



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
October 22, 2020	Matt Ringel (805) 788-2414	Michael J. Wilson and AT&T Mobility	DRC2018-00130
EFFECTIVE DATE	mringel@co.slo.ca.us		
November 13, 2020			
SUBJECT			
<p>A hearing to consider a request by Michael J. Wilson and AT&T Mobility for a Conditional Use Permit (DRC2018-00130) to allow for the construction and operation of a wireless communications facility consisting of nine panel antennas, thirty-six remote radio units, seven surge suppression units, one microwave antenna, and associated equipment and hardware. The proposed equipment would be located within a 24-foot wide and 26-foot tall cylinder portion of a new 60-foot tall faux elevated water tank within a 40-foot by 55-foot lease area, surrounded by a 8-foot tall wooden fence enclosure. The enclosed lease area also includes a 20kW diesel standby emergency generator and 190-gallon fuel tank. The proposed project will result in the disturbance of approximately 47,300 square feet (including utility trenching and access road improvements) and 1,000 cubic yards of cut and fill on an approximately 19-acre parcel. The proposed project is within the Agriculture land use category and is located at 3939 El Pomar Drive, approximately 5 miles east of the community of Templeton. The site is in the El Pomar-Estrella Sub Area of the North County Planning Area.</p>			
RECOMMENDED ACTION			
<ol style="list-style-type: none"> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2018-00130 based on the findings listed in Exhibit A and the conditions listed in Exhibit B. 			
ENVIRONMENTAL DETERMINATION			
<p>The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and California Code of Regulations Section 15000 et seq.) has been issued on September 4, 2020 for this project (SCH# 2020090147). Mitigation measures are proposed to address potential impacts associated with aesthetics, air quality, and biological resources.</p>			
LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Agriculture	None applicable	033-281-056	5
PLANNING AREA STANDARDS:			
None applicable			
LAND USE ORDINANCE STANDARDS:			
Communications Facilities			
<i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
 COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242

EXISTING USES:
 Single-family residence and agricultural uses

SURROUNDING LAND USE CATEGORIES AND USES:
North: Agriculture / Agricultural uses (vineyards) *East:* Agriculture / Undeveloped
South: Agriculture / Undeveloped *West:* Residential Rural / Single-family residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:
 The project was referred to: Public Works, Building Division, Environmental Health, County Fire / Cal Fire, Native American Consultation, Templeton Area Advisory Group

TOPOGRAPHY:
 Gently sloping to moderately sloping

VEGETATION:
 Scattered Oaks and annual grasses

PROPOSED SERVICES:
 Water supply: N/A
 Sewage Disposal: N/A
 Fire Protection: County Fire / Cal Fire

ACCEPTANCE DATE:
 August 16, 2019

DISCUSSION

History

The above referenced project was originally heard by the Planning Commission on February 27, 2020 and continued off-calendar. The Planning Commission requested that the applicant propose an alternative location for the communications facility for consideration at a subsequent hearing. The applicant has revised the project description by identifying a second alternative location for the communications facility on the same parcel to respond to issues raised at the hearing.

Project Site “A”

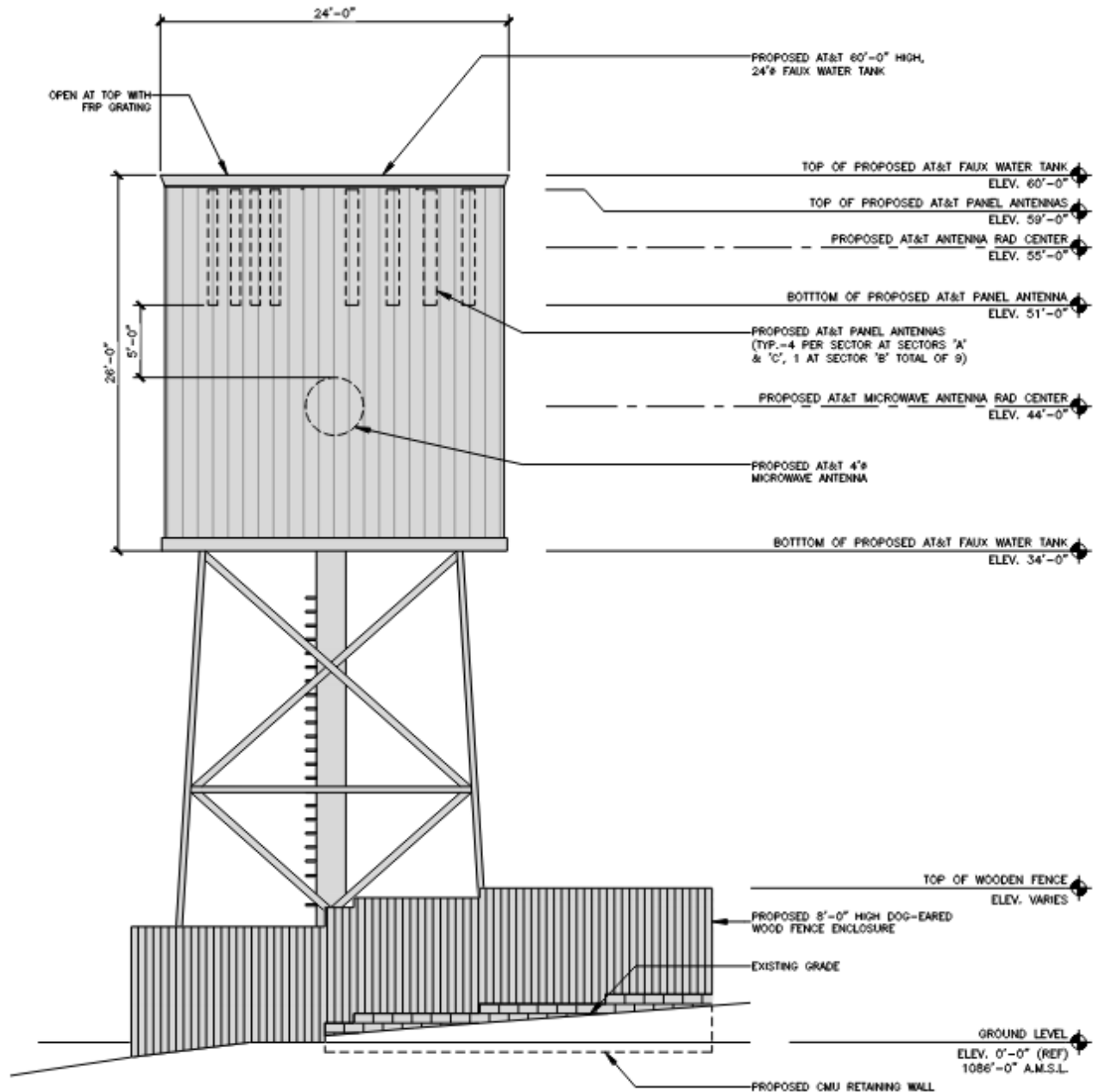
Site “A” was considered at the February 27, 2020 Planning Commission hearing. Site “A” is located approximately 715 feet southwest of El Pomar Road and approximately 72 feet from the west (side) property line, at the peak of a knoll on the parcel. The project would have resulted in the construction of a 60-foot tall faux elevated water tank containing: twelve (12) panel antennas, thirty-six (36) remote radio units, six (6) surge suppression units, two (2) microwave dishes; associated equipment and hardware; and ground facilities including a 136-square-foot equipment shelter, two (2) air conditioning units, and a 30 kW emergency back-up power generator. All equipment would have been installed within a new approximately 55’ x 28’ lease area surrounded by an 8-foot tall dog-eared wood fence enclosure. The site also included an approximately 700-foot long utility trench for electrical lines under proposed approximately 700-foot long, 16-foot wide, access road from existing driveway to site. The project would have resulted in approximately 13,000 square feet of site disturbance.

During the February 27, 2020 Planning Commission hearing, issues were raised regarding the proposed project’s aesthetic prominence on the hilltop. Issues were also raised regarding the proximity to the northeast property line. After further review, the applicant proposed an alternative location to mitigate the concerns raised by the Planning Commission and public.

Project Site "B"

The new alternative location (proposed Site "B") would be located approximately 50 feet southeast from Site "A." Site "B" is located off of the peak of the hilltop and is tucked into the hillside. Site "B" is located approximately 640 feet southwest of El Pomar Road, and approximately 172 feet from the west (side) property line. The project would result in the construction of the same 60-foot faux water tower as Site "A" but includes different technical equipment. The new site includes nine (9) panel antennas, thirty-six (36) remote radio units, one (1) microwave antenna, three (3) H-Frames to store electrical equipment, 20KW emergency back-up power generator, and other associated equipment and hardware. All equipment would have been installed within a 40' x 55' lease area, surrounded by an 8-foot tall wood fence enclosure. The site also includes an approximately 700-foot long, 16-foot wide, access road from the existing driveway to the site. Utility trenching would be included underneath the proposed access road to the site. The project would result in approximately 47,300 square feet of site disturbance.

Figure 1. Faux Water Tower (North Elevation) 60-foot – Site "B"



Land Use Ordinance Standards

Section 22.30.180 – Communication Facilities

This section of the ordinance describes specific permit and application content requirements as well as siting and design standards for proposed wireless communications facilities. The requirements of this section apply to communications transmission and receiving facilities in addition to all applicable permit requirements and standards to the FCC.

Radio Frequency Analysis – Project Site “B”

Section 22.30.180(B) requires applications for communication facilities to include estimates of non-ionizing radiation generated and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

Staff Response: The applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (EBI Consulting; August 7, 2020), the maximum level of RF emissions at ground-level from the proposed facility would be equivalent to 0.39 percent of the FCC’s general public exposure limit. These results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels. Telecommunication sites are required to be compliant to FCC and OSHA rules and regulations with regard to Human Exposure to Radio Frequency Radiation. Based on a worst-case predictive modeling, there are no modeled exposures on any accessible ground walking/working surface related to AT&T’s proposed antennas that exceed the FCC’s occupational and/or general public exposure limits at this site.

Permit Requirements

Section 22.30.180(C)(1) requires Minor Use Permit approval for proposed wireless communications facilities that share locations with their own or other carriers’ antennas either on existing monopoles, existing structures (buildings, water tanks, signs, etc.) or any other existing structure.

Staff Response: This standard allows new communications facilities to be reviewed through a minor use permit (rather than a conditional use permit) when the proposed facility is located on an existing structure (rather than a new antenna support structure). Based on this standard, the proposed project would require conditional use permit approval since it would require the construction of a new antenna support structure: a 60-foot tall faux elevated water tank.

Co-location

According to Section 22.30.180(C)(2)(b), when co-location is not proposed, applications for communications facilities must provide information pertaining to the feasibility of joint-use antenna facilities and discuss the reasons why such joint-use is not a viable option or alternative to a new site.

Staff Response: The purpose of this requirement is to minimize visual impacts by concentrating telecommunications equipment in the fewest possible number of locations, rather than scattering facilities across the County. It is usually in a carrier’s interest to comply with this requirement since “co-location” sites are strategically located to provide superior coverage, already have the necessary infrastructure in place (access, power, and fiber), and are approved through the more expedient and less expensive minor use permit (rather than conditional use permit) process.

Existing wireless sites in the vicinity were found infeasible because they are well outside the search area for the proposed facility. The proposed AT&T coverage objective is to provide “direct” high speed wireless broadband services to living units in rural, mostly “unserved wireless areas” of the County. The project would also provide limited, more traditional wireless data and phone services within the

immediate area. The closest existing communication facility at 1160 Pina Selva Place east of the community of Templeton is located too far northwest (approximately 3 miles) for the proposed coverage objective and was deemed not a viable option.

Development Standards

According to Section 22.30.180(C)(3), the preferred placement for new wireless communication facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (e.g. windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

Staff Response: As described, the applicant evaluated the feasibility of locating the proposed facility at the nearest existing facility but could not provide the necessary coverage for the identified proposed coverage area. Generally, a communications facility is not a use that is inherently compatible with the character of the surrounding rural residential and agricultural uses; however, the proposed project meets the visual screening requirements of this section because it's a stealth design that blends and is consistent with the agrarian character of the surrounding area. As conditioned, the faux elevated water tank structure will be constructed of realistic-appearing textured faux wood and will be painted a light earth-tone color with a matte finish. Repainting will occur, as necessary, over the life of the project. Where visible, the faux water tank would appear in character with the surrounding landscape and would not be easily recognizable as a wireless communications facility. All ordinance requirements will be included as conditions of approval for the proposed project to ensure compliance and to also ensure that visual impacts are less than significant.

Unused Facilities

Section 22.30.180(4) requires all obsolete or unused facilities to be removed within 12 months of cessation of communication operations at the site.

Staff Response: The project is consistent with this standard because the applicant is required to enter into a performance agreement and financial instrument for site restoration.

GENERAL PLAN CONSISTENCY:

Conservation and Open Space Element (COSE)

Policy VR 7.1 Nighttime Light Pollution

Protect the clarity and visibility of the night sky within communities and rural areas, by ensuring that exterior lighting, including streetlight projects, is designed to minimize nighttime light pollution.

Staff Response: With the exception of emergency back-up lighting, no lighting is proposed with the project.

Policy VR 9.3 Communications Facilities

Locate, design and screen communication facilities, including towers, antennas, and associated equipment and buildings in order to avoid views of them in scenic areas, minimize their appearance and visually blend with the surrounding natural and built environments. Locate such facilities to avoid ridge tops where they would silhouette against the sky as viewed from major public view corridors and locations.

Policy VR 9.4 Co-location of communication facilities

Encourage co-location of communications facilities (one or more carriers sharing a site, tower or equipment) when feasible and where it would avoid or minimize adverse visual effects.

Staff Response: As discussed under Land Use Ordinance Standards, the design is consistent with the goals of the County's communication facilities ordinance. The project has been conditioned to incorporate materials and colors realistic of an elevated water tank to help blend with the surrounding landscape.

Environmental Considerations

A new Mitigated Negative Declaration has been prepared and issued for the alternative proposed project at Site "B".

Air Quality

The project is required to be in compliance with County Land Use Ordinance Section 22.52.160.C (Construction Procedures, Air Quality Controls) requirements and would therefore not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of people. To further reduce the project's potential impact on sensitive receptors, the applicant is subject to construction-related mitigation measures.

Aesthetic Resources

Visual impacts are discussed above under the Land Use Ordinance and General Plan Consistency sections. Mitigation measures are included in and implemented through the conditions of approval.

Biological Resources

In January of 2020, Environmental Assessment Specialists (EAS) prepared a Biological Resource Impact Analysis for the original Site "A" location. The alternative site location at Site "B" is within the same analyzed region. Due to the previous disturbance of the project site, the project site does not contain habitat that would support any special status species.

Alternative Site "B" Superiority

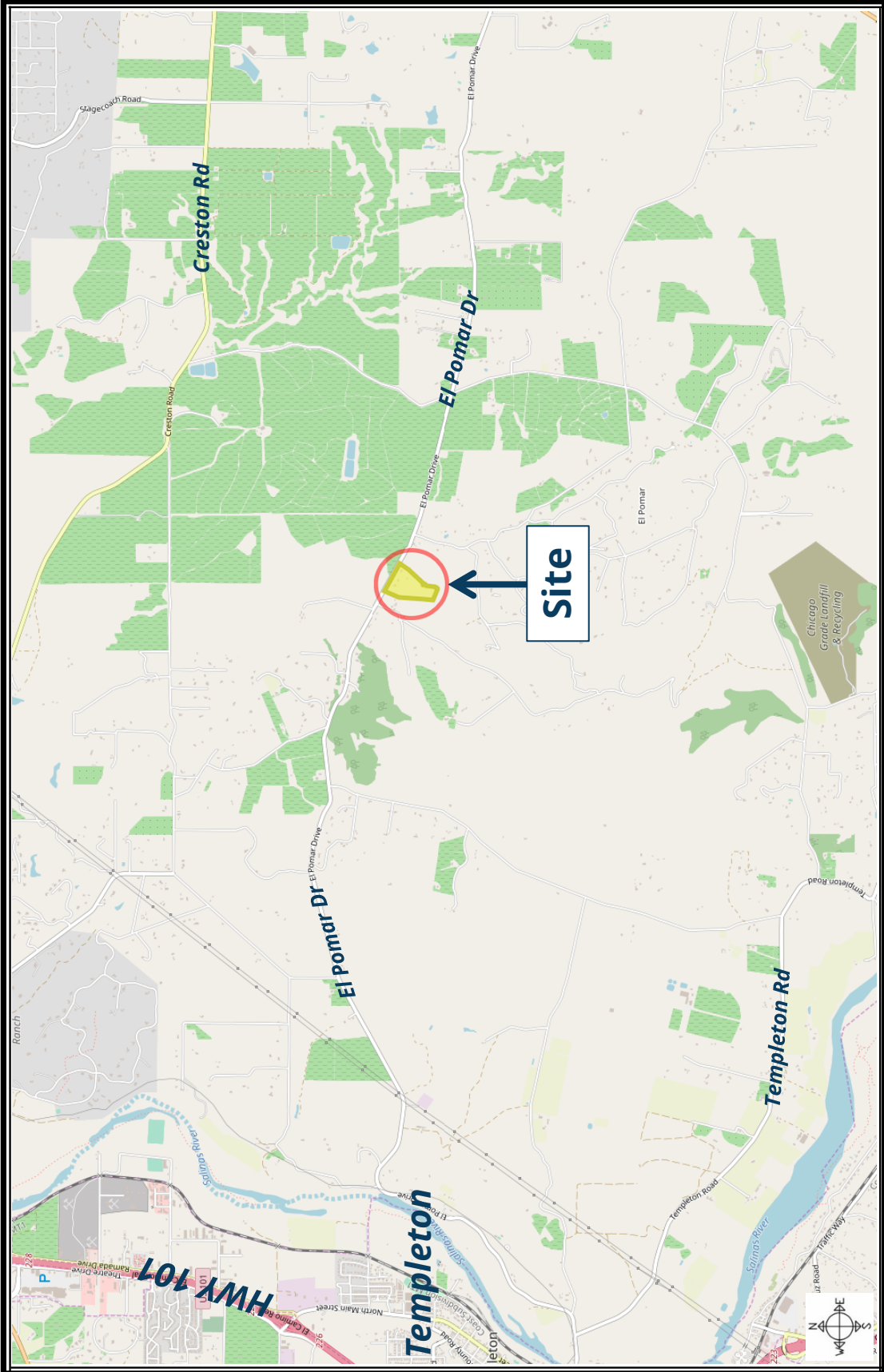
After reviewing both Site "A" and "B", Site "B" addresses the aesthetic and location concerns brought forward in the February 27, 2020 Planning Commission and is the superior project location.

At the February 27, 2020 Planning Commission, concerns were raised regarding the setback distance between the proposed project site and the site's westerly neighbor. The proposed new site location is now located approximately 122-feet away from the property's western property-line, opposed to the original project's 72-foot setback distance.

