drained, has very low runoff, and it is composed primarily of fine sand. This soil type occurs on dunes, toeslopes, and talf at elevations between 0 and 500 feet (0 and 152 meters). This soil type is not considered Prime Farmland.
- **Soil Unit 105: Baywood Fine Sand, 9 to 15 percent slopes.** The parent material of this soil type is eolian sands, and it consists of Baywood and similar soils at 85 percent. The drainage class of this soil type is somewhat excessively drained, has very low runoff, and it is composed primarily of fine sand. This soil type occurs on dunes, toeslopes, and talf at elevations between 0 and 500 feet (0 and 152 meters). This soil type is not considered Prime Farmland.

Williamson Act

The Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agriculture or related open space use. In return, landowners receive property tax assessments that are much lower than normal because they are based on farming and open space uses as opposed to full market value. The project site does not include land within the Agriculture land use designation and is not within or adjacent to land subject to an active Williamson Act contract.

Forestland and Timberland

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

Discussion

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

The project site is designated as Urban and Built-Up Land and does not contain land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as designated by the FMMP (CDOC 2022a). Therefore, the project would not result in the conversion of Farmland pursuant to the FMMP to a non-agricultural use, and *no impact* would occur.

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

The project site does not include land within the Agriculture land use designation or land subject to a Williamson Act contract. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and *no impact* would occur.

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

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

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

The project site does not contain forest land or timberland and would not result in the loss or conversion of these lands to non-forest use; therefore, *no impact* would occur.

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

The project site is not located in close proximity to Farmland or forest land and the project would not conflict with existing agricultural uses. The project would not increase demand on agricultural water supplies or facilities and would not affect proximate agricultural support facilities. Therefore, the project would not result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural uses or forest land to non-forest uses; therefore, *no impact* would occur.

Conclusion

The project would not directly or indirectly result in the conversion of Farmland, forest land, or timberland to non-agricultural or non-forest uses and would not conflict with agricultural zoning or otherwise adversely affect agricultural resources or uses. No potentially significant impacts to agriculture, forest land, or timberland would occur, and mitigation measures are not necessary.

Mitigation

None necessary.

III. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐

Initial Study – Environmental Checklist

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

Regulatory Agencies and Standards

San Luis Obispo County is part of the South Central Coast Air Basin (SCCAB), which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (USEPA), California Air Resources Board (CARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. CARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The California Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. CARB adopted the CAAQS developed by the California Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter 10 microns or less in diameter (PM_{10}) and 2.5 microns or less in diameter ($PM_{2.5}$), ozone (O_3), nitrogen dioxide (NO_2), sulfate, carbon monoxide (CO), sulfur dioxide (SO_2), visibility-reducing particles, lead (Pb), hydrogen sulfide (H_2S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the USEPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The USEPA has established NAAQS for six criteria pollutants (all of which are also regulated by the CAAQS): CO, lead, NO_2, ozone, PM_{10} and $PM_{2.5}$, and SO_2.

California law continues to mandate compliance with the CAAQS, which are often more stringent than national standards. However, California law does not require that the CAAQS be met by specified dates as is the case with the NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that the NAAQS and CAAQS are not exceeded and that air quality conditions within the county are maintained.

SLOAPCD Thresholds

The SLOAPCD has developed and updated the 2012 *CEQA Air Quality Handbook* (most recently updated via a 2023 Administrative Update Version) to help local agencies evaluate project-specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result. This handbook includes established thresholds for both short-term construction emissions and long-term operational emissions.

Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHGs), and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other heavy equipment. The SLOAPCD has established thresholds of significance for each of these contaminants.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial, and industrial development. Certain types of projects can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (referred to as stationary source emissions).

The SLOAPCD has established thresholds for both short-term construction emissions and long-term operational emissions. Use of heavy equipment and earth-moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_X), reactive organic gases (ROG), greenhouse gases (GHGs), and diesel particulate matter (diesel PM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators and other heavy equipment. SLOAPCD has established thresholds of significance for each of these contaminants.

The SLOAPCD CEQA Handbook provides thresholds of significance for construction related emissions. Table 1 lists the SLOAPCD's general thresholds for determining whether a potentially significant impact could occur as a result of a project's construction activities.

Table 1. SLOAPCD Thresholds of Significance for Construction Activities

Pollutant	Threshold[1]		
	Daily	Quarterly Tier 1	Quarterly Tier 2
Diesel Particulate Matter (Diesel PM)	7 lbs	0.13 tons	0.32 tons
Reactive Organic Gases (ROG) + Nitrogen Oxides (NO_X)	137 lbs	2.5	6.3 tons
Fugitive Particulate Matter (PM_{10}), Dust[2]		2.5 tons [2]	

[1] Daily and quarterly emission thresholds are based on the California Health and Safety Code and the CARB Carl Moyer Guidelines.

[2] Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5-ton PM_{10} quarterly threshold.

The SLOAPCD CEQA Handbook also provides preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. Table 2 lists the SLOAPCD's screening emission rates that would be generated based on the amount of material to be moved. The SLOAPCD CEQA Handbook also clarifies that any project that would require grading of 4 acres or more can exceed the 2.5-ton PM_{10} quarterly threshold (see Table 1).

Table 2. Screening Emission Rates for Construction Activities

Pollutant	Grams/Cubic Yard of Material Moved	Pounds/Cubic Yard of Material Moved
Diesel Particulate Matter (Diesel PM)	2.2	0.0049
Reactive Organic Gases (ROG)	9.2	0.0203
Nitrogen Oxides (NO_X)	42.4	0.0935
Fugitive Particulate Matter (PM_{10})	0.75 tons/acre/month of construction activity (assuming 22 days of construction per month)	

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 (source emissions).

General screening criteria are used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD CEQA Handbook). These criteria are based on project size in an urban setting and designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within 10% of exceeding the screening criteria.

Air Quality Monitoring

The county's air quality is measured by a total of 10 ambient air quality monitoring stations, and pollutant levels are measured continuously and averaged each hour, 24 hours a day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to federal and state air quality standards. These standards represent allowable atmospheric containment concentrations at which the public health and welfare are protected and include a factor of safety. The SLOAPCD prepares an Annual Air Quality Report detailing information on air quality monitoring and pollutant trends in the county. The most recent Annual Air Quality Report can be found here: https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2022aqrt-FINAL.pdf.

In San Luis Obispo County, ozone and fine particulates (particulate matter of 10 microns in diameter or smaller; PM_{10}) are the pollutants of main concern, since exceedances of state health-based standards for these pollutants are experienced in some areas of the county. Under federal standards, the county has non-attainment status for ozone in eastern San Luis Obispo County.

2001 Clean Air Plan San Luis Obispo County

The SLOAPCD's *2001 Clean Air Plan San Luis Obispo County* (2001 CAP) is a comprehensive planning document intended to evaluate long-term air pollutant emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM_{10} (SLOAPCD 2001). The CAP presents a detailed description of the sources and pollutants which 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.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by CARB. Serpentine and other ultramafic rocks are fairly common throughout the county and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health. The project site is located in an area with potential for NOA (SLOAPCD 2023b).

Sensitive Receptors

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants, such as the elderly, children, people with asthma or other respiratory illnesses, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. Some land uses are considered more sensitive to changes in air quality than others, due to the population that occupies the uses and the activities involved. Sensitive receptor locations include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residences. There are no sensitive receptors within the project site. The nearest off-site sensitive receptors are single-family residences located approximately 65 feet northwest of the project site, on the other side of Cottontail Lane.

Discussion

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

In order to be considered consistent with the 2001 CAP, a project must be consistent with the land use planning and transportation control measures and strategies outlined in the 2001 CAP (SLOAPCD 2012). Adopted land use planning strategies include, but are not limited to, planning compact communities with higher densities, providing for mixed land uses, and balancing jobs and housing. The project includes infill development of a new single-family residence within the RSF zone. Based on the Estero Area Plan, the average household size in the community of Los Osos is 2.44 persons per occupied dwelling unit; therefore, development of one new single-family residence would result in a population increase of approximately three residents (County of San Luis Obispo 2009). Additionally, the project does not include the development of new land uses that would generate employment opportunities within the area. Therefore, the project would not result in a substantial increase in population or employment and would not generate a significant increase in vehicle trips due to the low-density nature of the proposed project. Operation of the proposed project would not conflict with or obstruct implementation of the 2001 CAP or other applicable regional and local planning documents. 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?*

San Luis Obispo County is currently designated as non-attainment for ozone and PM_{10} under the CAAQS (CARB 2022a).

Construction Emissions

Construction activities associated with the construction of the proposed project would result in the generation of criteria air pollutants, including ozone precursors (ROG and NO_X) and fugitive dust. Fugitive dust emissions would result from grading operations and ROG and NO_X emissions would result from the use of large diesel-fueled equipment, including scrapers, loaders, bulldozers, haul

trucks, compressors, and generators. Project grading would result in approximately 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill.

The SLOAPCD CEQA Handbook provides thresholds of significance for construction-related emissions, as well as preliminary screening construction emission rates based on the proposed volume of soil to be moved and the anticipated area of disturbance. The SLOAPCD CEQA Handbook clarifies that any project that would require grading of 4 acres or more has the potential to exceed the 2.5-ton PM_{10} quarterly threshold (see Table 1). Table 3 shows the project's estimated construction-related emissions in comparison to SLOAPCD thresholds.

Table 3. Proposed Project Estimated Construction Emissions

Pollutant	Screening Emission Rate (pounds/cubic yard)	Total Estimated Emissions	Threshold Quarterly	Threshold Exceeded?
Reactive Organic Gases (ROG) + Nitrogen Oxides (NO_X)	0.1138	46.89 pounds	2.5 tons	No
Diesel Particulate Matter (Diesel PM)	0.0049	2.02 pounds	0.13 tons	No

Based on the construction emission estimates above, the project would not exceed SLOAPCD construction emissions thresholds for ROG + NO_X or diesel PM. In addition, the project would require 0.13 acre of ground disturbance for construction of the proposed single-family residence and associated site improvements and would not exceed SLOPCD's 4-acre threshold for PM_{10}.

Operational Emissions

The project includes infill development of a new single-family residence within the RSF land use category. Based on the Estero Area Plan, the average household size in the community of Los Osos is 2.44 persons per occupied dwelling unit; therefore, development of one new single-family residence would result in a population increase of approximately three residents (County of San Luis Obispo 2009). Based on the limited scale of the proposed development, implementation of the project would not result in a substantial increase in population or employment and would not generate a significant increase in vehicle trips. The proposed driveway would be constructed with an asphalt-concrete base and would not generate long-term dust emissions. Installation of any wood burning devices (i.e., wood stoves, fireplaces) would be required to be certified by the USEPA "Step 2" New Source Performance Standard and comply with APCD Rule 504 to be eligible for installation in new dwelling units. Based on the limited size and scope of the proposed project, the project would not include components that could result in substantial long-term pollutant concentrations in a manner that would exceed SLOAPCD thresholds. Therefore, the proposed project would not result in a cumulatively considerable net increase in identified criteria pollutants, and operational impacts would be *less than significant.*

(c) Expose sensitive receptors to substantial pollutant concentrations?

According to the SLOAPCD CEQA Handbook, projects that occur within 1,000 feet of sensitive receptors have the potential to result in adverse impacts involving construction emissions (SLOAPCD 2012). The nearest off-site sensitive receptors are single-family residences located approximately 65

feet northwest of the project site, on the other side of Cottontail Lane. There are additional off-site residential units located within 1,000 feet in all directions of the project site. As evaluated above, the project would not result in construction-related or operational criteria air pollutant emissions above established SLOAPCD thresholds; however, due to the close proximity of sensitive receptor locations, Mitigation Measures AQ-1 and AQ-2 have been identified to ensure compliance with SLOAPCD diesel idling restrictions and fugitive dust reduction measures intended to reduce exposure of diesel PM and fugitive dust to sensitive receptor locations. With implementation of Mitigation Measures AQ-1 and AQ-2, the project would not expose sensitive receptors to substantial pollutant concentrations; therefore, impacts would be *less than significant with mitigation.*

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

Typically, construction activities have the potential to emit odors from diesel equipment, paints, solvents, fugitive dust, and adhesives. Any odors generated by construction activities would be intermittent and temporary, and generally would not extend beyond the construction area.

Future residential uses would not include any components or operational activities that would generate substantial long-term adverse odors. Therefore, odors generated by the project would be short-term, intermittent, and primarily undetectable.

The project has the potential to expose people to NOA due to the project site's location in an area with the potential for NOA to occur (SLOAPCD 2023). Mitigation Measures AQ-3 has been identified to require implementation of SLOACPD recommended NOA testing, notification, and disposal protocol to reduce the potential to release NOA during proposed ground disturbance and construction activities, and to mitigate health risks if NOA or other contaminants are detected. The project does not require the demolition of any on-site structures that may contain asbestos containing material (ACM) or lead based paint. Further, the project does not require the import of fill materials that could introduce other potential contaminants to the project site Construction-related odors would be temporary, intermittent, and undetectable; and with implementation of Mitigation Measure AQ-3, the project would not expose people to adverse other emissions, including NOA; therefore, potential impacts would be *less than significant with mitigation.*

Conclusion

The proposed project would result in limited short-term construction emissions. The project site is not located in an area that has known NOA and would not result in the demolition of buildings that could inadvertently release ACM. Implementation of Mitigation Measures AQ-1 and AQ-2 would reduce impacts of construction emissions near sensitive receptors and Mitigation Measure AQ-3 has been identified to reduce impacts associated with potential release of NOA and other contaminants during project construction activities. Therefore, with implementation of Mitigation Measures AQ-1 through AQ-3, impacts would be less than significant.

Mitigation

AQ-1 **Diesel Idling Restrictions for Construction Phases.** The APCD recognizes the public health risk reductions that can be realized by idle limitations for both on- and off-road equipment. The following idle restricting measures are required for the construction phase of projects. **Upon application for construction and/or encroachment permits**, all required measures

shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

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

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: https://ww2.arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf.

AQ-2 **At the time of application for grading and construction permits** for initial site improvements and future residential development, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District (SLOAPCD) 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance (SLOAPCD Rule 402) impacts:

1. The amount of the disturbed area shall be reduced where possible;
2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder shall consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the

San Joaquin Valley Air District for a list of potential dust suppressants: http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm;

3. All dirt stockpile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114;
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent track out, access points shall be designated, and all employees, subcontractors, and others shall be required to use them. A "track-out prevention device" shall be installed and operated where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).
9. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities;
10. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established;
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;

12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
14. Additional measures shall be taken as needed to ensure dust from the project site is not impacting areas outside the project boundary.

AQ-3 **Prior to initiation of ground-disturbing activities** for initial site improvements and future residential development, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion.

1. If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD; or
2. If the site is exempt, an exemption request must be filed with the APCD.

More information on NOA can be found at https://www.slocleanair.org/rules-regulations/noa.php

IV. BIOLOGICAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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?	☐	☒	☐	☐

Setting

The following setting information and evaluation is based, in part, on the Biological Resources Assessment (BRA) prepared for the project (SWCA Environmental Consultants [SWCA] 2022) and the Morro Shoulderband Snail (MSS) Habitat Conservation Plan (HCP) prepared for the project (SWCA 2023).

Federal and State Endangered Species Acts

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

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

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and Porter-Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland waterbodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as "navigable waters of the U.S." that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, the USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the state. Based on the USFWS National Wetlands Inventory (NWI), the project site does not support wetlands, riparian, or deep-water habitats (USFWS 2023).

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

The intent of the goals, policies, and implementation strategies in the County COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The County COSE identifies Critical Habitat areas for sensitive species, including La Graciosa thistle (*Cirsium loncholepis*), California condor (*Gymnogyps californianus*), California red-

legged frog (*Rana draytonii*), vernal pool fairy shrimp (*Branchinecta lynchi*), Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*), MSS (*Helminthoglypta walkeriana*), California tiger salamander (*Ambystoma californiense*), and western snowy plover (*Charadrius nivosus nivosus*). The County COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

Sensitive Resource Area and Environmentally Sensitive Habitat Area Designations

The County CZLUO SRA combining designation identifies areas of San Luis Obispo County with special environmental qualities, or areas containing unique, sensitive, or endangered vegetation or habitat resources. The County CZLUO establishes specific standards for all uses requiring a land use permit that are located within an SRA combining designation. These standards include requirements for initial submittal of the land use permit application, application content, environmental determination, final permit requirements and processing, required findings, and minimum site design and development standards (County CZLUO 23.07.162, 23.07.164, and 23.07.166). These design and development standards include the prohibition of surface mining on-site; setback distances on ocean, lake, and streambank shoreline development; prevention of degradation of lakes, ponds, wetlands, or perennial watercourses; setback distances from geological features visible from off-site; and prevention of disturbance of specific vegetation when the SRA designation is applied because of its presence.