At the February 27, 2020 Planning Commission, concerns were raised regarding the aesthetic prominence of the proposed 60-foot faux water tank on the hilltop. The new project location addresses this issue by moving the project site from the previously proposed hilltop, 50 feet further off the hill's peak. This solution further reduces the aesthetic prominence of the project by "tucking" the cell tower into the hillside, requiring a 4-foot retaining wall. The proposed project has also removed a previously proposed 136-squarefoot equipment shelter. The project is still visible from the surrounding area but has a smaller prominence from previous viewpoints. As conditioned, the proposed cell tower will resemble a 60-foot faux water tower. The proposed project will be constructed of realistic-appearing textured faux wood and will be painted a light earth-tone color with a matte finish. These features will reduce the visual impacts of the site and match the region's pastoral and agrarian character.

ATTACHMENTS

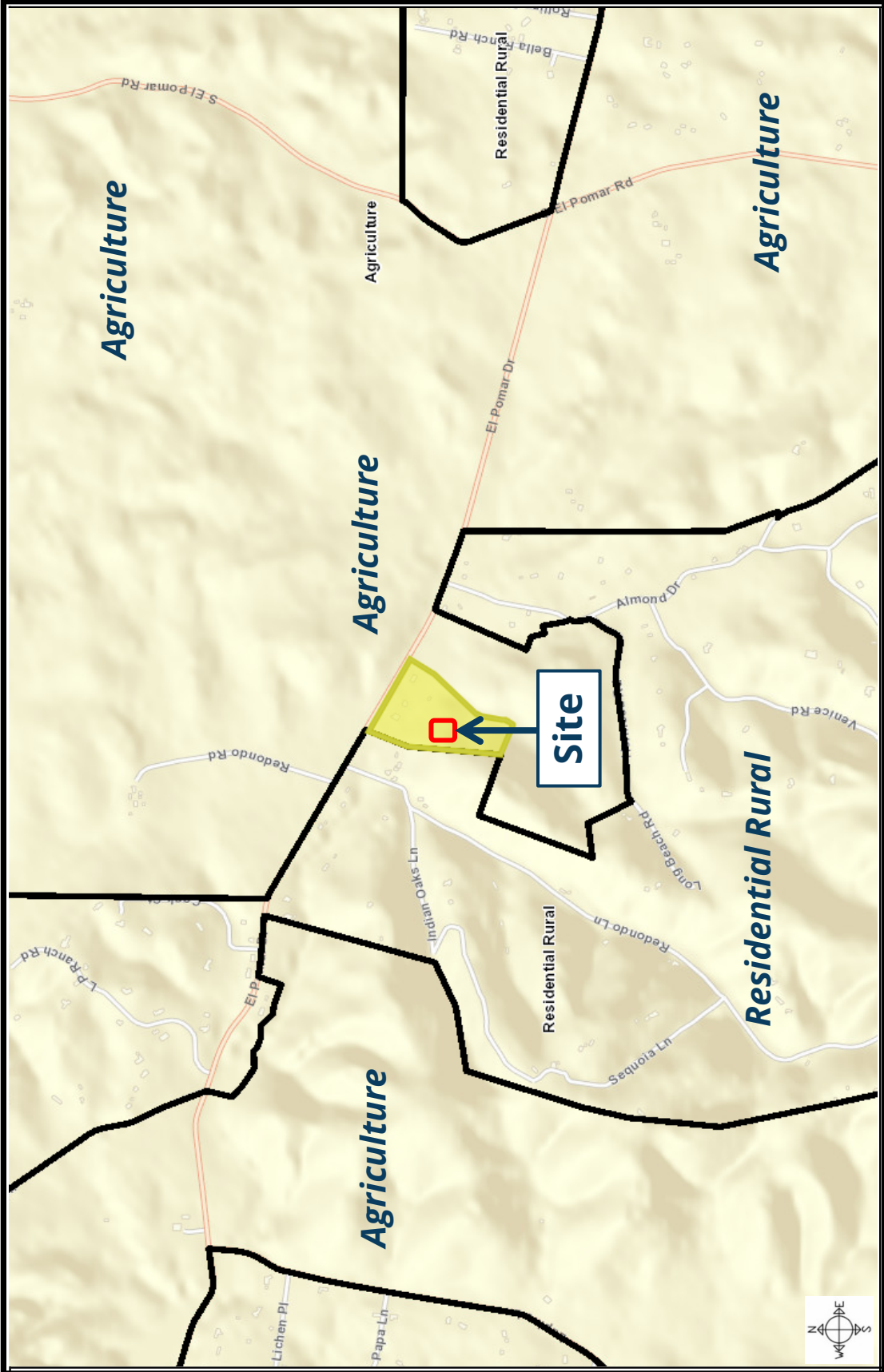
1. Attachment 1. Exhibit A – Findings (Alternative Location – Site "B")
2. Attachment 2. Exhibit B – Conditions of Approval (Alternative Location – Site "B")
3. Attachment 3. Graphics (Alternative Location – Site "B")



Vicinity Map
DRC2018-00130

COUNTY OF SAN LUIS OBISPO





**Land Use Category Map
DRC2018-00130**

COUNTY OF SAN LUIS OBISPO





**Aerial - Overall Site
DRC2018-00130**

COUNTY OF SAN LUIS OBISPO

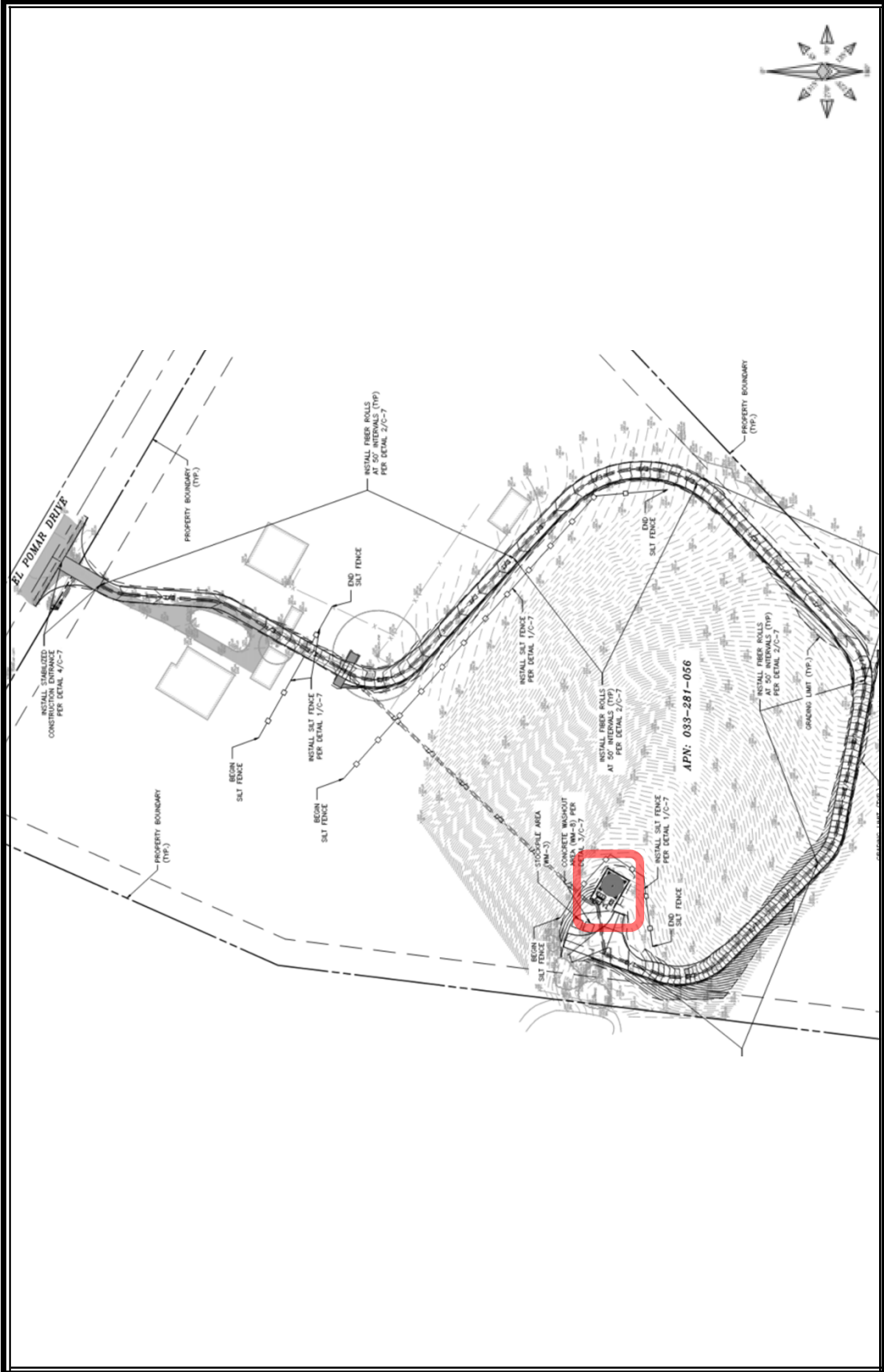




**Aerial - Site Enlarged
DRC2018-00130**

COUNTY OF SAN LUIS OBISPO



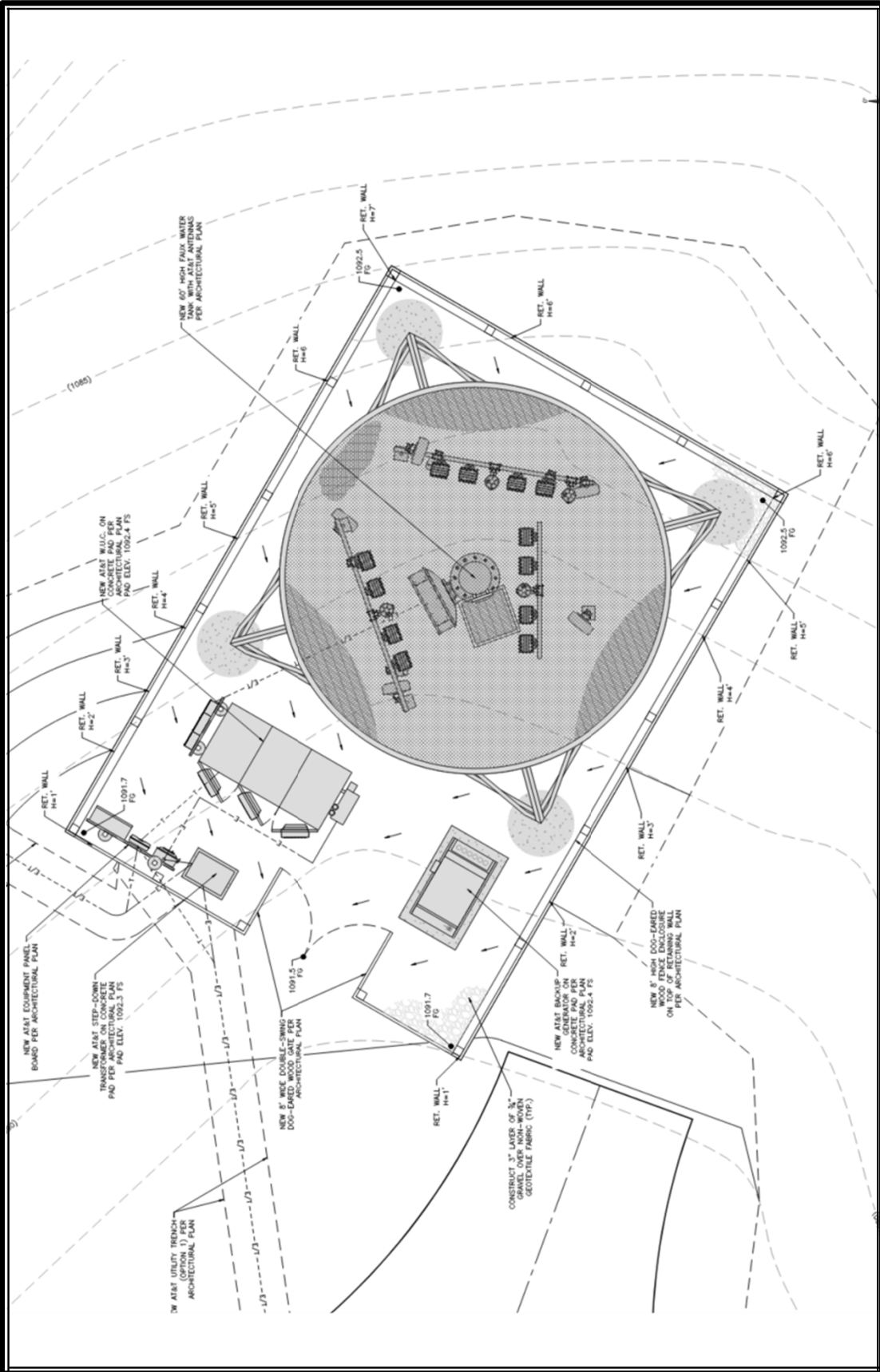


Overall Site Plan DRC2018-00130

COUNTY OF SAN LUIS OBISPO

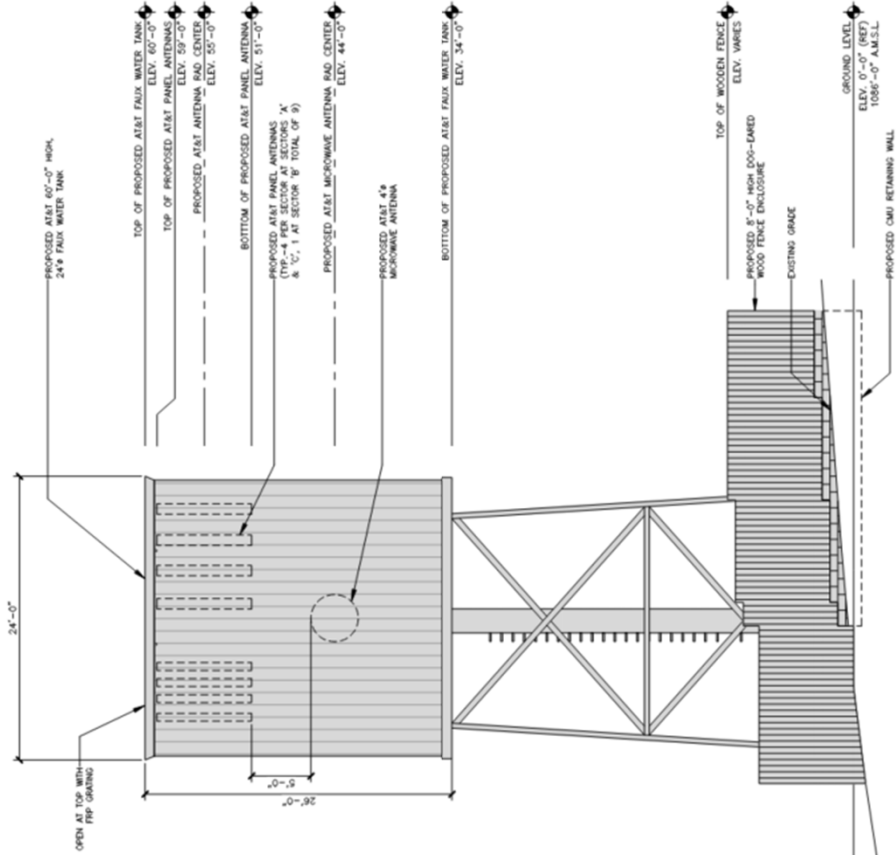
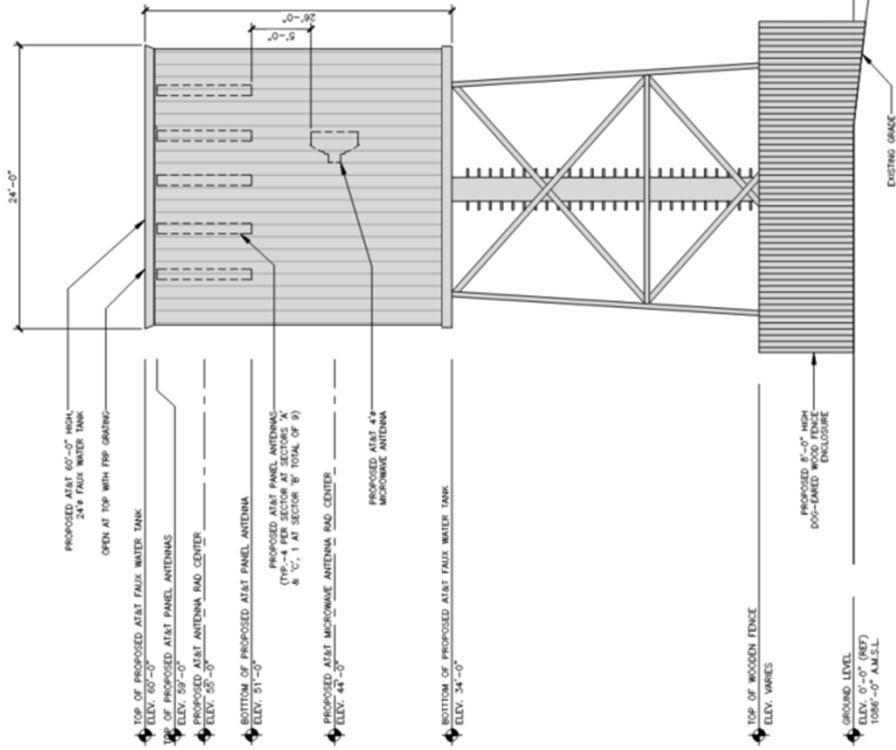


Antenna & Equipment Layout Plan



COUNTY OF SAN LUIS OBISPO





Proposed North & East Elevations

COUNTY OF SAN LUIS OBISPO





View 1

Looking southwest from El Pomar Dr. toward subject site.

Proposed AT&T panel antennas mounted new 60' faux water tank

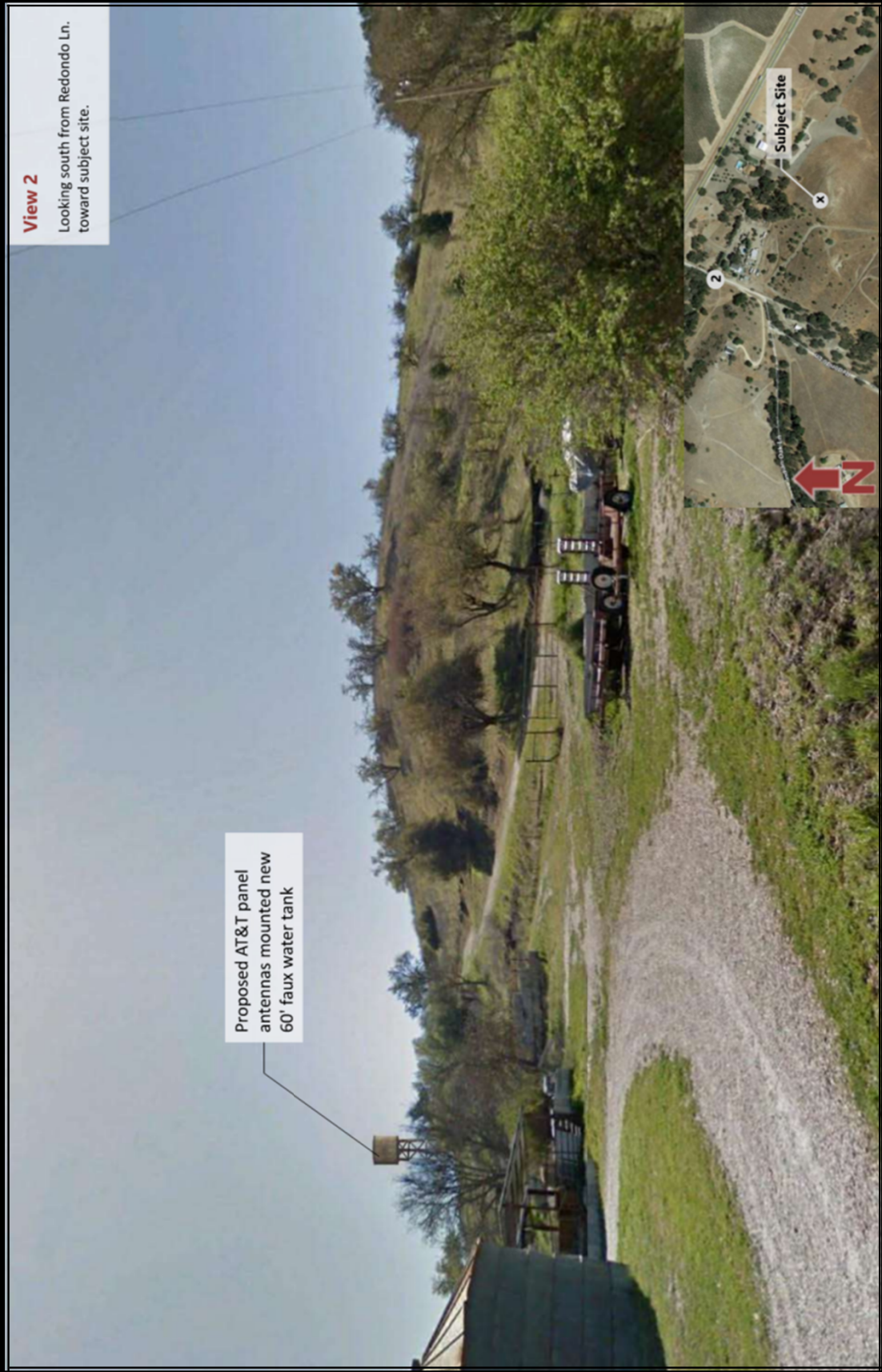
Subject Site



**Photo-Simulation
(Looking Southwest from
El Pomar Drive)**

COUNTY OF SAN LUIS OBISPO





View 2

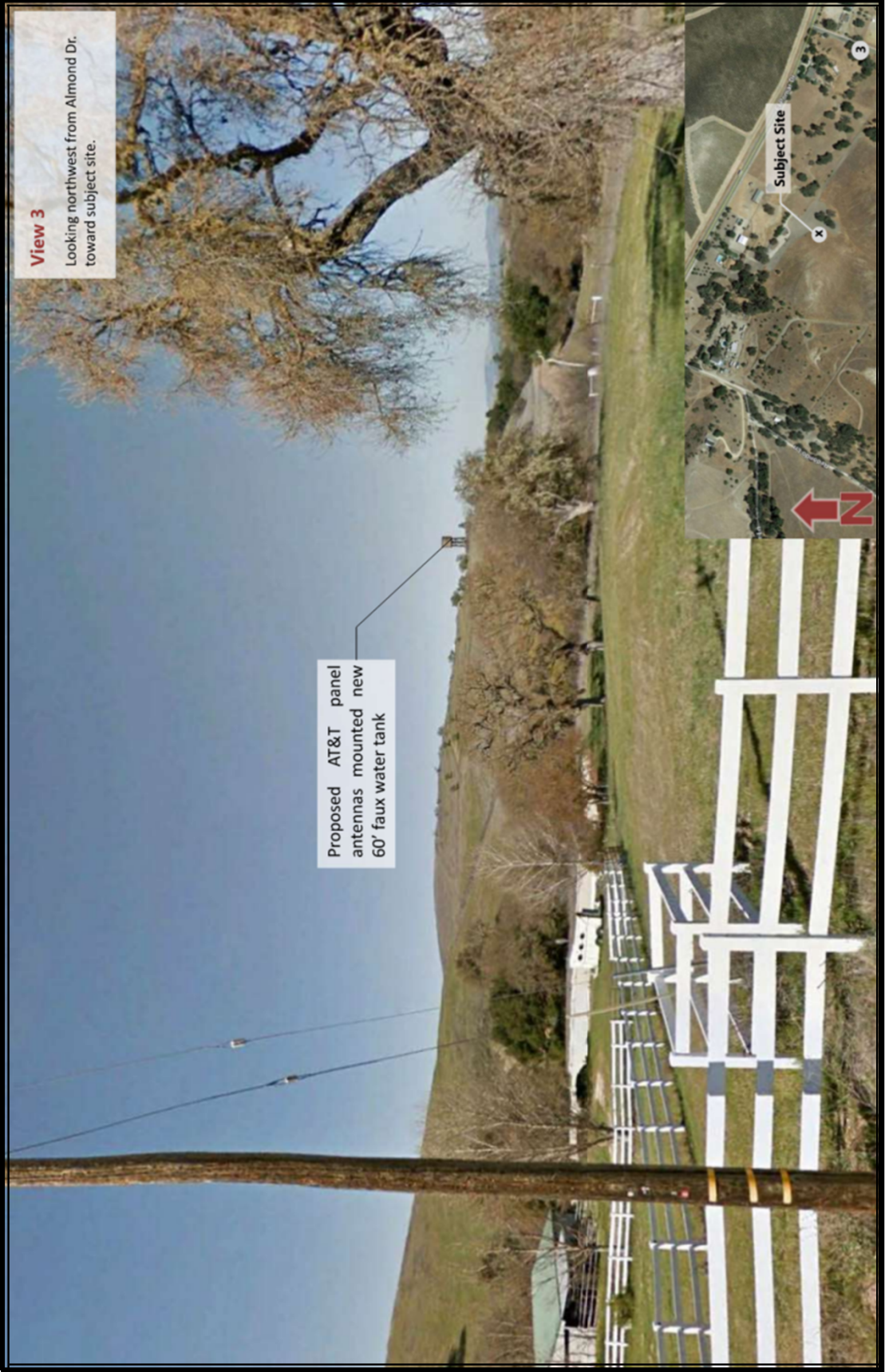
Looking south from Redondo Ln. toward subject site.

Proposed AT&T panel antennas mounted new 60' faux water tank

**Photo-Simulation
(Looking South from Redondo Lane)**

COUNTY OF SAN LUIS OBISPO





View 3

Looking northwest from Almond Dr. toward subject site.

Proposed AT&T panel antennas mounted new 60' faux water tank





**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Promoting the wise use of land

PLANNING COMMISSION

Helping build great communities

MEETING DATE October 22, 2020	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT Steve Olson of Kiler Canyon Vineyards, LLD	FILE NO. DRC2019-00070
SUBJECT A hearing to consider a request by Steve Olson of Kiler Canyon Vineyards, LLC a Conditional Use Permit (DRC2019-00070) to allow for the construction of a winery facility that will include two buildings: Building A (one-story 1,966-square-foot tasting room building) that will include a 978-square-foot tasting room, 298-square-foot case storage room, wine pick up area, foyer, 3-restrooms, and 1,465-square-foot outdoor covered porch; Building B (two-story 6,608-square-foot wine production/barrel storage building) that will include a 2,451-square-foot barrel storage room, 2,659-square-foot tank room, office, breakroom, kitchen, 2-restrooms, and a mezzanine level with a lab and additional storage space. This building will include a 2,410-square-foot outdoor covered work area. Maximum annual case production of 10,000 cases. San Luis Obispo County Code Section 22.30.70.D.2.a. states that the principle access driveway to a winery with public tours, tasting rooms or special events is to be located on or within one mile of an arterial or collector road. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles from the nearest collector road. Section 22.30.020.D allows a standard to be modified through a Conditional Use Permit if it can be proven to be unnecessary and the project meets all other development standards. This project does not include any special events. However, the project does include the participation in wine industry events as allowed by the Land Use Ordinance. The project will result in approximately 2.75 acres of site disturbance on a 53-acre parcel, including 7,369 cubic yards of cut and 7,488 cubic yards of fill. The proposed project is within the Agriculture land use category, located at 1535 Kiler Canyon Road, 1.97 miles west of the City Paso Robles. The project site is in the Salinas River Sub Area of the North County planning Area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2019-00070 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 15, 2020 for this project. Mitigation measures are proposed to address Biological Resources and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Renewable Energy Combining Designation area	ASSESSOR PARCEL NUMBER 026-472-004 and 026-472-010 (Project site includes both parcels)	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable			
EXISTING USES: Single family residence and agricultural barn			

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture / Ag uses, Kiler Ridge Olive Processing Facility with a tasting room and limited restaurant, Single family residence(s)

East: Agriculture; Ag uses, TH Estate Winery with a tasting room, Single family residence(s)

South: Agriculture; Ag uses, Single family residence(s)

West: Agriculture / Ag uses, Elcuse Winery with a tasting room, Single family residence(s)

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
 COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: District 1, Building Division, Public Works, Cal Fire / County Fire Department, Environmental Health, Ag Commissioner, and Native American Tribes (as required by Assembly Bill 52)

TOPOGRAPHY:

Gently rolling to moderately sloping

VEGETATION:

Olive orchard (2,700 trees), shrubs, grasses, oak wood land

PROPOSED SERVICES:

Water supply: On-site well
 Sewage Disposal: Domestic septic system; winery wastewater system
 Fire Protection: Cal Fire / County Fire Department

ACCEPTANCE DATE:

November 11, 2019

PROPOSED PROJECT:

The applicant is requesting approval of a Conditional Use Permit to allow for the construction of a new 8,574-square-foot winery facility to include a 978-square foot tasting room. Covered outdoor porch/work areas totals 3,875 square-feet. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles from the nearest collector road.

The project does not include special events; however, the applicant requests to participate in Industry-wide wine events as allowed per ordinance. Wine production is estimated at 10,000 cases per year. The operation is proposed to include on-site crushing, fermentation, barrel aging, blending, bottling, and case good storage. The proposed winery will process grapes from future on-site vineyards and off-site area vineyards.

PROJECT SETTING:

The proposed project site has direct access onto Kiler Canyon Road, which is a paved County maintained road that provides access to Vine Street, a collector road. The project site is located in close proximity to the Arbor Road / Kiler Canyon Road intersection. Arbor Road (dirt road) is also a County maintained road and provides access to Highway 46 west.

The proposed project is located within an area that is developed with similar visitor-serving uses including TH Estate Wines (DRC2003-00105), and Elcuse Winery (DRC2005-0086/DRC2012-00079) which is located directly adjacent to the proposed project. These wineries received Planning Commission approval for distance modifications based on limited visitor use of the site. Also located near the proposed project on Kiler Canyon Road is Canyon Villa Inn B&B (Zoning

Clearance/P020642P) and Kiler Ridge Olive Oils that received approval (DRC2005-00084/DRC2013-00096) for olive tasting and a restaurant. It is anticipated that the project will capture some traffic that will be in this area (Figure 1 below). The concern in the past for wineries has been traffic associated with large tasting rooms and special event traffic. The proposed tasting room area is 978 square feet and the project is not proposing any special events.

Figure1: Aerial of (P) Proposed Winery and of Surrounding Ag Processing Facilities



ORDINANCE REQUIREMENTS:

The project is subject to Land Use Ordinance section 22.30.070 Wineries, which sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting, tasting rooms and special events.

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance with Approval of Proposed CUP</u>
Minimum Site Area (Section 22.30.070)	20 acres required for special events	53 acres; no special events proposed	Yes
Access location (Section 22.30.070)	Wineries with tasting rooms, retail sales located within 1 mile of arterial or collector	The proposed project is 1.97 from Vine Street, a collector road	Yes, modification of ordinance standards requested

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance with Approval of Proposed CUP</u>
Setbacks from <u>residences outside of the ownership</u> of the applicant (Section 22.30.070)	200 feet for wine processing buildings 400 feet for tasting room	> 200 feet to all property lines >900 feet to	Yes
Setbacks from <u>property lines</u> : (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room	> 200 feet to all property lines > 200 to all property lines (285 feet from northern property line)	Yes
Setbacks of Tasting room to Processing Facility (Section 22.30.070)	Tasting Room must be within 200 feet of the wine processing facility	Tasting room within 50 feet of processing facility	Yes
Height (Section 22.30.070)	35 feet	Building A Tasting Room – 27 feet; Building B Winery – 35 feet	Yes
Signs (Section 22.20)	One monument sign Maximum of aggregate area of 100 sq. ft. of signing per site Maximum area of 40 sq. ft. Maximum height of 5 ft.	No signs proposed	NA
Limitation on Use / Noise (Section 22.30.070)	Special events limited to 40 days per year; Amplified music shall not occur before 10AM and after 5PM; Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines	No special events or outdoor amplified music is proposed	Yes
Design Standards (Section 22.30.070)	Agricultural or residential in nature	Agrarian in character	Yes

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance with Approval of Proposed CUP</u>
Liquid waste disposal (Section 22.30.070)	Winery wastewater - standards set through Regional Water Quality Control Board	Annual production 10,000 cases; required to obtain a Wastewater Discharge permit	Yes, as conditioned
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Pomace will be composted on site	Yes, as conditioned
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	The lighting fixtures will be shielded	Yes, as conditioned
Screening/ Landscaping (Section 22.30.070)	Screening if visible from public road (can be seen from Kiler Canyon Road)	Landscaping is proposed to help screen the small portion of the project that is visible from Kiler Canyon Road	Yes, as conditioned
Parking 1 per 2,000 sq. ft. active 1 per 5,000 sq. ft. of storage 1 per 200 sq. ft. of tasting room (Section 22.18)	11 spaces	13 spaces	Yes
Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sq. ft. per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material; 80-person event would require 16,000 sq. ft.	No events proposed	N/A
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Events shall be provided 2 access points	No events proposed	N/A
Design and Operation Standards / Fire Protection (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by Cal Fire/County Fire Department	Project will be designed to meet Cal Fire/County Fire Department standards	Yes, as conditioned

<u>Standard</u>	<u>Allowed / Required</u>	<u>Proposed</u>	<u>In Compliance with Approval of Proposed CUP</u>
Design and Operation Standards / Water Supply and sanitation (Section 22.30.610.D.1-4 and E)	Facilities to be provided as required by the Health Department	Project designed to meet Health Department Standards	Yes, as conditioned

MODIFICATION:

Conditional Use Permit approval is required for San Luis Obispo County Section 22.30.70.D.2.a. that states that the principle access driveway to a winery with public tours, tasting rooms or special events is to be located on or within one mile of an arterial or collector road. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles the nearest collector road (Vine Street). Section 22.30.020.D contains a provision that allows a standard to be waived or modified through a Conditional Use Permit if it can be proven to be unnecessary or ineffective and the project meets all other development standards contained in the Land Use Ordinance.

A Roadway Safety Audit was prepared by Orosz Engineering Group, Inc. (March 18, 2019) in compliance with County of San Luis Obispo Resolution 2008-152 for projects with 10 or fewer typical general public peak hour trips or less than 100 special event trips. The project is expected to generate a total of seven total peak hour trips, including one general public peak hour trip and no special event traffic. Based on the low level of traffic volume, the project is not expected to create any peak hour (weekday or weekend days) impacts and will not result in any significant circulation/traffic impacts.

In order to modify the locational standard, the approving body must make a finding that the standard is unnecessary or ineffective. These findings have been made:

1. The traffic associated with the tasting room is nominal 1 peak hour trip (“pht”) - the peak hour traffic trips generated by the entire project is 7 pht;
2. The existing road system is designed to accommodate the small amount of additional traffic that may be generated by this small winery tasting room;
3. The site has frontage on a County maintained road;
4. There are similar uses within the area; therefore, this project will likely share traffic that is already in the area (pass-by trips);
5. The site is not located on a dead-end road.

COMBINING DESIGNATIONS:

Renewable Energy combining designation area: The County Land Use Ordinance (“LUO”) includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (“SEFs”). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Staff Response: *This project is located within a Renewable Energy combining designation. The project is required to meet the mandatory measures laid out in the 2016 California Green Building Standards Code (CCR Title 24, Parts 6 and 11).*

PLANNING AREA STANDARDS:

Staff Response: *None applicable.*

COMMUNITY ADVISORY GROUP COMMENTS:

Staff Response: *Project is not located with an advisory group’s purview area.*

AGENCY REVIEW:

District 1: No response received.

Building Division: Response indicated that building permits are required. (Stoker, August 2020)

Public Works: Response triggers road improvements per Resolution 2008-00152. Recommended permit conditions subject that will ensure compliance with accordance with County Public Improvement Standards. (Grim, May 2019)

Cal Fire: Response recommended permit conditions that will ensure compliance with the California Fire Code and improve fire protection systems and infrastructure. (Wells, September 2020)

Environmental Health: Response indicated that any domestic water supply for this project would be required to permit as a public water system; verify on-site wastewater system adequacy for proposed use (Terry, May 2019).

Agriculture Department: Response indicated the project appears to be consistent with polices and designed to minimize impacts to on and off-site agricultural resources and that Williamson Act contracts should be maintained (Auchinachie, May 2019)

Native American Tribes (AB52): The Xolon Salinan tribe response indicated that the project falls under the traditional ancient lands; ground disturbance may be a concern; please contact us if any cultural materials are discovered during ground disturbance. (White, June 2019).

LEGAL LOT STATUS:

The two lots were legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Lacey Minnick.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 13, 2020 for this project. Mitigation measures are proposed to address: Air Quality, Biological Resources, and Hazards and Hazardous Materials, and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the boat and recreational vehicle storage yard does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the boat and recreational vehicle storage yard will not conflict with the undeveloped parcels surrounding it.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located off of Heritage Loop Road, which will be improved to the satisfaction of Cal Fire, and incorporated into the Heritage Ranch Owner's Association maintenance system. This road will be capable of handling additional traffic associated with the project.

**EXHIBIT B - CONDITIONS OF APPROVAL
KILER CANYON / DRC2019-00070**

Approved Development

1. This approval authorizes the construction and operation of an 8,574-square-foot winery processing facility the following:
 - a. Building A (one-story 1,966-square-foot tasting room building) that will include a 978-square-foot tasting room, 298-square-foot case storage room, wine pick up area, foyer, 3-restrooms, and 1,465-square-foot outdoor covered porch;
 - b. Building B (two-story 6,608-square-foot wine production/barrel storage building) that will include a 2,451-square-foot barrel storage room, 2,659-square-foot tank room, office, breakroom, kitchen, 2-restrooms; the mezzanine level will include a lab and additional storage space. This building will include a 2,410-square-foot outdoor covered work area.
 - c. Site disturbance of 2.75 acres of site disturbance for the building and related site improvements.
 - d. A modification of the ordinance access standard to locate a winery with a tasting to be located 1.97 miles from the nearest collector road.
2. Annual case production shall be limited to 10,000 cases.
3. This approval does not authorize winery special events other than industry-wide events as allowed by ordinance.
4. This approval does not authorize additional events (private parties) associated with other uses including, but not limited to bed and breakfasts or vacation rentals.