The County CZLUO also includes special provisions for any development proposed within or adjacent to an Environmentally Sensitive Habitat Area (ESHA). The California Coastal Act defines an ESHA as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments (County CZLUO 23.07.170).

Los Osos Communitywide Habitat Conservation Plan and Incidental Take Permit

The County has adopted the communitywide *Los Osos Habitat Conservation Plan* (LOHCP). The purpose of the LOHCP is to "authorize the covered activities while conserving the covered species and their habitats. Implementation of a programmatic, multi-species Habitat Conservation Plan, rather than a species-by-species or project-by-project approach, will maximize the benefits of conservation measures for covered species and eliminate potentially expensive and time-consuming efforts associated with processing individual incidental take permits for each project within the proposed Habitat Conservation Plan area" (County of San Luis Obispo 2023b).

As part of the LOHCP and Incidental Take Permit (ITP) coverage, the County is required to mitigate the effects of the covered activities on the covered species through implementation of the LOHCP conservation program—a comprehensive program designed to avoid, minimize, and mitigate the impacts of the covered activities to the maximum extent practicable.

Participation in the LOHCP is voluntary and projects resulting in ground disturbance have other options for compliance with federal, state, and local permitting requirements that are addressed through this plan. The Implementing Entity will have the ability to extend take coverage to proponents of eligible projects once the initial habitat management project has achieved the performance criteria established in the LOHCP Adaptive Management and Monitoring Plan (County of San Luis Obispo 2023b).

Morro Shoulderband Snail (Helminthoglypta walkeriana) Habitat Conservation Plan for 2680 Cottontail Lane, Los Osos, San Luis Obispo County, California and Incidental Take Permit

MSS is listed as Threatened under FESA and has been observed on the project site. It was determined that the project has potential to take a FESA-listed wildlife species which means that ITP coverage would be required for the proposed project. As such, a Habitat Conservation Plan (HCP) was prepared for the proposed project at the request of the applicants with the intent of subsequently applying for an ITP for coverage of MSS take. The HCP identifies potential direct and indirect impacts to MSS resulting from the project including anticipated take. Additionally, although listed plants are not included in the FESA prohibition on take of listed species, the HCP acknowledges that Morro manzanita also occurs on the parcel and will be subject to impacts resulting from the project. The HCP proposes compensatory mitigation for take of MSS which also considers the impacts to morro manzanita and is consistent with the compensatory mitigation for MSS and Morro manzanita proposed by the LOHCP.

When the HCP was agreed upon by USFWS, the applicants applied for an ITP seeking coverage for the incidental taking of MSS. An ITP was issued to the applicants and is effective for 10 years, from November 22, 2023, through November 21, 2033. The ITP allows the applicants to take MSS located only within the permit area, which includes the entire 0.47-acre project parcel, in conjunction with the activities identified in the HCP, which include the development of the proposed project.

Special-Status Species

The BRA includes the results of a desktop-level background review and multiple field surveys. Background review conducted for the project included a query of the CDFW California Natural Diversity Database (CNDDB), the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Plants of California, and other applicable databases. A total of five field surveys were conducted for the project; surveys were conducted on April 17, June 8, and December 15, 2018; January 16, 2019; and the fifth survey was conducted on January 24, 2022, to verify that site conditions had not substantially changed since the first four conditions were completed.

Special-Status Plants

Based on a six-quadrangle search of the CNDDB and conditions observed at the project site, the following 20 special-status plant species have the potential to occur at the project site:

- Hoover's bent grass (*Agrostis hooveri*)
- Morro manzanita (*Arctostaphylos morroensis*)
- Sand mesa manzanita (*Arctostaphylos rudis*)
- Coulter's saltbush (*Atriplex coulteri*)
- Nipomo Mesa ceanothus (*Ceanothus impressus* var. *nipomensis*)
- Coastal goosefoot (*Chenopodium littoreum*)
- Compact cobwebby thistle (*Cirsium occidentale* var. *compactum*)
- Surf thistle (*Cirsium rhothophilum*)
- Popcorn lichen *(Cladonia firma)*
- Dune larkspur *(Delphinium parryi* ssp. *blochmaniae)*
- Blochman's leafy daisy *(Erigeron blochmaniae)*
- Mesa horkelia *(Horkelia cuneata* var. *puberula)*

- Kellogg's horkelia *(Horkelia cuneata* var. *sericea)*
- Perennial goldfields (*Lasthenia californica* ssp. *macrantha*)
- Southern curly-leaved monardella *(Monardella sinuata* ssp. *sinuata)*
- Coast woolly-heads (*Nemacaulis denudata* var. *denudate*)
- Blochman's ragwort (*Senicio blochmaniae*)
- Black-flowered figwort (*Scrophularia atrata*)
- Splitting yarn lichen (*Sulcaria isidiifera*)
- Sand almond *(Prunus fasciculata* var. *punctata)*

During the five biological surveys conducted in 2018, 2019, and 2022, Morro manzanita and popcorn lichen were observed on the project site (SWCA 2022).

Morro manzanita is a perennial shrub that is listed as Threatened under the FESA and is a CNPS CRPR 1B.1 species. It is a narrow species endemic to coastal San Luis Obispo County, where it only occurs on lands surrounding Morro Bay. Its range includes Montaña de Oro State Park (Hazards Canyon area) in the south, Los Osos Valley in the east, and Morro Rock in the north. Most occurrences are associated with Baywood fine sand. Remnant occurrences of Morro manzanita can be found in the developed parts of Los Osos on private parcels and in County right-of-way areas. Although most intact stands are above 200 feet in elevation, there are many remnant occurrences lower than 200 feet in elevation. Fourteen Morro manzanita plants occur on the project site; the proposed project will impact three of the 14 specimens that occur on the project site.

Popcorn lichen is a CNPS Rank 2B.2 species. It occurs on soil, detritus, or moss on stabilized coastal dunes. In North America, it is known from four populations in California: on the southeast side of Morro Bay, in Los Osos, and in Montaña de Oro State Park. One of the documented occurrences of popcorn lichen is located approximately 1,400 feet west of the project site in the Morro Dunes Ecological Reserve, just off Calle Cordoniz. On the project site, popcorn lichen occurs on the sand and on detritus in the openings among the maritime chaparral. Most occurrences are located near the southern boundary of the parcel and within the utility easement.

Special-Status Wildlife

Based on a six-quadrangle search of the CNDDB and conditions observed at the project site, the following 6 special-status wildlife species have the potential to occur at the project site in addition to migratory nesting birds:

- Northern California legless lizard (*Anniella pulchra*)
- Northern harrier (*Circus cyaneus*)
- Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)
- Morro shoulderband snail (*Helminthoglypta walkeriana*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Coast horned lizard (*Phrynosoma blainvillii*)

MSS was observed at the project site during the site visits (SWCA 2022). SWCA conducted three protocol-level MSS surveys on the project site during protocol conditions where four live MSS, one empty shell, and shell fragments were identified in and directly adjacent to the project site.

On December 15, 1994, USFWS listed MSS as an endangered species under the FESA. On July 24, 2020, the USFWS published their proposal to down list or reclassify MSS as a threatened species with a special rule under Section 4(d) of the FESA. MSS are found in association with sandy soils of coastal dune and coastal sage scrub communities near Morro Bay. MSS can be found in native and non-native habitats and are routinely observed in disturbed areas in Los Osos. MSS require shelter to avoid desiccation; therefore, MSS are closely associated with plants and debris that exhibit dense cover and ample contact with the ground. Plants that MSS are often found in association with include mock heather (*Ericameria ericoides*), seaside golden yarrow (*Eriophyllum staechadifolium*), deerweed (*Acmispon glaber*), sand almond, horkelia, and ice plant (*Carpobrotus* sp.). Other plants that commonly occur in areas occupied by this species include black sage *(Salvia mellifera*), dune buckwheat (*Eriogonum parvifolium*), California sagebrush (*Artemisia californica*), dune lupine (*Lupinus chamissonis*), veldt grass (Ehrharta calycina), and California croton (*Croton californicus*).

The project site is located outside of the boundaries of critical habitat for MSS, designated on February 7, 2001; the closest critical habitat for MSS is located approximately 0.23 miles west of the project site. The project site is currently undeveloped and consists of nearly level to gently sloping topography. Vegetation on the project site is dominated by chamise chaparral and maritime chaparral.

A total of three protocol surveys for MSS were conducted during protocol conditions on April 17, and December 5, 2019, and January 16, 2019. Habitat assessments were conducted to determine if suitable habitat for MSS is present, and it was concluded that the senescent condition of the shrubs on the project site provided minimal cover for MSS within the project site. During the surveys, four live MSS, one empty shell, and shell fragments were identified in and directly adjacent to the project site. The MSS were observed on the northern portion of the project site in the general vicinity of the proposed leach field. Occurrences were associated with veldt grass, chamise, and mock heather (SWCA 2022).

Project Site Setting

The project site is currently undeveloped. The project site consists of nearly level to gently sloping topography and is underlain by Baywood fine sand. Vegetation on the project site is comprised of chamise chaparral and northern maritime chaparral, both of which are shrub dominated plant communities. There are no surface water features, drainages, or riparian habitat located within the project area. In addition, a review of the CNDDB did not identify any sensitive natural communities on-site (SWCA 2022).

Discussion

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

Special-Status Plants

The project includes ground-disturbing activities for development of residential uses, which would have the potential to result in direct removal of special-status plant species if present within the project site during construction. As described above, two special-status plant species, Morro manzanita and popcorn lichen, were observed at the project site during the five biological surveys conducted in 2018, 2019, and 2022 (SWCA 2022). The project proposes to remove three out of the

fourteen observed Morro manzanita observed on the project site and may result in impacts to popcorn lichen located near the southern boundary of the parcel and within the utility easement. Based on the presence of Morro manzanita and popcorn lichen at the project site, implementation of the proposed project has the potential result in adverse effects to any special-status plant species. Mitigation Measures BIO-1, BIO-2, and BIO-7 through BIO-10 have been included to require a qualified biologist for mitigation monitoring, worker environmental awareness training, trenchless undergrounding in the utility easement, morro manzanita replacement, standards for vegetation management for fuel reduction, and relocation of popcorn lichen prior to construction. Therefore, impacts would be *less than significant with mitigation*.

Special-Status Wildlife

Proposed construction activities have the potential to result in direct (i.e., take) or indirect (e.g., noise, dust, light pollution) disturbance to special-status wildlife species if present within the project area during project construction. As identified above, there is potential for MSS, Morro Bay Kangaroo Rat, Northern California legless lizard, coast-horned lizard, and special-status and migratory birds to occur within the project area. During reconnaissance-level field surveys conducted at the project site, only MSS was observed on-site (SWCA 2022).

The following special-status wildlife species were identified by CNDDB as having the potential to occur in the region.

Morro Shoulderband Snail

MSS was observed at the project site during the site visits (SWCA 2022). SWCA conducted three protocol-level MSS surveys on the project site during protocol conditions where four live MSS, one empty shell, and shell fragments were identified in and directly adjacent to the project site.

A total of three protocol surveys for MSS were conducted during protocol conditions on April 17, and December 5, 2018, and January 16, 2019. Habitat assessments were conducted to determine if suitable habitat for MSS is present, and it was concluded that the senescent condition of the shrubs on the project site provided minimal cover for MSS within the project site. During the surveys, four live MSS, one empty shell, and shell fragments were identified in and directly adjacent to the project site. The MSS were observed on the northern portion of the project site in the general vicinity of the proposed leach field. Occurrences were associated with veldt grass, chamise, and mock heather (SWCA 2022).

Based on the presence of MSS on the project site, implementation of the proposed project would have the potential to result in direct impacts to this species and habitat. Mitigation Measures BIO-1 through BIO-3, BIO-5, BIO-6, BIO-13, and BIO-14 have been identified to reduce impacts to MSS consistent with the HCP prepared for the project. Implementation of Mitigation Measures BIO-1 through BIO-3, BIO-5, BIO-6, BIO-13, and BIO-14 would reduce impacts to MSS; therefore, impacts would be *less than significant with mitigation*.

Special-Status Reptiles

Northern California legless lizard is a fossorial species relatively common in areas of Los Osos that contain Baywood fine sand. Because fossorial species spend most of their lives underground, they are difficult to detect without shallow excavation of the soil surface. Although the northern California legless lizard was not observed in the parcel during the surveys, the presence of northern California

legless lizard on the parcel should be inferred. Coast horned lizard is also known to occur in the area. The project parcel supports the appropriate habitat for coast horned lizard, and SWCA's biologists have observed the species in the vicinity of the project site. Grading for development of the parcel could result in the direct take of northern California legless lizards and/or coast horned lizards. Direct take may include being struck by equipment, entrapped in stockpiled materials or trenches, or trampled or collected by construction personnel. Mitigation Measure BIO-1, BIO-2, BIO-4, and BIO-6 have been identified to avoid impacts to Northern California legless lizard and coast horned lizard through preconstruction surveys and biological monitoring. With implementation of Mitigation Measure BIO-1, BIO-2, BIO-4, and BIO-6, the project would not result in adverse impacts to special-status reptile species; therefore, impacts would be *less than significant with mitigation*.

Morro Bay Kangaroo Rat

Morro Bay Kangaroo Rat (MBKR) was listed as endangered under the FESA in 1970 and listed as endangered under the CESA in 1971. MBKR is a well-studied species, and its rapid decline was documented from the 1950s through the 1980s. This species is endemic to Los Osos, where it historically occupied stabilized sand dunes consisting of Baywood fine sand and supporting coastal dune scrub vegetation. MBKR was most commonly found in coastal dune scrub with ample openings. This type of habitat was common in the Los Osos area in the 1950s and 1960s but was reduced when farming and development expanded in the area. Fire suppression and development resulted in the reduction of the open early stages of coastal dune scrub habitat and increase of dense and mature habitats.

The parcel is located approximately 1 mile south of the Buckskin area, where MBKR was last captured in 1985. MBKR were documented in 1958 approximately 2 miles to the south near the summit of the mountain at Hazard's Canyon (CNDDB Occurrence 11), and approximately 1.5 miles to the west, just south of Highland Drive (CNDDB Occurrence 12). CNDDB Occurrence 11 was documented by Stewart in 1958; a 1977 update to Occurrence 11 identified the area as "dense maritime chaparral" and "seemed to be unsuitable for K-Rat habitat." Occurrence 11 also reports MBKR being seen "in vacant lots near the water tank" by a homeowner in 1977. The "water tank" is presumed to be the Golden State Water Company's tank on Alamo Drive. The current conditions in the parcel support senescent, open, and intact maritime chaparral that MBKR could forage in and find shelter. The open habitat conditions would allow easy mobility for MBKR and the Baywood fine sand is appropriate for MBKR burrowing.

SWCA biologists performed visual search surveys for MBKR and sign of MBKR but did not observe any sign (e.g., inverted U-shaped burrows, seed pit caches, dust baths, or tail drags) of MBKR on the parcel. Three inactive gopher holes were observed on the parcel. Due to the lack of MBKR sign on the parcel and that MBKR have not been detected in the vicinity for 45 years, it is unlikely that MBKR are present on the parcel. However, if MBKR were present in the parcel when grading occurred, direct impacts to the individual(s) could occur. Direct impacts could include being struck by equipment, entrapped in stockpiled materials or trenches, or trampled or collected by construction personnel. The LOHCP MBKR avoidance measures are included to ensure take of MBKR is avoided. Mitigation Measures BIO-1, BIO-2, BIO-6, and BIO-12, are included to ensure impacts to MBKR are avoided during construction of the proposed project. Therefore, with implementation of Mitigation Measures BIO-1, BIO-2, BIO-6, and BIO-12 impacts to MBKR would be *less than significant with mitigation*.

Special-status and Nesting Birds

The habitat in the project parcel provides suitable nesting habitat for a variety of bird species. Common passerines may use the non-native grassland and dune scrub vegetation for nesting and/or foraging; raptors may use the area for foraging but are not expected to nest in the parcel. The passerine nesting habitat would be impacted by project activities including grading and vegetation removal. If the project activities are conducted between March and September, birds may be nesting within or adjacent to the affected area and the individuals could be directly or indirectly impacted. Direct impacts may include loss of active nests during vegetation removal. Noise or other disturbances may cause an individual to abandon a nest resulting in an indirect impact. Mitigation Measures BIO-1, BIO-2, and BIO-11 have been identified to avoid impacts to special-status and nesting birds during development of the parcel. Therefore, impacts would be *less than significant with mitigation*.

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

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

The project site is dominated by chamise chaparral and maritime chaparral (SWCA 2022). The project site does not support riparian vegetation or other sensitive natural communities; therefore, the project would not have a substantial adverse effect on any sensitive natural community and *no impact* would occur.

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

According to the USFWS NWI Mapper, there are no mapped blue line creeks or wetland features within or adjacent to the project site. The nearest mapped feature is Los Osos Creek, located approximately 0.15 miles southeast of the project site (USFWS 2024). Therefore, implementation of the project would not result in direct disturbance to potential wetland areas. Based on the absence of wetlands within the project site, the project would not result in disturbance to any state or federally protected wetlands, and *no impact* would occur.

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

The project includes infill development of a single-family residence and is surrounded by undeveloped land to the north and south and single-family residences to the east and west. Although there are undeveloped areas located within the project area, the project site is located in a developed area that is not within or adjacent to wildlife corridors or aquatic resources that could facilitate the movement of migratory fish or wildlife through the project site (SWCA 2022). Therefore, the project would not impede the movement of migratory species through the project site, and impacts would be *less than significant*.

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

The project would require the removal of three Morro manzanita individuals and has potential for take of MSS, a FESA-listed species, and other special-status wildlife species. The COSE includes Policy BR 3.2 which requires discretionary development to avoid damage to native trees, but when avoidance is not feasible requires mitigation measures. Mitigation Measures BIO-1, BIO-2, and BIO-7 through BIO-10 have been identified to require a Morro manzanita replacement plan to compensate for removed individuals resulting from the project. Additionally, Mitigation Measures BIO-1 through BIO-6 and BIO-11 through BIO-14 have been identified to avoid and/or minimize potential impacts to special-status wildlife species, which is consistent with local plans and policies to protect wildlife and their habitats. With implementation of Mitigation Measures BIO-1 through BIO-14, the project would not result in a conflict with local policies or ordinances protecting biological resources; therefore, impacts would be *less than significant with mitigation.*

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

An HCP was prepared for the proposed project at the request of the applicants with the intent of subsequently applying for an ITP for coverage of MSS take. The HCP identifies potential direct and indirect impacts to MSS resulting from the project including anticipated take. Additionally, although listed plants are not included in the FESA prohibition on take of listed species, the HCP acknowledges that Morro manzanita also occurs on the parcel and will be subject to impacts resulting from the project. The HCP proposes compensatory mitigation for take of MSS which also considers the impacts to morro manzanita and is consistent with the compensatory mitigation for MSS and Morro manzanita proposed by the LOHCP.

When the HCP was agreed upon by USFWS, the applicants applied for an ITP seeking coverage for the incidental taking of MSS. An ITP was issued to the applicants and is effective for 10 years, from November 22, 2023, through November 21, 2033. The ITP allows the applicants to take MSS located only within the permit area, which includes the entire 0.47-acre project parcel, in conjunction with the activities identified in the HCP, which include the development of the proposed project.

Mitigation Measures BIO-1 through BIO-3, BIO-5, BIO-6, BIO-13, and BIO-14 have been identified to be consistent with the avoidance, minimization, and mitigation measures included in the Individual HCP for the proposed project as agreed upon by USFWS. With implementation of Mitigation Measures BIO-1 through BIO-3, BIO-5, BIO-6, BIO-13, and BIO-14, the project would not conflict with an existing HCP; therefore, impacts would be *less than significant with mitigation*.

Conclusion

Implementation of Mitigation Measures BIO-1 through BIO-10 would avoid or minimize potential impacts to biological resources within the project area and ensure with local plans and policies protecting biological resources. Therefore, with implementation of the identified mitigation, potential impacts to biological resources would be less than significant.

Mitigation

BIO-1 **Biological Monitor.** Prior to ground disturbance, the applicant shall retain a qualified biologist for all measures requiring environmental mitigation to ensure compliance with the

coastal development permit measures. The biologist shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing) and be reduced to every other week following initial disturbances or a frequency and duration determined by the qualified biologist in consultation with the County of San Luis Obispo and the US Fish and Wildlife Service.

BIO-2 **Environmental Awareness Training.** Prior to the commencement of site grading, a US Fish and Wildlife Service-approved biologist with demonstrable knowledge and experience with Morro shoulderband snail and its habitat will conduct a preconstruction environmental awareness training session for all construction personnel involved in site disturbance. The training is intended to inform the construction crews, field supervisors, and equipment operators about the status and presence of the Morro shoulderband snail and Morro manzanita, grading and construction activity restrictions, and those minimization measures specified in the *Morro Shoulderband Snail (Helminthoglypta walkeriana) Habitat Conservation Plan for 2680 Cottontail Lane, Los Osos, San Luis Obispo County, California and Incidental Take Permit*.

In addition to a discussion of Morro shoulderband snail and Morro manzanita, the environmental awareness training shall include discussions of the other special-status species that occur in the project area, including California legless lizard, coast horned lizard, Morro Bay kangaroo rat, and nesting birds. Topics of discussion shall include descriptions of the species' habitats; general provisions and protections afforded by the Federal Endangered Species Act and the California Environmental Quality Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communication; and procedures to be implemented in the event a special-status species is observed in the work area.

BIO-3 **Morro Shoulderband Snail Preconstruction Surveys**

A. 30 days prior to ground-distributing activities, the US Fish and Wildlife Service (Service) shall be contacted by email to determine a relocation site for Morro shoulderband snail (MSS). All living native snails, in all life stages, that are identified will be captured and moved to suitable areas in a location approved by the Service prior to the initiation of pre-activity surveys.

B. One week prior to commencement of vegetation removal and initial ground-disturbing activities the Service-approved biologist shall survey the disturbance area for MSS individuals that may be present. Any identified individuals shall be captured and moved out of harm's way. All efforts shall be made to locate and move live snails as well as empty shells of the species.

   If precipitation or heavy fog conditions occur in the timeframe between survey completion and removal of habitat, the Service-approved biologist shall resurvey the area to ensure MSS did not move into the site. If preconstruction surveys occur during the summer months (April– October), when MSS are typically aestivating, one

intensive survey conducted by the Service-approved biologist prior to construction should be sufficient to relocate MSS from the development areas. The survey process shall involve moving and searching under all vegetation and anthropogenic artifacts present (e.g., woodpiles, debris, etc.), and may result in destruction or uprooting of vegetation. If preconstruction surveys occur during the rainy season (November–March) multiple surveys prior to initial disturbance may be needed to identify all MSS present in a work area.

C. The size, location of capture, and release site location shall be recorded for each individual MSS moved from the affected work areas. Empty shells will be noted on a map, counted, and classified by size and Class (A, B, or C). These shells shall be placed within the open space area on the project site. The Service-approved biologist shall document those activities associated with all surveys and a report shall be submitted to the Service in accordance with Section 5.6 of the *Morro Shoulderband Snail (Helminthoglypta walkeriana) Habitat Conservation Plan for 2680 Cottontail Lane, Los Osos, San Luis Obispo County, California and Incidental Take Permit*.

D. If land clearing, vegetation removal, trenching, or grading activities that have the potential to affect MSS or their habitat occur during the rainy season, surveys shall be conducted at the beginning of each workday that measurable precipitation (0.1 inch or greater) or heavy fog conditions precedes or occurs during the activities to check for and remove any MSS that may have entered the construction area.

BIO-4 **Special-Status Reptile Preconstruction Survey and Monitoring.** Within 30 days prior to site grading and during site grading, a qualified biologist shall conduct surveys for Northern California legless lizards, coast horned lizards, and other reptiles. The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards and/or coast horned lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys should be completed immediately prior to and during grading activities. During grading activities, the biologist shall walk behind the grading equipment to capture Northern California legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the parcel but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of Northern California legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles mortally taken during grading activities.

BIO-5 **Morro Shoulderband Snail Compliance Monitoring.** A US Fish and Wildlife Service (Service)-approved Morro shoulderband snail (MSS) biologist shall conduct compliance monitoring during construction of the project and after construction completion for the term of the incidental take permit.

The Service-approved biologist shall ensure that the required minimization measures, such as protective fencing and environmental training, are implemented during construction. Once the initial disturbances are complete and all MSS habitat has been removed from the disturbance area, the Service-approved biologist shall conduct monthly compliance

monitoring visits until the construction of the residence is complete. General Permit Compliance Assessments shall occur once annually throughout the permit term and shall ensure that the applicants maintain compliance with the permit terms. Results of the compliance monitoring shall be reported in the first annual report for the project and be provided to both the Service and the County.

To quantify the amount of incidental take resulting from project implementation, the Service-approved biologist shall document the number and age class of individual MSS that were captured and moved, as well as any MSS injured or killed during implementation of the minimization measures or any aspect of project implementation. This information shall be included in the first annual report for the project.

BIO-6 **Temporary Construction Fencing.** Before any grading or materials delivery occurs at the project site, the construction areas shall be fenced to establish the limits of construction activities. This fencing shall consist of temporary orange construction fencing and shall exclude the remaining Morro manzanita plants and the open space area from inadvertent disturbances during project construction. The temporary fencing shall be removed upon completion of the project.

Pre-disturbance capture and relocation surveys for MSS (BIO-3) shall occur prior to the fencing installation.

All grading plans shall clearly show the location of the Morro manzanita plants to be avoided and project delineation fencing that excludes the adjacent Morro manzanita occurrences and maritime chaparral habitat from disturbance. The fencing shall consist of highly visible construction fence supported by steel T-stakes that are driven into the soil. The monitoring biologist shall field-fit the placement of the project delineation fencing to minimize impacts to Morro manzanita, MSS, and other sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project and no work activities shall occur outside the delineated work area. The grading plans shall clearly show all staging areas, which shall be located within the construction area and outside the adjacent habitat areas.

BIO-7 **Utility Easement Vegetation Measure.** Prior to permit issuance, the project plans shall specify that installation of the power, cable, and phone lines from the existing pole on Bayview Heights Drive be conducted without trenching in the utility easement area. Installation of the utility lines shall include underground trenchless technology (e.g., horizontal directional drilling). The vegetation in the utility easement shall not be removed for utility line installation.

BIO-8 **Morro Manzanita Replacement Plan.** The project will require the removal of three Morro manzanita plants. The applicant may choose to participate in the LOHCP to mitigate this impact as directed by the LOHCP requirements or the applicant may choose to mitigate this impact by developing and implementing a Morro Manzanita Replacement Plan. If the applicant chooses to implement a Morro Manzanita Replacement Plan, the plan shall provide for the installation and maintenance of 15 Morro manzanita plants on the project parcel. The Morro Manzanita Replacement Plan shall include:

A. A brief narrative of the project location, description, and purpose;

B. Clearly identified parties responsible for the mitigation program and their contact information;

C. A map showing and quantifying all manzanita planting areas;

D. A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

E. Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

F. Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.

G. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

H. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

I. Methods for removing non-native species from the site.

BIO-9 **Removal of Morro Manzanita in the CAL FIRE Buffer Area**. The applicant shall not remove Morro manzanita from the CAL FIRE buffer area. Other shrub species in the CAL FIRE buffer area may be removed to reduce the fire ladder. However, only dead wood and lower branches of Morro manzanita specimens in the CAL FIRE buffer area may be removed. Morro manzanita located in the CAL FIRE buffer area may be trimmed but not removed to reduce the fire ladder. This may include removing Morro manzanita branches from individual shrubs that are in contact with each other and removing lower branches to create air space between the ground level and the shrub canopy.

BIO-10 **Popcorn Lichen Relocation.** Prior to construction, the environmental monitor shall relocate popcorn lichen occurrences from the disturbance areas. This species occurs on the sand and detritus in the openings of the chaparral. Popcorn lichen is most visible in the winter months. To the extent feasible, popcorn lichen relocation efforts shall occur in the winter months to maximize detection of the occurrences. The environmental monitor shall remove the popcorn lichen from the disturbance areas and place them at the base of existing shrubs in the adjacent undisturbed habitat on the parcel.

BIO-11 **Nesting Bird Season Construction Limitation.** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted between September 16 and January 30 (outside of the migratory bird breeding season). If such activities are required during the migratory bird breeding season (February 1–September 15), the monitoring biologist shall conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected, the following measures shall be implemented:

A. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC);

B. For project-related activities that occur during the nesting season (February 1–September 15), a nesting bird survey shall be conducted by a qualified biologist at least 14 days prior to vegetation removal for each phase of the project. The surveys shall be conducted within all accessible areas within 500 feet of the work area.

C. The County-approved biologist shall determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and

D. The County-approved biologist shall document all active nests and submit a letter report to the County documenting project compliance with the MBTA, CFGC, and applicable project mitigation measures.

BIO-12 **Morro Bay Kangaroo Rat Pre-Project Survey Protocol.** Prior to project construction, the applicant shall retain a qualified biologist to implement Phase 1 and Phase 2 (if necessary) of the Morro Bay Kangaroo Rat (MBKR) pre-project survey protocol as described in Appendix F of the County's Community-wide Habitat Conservation Plan (HCP). The qualified biologist shall conduct a Phase 1 Visual Survey on the parcel prior to construction-related disturbances. The survey methods shall include the following:

A. The visual survey shall occur between April 1 and August 31. Visual surveys shall be conducted only during the morning or late afternoon and during times of low wind conditions. The wind shall not be high enough to disturb/smooth the soil surface.

B. The parcel shall be subject to a 100% visual examination by the biologist. The property shall be traversed in a series of transects close enough together so that all of the ground surface can be visually assessed.

C. The biologist(s) shall evaluate the habitat for all types of diagnostic sign for kangaroo rats, including burrows, tail drag marks, tracks, scat, dust baths, and surface seed pit caches. The biologist(s) shall thoroughly evaluate the soil surface to determine the likelihood of diagnostic sign being obliterated and thus hiding the presence of MBKR sign.

D. The County shall be notified immediately if potential sign of MBKR is observed. If scat is observed, the scat shall be collected and submitted to the CDFW for analysis to determine if it is that of MBKR.

E. Areas where potential diagnostic sign is observed shall be mapped and the locations recorded with a Global Position System (GPS) unit.

F. The results of the visual survey shall be provided to the County and the wildlife agencies within 10 working days of survey completion. The wildlife agencies shall provide a written determination regarding the need for track plate/camera station and trapping surveys (Phase 2). The wildlife agencies will provide a written determination regarding the need for Phase 2 survey work within 30 days. If Phase 2 survey work is required by the wildlife agencies, the biologist shall implement the Track Plate/Camera Station and Live Trapping as directed by the agencies.

If the Phase 1 Survey does not detect any sign of Morro Bay kangaroo rat and the wildlife agencies do not require implementation of Phase 2 survey work, the applicant may proceed with the project, as permitted.

BIO-13 **Compensatory Mitigation for Morro Shoulderband Snail and Morro Manzanita.**

Considering the site conditions, size of the parcel, and low number of MSS on the parcel, use of the US Fish and Wildlife Service (Service) NFWF IDEA program is the recommended compensatory mitigation option for the proposed project. 0.47 acre (20,473 square feet) of low-value habitat (sparse maritime chaparral) that would be impacted by the project. These impacts include 0.0.087 acre of permanent impacts associated with development of the house, the driveway, and associated infrastructure; 0.101 acre of temporary impacts for the yard/septic system area; and 0.283 acre of ongoing habitat degradation for vegetation management pursuant to Public Resources Code (PRC) Section 4291.