Conditions to be completed at the time of application for construction permits or prior to issuance of construction permits

Development

5. All development shall be consistent with the approved site plan, floor plans, elevations, preliminary grading plan. Plans shall be prepared or certified by the licensed architect or engineer of record.

Access

6. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. To remove or relocate all existing non-permitted obstructions from within the public right-of-way of the project frontage. Known obstruction include, but are not limited to, walls at the entrance of the driveway of 1565 Kiler Canyon Road, in accordance with the recommendations of the OEG traffic engineers letter dated March 18, 2019.

ATTACHMENT 2

- b. The existing 1535 Kiler Canyon Road site access shall be reconstructed in accordance with B-1a rural driveway standards, A-5a sight distance standards, and the recommendations of the OEG traffic engineers letter dated March 18, 2019.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
7. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

Cal Fire/County Fire Department

8. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated September 8, 2020.

Drainage & Flood Hazard

9. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.

Stormwater Pollution Prevention Plan

10. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Health Department

11. **Prior to issuance of a construction permit** for the appropriate phase, the applicant shall obtain the appropriate Health Department permits. The Health Department will require at a minimum the following information:
- a. A Hazardous Materials Questionnaire.
 - b. Evidence that there is adequate water to serve the proposal, on the site.
 - c. If plan review for a cross connection determines that a device is necessary, then an annual device test shall be provided.

ATTACHMENT 2

- d. The applicant shall require a health permit to function as a commercial kitchen. The applicant shall submit kitchen plans for review and approval by the Environmental Health Department.
- e. If 25 persons are present (employees + public) at least 60 days per year, then the applicant shall be required to have public water supply system.

Biological

12. (BR-1) **Prior to permit issuance** and initiation of any ground disturbing activities, the applicant shall provide construction timelines to the County Department of Planning and Building in order to minimize impacts to nesting birds (including least Bell's vireo) and bats. Construction and grading activities should take place outside the bird nesting season, which is February 1 through August 31. If construction and grading activities occur during nesting bird season, provide evidence that a County approved qualified biologist has been obtained to conduct a clearance survey within one week prior to the initiation of ground disturbance to identify nests and burrows. Visual surveys for bats should be conducted in the vicinity of all trees that have cavities, broken limbs, resulting in hanging woody debris, and large patches of loose bark.
- a. If Active nest sites of bird species protected under the Migratory Bird Treaty Act and/or California Fish and Game Code Section 3503 are observed within the project area, the particular construction activity should be modified and /or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate "no activity" buffers around the nest site. Construction activities should not occur in the buffer until a biologist has determined that the nesting activity has ceased.
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of project related disturbances, an appropriate buffer around the nest site (potentially up to 50 feet (250 feet for raptors) of the construction area, the biologist in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will delineated with flagging and no work shall take place within the buffer area until the young have left the nest, as determined by the biologist.

Exterior Lighting

13. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

14. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Fees

15. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities and road fees.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Fire Safety

16. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures.

Access

17. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.

Exterior Lighting

18. **Prior to occupancy or final inspection**, any lighting located or installed on the outside of the winery building shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Planning and Building Inspection

19. **Prior to occupancy of any structure**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

Time Limits

20. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

21. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Access

22. In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage, tree planting, fences, etc., without a valid encroachment permit issued by the Department of Public Works.

23. The property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, maintaining County driveway sight distance standards, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity.

ATTACHMENT 2

24. Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the traveled way of any road open to public traffic. Existing gates are less than 75-feet from the roadway and must be removed.

Outdoor Storage

25. Long term outdoor winery storage areas shall be screened by solid fencing or landscaping and shall not be higher than the associated solid fence screening or landscaping, unless the storage area is not visible from any public road or adjacent properties.

26. Any water tanks associated with the project shall be a neutral, non-contrasting color, and landscape screening shall be provided so that the water tanks are not visible from any public road.

Pomace

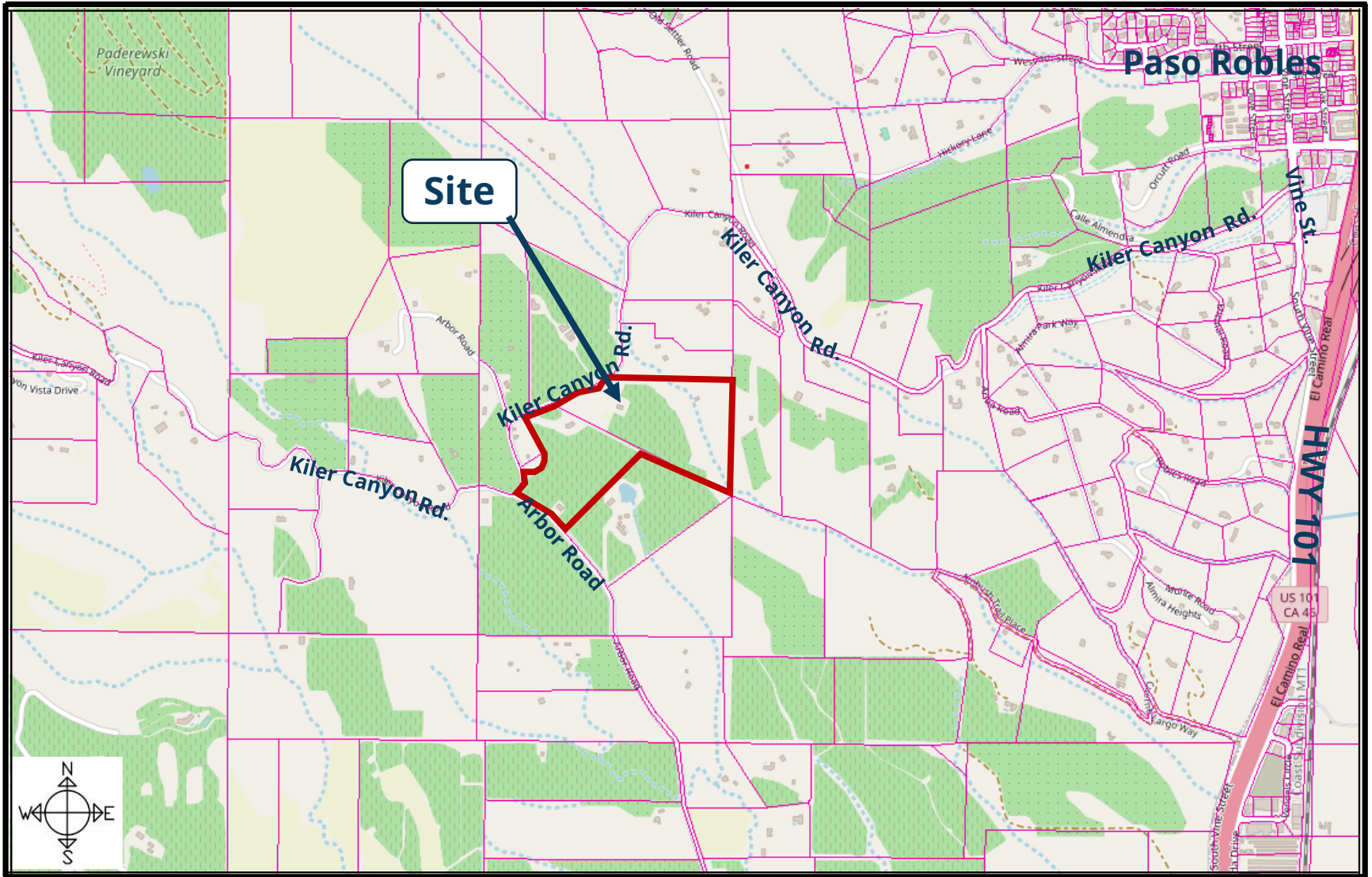
27. Solid vegetable waste from the winery (pomace) shall be removed from the site to an approved composting/green waste facility or composted on the site and used as a soil amendment. In no case shall pomace be treated, stored, or disposed of in a manner that could result in runoff into any surface stream.

Recycling

28. The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential and commercial).

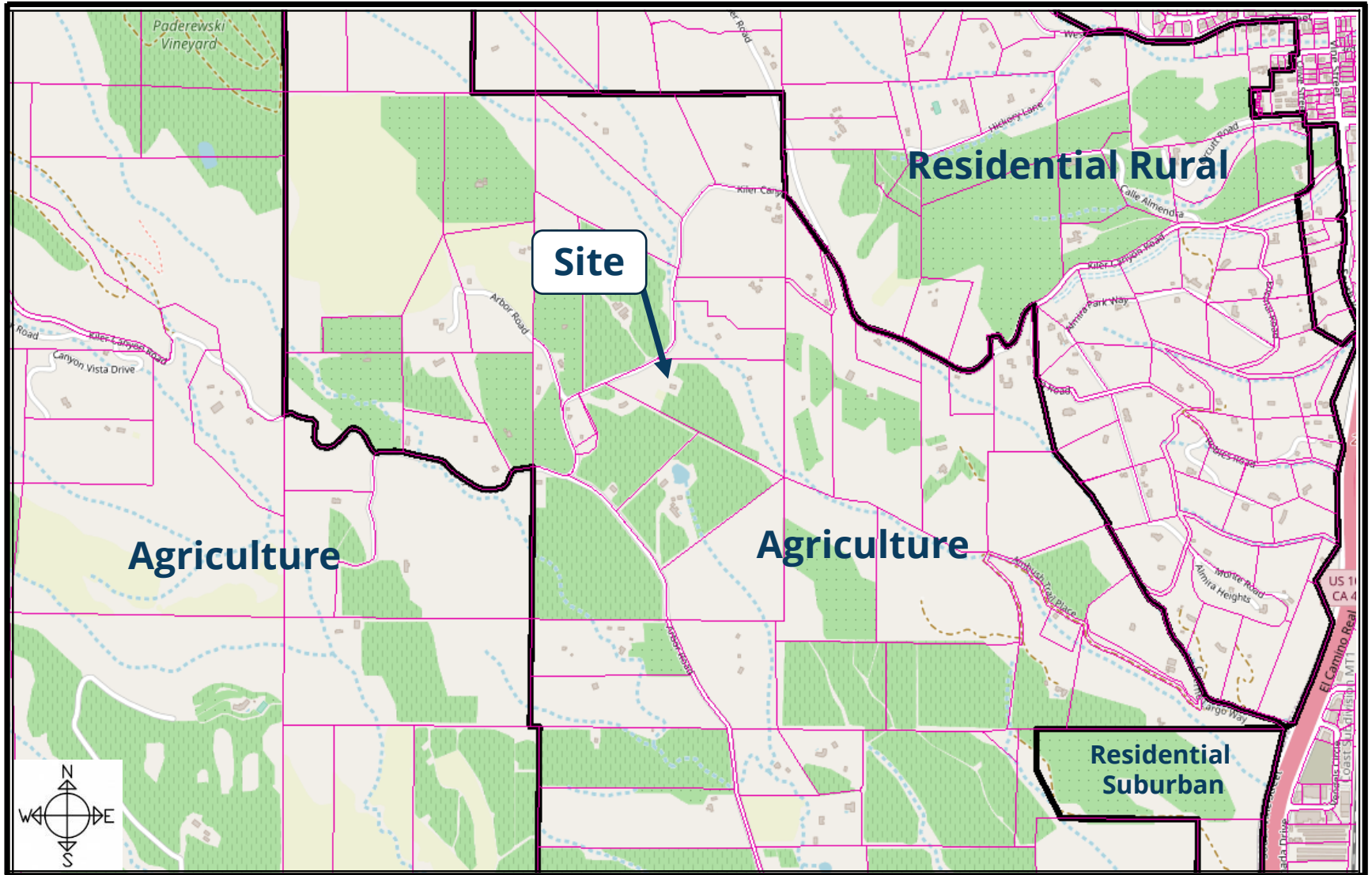
Commercial Kitchen

29. This approval does not allow the commercial kitchen to function as a restaurant (limited food service facility).



COUNTY OF SAN LUIS OBISPO

Vicinity Map
DRC2019-00070

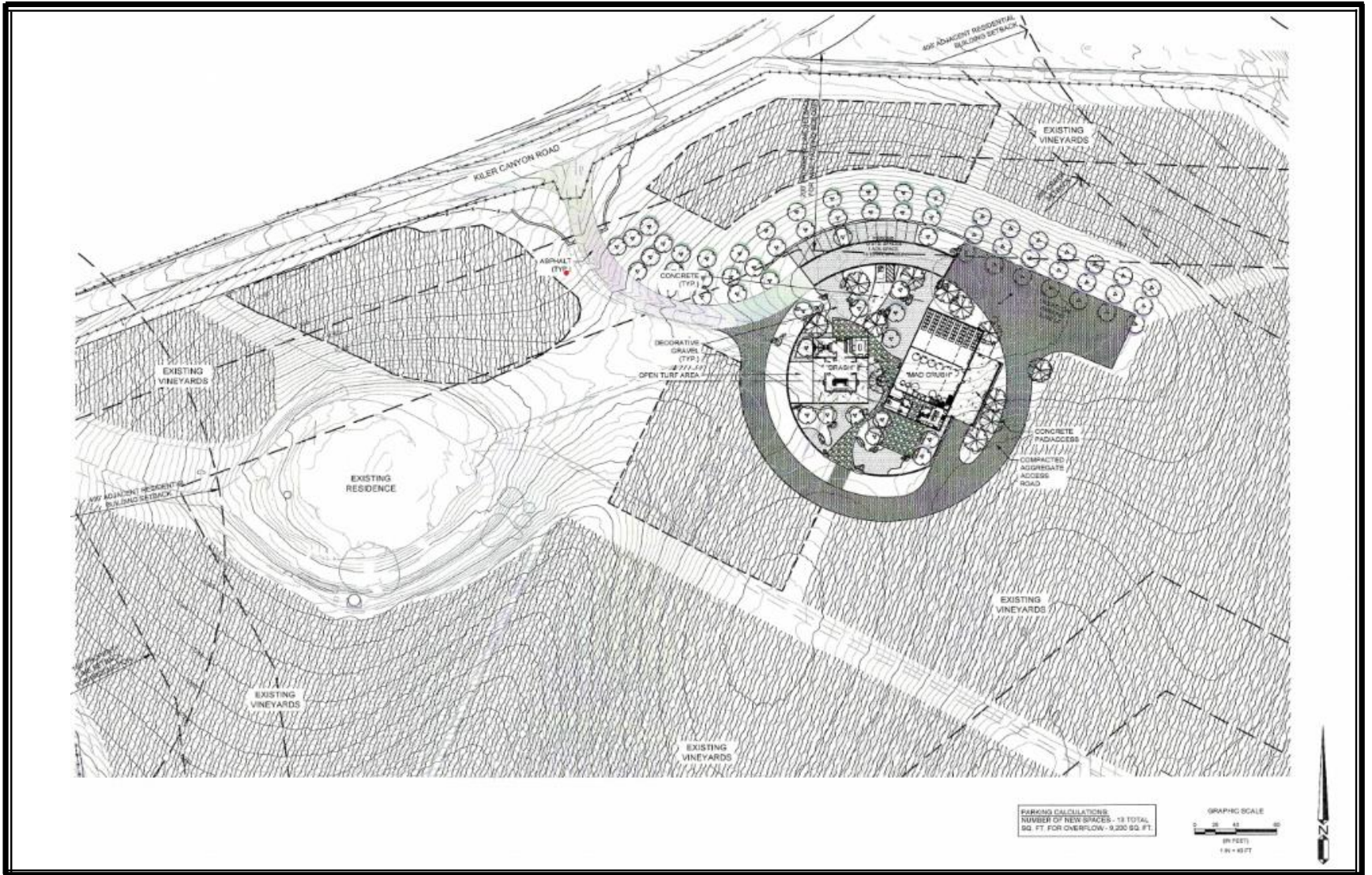


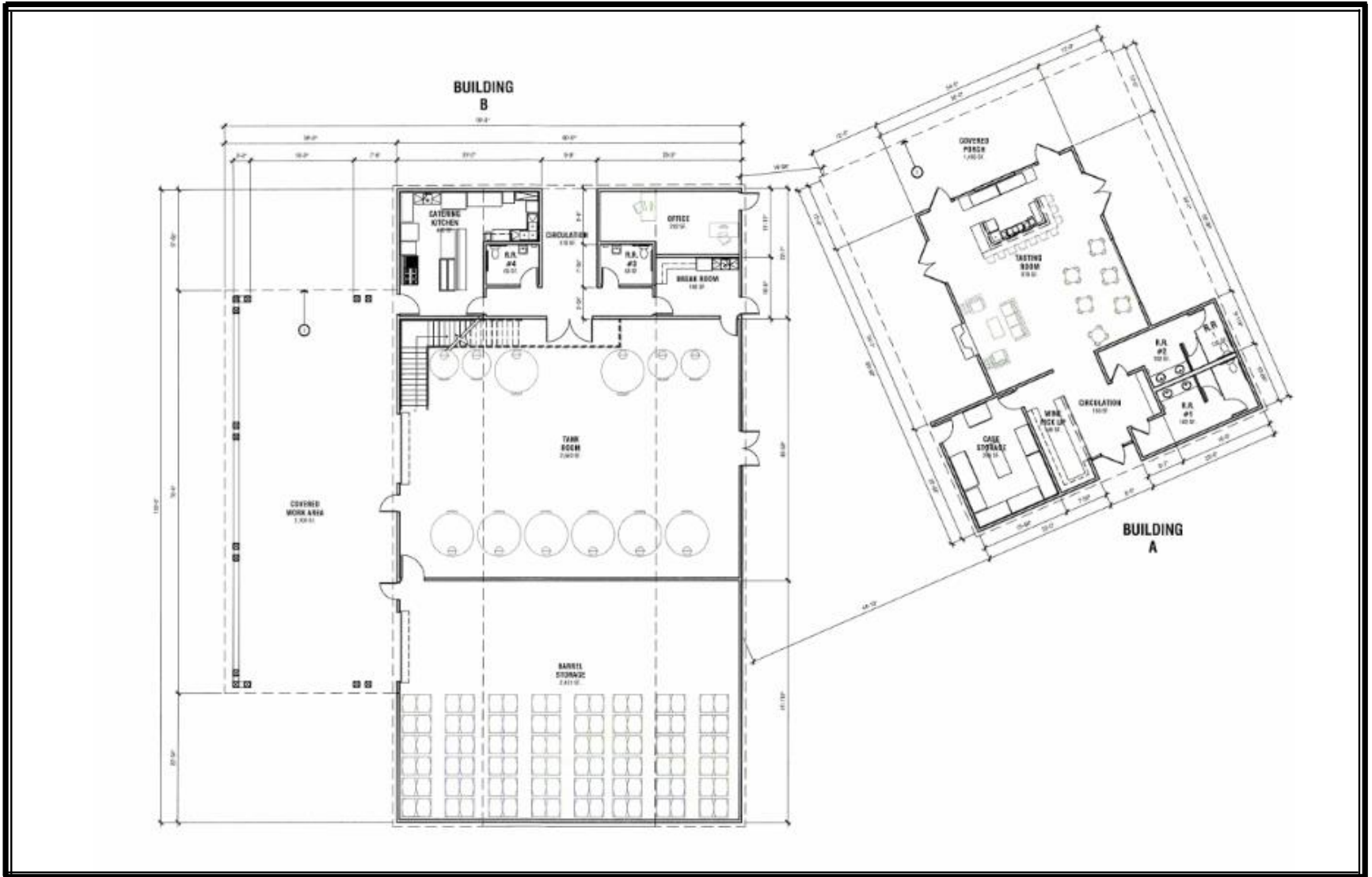


COUNTY OF SAN LUIS OBISPO

Aerial
DRC2019-00070

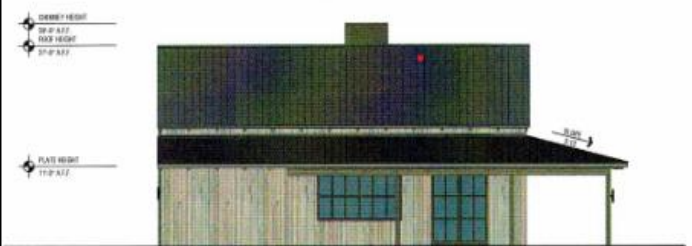




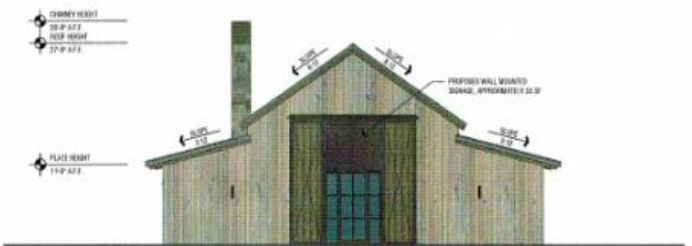


EXTERIOR ELEVATIONS LEGEND

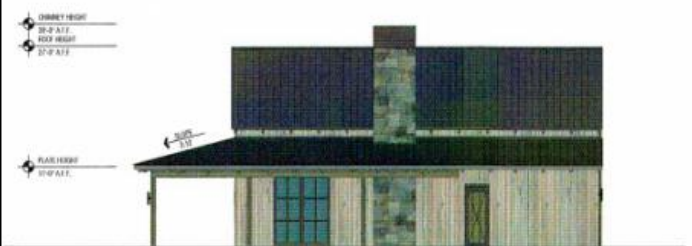
-  CLEAR 1/4" WOOD GRAIN BY 1/4" TRANSPARENT STAIN
-  STANDING SEAM METAL ROOF BY DAK FINISH
-  NATURAL BLUE STONE TBM RENDER



1 WEST



2 NORTH



3 EAST

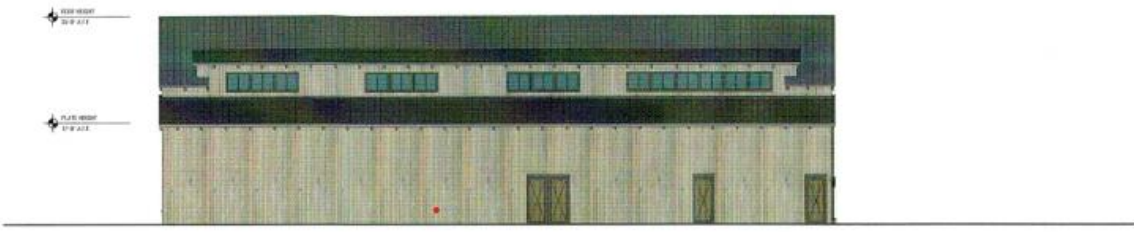


4 SOUTH

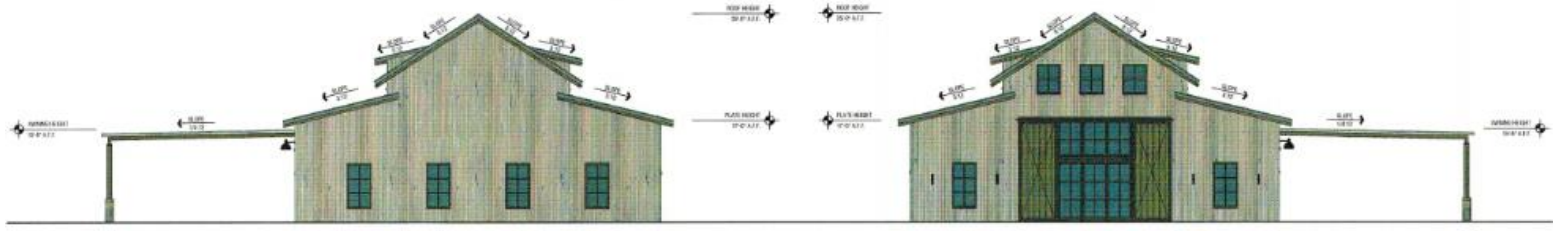


EXTERIOR ELEVATIONS LEGEND

-  GREEN TANNED BOARD W/ SHIP LAP SIDING (12" x 6")
-  STAINLESS STEEL METAL PANEL (42" x 24" x 0.04")
-  SOLID STONE



1 WEST



2 NORTH

3 SOUTH



4 EAST





COUNTY OF SAN LUIS OBISPO
Department of Public Works
 John Diodati, *Interim Director*

RECOMMENDED CONDITIONS

Date: May 13, 2019
 To: Holly Phipps, Project Planner
 From: David E. Grim, Development Services

Subject: DRC2019-00070 Olson CUP 1535 Kiler Canyon Rd., Paso Robles, APN 026-472-004/010

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

Public Works Comments:

- A. The proposed project triggers road improvements per Resolution 2008-152.
- B. The proposed public serving project site is located further than one mile from a collector or arterial and would not be in compliance with LUO Section 22.30.070 D.2.a. The applicant will need to seek a waiver or modification of this requirement. Because of the site-specific characteristics and measures identified in the project, Public Works has no concerns.
- C. The proposed project identifies that only events smaller than 50 persons will be permitted.
- D. The proposed project is within a drainage review area. A drainage plan is required and will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 of the Land Use Ordinance prior to future submittal of development permits.
- E. This project appears to not meet the applicability criteria for Stormwater Management, it is located outside a Stormwater Management Area, or is within but creates or replaces less than 2,500 sf of impervious area.
- F. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though it is located outside a Stormwater Management Area.
- G. The site is within the Atascadero Groundwater Sub Basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Project Conditions of Approval:Access

1. **At the time of application for construction permits**, the applicant shall submit to the Department of Public Works an encroachment permit application, plans, fees, and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. To remove or relocate all existing non-permitted obstructions from within the public right-of-way of the project frontage. Known obstruction include, but are not limited to, walls at the entrance of the driveway of 1565 Kiler Canyon Road, in accordance with the recommendations of the OEG traffic engineers letter dated March 18, 2019.
 - b. The existing 1535 Kiler Canyon Road site access shall be reconstructed in accordance with B-1a rural driveway standards, A-5a sight distance standards, and the recommendations of the OEG traffic engineers letter dated March 18, 2019.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
2. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid encroachment permit issued by the Department of Public Works.
3. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, maintaining County driveway sight distance standards, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity.
4. **On-going condition of approval (valid for the life of the project)**: Any gate constructed on a driveway where off-site grapes are delivered and/or product is exported from the site shall be a minimum of 75-feet from the traveled way of any road open to public traffic. Existing gates are less than 75 feet from the roadway and must be removed.
5. **Prior to commencing permitted activities**, all work in the public right-of-way must be constructed or reconstructed to the satisfaction of the Public Works Inspector and in accordance with the County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans.

6. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

Drainage & Flood Hazard

7. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.
8. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

Stormwater Pollution Prevention Plan (SWPPP)

9. **At the time of application for construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Recycling

10. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
 Phone: 805.543.4244 • Fax: 805.543.4248
 www.calfireslo.org

TO:	Planning Department Holly Phipps	DATE:	09/08/2020
FROM:	Garrett Veyna San Luis Obispo County Fire		
Project:	Olsen Winery/DRC2019-00070	APN:	026-472-004/026-472-010

The San Luis Obispo County Fire Marshal’s Office has reviewed the submittal package for the above proposed project. The Fire Marshal approves as submitted and requires the following conditions to be incorporated as part of permit issuance.

1. All construction plans and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance (2019 CA Fire Code, CA State Title 14, San Luis Obispo County Title 16).
2. A registered Fire Protection Engineer is required to provide a written technical analysis of the fire protection requirements.
3. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
4. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of CA Title 14 and San Luis Obispo County Title 16.
5. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs. (commercial)
6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings as measured by an approved route around the exterior of the building or facility.
7. Roadways shall be a minimum of 20 feet in width with a 4-foot shoulder and 15-foot vertical clearance.
8. Maximum dead end road lengths shall comply with requirements established in CA Title 14. Distances are determined by the parcel size. CFC 503.1.2.1

ATTACHMENT 4

9. Project located in High Fire Severity Zone. Maximum of 250 occupants including employees.
10. Grades for all roadways and driveways shall not exceed 16 percent. Over 16 percent up to 20 percent require approval. No grades over 20 percent will be approved.
11. Roadway radius shall not have a radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
12. Gates for driveways and/or roadways shall comply with the CA Fire Safe Regulations.
13. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with CFC Appendix B.
14. Commercial - Approved hydrants shall be installed based in accordance with requirements in CFC appendix B. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
15. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
16. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains.
17. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the San Luis Obispo amendments and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.
18. All buildings shall comply with California Fire Code, Chapter 10 Means of Egress requirements. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination. If barrel storage room/production area is proposed to be utilized for public events design accordingly (egress/high piled storage/etc.)
19. Provide 100 feet of defensible space around all structures.
20. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.

Please note that the comments noted above are based on a Fire Marshal review only. There may be additional comments or information requested from other County Departments or Divisions reviewing this application submittal package. Should you have any questions, contact me at (805)593-3422 or email at garrett.veyna@fire.ca.gov



COUNTY OF SAN LUIS OBISPO

DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: May 13, 2019
TO: Holly Phipps, Project Manager
FROM: Lynda L. Auchinachie, Agriculture Department
SUBJECT: Olson Conditional Use Permit DRC2019-00070 (3119)

Thank you for the opportunity to comment on the proposed winery and tasting room facility. The applicant is requesting a conditional use permit to allow for development of a 9,018 square foot wine production facility and a 3,431 square foot tasting room and covered porch area. The applicant is also requesting a modification to the access location requirements.

The project site within the Agriculture land use category and is located at 5135 Kiler Canyon Road, west of Paso Robles. The 53-acre project site developed with approximately 26-acres of wine grape vineyards, a residence, and an agricultural accessory structure. Neighboring properties agricultural properties support wine grape vineyards and field crops. The project site is under a Williamson Act contract.

The wine production and tasting room facility was reviewed relative to Agriculture Element policies to ensure the visitor serving uses are secondary and incidental to the agricultural processing and that impacts to agricultural resources are minimized. It appears the proposed development is consistent with policies and designed to minimize impacts to on and off-site agricultural resources. Compliance with the existing Williamson Act contract has not been confirmed. The following is recommended:

- Williamson Act contract requirements should be maintained.

The above comments and recommendations are based on the Agriculture Department's application of policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. The Agriculture Department is a referral agency to the Planning and Building Department. Comments and recommendations are specific to agricultural resources and operations and are intended to inform the overall decision-making process.

If you have any questions, please call me at 805.781.5914.



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT

Jeff Hamm *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

May 14, 2019

To: Holly Phipps, Department of Planning and Building

From: Environmental Health

Kealoha Ghiglia, 805-781-5551, klghiglia@co.slo.ca.us

RE: DRC2019-00070 Olson Conditional Use Permit for Winery Facility

NOTE: The application marked "Community" water system and indicated Templeton CSD as the proposed water source on Page 3. Follow-up details regarding an individual well contradict this section. Based on our information, the proposed project is not within the TCSD service area boundary and our review assumes a private well as the water source.

Any domestic water supply for this project would be required to permit as a public water system. Drinking water consumption includes dishwashing and hand washing, as well as drinking water. Applicant to contact this office for permitting of the water supply as a public water system. Allow a minimum of 9 months for processing of a water system permit. Please be advised that building permits will not be issued until after approval through the Senate Bill 1263 process and the acceptance of a complete Technical Managerial Financial (TMF) Capacity Report. Because the feasibility of this project depends on the approval of an outside agency (State Water Resources Control Board), applicant is encouraged to contact this office as early as possible in the project. Please contact Kealoha Ghiglia, klghiglia@co.slo.ca.us or 805-781-5551.

Verify on-site wastewater system adequacy as needed for proposed use. Soil evaluations should occur for domestic and production wastewater disposal. A full-size exhibit should be provided to show all existing facilities on site and that the well and septic locations will meet the minimum set back requirements.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this CUP. For questions regarding cross connection, please contact Matthew Giuffrida in this office at mgiuffrida@co.slo.ca.us or 805.781.5567. Please submit a schematic of the proposed water system, including water supply sources, storage, and distribution lines to klghiglia@co.slo.ca.us and mgiuffrida@co.slo.ca.us.

Applicant to return attached Hazardous Materials Declaration Flowchart to this office. Be advised that threshold levels are 55 gallons, 500 pounds or 200 cubic feet and common

ATTACHMENT 4

materials include (but are not limited to): fuel, paint, lubricants, pesticides, pool chemicals and compressed gases. Contact Pete Hague at (805)781-5554 or phague@co.slo.ca.us in this office with any questions regarding this form. The form should be submitted directly to Pete Hague.

HAZARDOUS MATERIALS BUSINESS PLAN EXEMPTION FLOWCHART

Under penalty of law, I declare that I have followed the flowchart and checked the boxes that are appropriate for this business's operations. I also understand that the SLO County CUPA must be notified if our operations or procedures change and make the above statement inaccurate.

Name (print)

Signature

Business Name

Address

Date

START HERE
Do you generate hazardous waste in ANY quantity?

Do you store, use, or handle hazardous material at any one time during a calendar year in quantities equal to or greater than 55 gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of a compressed gas at standard temperature and pressure?

Sign and submit this document – you need not submit a business plan or pay a fee

Are you a physician, veterinarian, pharmacist, dentist, or podiatrist who stores ONLY oxygen, nitrogen or nitrous oxide and the total quantity of each gas on-site is 1,000 cubic feet or less?

Agricultural Business

Is your facility either a :

Other Business

Do you store ONLY motor vehicle fuel in above or underground tanks at 1,100 gallons or less capacity and the TOTAL volume of fuel is less than 20,000 gallons?

Submit Form S, Form I, and Form M one time only and pay a one time fee.

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

Sign this document – you need not submit a business plan or pay a fee

Do you store ONLY motor or lubricating oil and is the total volume less than 275 gallons? (Does not include waste oil)

Do you store ONLY N-P-K fertilizers (excluding ammonium nitrates) less than 10,000 pounds total?

Do you apply liquid fertilizer no more than four times a year, apply and store it over period of less than seven days, and is the quantity less than 1,190 gallons and you do not store any other hazardous materials in reportable quantities?

Is your facility:
A) a remote site (a remote site is defined as an unstaffed facility located in an isolated, sparsely populated area. The facility is secured and not accessible to the general public) and
B) is the inventory less than: 500 cubic feet compressed inert gas, 500 gallons combustible liquid fuel, 200 gallons electrolytes in closed containers, 500 gallons lubricating and hydraulic fluids, and 1,200 gallons of flammable gas used as fuel (propane)?

Submit a one time business plan, complete exemption form R and pay a one time fee.

Submit a business plan and pay an annual fee to:

Within San Luis Obispo city limits:
SLO City Fire Dept, 2160 Santa Barbara Ave
San Luis Obispo, CA 93401-5240
Ph: (805) 781-7380

All other cities and unincorporated areas:
San Luis County CUPA, PO Box 1489
2156 Sierra Way
San Luis Obispo, CA 93406
Ph: (805) 781-5544

COMMON HAZARDOUS MATERIALS

- Lubricants
- Solvents
- Compressed Gases
 - Fuel
- Pesticides
- Paint

COMMON HAZARDOUS WASTES

- Crank Case Oil
- Used Anti-Freeze
- Paint
- Used automotive batteries
- Spent solvents

Not sure?

Please contact The County of San Luis Obispo
Public Health Department
Division of Environmental Health
at
(805) 781-5544

ATTACHMENT 4

From: Michael Stoker
Sent: Tuesday, September 08, 2020 8:03 AM
To: Holly Phipps
Subject: Re: Requesting Referral Response Olsen Winery DRC2019-0070 CUP

Here are the recommendations.

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of a new winery facility comprised of two buildings (Bldg 1: 1966 SF; and Bldg 2: 6608 SF) with 3875 SF for covered outdoor use. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of the building permit application, the following items are noted to assist design review;

1. A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
2. A pre-application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
3. Separate building permits will be required for the separate structure/building, and grading located on the site.
4. Specify the applicable codes on the cover sheet of the plans.
5. Specify the occupancy group and type of construction on the cover sheet of the plans for each building to comply with the California Building Code.
6. Please provide a building tabulation for each separate structure on the cover sheet of the plans.
7. Provide an allowable area analysis on the plans to verify compliance with CBC Chapter 5, including Table 503 and sections 504, 506, and 508. Also, provide information stating is the building is using the separated, non-separated, or accessory occupancy method or combination of each per CBC Chapter 5.
8. Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of with CBC, including Chapter 5, 6 and 7. The specific details for the wall construction on the plans will need to reference an approved UL listing or gypsum manual listing.
9. The fire and smoke protection features (i.e. exterior walls, projections, openings, rated wall assemblies, shaft enclosures, parapet, etc) shall be shown, calculated and detailed on the plans to comply with CBC, including Chapter 7.
10. The interior finishes (floors, ceiling, walls, insulation, etc) will need to be shown on the plans to comply with CBC, including Chapter 8.
11. Provide an occupant load and exiting analysis on the plans to verify compliance with CBC, including Chapter 10.

ATTACHMENT 4

12. The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with CBC Chapter 11B. (i.e. accessible parking, path of travel, restroom design, accessible amenities, rooms, doors, electrical outlets, etc.).
13. Provide plans which clearly show the structural design to verify compliance with the 2016 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
14. The project will require a soils report and structural calculations for the design of the buildings. All structural elements to be detailed on the plans to comply with CBSC and adopted referenced codes.
15. A grading permit will be required for the project and or site specific. Also, a SWPPP plan will be required for this project if the total area of disturbance for the project is 1 acre or greater.
16. Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
17. Provide a plumbing fixture analysis on the plans to verify the number of fixtures provided are sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.
18. Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
19. Provide details for anchorage for all equipment. For equipment weighing more than 400 lbs, provide calculations for seismic anchorage in accordance with ASCE 7-10, Chapter 13.
20. Energy Calculations will need to be provided to verify compliance with current California Energy Code.
21. Compliance with the current California Green Building Code and County of San Luis Obispo Green Building Ordinance will need to be show on the plans.
22. The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.