The applicants shall pay a 3:1 compensatory mitigation ratio fee for all impacts to previously undeveloped lands, which is commensurate with the mitigation requirements in the County's Community-wide Habitat Conservation Plan (HCP) for projects in the Priority Conservation Area. The current Community-wide HCP has fees set at $0.99/square foot for the Restoration/Management/Admin Fee + $0.17 for the Habitat Protection Fee for a total of $1.16/square foot. To meet the anticipated value of compensatory mitigation in the upcoming revised Community-wide HCP, the applicants shall pay $0.71/square foot of impact. This modified mitigation fee was determined by subtracting the $0.45 administration fee (administrative fees are estimated to be 39% of the total fee per square foot) from the combined $1.16 Habitat Restoration/Management /Administration Fee and Habitat Protection Fee. This amounts to $43,607.49, which was calculated as follows: ([20,473 square feet × 3] × $0.71). This fee shall be paid prior to issuance of construction permits.

BIO-14 **Annual Reporting Guidelines.** Project implementation and annual monitoring reports shall be submitted to the US Fish and Wildlife Service during the 10-year ITP period. Annual reports to the US Fish and Wildlife Service shall include:

A. Brief summary or list of project activities accomplished during the reporting year (e.g., this includes development/construction activities, and other covered activities).

B. Project impacts (e.g., number of acres graded, number of buildings constructed, etc.).

C. Description of any take that occurred for each covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals).

D. Brief description of conservation strategy implemented.

E. Monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable).

F. Description of circumstances that made adaptive management necessary and how it was implemented. A table including the cumulative totals by reporting period of all adaptive management changes to the HCP, including a very brief summary of the actions.

G. Description of any changed or unforeseen circumstances that occurred and how they were dealt with.

H. Funding expenditures, balance, and accrual.

I. Description of any minor or major amendments.

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 9000 B.C. The County protects and manages cultural resources in accordance with the provisions detailed by CEQA and local ordinances. PRC Section 5024.1 requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for California Register of Historical Resources (CRHR) eligibility. The purpose of the CRHR is to maintain listings of the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from material impairment and substantial adverse change.

As defined by CEQA, a historical resource includes:

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

The County 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. According to the County's Land Use View, the project site is located in an Archaeologically Sensitive Area.

In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 requires that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98.

An Archaeological Survey was completed by SWCA Environmental Consultants (SWCA) for the proposed project to determine the presence and the likelihood of presence of cultural resources within the project area. The survey included a cultural resources records search, a Native American Sacred Lands File search, and archaeological survey of the project area, and preparation of a technical memorandum. During the survey, no historical resources or unique archaeological resources were identified within the project area. Given the negative results of this and previous studies in the vicinity, the project area is considered to have low sensitivity for the presence of buried and/or obscured archaeological resources (SWCA 2018).

Discussion

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

The project site is currently undeveloped and does not contain any buildings or structures that could be eligible for listing as a historical resource. In addition, the project would not require the removal or modification of any buildings or structures adjacent to the project site. Based on the archaeological survey conducted for the project, no undocumented cultural resources were identified during the field survey and no previously identified cultural resources are present within the project site (SWCA 2018). Therefore, the project would not result in an adverse change in the significance of a historical resource, and *no impact* would occur.

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

The project would require approximately 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill on an undeveloped parcel. According to the County's Land Use View, the project site is located in an Archaeologically Sensitive Area; however, based on archaeological survey conducted for the project the likelihood to encounter previously unknown cultural resources during ground-disturbing activities is low (SWCA 2018). In the unlikely event that unknown cultural resources are encountered during construction activities, the project would be required to comply with County CZLUO Section 23.05.140 (Archaeological Resources Discovery), which requires work be stopped; the County be notified; and the discovery evaluated by an archaeologist. Based on the low archaeological sensitivity of the project site and required compliance with County CZLUO Section 23.05.140, the project would not result in an adverse change in the significance of an archaeological resource; therefore, impacts would be *less than significant*.

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

Based on existing site conditions, project activities are not expected to uncover or disturb any known or unknown human remains. In the event of an accidental discovery or recognition of any human remains, California Health and Safety Code Section 7050.5 and County CZLUO Section 23.05.140 (Archaeological Resources Discovery) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. Based on adherence to California Health and Safety Code Section 7050.5 and

County CZLUO Section 23.05.140, the project would not disturb human remains; therefore, impacts would be *less than significant.*

Conclusion

The project does not require removal or modification of any buildings or structures that may qualify as a historical resource. Based on the low archaeological sensitivity of the project site and required compliance with County CZLUO Section 23.05.140 and California Health and Safety Code Section 7050.5, the project would not result in an adverse change in the significance of archaeological or human resources. Therefore, impacts related to cultural resources would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

VI. ENERGY

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

Setting

Local Utilities

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the San Luis Obispo County. PG&E utilizes clean energy sources, including 38% renewable energy sources and 95% GHG-free energy sources (PG&E 2022).

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 generated through 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 2021).

Local Energy Plans and Policies

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

State Building Code Requirements

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

Vehicle Fuel Economy Standards

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

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

As part California's overall approach to reducing pollution from all vehicles, 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% of California's new vehicle sales by 2025. The program also includes a clean fuels outlet regulation designed to support the commercialization of zero-emission hydrogen fuel cell vehicles planned by vehicle manufacturers by 2015 by requiring increased numbers of hydrogen fueling stations throughout the state. The number of stations will grow as vehicle manufacturers sell more fuel cell vehicles. By 2025, when the rules will be fully implemented, the statewide fleet of new cars and light trucks will emit 34% fewer global warming gases and 75% fewer smog-forming emissions than the statewide fleet in 2016 (CARB 2022b).

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

Discussion

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

Construction activities for the proposed project would require the use of energy in the form of electricity, diesel fuel, and gasoline for worker and construction vehicles and equipment. The project would require limited construction activities and would be subject to state and local diesel idling restrictions and other equipment standards. Therefore, construction is not anticipated to result in wasteful, inefficient, or unnecessary consumption of energy resources. Further, Mitigation Measure AQ-1 has been included in Section III, *Air Quality*, to reduce diesel idling near sensitive receptors, which would further reduce the potential for wasteful, inefficient, or unnecessary consumption of energy resources.

Implementation of the proposed project would result in a new approximately 3,580 square-foot single-family residence that would include a 1,831-square-foot first floor, a 1,750-square-foot second floor, an attached 1,000-square-foot garage, that would be subject to green building and CBC standards. The project would be provided electricity from PG&E, which sources 38% of electricity from renewable energy sources and 95% of electricity from GHG-free energy sources (PG&E 2022). Based on required compliance with green building standards and use of electricity from GHG-free resources, operation of the project is not anticipated to result in environmental impacts due to

wasteful or otherwise inefficient use of energy during project construction or operation; therefore, impacts would be *less than significant*.

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

In order to comply with the County COSE and County EWP, the project would be required to reduce GHG emissions where feasible in energy consumption. The project would be provided electricity from PG&E, which sources 38% of electricity from renewable energy sources and 95% of electricity from GHG-free energy sources (PG&E 2022). By utilizing PG&E for electricity, 95% of the project's electricity demand would be sourced from GHG-free energy sources. The project would also comply with CBC 2022 Building Energy Efficiency Standards and the 2022 Green Building Code and is not anticipated to result in wasteful use of energy. Therefore, the project would comply with applicable energy efficiency plans, and impacts would be *less than significant*.

Conclusion

The project would not result in a wasteful, inefficient, or unnecessary consumption of energy resources during short-term construction or long-term operation and would not conflict with state or local renewable energy or energy efficiency plans. Therefore, potential impacts related to energy would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

VII. GEOLOGY AND SOILS

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

Initial Study – Environmental Checklist

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

Setting

Earthquake Fault Zones

The Alquist-Priolo Earthquake Fault Zoning Act is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The act identifies active earthquake fault zones and restricts building habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region (CDOC 2015). The *County of San Luis Obispo General Plan Safety Element* (County Safety Element) identifies three active faults that traverse through the county and are currently zoned under the act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon Fault system generally consists of two fault zones: the Hosgri Fault zone that is mapped off the San Luis Obispo County coast and the San Simeon Fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

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

The community of Los Osos is underlain by the Los Osos Fault zone. In addition, the Cambria fault zone is located approximately 5.5 miles north, the Edna fault zone is located approximately 3.5 miles southeast, and the San Miguelito fault zone is located approximately 5.5 miles south of the project site (CDOC 2015).

Local Regulations

The County CZLUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. All land use permit applications for projects located within a GSA shall include a report prepared by a certified engineering geologist and/or registered civil/soils engineer, as appropriate. This report shall then be evaluated by a geologist retained by the County who is registered in California. In addition, all uses within a GSA are subject to special standards regarding grading, distance from an active fault trace within an Earthquake Fault Zone, and erosion and geologic stability (County CZLUO Section 23.07.080). The project site is not within the GSA combining designation.

Seismic and Other Geologic Hazards

Ground shaking refers to the motion that occurs in response to local and regional earthquakes. Ground shaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The CBC currently requires structures to be designed to resist a minimum seismic force resulting from ground motion.

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from ground shaking during an earthquake. Liquefaction potential increases with earthquake magnitude and ground shaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. Based on the County Safety Element Maps, the project site is in an area with low potential for liquefaction.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is being impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less-than-significant level prior to beginning development. Based on the County Safety Element Maps, the project site is located in an area with a low potential for landslide.

The classification of expansive soils relates to the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads, and other structures. A

high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. The project site is underlain by Baywood fine sand, 2 to 9 percent slopes and Baywood Fine Sand, 9 to 15 percent slopes, which are comprised of sand (NRCS 2023). As such, soils at the project site have negligible potential for expansion.

Paleontological Setting

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological resources are fossilized remains of ancient environments, including fossilized bone, shell, and plant parts; impressions of plant, insect, or animal parts preserved in stone; and preserved tracks of insects and animals. Paleontological resources are considered nonrenewable resources under federal and state law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, history of the rock unit in producing fossil materials, and fossil sites that have been recorded in the unit. Paleontological resources are generally found below ground surface in sedimentary rock units. The boundaries of the sedimentary rock unit are used to define the limits of paleontological sensitivity in a given region. According to the U.S. Geological Survey (USGS), the project site is underlain by old eolian deposits (Qoe) from the late to middle Pleistocene (USGS 2009).

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 community of Los Osos, including the project site, is underlain by the Los Osos Fault zone, which is a seismically active fault (CDOC 2015). The project would be required to comply with the most recent CBC and other engineering practices and standards to adequately withstand and minimize the risk associated with the level of seismic ground shaking expected to occur in the project region. Although there is potential for fault rupture and ground shaking at the project site, based on required compliance with existing building standards, implementation of the project is not anticipated to result in the risk of loss, injury, or death; therefore, potential impacts would be *less than significant*.

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

The Central Coast is a seismically active region and there is always potential for seismic ground shaking. In addition to the Los Osos Fault zone, there are several other potentially active and inactive fault zones located in the project region, including the Cambria Fault zone approximately 5.5 miles north, the Edna Fault zone approximately 3.5 miles southeast, and the San Miguelito Fault zone approximately 5.5 miles south of the project site (CDOC 2015). The project would be required to comply with the most recent CBC and other engineering practices and standards to adequately withstand and minimize the risk associated with the level of seismic ground shaking expected to occur in the project region. Based on required compliance with the CBC and other engineering practices, implementation of the project is not anticipated to result in the risk of loss, injury, or death related to seismic ground shaking; therefore, impacts would be *less than significant*.

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

Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. Further, the project would be required to comply with the most recent CBC seismic requirements to address the potential for seismic-related ground failure, including liquefaction at the project site. Based on required compliance with the CBC, implementation of the project is not anticipated to result in the risk of loss, injury, or death related to liquefaction; therefore, impacts would be *less than significant*.

(a-iv) Landslides?

Based on the County Safety Element Landslide Hazards Map, the project site is located in an area with low potential for landslide risk. The project would be required to comply with applicable sections of the most recent CBC and other engineering practices to minimize the risk associated with landslide at the project site. Based on required compliance with the CBC, implementation of the project is not anticipated to result in the risk of loss, injury, or death related to landslides; therefore, impacts would be *less than significant*.

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

The project would require approximately The 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill on an unimproved parcel. The project would be required to comply with County CZLUO Section 23.05.036, which requires preparation and approval of an erosion and sedimentation control plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer and would address both temporary and long-term sedimentation and erosion impacts. In addition, the project site is located in the County's Municipal Stormwater Management Area (MS4) coverage area and must adhere to the Central Coast Post-Construction Requirements (PCRs). As part of the MS4 process, construction best management practices (BMPs) would be applied to all work areas to reduce potential erosive runoff from construction activities. Based on required compliance with County CZLUO Section 23.05.036 and RWQCB requirements, the project would not result in substantial erosion and loss of topsoil; therefore, potential impacts would be *less than significant*.

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

As described above, the project site is located in an area with low risk for liquefaction and landslides. According to the USGS Areas of Land Subsidence in California Map, the project site is not located in an area of recorded land subsidence (USGS 2023). The project would be required to comply with all applicable CBC and other engineering standards to reduce potential risk associated with development on unstable soils. Therefore, impacts related to unstable soils 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?

Typically, expansive soils contain clay and clay materials. The project site is underlain by Baywood fine sand, 2 to 9 percent slopes and Baywood fine sand, 9 to 15 percent slopes, which have soil profiles that are comprised of sand (NRCS 2023). As such, soils at the project site have negligible

potential for expansion, and future development would not be located on expansive soil; therefore, *no impact* would occur.

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

The project includes the installation of an on-site septic system, including a septic tank, a leach field line, and associated sewer lines that would be constructed to the east of the proposed residence. The proposed septic system would be required to be designed in accordance with conditions observed during percolation testing and the County's Local Agency Management Program, which develops minimum standards for the treatment and disposal of sewage through on-site wastewater treatment systems. The final design of the proposed septic system would be subject to County approval. Therefore, proposed septic leach fields and stormwater control measures would be designed in a manner that is consistent with soil conditions at the site; therefore, impacts would be *less than significant*.

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

According to the USGS, the project site is underlain by Qoe from the late to middle Pleistocene (USGS 2023). This formation consists of fine-to-coarse sand and fine gravel and is often capped with well-developed soil. Previous fossil encounters in the area have been identified in alluvial deposits; eolian sediments are typically accumulated in depositional environments that are not generally favorable for fossil preservation. In addition, the project would not require substantial earthwork that may disturb paleontological resources. Therefore, impacts to paleontological resources would be *less than significant*.

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard County CZLUO requirements that have been developed to properly safeguard against seismic and geologic hazards. The proposed on-site septic system would be required to be designed in accordance with conditions observed during percolation testing, and final design of the septic leach fields would be subject to County approval. Therefore, potential impacts related to geology and soils would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

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

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

State Regulatory Setting

In October 2008, CARB published the *Climate Change Proposed Scoping Plan* (2008 Scoping Plan), which is the state's plan to achieve GHG reductions in California required by AB 32. The 2008 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.

California Senate Bill (SB) 32 and Executive Order 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 CARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030–2035) toward reaching the 2050 goals. The most recent update released by the CARB is the *2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan), which was finalized and adopted in December 2022. The 2022 Scoping Plan lays out the strategies for achieving carbon neutrality and reduce anthropogenic (i.e., human-caused) GHG emissions by 85% below 1990 levels no later than 2045, as directed by AB 1279 (CARB 2022c).

Regional Regulatory Setting

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

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

For projects with an initial operational year of 2030 or earlier, if emissions are at or below an applicable threshold for that operational year, then the project is considered to be doing its fair share toward the state's SB 32 GHG reduction target. For operational year 2024, the SLOAPCD has established that the GHG efficiency threshold for new development is 4.2 metric tons of carbon dioxide equivalent (MTCO2e) per service population per year (SLOAPCD 2023a).