Thanks

Michael Stoker, CASp
Building Division Supervisor
County of San Luis Obispo
Planning and Building Department
(p) 805-781-1543
(f) 805-781-1242
mstoker@co.slo.ca.us

[EXT]Re: XST, AB52 -- DRC2019-00070 OLSON, North County E-Referral, Conditional Use Permit, Paso Robles

KW

Karen White <xolon.salinan.heritage@gmail.com>

Sat 6/15, 10:38 AM

Holly Phipps; Donna Haro <xolonaakletse@aol.com>; Teresa Haro aka Manning <T >



Reply all | v

Junk Email

This message was moved here because you only trust email from senders in your Safe Senders list. **It's not spam**



Action Items



ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Good Day,

Thank you for the notification, we apologize for the delay.

This area falls under the traditional ancient lands and boundaries of the Xolon Salinan Tribe.

We do not know of any specific sensitive sites within the boundaries of this project.

Ground disturbance will always remain a concern for the Xolon Salinan Ancestors.

Please contact us immediately if any cultural materials are discovered during ground disturbance of this project.

If any further cultural studies are performed, we would appreciate a copy of the report.

Thank you,

Karen R White

Xolon Salinan Tribe

On Tue, May 7, 2019 at 9:14 AM Mail for PL_Referrals Group <plreferrals@co.slo.ca.us> wrote:

County of San Luis Obispo

Department of Planning & Building

DRC2019-00070 OLSON, North County E-Referral, Conditional Use Permit, Paso Robles

APN(s): 026-472-004



Negative Declaration & Notice of Determination

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

ENVIRONMENTAL DETERMINATION NO. ED19-180

DATE: September 15, 2020

PROJECT/ENTITLEMENT: Kiler Canyon Conditional Use Permit DRC2019-00070

APPLICANT NAME: Steve Olsen of Kiler Canyon Vineyards LLC

Email: lacey@kirk-consulting.net

ADDRESS: 1525 Paradise Meadow Lane

CONTACT PERSON: Kirk Consulting

Telephone: 805-461-5765

PROPOSED USES/INTENT: A request by **Steve Olson of Kiler Canyon Vineyards LLC** for a Conditional Use Permit (DRC2019-00070) to allow for the construction of a winery facility that will include two buildings: Building A (one-story 1,966-square-foot tasting room building) that will include a 978-square-foot tasting room, 298-square-foot case storage room, wine pick up area, foyer, 3-restrooms, and 1,465-square-foot outdoor covered porch; Building B (two-story 6,608-square-foot wine production/barrel storage building) that will include a 2,451-square-foot barrel storage room, 2,659-square-foot tank room, office, breakroom, kitchen, 2-restrooms, and a mezzanine level with a lab and additional storage space. This building will include a 2,410-square-foot outdoor covered work area. Maximum annual case production of 10,000 cases. San Luis Obispo County Code Section 22.30.70.D.2.a. states that the principle access driveway to a winery with public tours, tasting rooms or special events is to be located on or within one mile of an arterial or collector road. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles from the nearest collector road. Section 22.30.020.D allows a standard to be modified through a Conditional Use Permit if it can be proven to be unnecessary and the project meets all other development standards. This project does not include any special events. However, the project does include the participation in wine industry events as allowed by the Land Use Ordinance. The project will result in approximately 2.75 acres of site disturbance on a 53-acre parcel, including 7,369 cubic yards of cut and 7,488 cubic yards of fill.

LOCATION: The proposed project is within the Agriculture land use category, located at 1535 Kiler Canyon Road, 1.97 miles west of the City Paso Robles. The project site is in the Salinas River Sub Area of the North County planning Area.

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

STATE CLEARINGHOUSE REVIEW: YES NO

OTHER POTENTIAL PERMITTING AGENCIES: CDFW, RWQCB

ADDITIONAL INFORMATION: Additional information pertaining to this Environmental Determination may be obtained by contacting the above Lead Agency address or (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. (2 wks from above DATE)

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

Notice of Determination

State Clearinghouse No. _____

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

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

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

County of San Luis Obispo

Signature	Project Manager Name	Date	Public Agency
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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

PLN-2039
04/2019

Initial Study – Environmental Checklist

Kiler Canyon Vineyards LLC Conditional Use Permit DRC2019-00070 / ED19-180

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by (Print)	Signature	Date
	Steve McMasters, Principal Environmental Specialist	
Reviewed by (Print)	Signature	Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by **Steve Olson of Kiler Canyon Vineyards LLC** for a Conditional Use Permit (DRC2019-00070) to allow for the construction of a winery facility that will include two buildings: Building A (one-story 1,966-square-foot tasting room building) that will include a 978-square-foot tasting room, 298-square-foot case storage room, wine pick up area, foyer, 3-restrooms, and 1,465-square-foot outdoor covered porch; Building B (two-story 6,608-square-foot wine production/barrel storage building) that will include a 2,451-square-foot barrel storage room, 2,659-square-foot tank room, office, breakroom, kitchen, 2-restrooms, and a mezzanine level with a lab and additional storage space. This building will include a 2,410-square-foot outdoor covered work area. Maximum annual case production of 10,000 cases. San Luis Obispo County Code Section 22.30.70.D.2.a. states that the principle access driveway to a winery with public tours, tasting rooms or special events is to be located on or within one mile of an arterial or collector road. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles from the nearest collector road. Section 22.30.020.D allows a standard to be modified through a Conditional Use Permit if it can be proven to be unnecessary and the project meets all other development standards. This project does not include any special events. However, the project does include the participation in wine industry events as allowed by the Land Use Ordinance. The project will result in approximately 2.75 acres of site disturbance on a 53-acre parcel, including 7,369 cubic yards of cut and 7,488 cubic yards of fill. The proposed project is within the Agriculture land use category, located at 1535 Kiler Canyon Road, 1.97 miles west of the City Paso Robles. The project site is in the Salinas River Sub Area of the North County planning Area.

ASSESSOR PARCEL NUMBER(S): 026-472-004 and 026-472-010 (Project site includes both parcels)

Latitude: 35° 36' 26.1963" N **Longitude:** 120° 43' 1.9565" W **SUPERVISORIAL DISTRICT #** 1

B. Existing Setting

Plan Area: North County **Sub:** Salinas River **Comm:** N/A

Land Use Category: Agriculture

Initial Study – Environmental Checklist

Combining Designation: Renewable Energy Combining Designation area
Parcel Size: 53 acres
Topography: Gently to moderately sloping
Vegetation: Vineyards, ornamental trees, and oak trees
Existing Uses: 026-472-004: vineyards; 026-472-010: single family residence and an ag barn

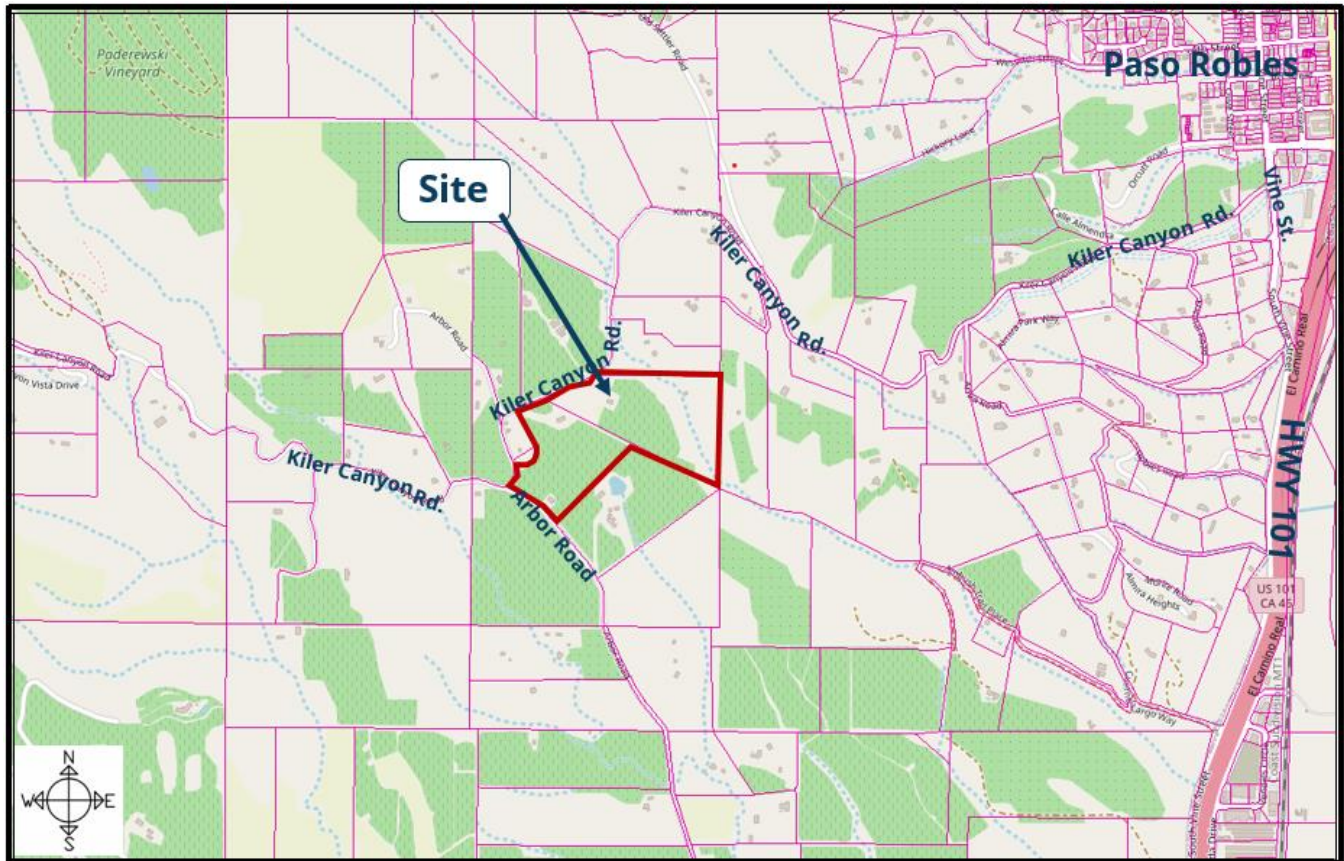
Surrounding Land Use Categories and Uses:

North: Agriculture; ; Ag uses, Kiler Ridge Olive Processing Facility with a tasting room and limited restaurant, Single family residence(s)
East: Agriculture; ; AG uses, TH Estate Winery with a tasting room, Single family residence(s)
South: Agriculture; ;Ag uses, Single family residence(s)
West: Agriculture; ; Ag uses, Elcuse Winery with a tasting room, Single family residence(s)

C. Environmental Analysis

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

Figure 1: Vicinity Map



Initial Study – Environmental Checklist

Figure 2: Aerial of (P) Proposed Winery



Figure 3: Elevations

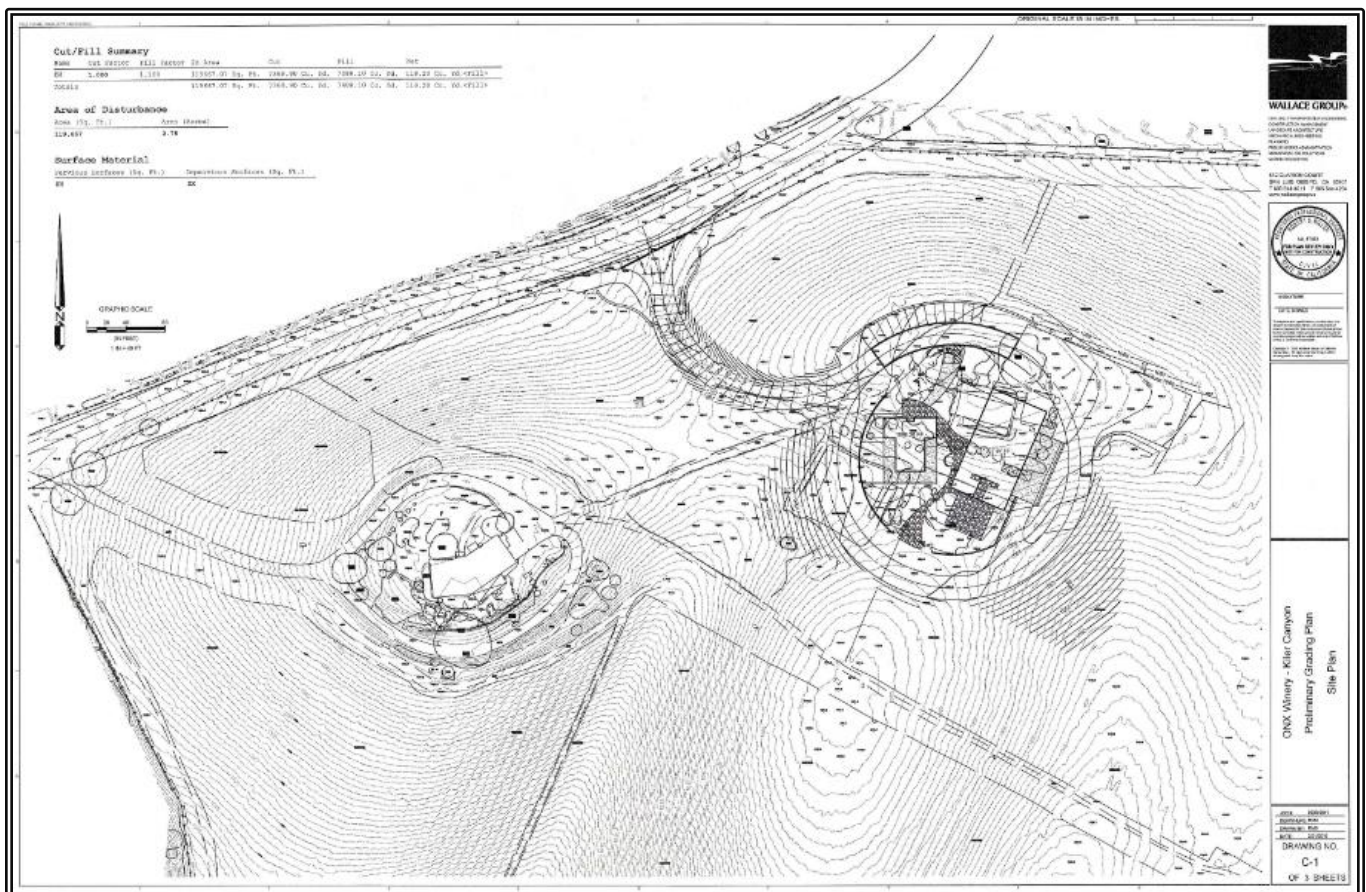


Initial Study - Environmental Checklist

Figure 4: Rendering of Building A and Building B

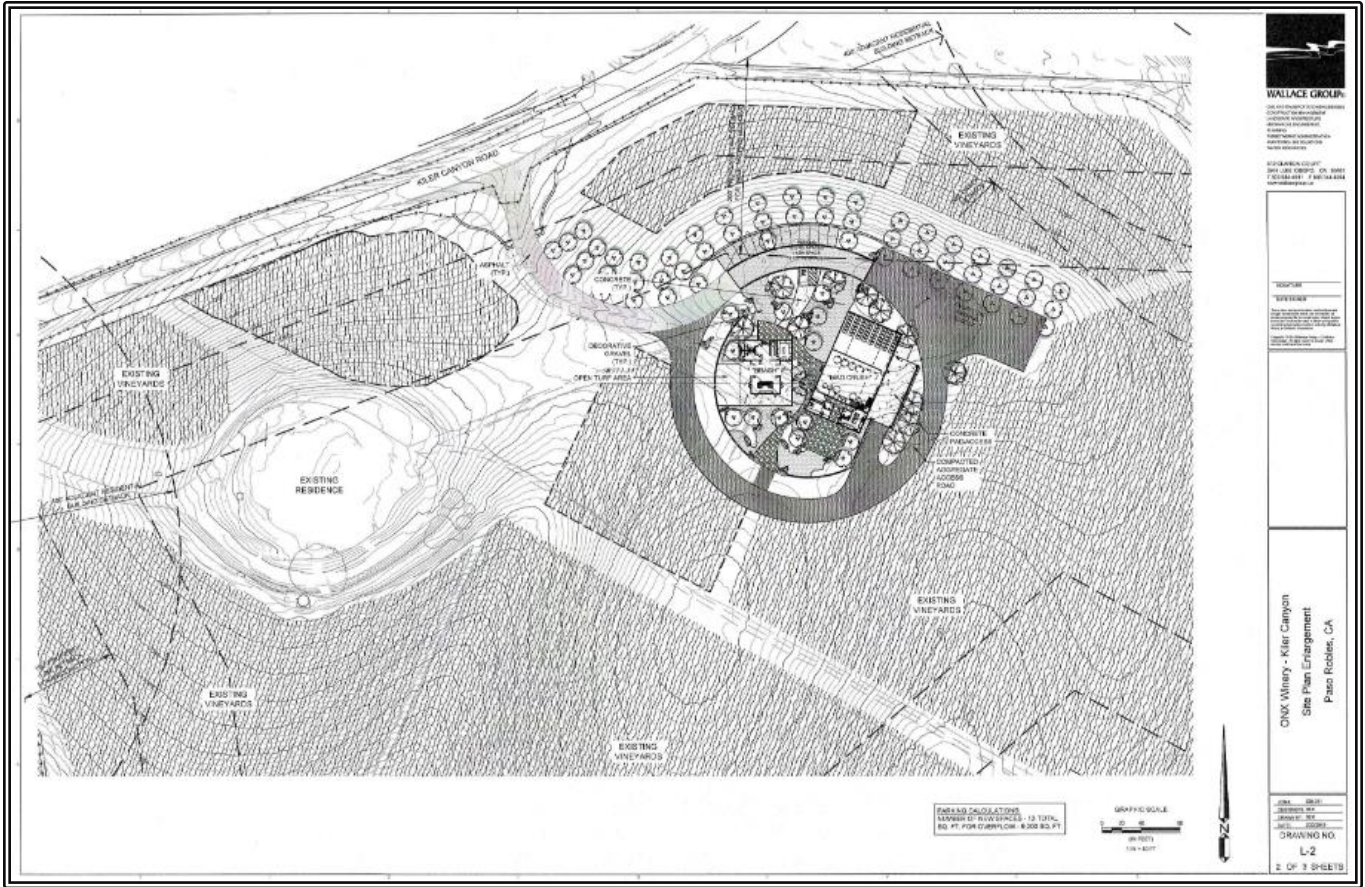


Figure 5: Preliminary Grading Plan



Initial Study - Environmental Checklist

Figure 6: Enlarged Site Plan



Initial Study – Environmental Checklist

I. AESTHETICS

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

Setting

The project site is within the Agriculture land use category on Kiler Canyon Road, approximately 2 miles west of the City of Paso Robles. Kiler Canyon Road is not a State-designated Scenic Highway. The visual qualities of Kiler Canyon in the vicinity of the project site are representative of the rural, agricultural character of the area in which agricultural support structures and wineries are becoming more common features of the landscape.