Discussion

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

Construction activities for the proposed project would require the use of electricity, diesel fuel, and gasoline for worker and construction vehicles and equipment. The project would require limited construction activities and would be subject to state and local diesel idling restrictions and other equipment standards. Therefore, construction is not anticipated to generate substantial GHG emissions. Further, Mitigation Measure AQ-1 has been included in Section III, *Air Quality*, to reduce diesel idling near sensitive receptors, which would further reduce the potential to generate substantial GHG emissions. Based on required compliance with state and local diesel idling restrictions, the project would not generate substantial GHG emissions during construction activities; therefore, impacts would be *less than significant*.

Operational emissions would come primarily from vehicle trips to and from the project site and residential energy use. One new single-family residence would result in a limited increase in vehicle trips to and from the project site. The project would be provided electricity from PG&E, which sources 38% of electricity from renewable resources and of electricity from 95% GHG-free resources (PG&E 2022). Operational energy use is not anticipated to generate a significant amount of GHGs because it is sourced primarily from GHG-free resources. Based on the limited number of vehicle trips generated by the project and the use of electricity from GHG-free sources, the project would not generate a substantial amount of GHG emissions during operation of the project; therefore, impacts would be *less than significant*.

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

Overall project consistency with the EWP and the Regional Transportation Plan/Sustainable Communities' Strategy (RTP/SCS) prepared by the San Luis Obispo Council of Governments (SLOCOG) is evaluated below.

EnergyWise Plan Consistency

The project would result in one new single-family residence within the RSF zone. Energy inefficiency contributes to higher GHG emissions, which has the potential to conflict with state and local plans for energy efficiency. As discussed above in Section VI. *Energy*, the County EWP, adopted in 2011, serves as the County's GHG-reduction strategy. The GHG-reducing policy provisions contained in the County EWP were prepared for the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan, which has a horizon year of 2020. While the timeline for the goals in the County EWP has since passed, the County EWP still provides helpful context for evaluating projects' consistency with the County's goals related to energy efficiency, energy conservation, and renewable energy. The policy provisions consist of community-wide measures and measures aimed at reducing GHG emissions associated with County operations. The GHG-reduction measures contained in the County EWP are generally programmatic and intended to be implemented at the community level. Measure No. 7 encourages energy efficient new development and provides incentives for new development to exceed the California Green Building Standards Code (CALGreen) energy efficiency standards. Table 4 includes a summary of project consistency with the relevant supporting actions identified in Measure No. 7 for promoting energy efficiency in new development.

Table 4. EnergyWise Plan Measure 7 Consistency Analysis

Supporting Action	Project Consistency
Require the use of energy-efficient equipment in all new development, including but not limited to Energy Star appliances, high-energy efficiency equipment, heat recovery equipment, and building energy management systems.	The project would be consistent with all 2022 CBC Energy Efficiency Standards and the 2022 CALGreen standards to ensure new development is energy efficient. In addition, the project includes the installation of solar PV panels to promote renewable energy use.
Encourage new projects to provide ample daylight within the structure through the use of lighting	The proposed project, including roof design and natural light features, would be consistent with all

shelves, exterior fins, skylights, atriums, courtyards, or other features to enhance natural light penetration.	2022 CBC Energy Efficiency Standards and the 2022 CALGreen standards to ensure new development is energy efficient.
Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index (SRI) of 10 for high-slope roofs and 64 for low-slope roofs (CALGreen 5.1 Planning and Design).	
Minimize heat gain from surface parking lots.	The project does not include the construction of a new parking lot.
Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities and in some of the communities north of the Cuesta Grade.	The project site is not located north of the Cuesta Grade.

2023 Regional Transportation Plan/Sustainable Communities Strategy

The 2023 Regional Transportation Plan (RTP), which was adopted by the SLOCOG Board in June 2023, 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 Sustainable Communities Strategy (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 recommends strategies for community planning such as encouraging mixed-use infill development that facilitates the use of modes of travel other than motor vehicles.

The project consists of the development of a new single-family residence within the RSF land use designation. The project does not include development of retail, business, or commercial uses that would be open to the public; therefore, land use planning strategies, such as mixed-use development and planning compact communities, are generally not applicable. The project would result in the establishment of activities that are residential in nature and would not result in employment opportunities or a substantial population increase in the project area. The proposed project would be consistent with RTP policies encouraging infill development. In addition, as discussed in Section XVII, *Transportation*, the project is not expected to exceed existing VMT thresholds during construction or operation, which is consistent with the 2023 RTP goals and policies related to VMT.

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

Conclusion

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict

with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
(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?	☐	☐	☐	☒

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☒	☐

Setting

The Hazardous Waste and Substances Site (Cortese) List is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control (DTSC) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund, state response, voluntary cleanup, school cleanup, school investigation, and military evaluation sites. The SWRCB GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: https://calepa.ca.gov/sitecleanup/corteselist/.

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards and requires that local jurisdictions enforce the CBC, which provides standards for fire-resistant building and roofing materials and other fire-related construction methods. The County Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the county within moderate, high, and very high fire hazard severity zones (FHSZ). According to the California Department of Forestry and Fire Protection (CAL FIRE) FHSZ viewer, the project site is located within the State Responsibility Area (SRA) in a very high FHHSZ (CAL FIRE 2023). According to the County's Land Use View, the project site has an estimated response time of approximately 0 to 5 minutes (County of San Luis Obispo 2023c). For more information about fire-related hazards and risk assessment, see Section XX, *Wildfire*.

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

Based on a query of the DTSC EnviroStor and SWRCB GeoTracker databases, there are no previously recorded hazardous materials sites located within or adjacent to the project site (DTSC 2024; SWRCB 2024). The nearest recorded hazardous materials sites are two completed LUST Cleanup Sites, Los Osos Valley Garage (T0607900176) and Bear Valley Chevron (T0608000000), located approximately 0.07-mile northwest

of the project site; the cases were closed for these sites in 2013 (SWRCB 2024). The nearest airport is San Luis Obispo County Regional Airport, located approximately 11.25 miles southeast of the project site. The nearest school is Wishing Well School, located approximately 0.75-mile northwest of the project site.

Discussion

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

Project construction would require the use of limited quantities of hazardous substances, including but not limited to, gasoline, diesel fuel, hydraulic fluid, solvents, oils, and paints. Commonly used materials would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials, including those specified in County CZLUO Section 23.06.120 (Toxic and Hazardous Materials). Therefore, proposed construction activities are not anticipated to create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.

Operation of the project would be limited to residential uses and would not require the routine transport, use, or disposal of hazardous materials that could lead to significant upset in the event of an accidental spill. Household waste would be stored and hauled in accordance with County regulations; therefore, impacts would be *less than significant*.

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

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. As previously evaluated, construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, and construction contractors would be required to comply with applicable state and local regulations, such 22 Code of Regulations (CCR) Division 4.5 and County CZLUO Section 23.06.120, to reduce the potential for accidental hazardous material release during construction. Operation of the project would not require the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions.

The project site is located in an area with potential for NOA to occur; however, Mitigation Measure AQ-3 has been included in Section III, *Air Quality*, to reduce impacts related to potential for NOA to occur on the project site. The proposed project does not require demolition of any buildings, roadways, or other structures that could release ACM. The project does not require soil disturbance within or adjacent to existing major roadways (i.e., US 101) that could release aerially deposited lead (ADL) if present within the soil. In addition, the project does not require the import of any fill materials. Therefore, based on compliance with existing regulations during proposed construction activities, potential impacts would be *less than significant.*

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

The project site is located approximately 0.75 mile southwest of Wishing Well School; therefore, the project does not have the potential to emit or handle hazardous materials within 0.25 mile of a school, and *no impact* would occur.

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

Based on a search of the DTSC EnviroStor database, the SWRCB GeoTracker database, and CalEPA Cortese List website, there are no hazardous waste cleanup sites within or adjacent to the project site; therefore, *no impact* would occur.

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

The project site is not located within an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact* would occur.

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

The project includes the construction of a new single-family residence on an existing parcel. Construction activities would not require traffic controls or road closures and emergency access to the project site and surrounding areas would be maintained throughout the construction period. The project site would be accessed via two new driveways off Cottontail Lane that would be approximately 18 feet wide and 11 feet wide. The proposed driveways would be constructed in accordance with County Public Works Department and County Fire/CAL FIRE requirements to ensure adequate emergency access to the site. The new single-family residence would generate a negligible increase in vehicle trips to and from the site; therefore, implementation of the project would not increase vehicle congestion in a manner that could interfere with emergency response or evacuation efforts within the project area, and impacts related to emergency response and evacuation 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?

According to the CAL FIRE FHSZ Viewer, the project site is located in a very high FHSZ (CAL FIRE 2023). Implementation of the project would result in development of a new single-family residence, which would be constructed in accordance with California Fire Code (CFC) and CBC requirements to reduce risk associated with fire ignition and exposure of project occupants to wildfire risk. Based on required compliance with existing state and local regulations, the project is not anticipated to result in the risk of loss, injury, or death as a result of wildfire; therefore, impacts would be *less than significant.*

Conclusion

The project does not propose the routine transport, use, handling, or disposal of hazardous substances. It is not located in close proximity to any known contaminated sites. Project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation of or interfere with any adopted emergency response or evacuation plans. Therefore, potential impacts related to hazards and hazardous materials would be less than significant, and mitigation measures are not necessary.

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Mitigation

None necessary.

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?	☐	☐	☐	☒

Initial Study – Environmental Checklist

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The Central Coast RWQCB has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the county. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the CWA requires states to maintain a list of waterbodies that are designated as "impaired". A waterbody is considered impaired when a particular water quality objective or standard is not being met.

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

The County CZLUO dictates which projects are required to prepare a drainage plan, including projects that would, for example, involve a land disturbance of more than 40,000 square feet, would result in an impervious surface of more than 20,000 square feet, or involves development on slopes steeper than 10%. The County CZLUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and any site disturbance activities of 0.5 acre or more in geologically unstable areas, on slopes of steeper than 30%, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the County Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing an 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 sedimentation control plan as required by the County CZLUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The County Safety Element establishes policies to reduce flood hazards and reduce flood damage, including, but not limited to, prohibition of development in areas of high flood hazard potential, discouragement of single-road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06079C1040H (effective date 5/16/2017), the project site not located within an identified flood hazard area (FEMA 2017). In addition, the project site is not located in the County's Flood Hazard combining designation (County of San Luis Obispo 2023c).

Discussion

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

There are no surface water features within or adjacent to the project site. The project would require approximately 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill on an unimproved parcel. Proposed construction activities have the potential to temporarily increase erosion and pollution at the site. County CZLUO Section 23.05.036 requires preparation and implementation of an erosion and sedimentation control plan for all construction and grading projects to minimize potential impacts related to erosion, sedimentation, and siltation. The plan is required to be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Equipment used during project construction has the potential to increase pollutant runoff from the project site. The project site is located within the MS4 coverage area and must adhere to the Central Coast PCRs. As part of the MS4 process, construction BMPs would be applied to all work areas to reduce potential erosive runoff from construction activities. Based on required compliance with RWQCB and County requirements, implementation of the proposed project would not violate any water quality standards or waste discharge requirements; therefore, impacts would be *less than significant*.

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

The project includes the construction of an approximately 3,580-square-foot single-family residence with 560 square feet of deck, landscaping, and associated site improvements on a 20,473-square-foot project site. The majority of the project site (74%) would remain undeveloped to retain groundwater infiltration at the project site. Therefore, the project would not interfere with groundwater recharge at the project site.

The County estimates the potable water demand for new single-family dwellings in Los Osos to be 128 gallons per day, which would be provided by GSWC. GSWC has provided a can and will serve letter for the project (GSWC 2021). The project site is located within the Los Osos Area Subbasin of the Los Osos Valley Groundwater Basin, which is a low-priority subbasin under the Sustainable Groundwater Management Act (SGMA) (Basin No. 3-08.01). According to the County, the SGMA does not apply to the Los Osos Area subbasin because requirements have been met by the Los Osos Basin Management Committee (County of San Luis Obispo 2023a).

On April 22, 2008, the County Board of Supervisors approved two plumbing retrofit ordinances for the Los Osos area. The ordinances address sea water intrusion into the lower aquifer zone of the Los Osos Groundwater Basin. To manage this serious problem, the ordinances require both new

and existing development to help address this problem by retrofitting older, non-conserving fixtures with those that are water efficient. The Board of Supervisors adopted amendments to the Title 19 retrofit ordinance on February 27, 2024. The amendments replace the 2:1 offset of new water demand and establish different rates based on whether or not a parcel is served by a water purveyor. The current required offset set by the department for a single-family dwelling using community water is 256 gallons per day (2:1 offset). The applicant has agreed to retrofit at a 2:1 ratio. Therefore, impacts would be *less than significant*.

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

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

The project would require approximately 0.13 acre (5,840 square feet) of ground disturbance, including 248 cubic yards of cut and 164 cubic yards of fill on an unimproved parcel. The project would be required to comply with County CZLUO Section 23.05.036, which requires preparation and approval of an erosion and sedimentation control plan to minimize potential impacts related to erosion, sedimentation, and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. In addition, the project site is located in the County's MS4 coverage area and must adhere to the Central Coast PCRs. As part of the MS4 process, construction BMPs would be applied to all work areas to reduce potential erosive runoff from construction activities. Based on required compliance with County CZLUO Section 23.05.036 and RWQCB requirements, the project would not result in substantial erosion or siltation; therefore, potential impacts would be *less than significant*.

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

The project would not substantially increase the amount of impervious surface area or the rate or volume of surface runoff in a manner that could result in flooding on- or off-site. The project applicant would be required to comply with RWQCB and County CZLUO requirements regarding drainage, sedimentation, and erosion control. A drainage plan would be required and would need to show that increased surface runoff would not result in more impacts than those caused by historic flows. Based on required compliance with RWQCB and County requirements, the project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; therefore, impacts would be *less than significant*.

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

The project includes the construction of an approximately 3,580-square-foot single-family residence with 560 square feet of decking, an attached 1,000-square-foot garage, landscaping, and associated site improvements on a 20,473-square-foot project site. The majority of the project site would remain undeveloped to retain pervious surfaces at the project site. In addition, the project site is located in the County's MS4 coverage area and must adhere to the Central Coast PCRs to address long-term stormwater control at the project site. Therefore, the project would not substantially increase the amount of impervious surface area or the rate or volume of surface runoff in a manner that could exceed the capacity of existing stormwater or drainage systems. Based on the nature and

size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff exceeding stormwater capacity would be *less than significant.*

(c-iv) Impede or redirect flood flows?

The project site is not located within a 100-year flood zone; therefore, flood flows are not expected to occur at the project site. In addition, the project site is located in the County's MS4 coverage area and must adhere to the Central Coast PCRs to address long-term stormwater control at the project site. Based on required compliance with RWQCB requirements, the project would not impede or redirect flood flows; therefore, *no impact* would occur.

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

According to FEMA FIRM 06079C1040H (effective date 5/16/2017), the project site not located within a flood hazard are (FEMA 2017). In addition, the project site is not located in the County's Flood Hazard combining designation (County of San Luis Obispo 2023c). According to the CDOC San Luis Obispo County Tsunami Hazard Areas map, the project site is not located in an area at risk for tsunami (CDOC 2022b). The project site is not located within or adjacent to a standing waterbody with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation, and *no impact* would occur.

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

The project is not located within a groundwater basin designated as Level of Severity III per the County's Resource Management System or in severe decline by the SGMA. As identified above, based on required compliance with Central Coast RWCQB construction stormwater permit requirements and PCRs and the County CZLUO, the project would not substantially increase water demand, deplete groundwater supplies, or interfere substantially with groundwater recharge. Therefore, the project would not conflict with the SGMA, the Basin Plan, or other regional or local plans or policies intended to manage water quality or groundwater supplies; therefore, impacts would be *less than significant.*

Conclusion

The project site is not within the 100-year flood zone and does not include existing drainages or other surface waters. The project would not substantially increase impervious surfaces and does not propose alterations to existing water courses or other significant alterations to existing on-site drainage patterns. Therefore, potential impacts related to hydrology and water quality would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

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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 California Coastal Commission is the ultimate permit authority in the Coastal Zone of San Luis Obispo County and dictates how the County's Local Coastal Program (Title 23) is interpreted. The purpose of Title 23, also known as the County CZLUO, is to guide and manage the future growth in accordance with the *County of San Luis Obispo General Plan* (County General Plan) and Local Coastal Program; to regulate land use in a manner that will encourage and support orderly development and beneficial use of lands; to minimize adverse effects on the public resulting from inappropriate creation, location, use or design of buildings or land uses: and to protect and enhance significant natural, historic, archaeological, and scenic resources within the county.