The surrounding visual setting includes neighboring agricultural properties supporting wine grape vineyards, olive tree orchard, wineries, olive processing facility, and single-family residences. See Figure 2 on page 4.

Initial Study – Environmental Checklist

The County of San Luis Obispo Inland Land Use Ordinance (LUO) establishes regulations for exterior lighting (LUO 22.30.70.D.2.g(4)), height limitations for each land use category (LUO 22.10.090), scenic highway corridor standards (LUO 22.10.095), and other visual resource protection policies. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place as set forth in the County Land Use Element.

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. Some scenic vistas are officially or informally designated by public agencies or other organizations. A substantial adverse effect on a scenic vista would occur if the project would significantly degrade the scenic landscape as viewed from public roads or other public areas. A proposed project's potential effect on a scenic vista is largely dependent upon the degree to which it would complement or contrast with the natural setting, the degree to which it would be noticeable in the existing environment, and whether it detracts from or complements the scenic vista.

The project is not located within an identified scenic vista, visually sensitive area, or scenic corridor. The project would be seen from public viewpoints, Kiler Canyon Road and Arbor Road, but would not introduce a use that is visually incompatible with a scenic vista of the surrounding landscape, therefore 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?*

California's 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. There are several officially designated state scenic highways and several eligible state scenic highways within the county. State Route 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. A portion of Nacimiento Lake Drive is an Officially Designated County Scenic Highway. Portions of Highway 101, Highway 46, Highway 41, Highway 166, and Highway 33 are also classified as Eligible State Scenic Highways – Not Officially Designated.

The project site is not located along nor is visible from a designated state scenic highway or eligible state scenic highway. No trees will be removed. Thus, the project would not result in substantial damage to scenic resources within a state scenic highway, and there would be no impact.

(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 would not introduce a use that is visually incompatible with the character of the surrounding rural residential landscape. The winery facility will be located in an area previously occupied by a mobile home. The siting of the winery in this location was to ensure that new structures would not be introduced into areas or vistas, where there had previously been no

Initial Study – Environmental Checklist

structures. Both the existing and former residences are (and were) visible from Kiler Canyon Road and Arbor Road.

Additionally, during community outreach meetings, the project was redesigned to accommodate community input, and thus the siting of proposed winery facility was moved to its current location. Additionally, the proposed vineyard expansion, olive grove and native vegetation will help to screen the proposed structures, parking, and tanks as viewed from Kiler Canyon Road and Arbor Road.

Per the Land Use Ordinance (Section 22.30.70.D.2.g.2) screening may include such measures as landscape or existing vegetative screening, existing topography, and/or arrangement of the structures on the site to minimize bulky appearance. Any tank located outside of structures shall be screened 100 percent from public roads. Therefore, impacts would be less than significant, and no mitigation measures are necessary beyond ordinance requirements.

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

Standard County Regulations require exterior lighting to be shielded to minimize glare. The project will be conditioned to provide an exterior lighting plan prior to building permit issuance to ensure the project will not create off-site glare. Therefore, impacts relating to nighttime lighting and glare would be less than significant.

Conclusion

The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. No significant impacts to visual resources would occur and no mitigation measures beyond ordinance requirements are necessary.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

II. AGRICULTURE AND FORESTRY RESOURCES

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

Setting

The project site is within the Agriculture land use category and is occupied by row crops (grapes), a residence, and an agricultural accessory structure. A wooded area is located in the northeast/east area of the property. Neighboring agricultural properties support wine grape vineyards and field crops. The project parcels are under a Williamson Act contract.

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The County of San Luis Obispo 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 Agriculture Element includes policies, goals, objectives, and other requirements that apply to lands designated in the Agriculture land use category. In addition to the 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>.

The wine production and tasting room facility was reviewed relative to the Agriculture Element policies to ensure the visitor serving uses are secondary and incidental to the agricultural processing, and that impacts to agricultural resources are minimized. The Agriculture Department reviewed the project on May 13, 2019 (Lynda L. Auchinachie) and concluded that the project appears to be consistent with policies and designed to minimize impacts to on and off-site agricultural resources and that Williamson Act contracts should be maintained.

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

Based on the FMMP, soils at the project site are within the following FMMP designation(s):

- Farmland of Statewide Importance (less than 3 % of the property is located on this type of soil; additionally this area is planted in vineyards)

Soils:

Linne Calodo complex (9 - 30 % slope).

Linne. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Calodo. This moderately sloping soil is considered not well drained. The soil has moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: steep slopes, shallow depth to bedrock, slow percolation. The soil is considered Class IV without irrigation and Class IV when irrigated.

Lockwood shaly loam (2 - 9% slope). This gently sloping soil is considered moderately drained. The soil has high erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class IV without irrigation and Class II when irrigated.

According to Public Resources Code Section 12220(g), forest land is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for

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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 board 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 support any forest land or timberland.

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

The project site includes two parcels (026-472-004 and 026-472-010) both of which are within a Williamson Act contract and therefore this project must be consistent with the terms of that contract. Such contracts limit the use of the property to agricultural uses. Williamson Act and Laird Bill. AB 1492 added Section 51250 to the Government Code, the intent of which is to limit construction of structures on contracted lands to uses that are directly related to the agricultural use of the land. A use is considered incidental when it is required for or is part of the agricultural use and is valued in line with the expected return of the agriculture on the parcel. AB1492 allows the State Department of Conservation to issue fines and penalties for breaches of contract (e.g., excessive construction of structures or facilities not specific to the agricultural use of the land). Section 51250(b) defines a material breach on land subject to a Williamson Act contract as a commercial, industrial or residential building(s) exceeding 2,500 square feet that is not permissible under the Williamson Act or contract, local uniform rules or ordinances. According to the Agriculture Department, the State considers wineries and associated tasting rooms to be consistent with AB 1492.

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 proposed project site contains Farmland of Statewide Importance (Lockwood shaly loam, 2 to 9 percent slopes) located on the southwestern edge of parcel 026-472-010. The proposed project would not be located on Farmland of Statewide Importance. Therefore, impacts would be less than significant.

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

The project site and is located on two parcels that are under a Williamson Act contract. The proposed winery facility and tasting room would be consistent with this zoning and contract.

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

The project site is not zoned for forest land, timberland, or Timberland Protection, and is not listed as Private Timberland or Public Land with Forest by the CDFW. The proposed project will not conflict with zoning or cause rezoning of forest land or timberland, therefore no impacts would occur.

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

The project site is not zoned for forest land, timberland, or Timberland Protection, and is not listed as Private Timberland or Public Land with Forest by the CDFW. The proposed project will not result in the loss of forest land or convert forest land 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?*

Farmland of statewide importance (Lockwood shaly loam, 2 to 9 percent slopes) is located on the southwestern edge of parcel 026-472-010 and would not be impacted. The project would be compatible with existing agricultural operations, would not adversely affect existing proximate agricultural uses, agricultural support services, or agricultural infrastructure or resources. The proposed project would not result in the indirect conversion of existing farm or forestland to another use. Therefore, no impacts would occur.

Conclusion

The wine production and tasting room facility was reviewed relative to Agriculture Element policies to ensure the visitor serving uses are secondary and incidental to the agricultural processing and that impacts to agricultural resources are minimized. It appears the proposed development is consistent with policies and designed to minimize impacts to on and off-site agricultural resources (Agriculture Department, May 2019). The proposed winery and tasting rooms are consistent with AB 1492. The proposed winery facility and tasting room would be consistent with this zoning and Williamson Act contract.

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

Mitigation

None necessary.

Sources

See Exhibit A.

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III. AIR QUALITY

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

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by SLOAPCD).

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term 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 PM10. 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.

As proposed, the project will result in 7,369 cubic yards of cut and 7,488 cubic yards of fill and a total area of disturbance is expected to be 2.75 acres. This would result in the creation of construction dust, as well as short- and long-term vehicle emissions. According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderately low".

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SLOAPCD Thresholds

The SLOAPCD has developed and updated their CEQA Air Quality Handbook (most recently updated with a November 2017 Clarification Memorandum) to help local agencies evaluate project specific impacts and determine if air quality mitigation measures are needed, or if potentially significant impacts could result.

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

Earthwork quantities for the project are expected to include 7,369 cubic yards of cut and 7,488 cubic yards of fill. The total area of grading or removal of groundcover is expected to be 2.75 acres.

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 is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the APCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the APCD'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 ten percent (10%) of exceeding the screening criteria.

The project would be within 990 feet of sensitive receptors (a residence) that might result in nuisance complaints, and be subject to limited dust and/or emission control measures during construction. The project would not be within close proximity to any serpentine rock outcrops and/or soil formations which may have the potential to contain naturally occurring asbestos.

Discussion

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

As proposed, the project will result in the disturbance of approximately 2.75 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will result in less than 10 lbs/day of pollutants, which is below thresholds warranting any mitigation. Additionally, the project is consistent with the general level of development anticipated and projected in the Clean Air Plan and would therefore not conflict with, or obstruct the implementation of the applicable air quality plan. Impacts to the County's air quality plan are considered *less than significant*.

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

The County is within the South-Central Coast Air Basin, which is currently considered by the state as being in “non-attainment” (exceeding acceptable thresholds) for particulate matter (PM₁₀, or fugitive dust). Dust, or particulate matter less than ten microns in diameter (PM₁₀), that becomes airborne and finds its way into the lower atmosphere, can act as a catalyst in a chemical transformation to harmful ozone.

The proposed project would result in the creation of dust through construction activities; however, activity would be short term and would not result in a cumulatively considerable net increase in PM₁₀. Additionally, the project is small in scale and nature and is not expected to result in any other activities which may otherwise result in a cumulatively considerable net increase in PM₁₀.

- (c) *Expose sensitive receptors to substantial pollutant concentrations?*

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

The nearest offsite residence is located approximately 900 feet to the southwest. Residences may be occupied by sensitive receptors who could be exposed to diesel particulates and fugitive dust from construction activities. As described above in response to (b), the project would not generate significant construction-related or operational emissions and would, therefore, not expose sensitive receptors to substantial pollutant concentrations.

Operational emissions would not substantially increase and implementation of standard LUO standards for dust control and compliance with existing regulations that prohibit excessive idling by diesel vehicles would reduce potential construction related emissions. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be *less than significant*.

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

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area.

In winemaking, wash and wastewater contain large amounts of organic matter. High organic loading results in high Biochemical Oxygen Demand (BOD) levels, and over time, the lack of oxygen allows anaerobic bacteria to proliferate (turn septic) and cause odor problems. This wastewater will be captured and stored inside the production barn where odors will be less likely to escape to the ambient atmosphere. However, there is the potential for the generation of odors from the land application of wastewater following the winemaking process. Odors generated by the project are not expected to adversely impact surrounding properties because:

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- The project will be subject to State regulations governing the land application of winery wastewater prescribed by Order No. R3-2008-0018 of the Regional Water Quality Control Board, Central Coast Region. These regulations are aimed at protecting water quality; however, they also set forth design guidelines for waste discharge requirements to address odors associated with land disposal. Where raw winery wastewater is discharged to land, the design guidelines recommend that the organic loading rate should not exceed a 30-day average of 100 pounds of Biochemical Oxygen Demand per acre per day.

The winery's proposed maximum annual production of 10,000 cases will qualify for a small winery discharge waiver through Regional Water Quality Control Board (RWQCB). The winery wastewater will be treated, and land applied under provisions of the RWQCB winery wastewater waiver. Therefore, potential odor-related impacts would be *less than significant*.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for construction-related and operational emissions. The project would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment or result in other emissions adversely affecting a substantial number of people. Therefore, the project would not result in significant adverse impacts related to Air Quality.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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IV. BIOLOGICAL RESOURCES

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

Setting

Federal and State Endangered Species Acts

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The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

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

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines.

The California Natural Diversity Database (CNDDDB) was queried for sensitive species within one mile of the proposed project. One species was identified to have documented occurrences within the one-mile radius: Lemmon's jewelflower. The potential for the Lemmon's jewelflower (*Caulanthus lemmonii*) has been identified about 1 mile to the north. This annual herb is generally found in pinyon and juniper woodland and valley and foothill grassland areas between the 80 and 1,220-meter elevation (260 to 4,265 feet). It has a blooming period of March-May. The Lemmon's jewelflower is considered rare by CNPS (List 1B, RED 2-2-3). The project site vegetation consists of irrigated row crops (grapes).

The CNDDDB search for the property identified special status plants and animal species to have the potential to occur within 2-miles of the subject property. Example of these include the Atascadero June Beetle, Lompoc grasshopper, and least Bell's vireo.

On site vegetation consists of vineyards, annual grasslands, and an oak woodland habitat located approximately 425 feet to the north east. There are no water bodies located on the property. The proposed development is located approximately 500 feet from an unnamed blue line creek.

A site visit of the project site was made on June 24, 2020 by Planning Staff (Holly Phipps) to inspect the project site for the potential to support Lemmon's jewelflower. The proposed buildings are sited in a previously disturbed area formerly occupied by a mobile home. Therefore, there was no indication of habitat suitable for supporting Lemmon's jewelflower or sensitive aquatic animal.

A botanical report was not prepared for this project because the areas proposed for disturbance are previously and continuously disturbed by existing vineyard operations and, after review of existing

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information along with a field visit of the site, no botanical vegetations were observed in the areas of proposed development to warrant a botanical assessment.

Oak Woodland Ordinance

The County of San Luis Obispo Oak Woodland Ordinance was adopted in April 2017 to regulate the clear-cutting of oak woodlands. This ordinance applies to sites located outside of Urban or Village areas within the inland portions of the county (not within the Coastal Zone). "Clear-cutting" is defined as the removal of one acre or more of contiguous trees within an oak woodland from a site or portion of a site for any reason, including harvesting of wood, or to enable the conversion of land to other land uses. "Oak woodland" includes the following species: Blue oak (*Quercus douglasii*), coast live oak (*Quercus agrifolia*), interior live oak (*Quercus wislizeni*), valley oak (*Quercus laevis*), and California black oak (*Quercus kelloggii*). The ordinance applies to clear-cutting of oak woodland only and does not apply to the removal of other species of trees, individual oak trees (except for Heritage Oaks), or the thinning, tree trimming, or removal of oak woodland trees that are diseased, dead, or creating a hazardous condition. Heritage oaks are any individual oak species, as defined in the Oak Woodland Ordinance, of 48 inches diameter at breast height (dbh) or greater, separated from all Stands and Oak Woodlands by at least 500 feet. Minor Use Permit approval is required to remove any Heritage Oak.

The project will not result in the removal of any oak trees or grading within the driplines.

Discussion

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

The proposed project is in an area known to support Lemmon's jewelflower and is considered rare by CNPS (List 1B, RED 2-2-3). Grassland habitat onsite has been significantly disturbed by the existing vineyard operation. In regard to this plant, the project is not expected to have a substantial adverse effect on this identified species due to previous and continuous use of the land for vineyard operations. Therefore, impacts to special status species would be less than significant.

Protected birds and raptors could potentially nest in oak woodland areas approximately 425 feet from the project area and located within 3 ornamental trees located at the project site. Mitigation is proposed to ensure impacts would be *less than significant (BR-1)*.

- (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 proposed project is not located in an area identified as a riparian habitat and is not expected to have a substantial adverse effect on any other sensitive natural community. Therefore, impacts would be less than significant.

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

The project site was visited by Planning Staff (Holly Phipps) on June 24, 2020. Upon inspection of the site and surrounding areas, no wetland habitats were observed. Therefore, it is not expected that the project would have any substantial adverse effect on state or federally protected wetlands.

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

The project site does not contain habitat features conducive to migratory wildlife species such as riparian corridors, shorelines, or ridgelines. It is not expected that the project would interfere with the movement of resident or migratory fish or wildlife species or wildlife nursery sites, therefore the 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 is not proposing the removal of oak trees or construction within 1.5 times the dripline of oak trees. Construction activities will occur within the drip line of 3 ornamental trees that will be preserved. Therefore, the project would have no impacts on local policies or ordinances protecting biological resources.

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

The project is not within or adjacent to a Habitat Conservation Plan area or the Natural Community Conservation Plan.

Conclusion

Upon implementation of mitigation measure BR-1 to reduce potential impacts to special status wildlife, impacts to biological resources would be less than significant.

Mitigation

See Exhibit B for mitigation measures BR-1.

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

San Luis Obispo County was historically occupied by two Native American tribes: the northernmost subdivision of the Chumash, the Obispeño (after Mission San Luis Obispo de Tolosa), and the Salinan. However, the precise location of the boundary between the Chumashan-speaking Obispeño Chumash and their northern neighbors, the Hokan-speaking Playanos Salinan, is not known, as those boundaries may have changed over time.

The project parcel is approximately 500 feet from a blue line creek. The area proposed for grading and development is not within the 300-foot buffer. Potential for the presence or regular activities of the Native American increases in close proximity to reliable water sources.

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The records search did not reveal any previously recorded resources within a 1-mile radius of the site and no cultural resources were observed on the project site during the pedestrian survey of the site conducted on June 24, 2020.

Discussion

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

No resources have been found on site which would be considered a "historical resource" according to § 15064.5.

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

Due to the existing condition of the project site and the scope of the project, it is unlikely that any archaeological resources are present on the project site. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

- A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Compliance with the LUO would ensure potential impacts to cultural resources would be reduced to less than significant. LUO Section 22.10.040 standards for archeological resources discovery during construction activities are sufficient to mitigate potential impacts to cultural resources, in the event of a discovery. No significant cultural resource impacts are expected to occur, and no mitigation measures above what are already required by ordinance are necessary. Based on the proposed project location and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be less than significant.

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

The nearest dedicated cemetery is the Paso Robles District Cemetery, located 3.2 miles to the north east. No human remains are known to exist on site, and it is not expected that any should be encountered through ground movement resulting from the proposed project. Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to human remains are expected to be less than significant.

Conclusion

County land Use Ordinance Section 22.10.040 includes a provision that construction work cease in the event resources are unearthed with work allowed to continue once the issue is resolved. No significant archaeological or historical resource impacts are expected to occur.

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Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

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VI. ENERGY

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

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

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

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to “[a]ddress future energy needs through increased conservation and efficiency in all sectors,” and “[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020.” In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on

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environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

The project site is within the Renewable Energy Combining Designation area.

Discussion

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

The proposed project would utilize the existing power system supplying the current development. The energy use associated with the project would be within acceptable standards. Construction of the proposed project is not expected to result in any potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. The project is required to meet the mandatory measures laid out in the 2016 California Green Building Standards Code (CCR Title 24, Parts 6 and 11). Therefore, impacts will be less than significant. Therefore, potential impacts would be less than significant.

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

As proposed, the project does not conflict with any state or local plans for renewable energy or energy efficiency. This includes the County's Renewable Energy Area Combining Designation. Any conflicts encountered from the construction and use of the proposed solar panel array should be addressed through the separate permitting process. Therefore, impacts would be less than significant.