The *County of San Luis Obispo General Plan Land Use Element* (County LUE) provides policies and standards for the management of growth and development in each unincorporated community and the rural areas of the county and serves as a reference point and guide for future land use planning studies throughout the county. The County LUE identifies strategic growth principles to define and focus the County's proactive planning approach and balance environmental, economic, and social equity concerns. Each strategic growth principle correlates with a set of policies and implementation strategies that define how land will be used and resources protected. The County LUE also defines each of the 14 land use designations and identifies standards for land uses based on the designation they are located within. The project area is designated as Residential Single Family land use (County of San Luis Obispo 2023c).

Discussion

(a) Physically divide an established community?

The project includes construction of a new single-family residence on an existing parcel within the RSF zone. The project does not propose components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of existing residential development in 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 *no impact* would occur.

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

The project would be consistent with the existing land use designation and the guidelines and policies for development within the applicable area plan, *County of San Luis Obispo Framework for Planning (Coastal Zone)*, and County COSE. The project was found to be consistent with standards and policies set forth in the County General Plan, the Estero Area Plan, the 2001 CAP, and other land use policies for this area.

The *Los Osos Community Plan* (LOCP) was adopted by the County in December 2020 and is awaiting review and certification by the California Coastal Commission. Key components of the LOCP include incorporating conditions of approval of the Coastal Development Permit from the California Coastal Commission for the Los Osos Wastewater Project. Specifically, Special Condition 6 prohibits wastewater service to undeveloped properties within the service area, until the County's Local Coastal Plan (through the LOCP) is amended to identify appropriate and sustainable buildout limits. The project site is an undeveloped property; however, the project does not include connection to a wastewater service provider and would not be in conflict with Special Condition 6 or other conditions of the Los Osos Wastewater Project.

The project would be required to implement measures to mitigate potential impacts associated with air quality and biological resources; therefore, 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 not divide an established community. The project would be required to implement Mitigation Measures AQ-1 through AQ-3 and BIO-1 through BIO-14 to mitigate potential impacts associated with air quality and biological resources. Therefore, 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.

Mitigation

Implement Mitigation Measures AQ-1 through AQ-3 and BIO-1 through BIO-14.

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?	☐	☐	☐	☒

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 (SMARA) of 1975 requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (PRC Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey [CGS] 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 County CZLUO provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The EX combining designation is used to identify areas of the county where:

1. Mineral or petroleum extraction occurs or is proposed to occur;
2. The State Geologist has designated a mineral resource area of statewide or regional significance pursuant to 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.

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?*

The project site is not located within or adjacent to an Extractive Resource Area or Energy/Extractive Area (County of San Luis Obispo 2023c). The project includes minimal ground-disturbing activity for

the construction of the proposed project; therefore, work within previously disturbed areas and is not anticipated to uncover mineral resources in the area and *no impact* would occur.

(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?

Chapter 6 of the County COSE identifies goals and policies regarding mineral resources in the county. Policies within this chapter protect mineral resources within identified extractive areas identified in the County LUE. The project site is not located within or adjacent to an Extractive Resource Area or Energy/Extractive Area (County of San Luis Obispo 2023c). The project includes minimal grading activity. Therefore, the project is not anticipated to uncover mineral resources in the area, and *no impact* would occur.

Conclusion

The project site is not located with an Extractive Resource Area or Energy/Extractive Area. Therefore, impacts to mineral resources are not anticipated to occur, and mitigation measures are not necessary.

Mitigation

None necessary.

XIII. NOISE

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

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Setting

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

Noise-sensitive 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 County 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. There are no on-site residences located on the project site, but there are off-site residences located within 1,000 feet of the project site. The nearest off-site residences are located approximately 60 feet west of the project site.

County CZLUO Section 23.06.042 (Exceptions to Noise Standards) is not applicable to a range of exceptions, including noise sources associated with construction, provided such activities do not take place before 7:00 a.m. or after 9:00 p.m. on weekdays, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday.

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?*

During construction of the project, noise generated from construction activities may intermittently dominate the noise environment in the immediate area. Table 5 details the typical noise levels for construction equipment likely to be used in implementation of the project.

Table 5. Construction Equipment Noise Emission Levels

Equipment Type	Typical Noise Level (dBA) 50 ft From Source
Concrete Mixer, Dozer, Excavator, Jackhammer, Man Lift, Paver, Scraper	85
Heavy Truck	84
Crane, Mobile	83
Concrete Pump	82
Backhoe, Compactor	80

Source: Federal Highway Administration (FHWA) (2018)

The nearest off-site sensitive noise receptors are single-family residences located approximately 60 feet west of the project site. Construction-related noise would be short-term, would be intermittent, and would not result in a permanent increase in ambient noise within the project area. According to County CZLUO Section 23.06.042.d, construction noise is exempt from the County's noise standards between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on weekends. Proposed construction activities would be limited to the hours specified in the LUO; therefore, construction-related noise would be exempt from the County's noise 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 substantial grading/earthmoving activities, pile driving, or other high impact activities that would generate substantial groundborne noise or groundborne vibration during construction. Construction equipment has the potential to generate minor groundborne noise and/or vibration, but these activities would be limited in duration and are not likely to be perceptible from adjacent areas. The project does not propose a use that would generate long-term operational groundborne noise or vibration. Therefore, impacts related to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels would be *less than significant.*

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

The 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

The project would not generate a substantial increase in temporary or permanent ambient noise levels and would not generate groundborne noise in a manner that would result in disturbance. No long-term operational noise or ground vibration would occur as a result of the project. Therefore, potential impacts related to noise would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

XIV. POPULATION AND HOUSING

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

Setting

California Regional Housing Needs Plan

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

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

County of San Luis Obispo 2020-2028 Housing Element

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

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

Discussion

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

The project includes infill development of a new single-family residence in the RSF land use designation. Based on the Estero Area Plan, the average household size in the community of Los Osos is 2.44 persons per occupied dwelling unit; therefore, development of one new single-family residence would result in a negligible population increase of approximately three residents (County of San Luis Obispo 2009). The project does not include any new uses that would increase employment in the area. Therefore, the project would not result in substantial unplanned population growth, and impacts would be *less than significant*.

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impact* would occur.

Conclusion

No significant impacts related to population and housing would occur, and mitigation measures are not necessary.

Mitigation

None necessary.

XV. PUBLIC SERVICES

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

Setting

Fire Protection Services

Fire protection services in unincorporated San Luis Obispo County are provided by CAL FIRE, which has been under contract with the County to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid-call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and to 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. The project would be served by CAL FIRE/South Bay Station 15, located approximately 0.72 miles northwest of the project site at 2315 Bayview Heights Drive. Emergency response to the project site is less than 5 minutes (County of San Luis Obispo 2023c).

Law Enforcement Services

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol

personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The project would be served by the Coast Station, located approximately 0.88 miles northwest of the project site at 2099 10th Street.

Public Schools

San Luis Obispo County has 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project site is located within the San Luis Coastal Unified School District (SLCUSD). Based on the *County of San Luis Obispo General Plan 2016-2018 Resource Summary Report*, schools within the SLCUSD are currently operating at acceptable capacities and levels (County of San Luis Obispo 2018).

Public Parks and Recreation Facilities

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.

County of San Luis Obispo Public Facilities Fees

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

Discussion

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

Fire protection?

The project would result in the development of one new single-family residence that would result in a negligible population increase of approximately three people. Based on the limited scale of proposed development and associated population growth, the project would result in a limited increase in demand on fire protection services. The project would be subject to standard Public Facilities Fees to offset the project's demand on existing fire protection services. Based on the limited population increase and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded fire protection services, and impacts would be *less than significant*.

Police protection?

Implementation of the proposed project would result in the development of one new single-family residence that would result in a negligible population increase of approximately three people. Due to the limited scale of the proposed development and associated growth, the project would result in a limited increase in demand on police protection services. The project would be subject to standard Public Facilities Fees to offset the project's demand on existing police protection services. Based on

the limited population increase and payment of Public Facilities Fees, the project would not require or otherwise facilitate the need for additional or expanded police protection services; therefore, impacts would be *less than significant*.

Schools?

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 school services or facilities to serve new student populations; therefore, potential 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 directly or indirectly induce substantial population growth that would increase demands on public services. The project would be subject to payment of Public Facilities Fees to offset 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 mitigation measures are not necessary.

Mitigation

None necessary.

XVI. RECREATION

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Setting

County Parks and Recreation Element

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

County Bikeways Plan

The County Bikeways Plan identifies and prioritizes bikeway facilities throughout the unincorporated area of the county, including bikeways, parking, connections with public transportation, educational programs, and funding. The plan is updated every 5 years and was last updated in 2016. The *2015/2016 County Bikeways Plan* identifies goals, policies, and procedures geared towards realizing significant bicycle use as a key component of the transportation options for San Luis Obispo County residents. The plan also includes descriptions of bikeway design and improvement standards, an inventory of the current bicycle circulation network, and a list of current and future bikeway projects within the county.

Determining Park Needs

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

- **Level 1.** For regional parks, the County provides between 10 and 15 acres of regional parkland per 1,000 persons in the entire county (i.e., incorporated and unincorporated areas). For community parks, the County provides 2 to 3 acres of community parkland per 1,000 persons in an unincorporated community.
- **Level 2.** For regional parks, the County provides between 5 and 10 acres of regional parkland per 1,000 persons in the entire county. For community parks, the County provides 1 to 2 acres of community parkland per 1,000 persons in an unincorporated community.
- **Level 3.** For regional parks, the County provides less than 5 acres of regional parkland per 1,000 persons in the entire county. For community parks, the County provides 1 acre or less of community parkland per 1,000 persons in an unincorporated community.

Development Impact Fees

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

Quimby fees are authorized by California Government Code section 66477, commonly known as the Quimby Act, and are imposed by the County through Chapter 9 of Title 21. A developer must satisfy the Quimby Act requirement by either dedicating land or paying an in-lieu fee. The fees are paid by developers of new residential subdivisions and are meant to help fund the acquisitions, development, and maintenance of parks and recreational facilities to serve the subdivision. The project includes a subdivision and would be subject to payment of Quimby fees to offset incremental impacts on existing recreational resources.

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

Discussion

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

As discussed in Section XIV, *Population and Housing*, the project would result in the development of one new single-family residence that would result in a negligible population increase of approximately three people. Based on the limited scale of proposed development and associated population growth, the project would not substantially increase demand on any proximate existing neighborhood, regional park, or other recreational facilities. Further, the project would be required to pay Public Facility Fees for maintenance of public recreation facilities. Based on the limited population increase and payment of applicable fees, the project would not increase the use of existing recreational facilities in a manner that could lead to substantial physical deterioration; therefore, impacts would be *less than significant*.

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

The project does not include the development of new or expanded recreational facilities; therefore, *no impact* related to adverse physical effects on the environment as a result of construction or expansion of recreational facilities would occur.

Conclusion

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

Mitigation

None necessary.

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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

Senate Bill 743 and VMT

In 2013 SB 743 was signed into law with the intent to "more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions" and required the Governor's Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3(b)). The County has developed a VMT Program (*Transportation Impact Analysis Guidelines* [Rincon Consultants 2020]; *VMT Thresholds Study* [GHD 2021]), which provides interim operating thresholds and includes a screening tool for evaluating VMT impacts.

Regional Transportation Planning

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

The 2023 RTP, adopted June 7, 2023, is the San Luis Obispo region's long-term blueprint for a transportation system that enhances quality of life and meets the mobility needs of the region's residents and visitors, now and in the future. This blueprint offers the region's communities a mix of mobility options for people and goods and makes a strong commitment to creating a more sustainable transportation system that maximizes choice, holistically addresses transportation issues, and is both visionary and attainable.

Local Transportation Planning

The *County of San Luis Obispo Framework for Planning (Coastal Zone)* includes the County LUE and *County of San Luis Obispo General Plan Circulation Element* (County Circulation Element). The framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations.

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

Discussion

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

The County's LUE and SLOCOG's 2023 RTP includes goals, policies, and ordinances to facilitate consistency between transportation and land use planning and encourages the use of alternative methods of transportation to reduce vehicle trips throughout the region. The proposed project includes infill development of a new single-family residence in the RSF land use designation within the Los Osos Urban Reserve Line. Based on the limited scale of proposed development and associated population growth, the project is not anticipated to generate a substantial number of additional vehicle trips. Additionally, the project would be subject to road improvement fees for maintenance of nearby county roads and transportation facilities. Therefore, the project would be consistent with the County's LUE and the 2023 RTP, and impacts would be *less than significant*.

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

The County has developed a VMT Program (*Transportation Impact Analysis Guidelines* [Rincon Consultants 2020]; *VMT Thresholds Study* [GHD 2021]), which provides interim operating thresholds and includes a screening tool for evaluating VMT impacts. The project would be limited to the construction of one new single-family residence and would generate less than 110 trips per day, which is consistent with the suggested screening threshold identified in the state guidance (*Technical Advisory on Evaluating Transportation Impacts in CEQA* [OPR 2018]). Therefore, impacts would be *less than significant*.

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

The project site would be accessed via two new driveways off Cottontail Lane that would be approximately 18 feet wide and 11 feet wide. The proposed driveways would be constructed in

accordance with County Public Works Department and County Fire/CAL FIRE requirements to ensure adequate emergency access to the site. The project does not include components that would facilitate incompatible uses (e.g., farm equipment) along proposed or nearby roads that could increase hazards. Based on required compliance with County Public Works Department and County Fire/CAL FIRE requirements, the project would not substantially increase hazards due to a geometric design feature or incompatible uses; therefore, impacts would be *less than significant*.

(d) Result in inadequate emergency access?

The project includes the construction of a new single-family residence on an existing parcel. Construction activities would not require traffic controls or road closures and emergency access to the project site and surrounding areas would be maintained throughout the construction period. The project site would be accessed via two new driveways off Cottontail Lane that would be approximately 18 feet wide and 11 feet wide. The proposed driveways would be constructed in accordance with County Public Works Department and County Fire/CAL FIRE requirements to ensure adequate emergency access to the site; therefore, impacts related to emergency response and evacuation would be *less than significant*.

Conclusion

The project would not alter existing transportation facilities or result in a substantial number of additional vehicle trips or VMT. The project would not interfere with short- or long-term emergency access or create hazards through road or other project component design. Payment of standard development fees and compliance with existing regulations would ensure potential impacts are reduced to less than significant. Therefore, potential impacts related to transportation would be less than significant, and mitigation measures are not necessary.

Mitigation

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(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 PRC Section 5020.1(k).
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

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

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Discussion

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

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

The project site is currently undeveloped and does not consist of any residences, buildings, or other structures that could be eligible for listing as historical resources in the CRHR. Further, the records search did not reveal any historic or tribal historic resources within the project area (SWCA 2018). Because there are no historic or tribal historic resources within or directly adjacent to the project site, implementation of the proposed project would not cause a substantial adverse change in the significance of a tribal historical resource; therefore, *no impacts* would occur.

(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.*

Pursuant to AB 52, the County provided notice to local California native tribes with geographic and/or cultural ties to the project region. Referral letters were sent to tribal representatives on August 30, 2021. No tribes requested consultation or provided information regarding significant tribal cultural resources to date.

According to the County's Land Use View, the project is located in an Archaeologically Sensitive Area; however, based on the results of the Archaeological Survey, there are no known cultural or tribal cultural archaeological resources within the project area (SWCA 2018). Additionally, the project site is surrounded by existing residential development and associated infrastructure; therefore, the likelihood of encountering previously unknown cultural resources during ground disturbing activities is low. In the unlikely event that unknown cultural resources are encountered during construction activities, the project would be required to comply with County CZLUO Section 23.05.140 (Archaeological Resources Discovery), which requires work be stopped, the County be notified, and the discovery evaluated by an archaeologist. Additionally, the project would be required to comply with the protocol identified in California Health and Safety Code Section 7050.5 for inadvertent discovery of human remains. Based on the low archaeological sensitivity of the project site and required compliance with County CZLUO Section 23.05.140 and California Health and Safety Code Section 7050.5, the project would not adversely affect tribal cultural resources; therefore, impacts would be *less than significant*.

Conclusion

Based on the low archaeological sensitivity of the project site and required compliance with County CZLUO Section 23.05.140 and California Health and Safety Code Section 7050.5, the project would not adversely affect tribal cultural resources, and mitigation measures are not necessary.

Mitigation

None necessary.

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater "will-serve" letters. The County Public Works Department currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, 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 County Public Works Department is responsible for ensuring that new construction sites implement best management practices 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 San Luis Obispo County.

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the city of San Luis Obispo, Chicago Grade Landfill, located near the community of Templeton, and Paso Robles Landfill, located east of the city of Paso Robles. The project would be served by Mission Country Disposal and Cold Canyon Landfill.

Discussion

(a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?*

The project includes the construction of a new on-site septic system and the extension of existing utility infrastructure, including gas, electrical, and water lines within a utility easement that runs north/south along the eastern boundary of the subject parcel and neighboring parcel. As evaluated throughout this Initial Study/Mitigated Negative Declaration (IS/MND), implementation of the proposed project has the potential to result in environmental impacts. Mitigation has been included in individual resource sections to ensure potential environmental impacts associated with development of the project are mitigated to a less-than-significant level. Mitigation Measures AQ-1 through AQ-3 and BIO-1 through BIO-14 have been included to reduce potential environmental impacts associated with the expansion and installation of utility infrastructure to serve the project; therefore, impacts would be *less than significant with mitigation*.

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

The County estimates the potable water demand for new single-family dwellings in Los Osos to be 128 gallons per day, which would be provided by GSWC. GSWC has provided a will-serve letter for the project (GSWC 2021). The project site is located within the Los Osos Area Subbasin of the Los Osos Valley Groundwater Basin, which is a low-priority subbasin under the SGMA (Basin No. 3-08.01). According to the County, the SGMA does not apply to the Los Osos Area subbasin because requirements have been met by the Los Osos Basin Management Committee (County of San Luis Obispo 2023a).

On April 22, 2008, the County Board of Supervisors approved two plumbing retrofit ordinances for the Los Osos area. The ordinances address sea water intrusion into the lower aquifer zone of the Los Osos Groundwater Basin. To manage this serious problem, the ordinances require both new and existing development to help address this problem by retrofitting older, non-conserving fixtures with those that are water efficient. The Board of Supervisors adopted amendments to the Title 19 retrofit ordinance on February 27, 2024. The amendments replace the 2:1 offset of new water

demand and establish different rates based on whether or not a parcel is served by a water purveyor. The current offset required by the Department for a single-family dwelling using community water is 256 gallons per day (2:1 offset). The applicant has agreed to retrofit at a 2:1 ratio and is required to provide a certificate of retrofit prior to issuance of construction permits; therefore, impacts would be *less than significant*.

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

The project does not include connection to a wastewater treatment provider; therefore, *no impact* 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?

Solid waste, recycling, and green waste services would be provided by Mission Country Disposal and waste materials would be disposed of at the Cold Canyon Landfill. According to the California Department of Resources Recycling and Recovery (CalRecycle), Cold Canyon Landfill has a maximum permitted capacity of 23,900,000 cubic yards and maximum capacity of 1,650 tons of solid waste per day. The estimated closure date of Cold Canyon Landfill is December 2040 (CalRecycle 2024).

During construction, the project would result in a short-term increase in construction-related solid waste. According to the County's Integrated Waste Management Authority (IWMA), construction waste would be subject to CALGreen Sections 4.408 and 5.408, which requires diversion of at least 65% of construction waste (IWMA 2024). Based on required compliance with CALGreen regulations, construction of the project would not generate solid waste in excess of local infrastructure capacity.

The project would facilitate the infill development of a new single-family residence. According to the CalRecycle Estimated Solid Waste Generation Rates, operation of a new single-family residence would result in a limited increase in long-term solid waste of approximately 12.23 pounds per day (CalRecycle 2006). In addition, the project would be required to comply with County-implemented recycling and organic waste disposal programs during operation, which would reduce the amount of solid waste taken to Cold Canyon Landfill. Cold Canyon Landfill would have adequate available capacity to support the increase of solid waste; therefore, impacts would be *less than significant*.

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

The project would be serviced by Mission Country Disposal and Cold Canyon Landfill, which are fully compliant with existing state and local regulations related to disposal of solid waste. As evaluated above, construction and operation of the project is not expected to generate solid waste in excess of state or county regulations for solid waste. In addition, the project would be required to comply with CALGreen regulations during construction and County-implemented recycling and organic waste disposal programs during operation, which would be consistent with federal, state, and local solid waste reduction goals; therefore, impacts would be *less than significant*.

Conclusion

Mitigation Measures AQ-1 through AQ-3 and BIO-1 through BIO-14 would be required to avoid or reduce potential impacts related to installation of expanded utility infrastructure. The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. The project would not result in a substantial increase in solid waste generation. Therefore, potential impacts related to utilities and service systems would be less than significant with mitigation.

Mitigation

Implement Mitigation Measures AQ-1 through AQ-3 and BIO-1 through BIO-14.

XX. WILDFIRE

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

Setting

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

fire season usually extends roughly from May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California.

CAL FIRE Fire Hazard Severity Zones

CAL FIRE defines FHSZs based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area. FHSZs throughout San Luis Obispo County have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a Very High FHSZ is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The Moderate designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in High or Very High FHSZs. According to the CAL FIRE FHSZ Viewer, the project site is located in a Very High FHSZ (CAL FIRE 2023).

San Luis Obispo County Emergency Operations Plan

The County has prepared the *San Luis Obispo County Emergency Operations Plan* (County EOP) to outline the emergency measures that are essential for protecting the public health and safety (County of San Luis Obispo 2016). These measures include, but are not limited to, public alert and notifications, emergency public information and protective actions. The County EOP also addresses policy and coordination related to emergency management. The County EOP includes the following components:

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

County of San Luis Obispo General Plan Safety Element

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

California Fire Code

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

Discussion

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

The project site is located in a very high FHSZ (CAL FIRE 2023). The project would result in the construction of a new single-family residence and associated site improvements. Construction activities would not require traffic controls or road closures and emergency access to the site and surrounding areas would be maintained throughout construction. The project site would be accessed via two new driveways off Cottontail Lane that would be approximately 18 feet wide and 11 feet wide. The proposed driveways would be constructed in accordance with County Public Works Department and County Fire/CAL FIRE requirements to ensure adequate emergency access to the site. Based on required compliance with County Public Works Department and County Fire/CAL FIRE requirements, impacts related to emergency response and evacuation 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 project site is located within a very high FHSZ and is currently undeveloped and consists of nearly level to gently sloping topography and native shrubs (chamise chaparral and maritime chaparral). Implementation of the proposed project would result in the construction of a new single-family residence on the 0.47-acre parcel. The project would be constructed in accordance with County Fire/CAL FIRE, CFC, CBC, and PRC requirements to reduce risk associated with fire ignition and exposure of project occupants to wildfire risk and to ensure adequate emergency access to the site. Based required compliance with CAL FIRE, CFC, CBC, and PRC requirements, the project would not significantly exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; therefore, impacts would be *less than significant*.

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

The project would result in the construction of a new single-family residence and associated site improvements, including construction of an on-site septic system and extension of utility infrastructure, including a natural gas, water, and electricity line. Proposed utility infrastructure would be constructed below ground, which would reduce the potential for fire ignition at the project site. In addition, proposed development would be required to comply with applicable County, CBC, CFC, and PRC standards and regulations to reduce risk associated with fire ignition at the project site; therefore, impacts would be *less than significant*.

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

Based on the County Safety Element Landslide and Liquefaction Hazards Maps, the project site is located in an area with low risk for landslide and liquefaction. In addition, the project site is not located within an area at risk of flooding (FEMA 2017). The project would be required to comply with all applicable CBC and other engineering standards to reduce potential risk associated with development on unstable soils within a very high FHSZ. Therefore, impacts would be *less than significant*.

Conclusion

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 mitigation measures are not necessary.

Mitigation

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

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

Based on the analysis provided in the resource sections above, the project has the potential to disturb sensitive biological resources and unknown cultural and/or tribal cultural resources. Mitigation Measures BIO-1 through BIO-14 have been identified and would reduce potential impacts related to sensitive biological resources to less than significant. Additionally, adherence to County CZLUO Section 23.05.140 and California Health and Safety Code Section 7050.5 would reduce impacts to unknown cultural and/or tribal cultural resources if present within the project area. Therefore, potential impacts would be *less than significant with mitigation*.

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

Based on the nature of proposed development and the analysis provided in the resource sections above, the project would have the potential to result in environmental impacts associated with air quality and biological resources that could have a cumulative effect with other development projects in the project region. Mitigation Measures AQ-1 through AQ-3 and BIO-1 through BIO-14 have been identified to reduce potential environmental impacts associated with the project to a less-than-significant level. Other past and future development projects requiring a discretionary permit in the project region would also be subject to applicable mitigation measures to reduce potential impacts associated with these impact issue areas. Therefore, based on the implementation of project-level mitigation measures and discretionary review and CEQA review of other projects within the project area, potential impacts would be *less than cumulatively considerable with mitigation*.

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

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

AQ-3. Therefore, potential impacts associated with environmental effects that would cause substantial adverse effects on human beings would be *less than significant with mitigation*.

Conclusion

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

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Exhibit A – Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☒	County Public Works Department	**In File****
☐	County Environmental Health Services	**Not Applicable**
☐	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	**None**
☒	CA Department of Fish and Wildlife	**None**
☒	CA Department of Forestry and Fire Protection	**In File****
☐	CA Department of Transportation	**Not Applicable**
☐	Community Services District	**Not Applicable**
☒	Other Los Osos Community Advisory Council	**In File****
☒	Other Golden State Water Company	**None**
☒	Other US Fish and Wildlife	**None**

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

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

- ☒ Project File for the Subject Application

County Documents

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

Other Documents

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

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☒ Energy Wise Plan
☒ Estero Area Plan
contours, etc.)
☒ Other Los Osos Community Plan

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

California Air Resources Board (CARB). 2022a. Maps of State and Federal Area Designations. Available at: https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations. Accessed February 2024.

———. 2022b. Advanced Clean Cars Program. Available at: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program. Accessed February 2024.

———. 2022c. *2022 Scoping Plan for Achieving Carbon Neutrality*. Available at: https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp_1.pdf. Accessed February 2024.

California Department of Conservation (CDOC). 2015. Fault Activity Map of California. Available at: https://maps.conservation.ca.gov/cgs/fam/. Accessed February 2024.

———. 2022a. Farmland Mapping and Monitoring Program – California Important Farmland Finder. Available at: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed February 2024.

———. 2022b. CGS Information Warehouse: Tsunami Hazard Area Map. Available at: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/?extent=-13530447.9954%2C4141791.9629%2C-13398976.3068%2C4287328.0647%2C102100&utm_source=cgs+active&utm_content=sanluisobispo. Accessed February 2024.

California Department of Forestry and Fire Protection (CAL FIRE). 2023. Fire Hazard Severity Zones in State Responsibility Area. Available at: https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008. Accessed February 2024.

California Department of Resources Recycling and Recovery (CalRecycle). 2006. Estimated Solid Waste Generation Rates. Available at: https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates#:~:text=Residential%20Sector%20Generation%20Rates%20%20%20%20Waste,%20Cor%20...%20%208%20more%20rows%20. Accessed February 2024.

———. 2024. SWIS Facility/Site Inspection Details – Cold Canyon Landfill. Available at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1509?siteID=3171. Accessed February 2024.

California Department of Toxic Substances Control (DTSC). 2024. EnviroStor. Available at: https://www.envirostor.dtsc.ca.gov/public/. Accessed February 2024.

California Department of Transportation (Caltrans). 2021. California State Scenic Highway System Map. Available at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983. Accessed February 2024.

California Geological Survey (CGS). 2015. *San Luis Obispo-Santa Barbara Production-Consumption Region*.

California Governor's Office of Planning and Research (OPR). 2018. *Technical Advisory on Evaluating Transportation Impacts in CEQA*. Available at: http://www.opr.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf. Accessed February 2024.

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DATE: May 20, 2024

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM FOR KASSON MINOR USE PERMIT/COASTAL DEVELOPMENT PERMIT (C-DRC2021-00014)

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

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

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

AIR QUALITY (AQ)

AQ-1 **Diesel Idling Restrictions for Construction Phases.** The APCD recognizes the public health risk reductions that can be realized by idle limitations for both on- and off-road equipment. The following idle restricting measures are required for the construction phase of projects. **Upon application for construction and/or encroachment permits**, all required measures shall be shown on applicable grading or construction plans and made applicable during grading and construction activities, as described below.

1. Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment.
    a. Staging and queuing areas shall be located at the greatest distance feasible from sensitive receptor locations;
    b. Diesel idling when equipment is not in use shall not be permitted;
    c. Use of alternative fueled equipment shall be used whenever possible; and

d. Signs that specify the no-idling requirements shall be posted and enforced at the construction site.

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

   a. Shall not idle the vehicle's primary diesel engine when vehicle is not in use, except as noted in Subsection (d) of the regulation; and
   b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the no-idling requirement. The specific requirements and exceptions in the regulation can be reviewed at the following website: https://ww2.arb.ca.gov/sites/default/files/classic/msprog/truck-idling/13ccr2485_09022016.pdf.

AQ-2 **At the time of application for grading and construction permits** for initial site improvements and future residential development, the following measures shall be provided on project grading and construction plans and shall be implemented throughout the duration of project grading and construction activities to manage fugitive dust emissions such that they do not exceed the San Luis Obispo County Air Pollution Control District (SLOAPCD) 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance (SLOAPCD Rule 402) impacts:

1. The amount of the disturbed area shall be reduced where possible;
2. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water shall be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder shall consider use of a dust

suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants: http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm;

3. All dirt stockpile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
4. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used;
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114;
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent track out, access points shall be designated, and all employees, subcontractors, and others shall be required to use them. A "track-out prevention device" shall be installed and operated where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
7. All fugitive dust mitigation measures shall be shown on grading and building plans;
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on

an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact the Compliance Division at 805-781-5912).

9. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible, following completion of any soil-disturbing activities;
10. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established;
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site;
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible; and
14. Additional measures shall be taken as needed to ensure dust from the project site is not impacting areas outside the project boundary.

Monitoring: Measures required to be noted on construction or grading permits. Measures shall be adhered to during construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

AQ-3 **Prior to initiation of ground-disturbing activities** for initial site improvements and future residential development, the applicant shall retain a registered geologist to conduct a geologic evaluation of the property, including sampling and testing for NOA in full compliance with SLOAPCD requirements and the CARB ATCM for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105). This geologic evaluation shall be submitted to the City Community Development Department upon completion.

1. If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development

of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD; or

2. If the site is exempt, an exemption request must be filed with the APCD.

More information on NOA can be found at https://www.slocleanair.org/rules-regulations/noa.php

Monitoring: The geologic evaluation shall occur prior to ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building and SLOAPCD.

BIOLOGICAL RESOURCES (BIO)

BIO-1 **Biological Monitor.** Prior to ground disturbance, the applicant shall retain a qualified biologist for all measures requiring environmental mitigation to ensure compliance with the coastal development permit measures. The biologist shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and protected species; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing) and be reduced to every other week following initial disturbances or a frequency and duration determined by the qualified biologist in consultation with the County of San Luis Obispo and the US Fish and Wildlife Service.

Monitoring: The biological monitor shall be retained prior to any ground disturbance. Monitoring shall occur weekly during site clearing and then every other week. Compliance will be verified by the County Department of Planning and Building.

BIO-2 **Environmental Awareness Training.** Prior to the commencement of site grading, a US Fish and Wildlife Service-approved biologist with demonstrable knowledge and experience with Morro shoulderband snail and its habitat will conduct a preconstruction environmental awareness training session for all construction personnel involved in site disturbance. The training is intended to inform the construction crews, field supervisors, and equipment operators about the status and presence of the Morro shoulderband snail and other special-status species that occur in the project area, including California legless lizard, coast horned lizard, and nesting birds. Topics of discussion shall include descriptions of the

species' habitats; general provisions and protections afforded by the Federal Endangered Species Act and the California Environmental Quality Act; measures implemented to protect special-status species; review of the project boundaries and special conditions; the monitor's role in project activities; lines of communication; and procedures to be implemented in the event a special-status species is observed in the work area.

Monitoring: The awareness training shall be given to all construction personnel prior to initiation of construction activities. Compliance will be verified by the County Department of Planning and Building.

BIO-3 Morro Shoulderband Snail Preconstruction Surveys

1. 30 days prior to ground-distributing activities, the US Fish and Wildlife Service (Service) shall be contacted by email to determine a relocation site for Morro shoulderband snail (MSS). All living native snails, in all life stages, that are identified will be captured and moved to suitable areas in a location approved by the Service prior to the initiation of pre-activity surveys.
2. One week prior to commencement of vegetation removal and initial ground-disturbing activities the Service-approved biologist shall survey the disturbance area for MSS individuals that may be present. Any identified individuals shall be captured and moved out of harm's way. All efforts shall be made to locate and move live snails as well as empty shells of the species.

   If precipitation or heavy fog conditions occur in the timeframe between survey completion and removal of habitat, the Service-approved biologist shall resurvey the area to ensure MSS did not move into the site. If preconstruction surveys occur during the summer months (April– October), when MSS are typically aestivating, one intensive survey conducted by the Service-approved biologist prior to construction should be sufficient to relocate MSS from the development areas. The survey process shall involve moving and searching under all vegetation and anthropogenic artifacts present (e.g., woodpiles, debris, etc.), and may result in destruction or uprooting of vegetation. If preconstruction surveys occur during the rainy season (November–March) multiple surveys prior to initial disturbance may be needed to identify all MSS present in a work area.
3. The size, location of capture, and release site location shall be recorded for each individual MSS moved from the affected work areas. Empty shells will be noted on a map, counted, and classified by size

and Class (A, B, or C). These shells shall be placed within the open space area on the project site. The Service-approved biologist shall document those activities associated with all surveys and a report shall be submitted to the Service in accordance with Section 5.6 of the *Morro Shoulderband Snail (Helminthoglypta walkeriana) Habitat Conservation Plan for 2680 Cottontail Lane, Los Osos, San Luis Obispo County, California and Incidental Take Permit*.

4. If land clearing, vegetation removal, trenching, or grading activities that have the potential to affect MSS or their habitat occur during the rainy season, surveys shall be conducted at the beginning of each workday that measurable precipitation (0.1 inch or greater) or heavy fog conditions precedes or occurs during the activities to check for and remove any MSS that may have entered the construction area.

Monitoring: Surveys are required one week prior to vegetation removal, construction, and ground-disturbing activities. If replanting is required, it shall occur after winter rains have commenced. Compliance will be verified by the County Department of Planning and Building.

BIO-4 **Special-Status Reptile Preconstruction Survey and Monitoring.** Within 30 days prior to site grading and during site grading, a qualified biologist shall conduct surveys for Northern California legless lizards, coast horned lizards, and other reptiles. The surveyor shall utilize hand search or cover board methods in areas of disturbance where legless lizards and/or coast horned lizards are expected to be found (e.g., under shrubs, other vegetation, or debris). If cover board methods are used, they shall commence at least 30 days prior to the start of construction. Hand search surveys should be completed immediately prior to and during grading activities. During grading activities, the biologist shall walk behind the grading equipment to capture Northern California legless lizards that are unearthed by the equipment. The surveyor shall capture and relocate any legless lizards or other reptiles observed during the survey effort. The captured individuals shall be relocated from the construction area and placed in suitable habitat on the parcel but outside of the work area. Following the survey and monitoring efforts, the County-approved biologist shall submit to the County a project completion report that documents the number of Northern California legless lizards and other reptiles captured and relocated, and the number of legless lizards or other reptiles mortally taken during grading activities.

Monitoring: Surveys shall occur within 30 days of site grading. Compliance will be verified by the County Department of Planning and Building.

BIO-5 **Morro Shoulderband Snail Compliance Monitoring.** A US Fish and Wildlife Service (Service)-approved Morro shoulderband snail (MSS) biologist shall conduct compliance monitoring during construction of the project and after construction completion for the term of the incidental take permit.

The Service-approved biologist shall ensure that the required minimization measures, such as protective fencing and environmental training, are implemented during construction. Once the initial disturbances are complete and all MSS habitat has been removed from the disturbance area, the Service-approved biologist shall conduct monthly compliance monitoring visits until the construction of the residence is complete. General Permit Compliance Assessments shall occur once annually throughout the permit term and shall ensure that the applicants maintain compliance with the permit terms. Results of the compliance monitoring shall be reported in the first annual report for the project and be provided to both the Service and the County.

To quantify the amount of incidental take resulting from project implementation, the Service-approved biologist shall document the number and age class of individual MSS that were captured and moved, as well as any MSS injured or killed during implementation of the minimization measures or any aspect of project implementation. This information shall be included in the first annual report for the project.

Monitoring: Monitoring is required during initial ground disturbance and then monthly until construction is complete. Compliance will be verified by the County Department of Planning and Building and US Fish and Wildlife Service (USFWS).

BIO-6 **Temporary Construction Fencing.** Before any grading or materials delivery occurs at the project site, the construction areas shall be fenced to establish the limits of construction activities. This fencing shall consist of temporary orange construction fencing and shall exclude the remaining Morro manzanita plants and the open space area from inadvertent disturbances during project construction. The temporary fencing shall be removed upon completion of the project.

Pre-disturbance capture and relocation surveys for MSS (BIO-3) shall occur prior to the fencing installation.

All grading plans shall clearly show the location of the Morro manzanita plants to be avoided and project delineation fencing that excludes the adjacent Morro manzanita occurrences and maritime chaparral habitat from disturbance. The fencing shall consist of highly visible construction fence supported by steel T-stakes that are driven into the soil. The

monitoring biologist shall field-fit the placement of the project delineation fencing to minimize impacts to Morro manzanita, MSS, and other sensitive resources. The project delineation fencing shall remain in place and functional throughout the duration of the project and no work activities shall occur outside the delineated work area. The grading plans shall clearly show all staging areas, which shall be located within the construction area and outside the adjacent habitat areas.

Monitoring: Fencing shall be installed prior to grading, site preparation, or staging. Compliance will be verified by the County Department of Planning and Building.

BIO-7 **Utility Easement Vegetation Measure.** Prior to permit issuance, the project plans shall specify that installation of the power, cable, and phone lines from the existing pole on Bayview Heights Drive be conducted without trenching in the utility easement area. Installation of the utility lines shall include underground trenchless technology (e.g., horizontal directional drilling). The vegetation in the utility easement shall not be removed for utility line installation.

Monitoring: Measures required to be noted on construction or grading permits. Measures shall be adhered to during construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-8 **Morro Manzanita Replacement Plan.** The project will require the removal of three Morro manzanita plants. The applicant may choose to participate in the LOHCP to mitigate this impact as directed by the LOHCP requirements or the applicant may choose to mitigate this impact by developing and implementing a Morro Manzanita Replacement Plan. If the applicant chooses to implement a Morro Manzanita Replacement Plan, the plan shall provide for the installation and maintenance of 15 Morro manzanita plants on the project parcel. The Morro Manzanita Replacement Plan shall include:

A. A brief narrative of the project location, description, and purpose;

B. Clearly identified parties responsible for the mitigation program and their contact information;

C. A map showing and quantifying all manzanita planting areas;

D. A detailed discussion of the methods for implementing the Morro Manzanita Replacement Plan, including invasive species removal, sources of plant materials, and supplemental watering regimes;

E. Provisions for the collection of Morro manzanita propagules from the disturbance area, replacement planting propagation, and reintroduction into the parcel;

F. Identification of locations, amounts, and sizes of the Morro manzanita plants to be planted.

G. Identification of necessary components (e.g., temporary irrigation, amendments, etc.) to ensure successful plant reestablishment;

H. A program schedule and established success criteria for a 5-year maintenance, monitoring, and reporting program that is structured to ensure the success of the mitigation plantings; and

I. Methods for removing non-native species from the site.

Monitoring: If seeking coverage through the LOHCP, the applicant shall obtain a COI prior to issuance of building permits. If not seeking coverage through the LOHCP, the applicant shall prepare a Morro Manzanita Replacement Plan prior to issuance of building permits. Compliance will be verified by the County Department of Planning and Building.

BIO-9 **Removal of Morro Manzanita in the CAL FIRE Buffer Area**. The applicant shall not remove Morro manzanita from the CAL FIRE buffer area. Other shrub species in the CAL FIRE buffer area may be removed to reduce the fire ladder. However, only dead wood and lower branches of Morro manzanita specimens in the CAL FIRE buffer area may be removed. Morro manzanita located in the CAL FIRE buffer area may be trimmed but not removed to reduce the fire ladder. This may include removing Morro manzanita branches from individual shrubs that are in contact with each other and removing lower branches to create air space between the ground level and the shrub canopy.

Monitoring: This shall be implemented through the Morro Manzanita Replacement Plan and as an ongoing condition of the project. Compliance will be verified by the County Department of Planning and Building.

BIO-10 **Popcorn Lichen Relocation.** Prior to construction, the environmental monitor shall relocate popcorn lichen occurrences from the disturbance areas. This species occurs on the sand and detritus in the openings of the chaparral. Popcorn lichen is most visible in the winter months. To the extent feasible, popcorn lichen relocation efforts shall occur in the winter months to maximize detection of the occurrences. The environmental monitor shall remove the popcorn lichen from the disturbance areas and

place them at the base of existing shrubs in the adjacent undisturbed habitat on the parcel.

Monitoring: Popcorn lichen shall be surveyed for and relocated prior to construction. Compliance will be verified by the County Department of Planning and Building.

BIO-11 **Nesting Bird Season Construction Limitation.** To the maximum extent possible, site preparation, ground-disturbing, and construction activities should be conducted between September 16 and January 30 (outside of the migratory bird breeding season). If such activities are required during the migratory bird breeding season (February 1–September 15), the monitoring biologist shall conduct a nesting bird survey and verify that migratory birds are not occupying the site. If nesting activity is detected, the following measures shall be implemented:

A. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC);

B. For project-related activities that occur during the nesting season (February 1–September 15), a nesting bird survey shall be conducted by a qualified biologist at least 14 days prior to vegetation removal for each phase of the project. The surveys shall be conducted within all accessible areas within 500 feet of the work area.

C. The County-approved biologist shall determine an appropriate biological buffer zone around active nest sites. Construction activities within the established buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and

D. The County-approved biologist shall document all active nests and submit a letter report to the County documenting project compliance with the MBTA, CFGC, and applicable project mitigation measures.

Monitoring: Surveys are required between February 1 and September 30, within 14 days prior to vegetation, construction, and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-12 **Morro Bay Kangaroo Rat Pre-Project Survey Protocol.** Prior to project construction, the applicant shall retain a qualified biologist to implement

Phase 1 and Phase 2 (if necessary) of the Morro Bay Kangaroo Rat (MBKR) pre-project survey protocol as described in Appendix F of the County's Community-wide Habitat Conservation Plan (HCP). The qualified biologist shall conduct a Phase 1 Visual Survey on the parcel prior to construction-related disturbances. The survey methods shall include the following:

A. The visual survey shall occur between April 1 and August 31. Visual surveys shall be conducted only during the morning or late afternoon and during times of low wind conditions. The wind shall not be high enough to disturb/smooth the soil surface.

B. The parcel shall be subject to a 100% visual examination by the biologist. The property shall be traversed in a series of transects close enough together so that all of the ground surface can be visually assessed.

C. The biologist(s) shall evaluate the habitat for all types of diagnostic sign for kangaroo rats, including burrows, tail drag marks, tracks, scat, dust baths, and surface seed pit caches. The biologist(s) shall thoroughly evaluate the soil surface to determine the likelihood of diagnostic sign being obliterated and thus hiding the presence of MBKR sign.

D. The County shall be notified immediately if potential sign of MBKR is observed. If scat is observed, the scat shall be collected and submitted to the CDFW for analysis to determine if it is that of MBKR.

E. Areas where potential diagnostic sign is observed shall be mapped and the locations recorded with a Global Position System (GPS) unit.

F. The results of the visual survey shall be provided to the County and the wildlife agencies within 10 working days of survey completion. The wildlife agencies shall provide a written determination regarding the need for track plate/camera station and trapping surveys (Phase 2). The wildlife agencies will provide a written determination regarding the need for Phase 2 survey work within 30 days. If Phase 2 survey work is required by the wildlife agencies, the biologist shall implement the Track Plate/Camera Station and Live Trapping as directed by the agencies.

If the Phase 1 Survey does not detect any sign of Morro Bay kangaroo rat and the wildlife agencies do not require implementation of Phase 2 survey work, the applicant may proceed with the project, as permitted.

Monitoring: Surveys are required prior to and during construction and ground-disturbing activities. Compliance will be verified by the County Department of Planning and Building.

BIO-13 Compensatory Mitigation for Morro Shoulderband Snail and Morro Manzanita.

Considering the site conditions, size of the parcel, and low number of MSS on the parcel, use of the US Fish and Wildlife Service (Service) NFWF IDEA program is the recommended compensatory mitigation option for the proposed project. 0.47 acre (20,473 square feet) of low-value habitat (sparse maritime chaparral) that would be impacted by the project. These impacts include 0.0.087 acre of permanent impacts associated with development of the house, the driveway, and associated infrastructure; 0.101 acre of temporary impacts for the yard/septic system area; and 0.283 acre of ongoing habitat degradation for vegetation management pursuant to Public Resources Code (PRC) Section 4291.

The applicants shall pay a 3:1 compensatory mitigation ratio fee for all impacts to previously undeveloped lands, which is commensurate with the mitigation requirements in the County's Community-wide Habitat Conservation Plan (HCP) for projects in the Priority Conservation Area. The current Community-wide HCP has fees set at $0.99/square foot for the Restoration/Management/Admin Fee + $0.17 for the Habitat Protection Fee for a total of $1.16/square foot. To meet the anticipated value of compensatory mitigation in the upcoming revised Community-wide HCP, the applicants shall pay $0.71/square foot of impact. This modified mitigation fee was determined by subtracting the $0.45 administration fee (administrative fees are estimated to be 39% of the total fee per square foot) from the combined $1.16 Habitat Restoration/Management /Administration Fee and Habitat Protection Fee. This amounts to $43,607.49, which was calculated as follows: ([20,473 square feet × 3] × $0.71). This fee shall be paid prior to issuance of construction permits.

Monitoring: The impact fee shall be paid prior to issuance of construction permits. Compliance will be verified by the County Department of Planning and Building.

BIO-14 Annual Reporting Guidelines. Project implementation and annual monitoring reports shall be submitted to the US Fish and Wildlife Service during the 10-year ITP period. Annual reports to the US Fish and Wildlife Service shall include:

A. Brief summary or list of project activities accomplished during the reporting year (e.g., this includes development/construction activities, and other covered activities).

B. Project impacts (e.g., number of acres graded, number of buildings constructed, etc.).

C. Description of any take that occurred for each covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals).

D. Brief description of conservation strategy implemented.

E. Monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable).

F. Description of circumstances that made adaptive management necessary and how it was implemented. A table including the cumulative totals by reporting period of all adaptive management changes to the HCP, including a very brief summary of the actions.

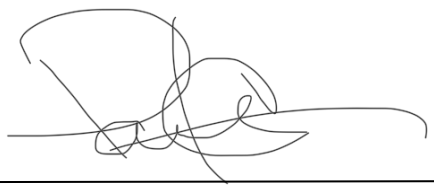
G. Description of any changed or unforeseen circumstances that occurred and how they were dealt with.

H. Funding expenditures, balance, and accrual.

I. Description of any minor or major amendments.

Monitoring: An annual report shall be submitted for the 10-year duration of the ITP. Compliance will be verified by the County Department of Planning and Building and the US Fish and Wildlife Service (USFWS).

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.



06/19/2024

Signature of Applicant **Name (Print)** **Date**