Conclusion

The proposed project is not expected to create any potentially significant environmental impacts in terms of energy resource use and does not conflict with any state or local plan for renewable energy or energy efficiency. Potential impacts related to energy would be less than significant.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near 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 Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code.

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Seismic groundshaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code includes requirements that structures be designed to resist a certain 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 groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking 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.

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 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

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unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly.

The County LUO identifies a Geologic Study Area (GSA) combining designation for areas where geologic and soil conditions could present new developments and/or their occupants with potential hazards to life and property. All land use permit applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate, with the exception of construction of one single-story single family residence, agricultural uses not involving a building, agricultural accessory structures, and alterations or additions to any structure which does not exceed 50 percent of the assessed value of the structure. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault within an Earthquake Fault Zone (LUO 22.14.070).

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 state and federal law. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils, as determined by rock type, past 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 is used to define the limits of paleontological sensitivity in a given region.

The County COSE identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Where substantial subsurface disturbance is proposed in paleontologically sensitive units, Implementation Strategy CR 4.5.1 (Paleontological Studies) requires a paleontological resource assessment and mitigation plan be prepared, to identify the extent and potential significance of resources that may exist within the proposed development and provide mitigation measures to reduce potential impacts to paleontological resources.

The project site is not within the County's Geologic Study Area. The project site has a low to moderate landslide risk and low liquefaction potential. There are no potentially active faults within 0.30 miles of the project site. The project site is gently sloping to moderately sloping and the soils have moderate shrink-swell characteristics. Additionally, there are no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

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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.*

Based on the California Department of Conservation Earthquake Zone Map, the project site is not located within a mapped Alquist-Priolo earthquake hazard zone (CGS 2018). Based on the County Safety Element Fault Hazards Map, the project site is 0.30 miles from a potentially capable fault. Therefore, the project would not have the potential to result in substantial adverse effects involving rupture of a known earthquake fault and impacts would be less than significant.

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

The project site is 0.30 miles from a potentially capable fault. The project would be required to comply with the California Building Code (CBC) to ensure the effects of a potential seismic event would be minimized to the greatest extent feasible. Therefore, impacts would be less than significant.

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

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

(a-iv) *Landslides?*

The project site is gently to moderately sloping. Based on the County Safety Element Landslide Hazards Map the project is located in an area with low to moderate potential for landslide risk. Therefore, the project would not cause adverse effects involving landslides and impacts would be less than significant.

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

The proposed project is expected to disturb a total area of 2.75 acres and does not include substantial grading or vegetation removal. During grading activities there would be a potential for erosion and sedimentation to occur. A sedimentation and erosion control plan are required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, impacts related to soil erosion and sedimentation would be reduced to less than significant.

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

Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located within an area with slopes susceptible to local failure.

The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. Based on the County Safety Element and USGS data, the project is not located in an area of historical or current land subsidence (USGS 2019). Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction risk. Therefore, impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse would be less than significant.

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

The project site is located on soil that have moderate shrink-swell potential. The proposed project would be required to comply with the most recent CBC requirements, which have been developed to property safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, potential impacts related to expansive soil would be less than significant.

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

The Linne Calodo complex (9 - 30 % slope) soils are considered not well drained. The soils have moderate erodibility and moderate shrink-swell characteristics, as well as having potential septic system constraints due to steep slopes, shallow depth to bedrock, and slow percolation.

The project includes a new domestic septic system and new winery wastewater process system. The leach lines shall be located at least 100 feet from any private well, and at least 200 from any community/public well. The proposed project must comply with ordinance requirements for the placement and design of septic systems. Prior to building permit issuance, the standard septic systems will be evaluated in greater detail to ensure compliance with the Central Coast Basin and will not be approved if Basin Plan criteria cannot be met.

The winery's proposed maximum annual production of 10,000 cases will qualify for a small winery discharge waiver through Regional Water Quality Control Board (RWQCB). The wastewater will be treated, and land applied under provisions of the RWQCB winery wastewater waiver. The proposed winery wastewater treatment will require discharge waiver from the RWQCB prior to construction. Based on compliance with existing regulations and requirements, potential wastewater impacts would be less than significant, and no mitigation measures are required.

Therefore, potential impacts associated with having soils incapable of adequately supporting the use of septic tanks would be *less than significant*.

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

The project site does not contain any unique rock outcroppings or other unique geologic features. Due to the existing condition of the project site and the scope of the project, it is unlikely that any paleontological resources are present on the project site. Therefore, impacts to paleontological resources and unique geologic features would be less than significant.

Conclusion

The proposed project is not expected to indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving any geologic hazards. The site is considered suitable for this type of development and the proposed project is not expected to result in erosion, loss of top soil, substantial direct or indirect risks to life or property. The on-site soils would be able to support the proposed on-site wastewater disposal systems. The project would be required to comply with CBC requirements which have been developed to properly safeguard against seismic and geologic hazards. The project would not result in significant impacts related to geology or soils and no mitigation is necessary. Potential impacts related to geology and soils as it relates to construction and soils engineering would be less than significant.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Greenhouse Gas (GHG) Emissions have been found to result in an increase in the earth’s average surface temperature by exacerbating the naturally occurring “greenhouse effect” in the earth’s atmosphere. The rise in global temperature is has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth’s climate system. This phenomenon is commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated the APCD’s CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project’s annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO2e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO2e/yr was adopted for stationary source (industrial) projects.

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It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the CARB (or other regulatory agencies) and will be “regulated” either by CARB, the federal government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio Standards, and the Clean Car Standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project’s GHG emissions will generally not result in direct significant impacts. This is 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.

Discussion

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

Based on the nature of the proposed project and Table 1-1 of the SLOAPCD CEQA Air Quality Handbook, new wineries or expanding wineries with the capacity of 26,000 gallons (10,000 cases at twelve 750 milliliter bottles per case) year or more require a Permit to Operate for fermentation and storage of wine and may require APCD permits. Wine production facilities can generate nuisance odors during various steps of the process. Proven methods for handling wastewater discharge and grape skin waste need to be incorporated into the winery practices to reduce off-site odor. Odor complaints could result in a violation of the SLO County APCD Rule 402 Nuisance.

The proposed project would be required to comply with existing state regulations, which include increased energy conservation measures, reduced potable water use, increased waste diversion, and other actions adopted to achieve the overall GHG emissions reduction goals identified in SB 32 and EO S-3-05. Therefore, the 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?*

The proposed project would be required to comply with existing state regulations, which include increased energy conservation measures, reduced potable water use, increased waste diversion, and other actions adopted to achieve the overall GHG emissions reduction goals identified in SB 32 and EO S-3-05. The project would not conflict with the control measures identified in the CAP, EWP, or other state and local regulations related to GHG emissions and renewable energy. The project would be generally consistent with the property’s existing land use and would be designed to comply with the California Green Building Code standards. Therefore, the project would be consistent with applicable plans and programs designed to reduce GHG emissions and potential impacts would be less than significant.

Conclusion

The proposed 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,

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or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to greenhouse gas emissions would be less than significant and no mitigation measures are necessary.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

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Setting

The Hazardous Waste and Substances Site List (Cortese List), which is a list of hazardous materials sites compiled pursuant to California Government Code (CGC) Section 65962.5, is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. The project would not be located in an area of known hazardous material contamination and is not on a site listed on the Cortese List (State Water Resources Control Board [SWRCB] 2015; California Department of Toxic Substance Control [DTSC] 2019).

The California Health and Safety Code provides regulations pertaining to the abatement of fire related hazards and requires that local jurisdictions enforce the California Building Code, which provides standards for fire resistive 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.

The proposed project is in a High Fire Hazard Zone with an Emergency Response Time of 5 to 10 minutes. For more information about fire-related hazards and risk assessment, see Section XX. Wildfire.

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

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 the Tsunami Response Plan.

Discussion

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

The project does not propose the routine use, transport, or disposal of hazardous materials. Therefore, the project is not likely to create a significant hazard to the public or environment through exposure to hazardous materials, and impacts will be less than significant.

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

Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, 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 does not propose the use of hazardous materials, nor the generation of hazardous emissions. Additionally, the project is not within one-quarter mile of an existing or proposed school. Therefore, impacts would be less than significant.

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- (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?*

The proposed project is not found on the 'Cortese List', a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, impacts would be less than significant.

- (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 Review area or within 2 miles of a public airport or private airstrip. The project meets all applicable policies outlined in the Paso Robles Municipal Airport Land Use Plan. Therefore, impacts would be less than significant.

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

The project does not require any road closures and would be required to be designed to accommodate emergency vehicle access. The project would not impair implementation or physically interfere with County hazard mitigation or emergency plans; therefore, impacts would be *less than significant*.

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

According to Cal Fire, the project site is located in a High Fire Hazard Severity Zone with a response time of 5 to 10 minutes within a State Responsibility Area. The project will be conditioned to implement building and site improvements in accordance with the Fire Code, as detailed in the referral response letter, including, but not limited to implementation of a fire safety plan. Therefore, potential impacts associated with exposure of people or structures to significant risk involving wildland fires would be *less than significant*.

Conclusion

The construction and use of the proposed winery facility will not require the use or generation of any hazardous materials. Additionally, the project is not located on a site known to contain, use, or generate any hazardous materials. The project is not within the Airport Review Area and it is unlikely that the project result in any safety hazard or excessive noise exposure. The project is not expected to interfere with any adopted emergency response or evacuation plan. Finally, the threats posed by the project's location within a High Fire Hazard Severity Zone will be minimized to less than significant levels through the requirements set forth by Cal Fire. Therefore, potential impacts related to hazards and hazardous materials would be less than significant and no mitigation measures are necessary.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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IX. HYDROLOGY AND WATER QUALITY

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

Initial Study – Environmental Checklist

Setting

The topography of the project site is gently rolling to moderately sloping. The project site is not within a 100-year Flood Hazard designation and is approximately 500 feet from the closest creek. The project site contains four existing wells (domestic and Ag).

The site is within the Atascadero Groundwater Sub Basin and is therefore subject to the Sustainable Groundwater Management Act (SGMA) and not is not subject to the County's water off-set ordinances. However, the Groundwater Sustainability Agency responsible for overseeing SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

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

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

Per the County's Stormwater Program, the 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 a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by the San Luis Obispo County LUO.

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

Initial Study – Environmental Checklist

Discussion

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

The project will result in approximately 2.75 acres of site disturbance, including 7,369 cubic yards of cut and 7,488 cubic yards of fill. The project is not on highly erodible soils, nor on steep slopes. The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use. Project grading will create exposed graded areas subject to increased soil erosion and down-gradient sedimentation. Adherence to the County's LUO for sedimentation and erosion control (Sec. 22.52.120) will adequately address these impacts. Additionally, all disturbed areas will be permanently stabilized with impermeable surfaces and landscaping and stockpiles will be properly managed during construction to avoid material loss due to erosion.

To reduce construction-related surface water quality impacts, the project will be subject to Section 22.52.080 of the County's Land Use Ordinance (Title 22) which requires a drainage plan. Compliance with this plan will direct surface flows in a non-erosive manner through the site.

The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its domestic wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant.

Existing regulations and/or required plans will adequately address surface water quality impacts during construction and permanent use of the project. No additional measures above what are required or proposed are needed to protect 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?*

In anticipation of the proposed winery project, two existing mobile homes have been removed that had a total demand for 84,721 gallons per year (42,360.5 gallons per year each) and 0.26 acres of ornamental irrigated landscaping, which decreased domestic water use by 0.65-acre feet a year.

A reclamation wastewater system will be installed with the approval of this entitlement. All waste will go into a holding tank where the solids will settle, and the liquids will be treated and used as irrigation and dust control. Maximum case production at 10,000 cases will fall under a Winery Wastewater Discharge waiver with RWQCB.

The project would be consistent with existing and planned levels and types of development in the project area and would not create new or expanded water supply entitlements. Operational water demands would not be substantially different than existing demands. Therefore, potential impacts on water supplies 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 will result in approximately 2.75 acres of site disturbance, including 7,369 cubic yards of cut and 7,488 cubic yards of fill. A sedimentation and erosion control plan is required to minimize

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the potential for soil erosion, which would be subject to the review and approval of the County Building Division in accordance with LUO Section 22.52.120 to minimize potential impacts related to erosion, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation.

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

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, *no impacts would occur*.

- (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?*

To reduce construction-related surface water quality impacts, the project will be subject to Section 22.52.080 of the County's Land Use Ordinance (Title 22) which requires a drainage plan. Compliance with this plan will direct surface flows in a non-erosive manner through the site. Therefore, impacts would be less than significant.

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

Based on the County Flood Hazard Map, the project site is not located within a 100-year flood zone. The project would be subject to standard County requirements for drainage, sedimentation, and erosion control for construction and operation. Therefore, no impacts would occur.

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

As discussed in the previous section (Hazards and Hazardous Materials), portions of the subject property are not within the 100-year Flood Hazard Combining Designation. No impacts are anticipated. The project is not located in an area known to be at risk of tsunamis and is not located near any water bodies that may pose the risk of seiche.

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

The proposed project site is in the Atascadero Sub-basin and not subject to the County's water off-set ordinances. Therefore, there would be no impact relating to implementation of a water quality control plan or sustainable groundwater management plan. Therefore, there would be *no impact*.

Conclusion

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

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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X. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The LUO was established to guide and manage the future growth in the County in accordance with the General Plan, 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, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the County General Plan.

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

The proposed project site parcels and surrounding parcels are Agriculture Land Use.

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

The proposed project (winery facility) would be located in an area designated Agricultural by the County of San Luis Obispo. The project site is surrounded by large agricultural parcels and rural residences. Surrounding uses are identified on Page 2 of this Initial Study and the proposed project is considered compatible with these surrounding uses. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use

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Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies and other County departments to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, Environmental Health, Public Works, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., Cal Fire, Environmental Health, Public Works, Agricultural Department, and Native American Tribes.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

Discussion

(a) *Physically divide an established community?*

The project is located outside of an existing community, within a rural, unincorporated area. The property is not located in such a way as to cause the physical divide of any establish community. Therefore, impacts would be less than significant.

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

The project does not conflict with any land use plan, policy, or regulation in such a way that would cause a significant environmental impact which would not be otherwise addressed and mitigated through measure proposed within this document. Therefore, impacts would be less than significant.

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Potential impacts related to land use and planning would be *less than significant with mitigation* measures associated with biological resources.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XI. MINERAL RESOURCES

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

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (Public Resources Code 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 2011a):

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

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

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Discussion

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

Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land Classification, the project site is not located within an area that has been evaluated for mineral resources and is not in close proximity to an active mine (CGS 2015). In addition, based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area. The project is not located within a designated mineral resource zone or within an Extractive Resource Area combining designation. There are no known mineral resources in the project area; therefore, there would be *no impact*.

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

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

Conclusion

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

Mitigation

No mitigation measures are necessary.

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XII. NOISE

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

Setting

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

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

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

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- Outdoor sports and recreation
- Offices

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

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

Table 12 -- Maximum allowable exterior noise level standards⁽¹⁾

Sound Levels	Daytime 7 a.m. to 10 p.m.	Nighttime ⁽²⁾
Hourly Equivalent Sound Level (Leq, dB)	50	45
Maximum level, dB	70	65

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

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

The existing ambient noise environment is characterized by marginal traffic on Kiler Canyon Road and Arbor, as well as agricultural equipment from surrounding ag processing facilities and residential properties.

The proposed project site is not within loud noise source based on the County's noise contour map. The nearest existing noise-sensitive land use is a rural residence located approximately 550 feet north east of the project area.

Discussion

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

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

Project construction would result in a temporary increase in noise levels associated with construction activities, equipment, and vehicle trips. Construction noise would be variable, temporary, and limited in nature and duration. The County LUO requires that construction activities be conducted during daytime hours to be able to utilize County construction noise exception standards and that construction equipment be equipped with appropriate mufflers recommended by the manufacturer. Compliance with these standards would ensure short-term construction noise would be less than significant.

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Winery Special Events. Section 22.30.70.D.2.i.(3) states the following: any special event proposing outdoor amplified music shall only be allowed from 10:00 a.m. to 5:00 p.m. No outside amplified sound shall occur before 10:00 a.m. or after 5:00 p.m. The standard relating to amplified music may only be waived or modified where a finding can be made by the Review Authority that the noise at the property line will not exceed 65dB. No Special Events are proposed outside of participation in Industry-Wide Events.

Industry-wide Events. The Paso Robles Wine Country Alliance hosts regional trade and consumer events around North County throughout the year. Currently three annual events are held. These are open house weekends where visitors can participate in the different industry-wide events where they might otherwise not have access to participating wineries.

The project intends to participate in activities during the Wine Industry Weekends and other marketing activities not defined as special events (non-advertised wine club activities and activities with under 50 attendees) by the Land Use Ordinance. Since the project is not requesting a Special Event Program, exterior noise levels will be governed by Land Use Ordinance Section 22.10.120 (Noise Standards). These standards are more restrictive than those provided in the winery special event section of the Land Use Ordinance.

The project is not expected to generate loud noises, nor conflict with the surrounding uses. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. Compliance with these standards would ensure noise 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 is not within any mapped noise contours provided by the Paso Robles Municipal Airport. Therefore it is not expected that the location of the project within close proximity to an airport would result in the exposure of people working at or visiting in the winery facility to excessive noise levels. Therefore, impacts would be less than significant.

Conclusion

Construction. Short-term construction activities would be limited in nature and duration and conducted during daytime periods per County LUO standards. 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 no mitigation measures are necessary.

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Winery Operations and Industry-wide Events. No significant noise impacts are anticipated, and no mitigation measures are necessary. The project shall comply with the County Noise Element.

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

Initial Study – Environmental Checklist

XIII. POPULATION AND HOUSING

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

Setting

In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the County. The County's Inclusionary Housing Ordinance (Title 22 Section 22.12.080) requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Section 22.12.080.B.2.e. does not require Inclusionary Housing fees if the commercial structures cumulatively do not exceed 5,000 square feet. The project is proposing the construction of 2 winery buildings that will total 8,574 square feet. Inclusionary Housing fees will be required at time of submittal of building permits.

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)?*

Daily operations at the proposed winery may equate into two full time employees. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. The project does not include the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. In addition, the project would be subject to inclusionary housing fees to offset any potential increased need for housing in the area. Therefore, the project would not directly or indirectly induce substantial growth and impacts would be *less than significant*.

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

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

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Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XIV. 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (CAL FIRE), which has been under contract with the County of San Luis Obispo 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 proposed project is located in a High Fire Hazard Severity Zone with an Emergency Response Time of 5 to 10 minutes. The proposed project area is served by Cal Fire and the nearest fire station is CalFire at 2510 Ramada Drive in Paso Robles.

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 proposed project area is served by County Sheriff and the nearest police station is Paso Robles Police Department, 900 Park Street in Paso Robles.

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

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

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

Discussion

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

Fire protection?

The project would be designed to comply with all fire safety rules and regulations, including the California Fire Code and California PRC, fire sprinklers in new buildings, and compliance with other provisions of the Fire Code.

In addition, the project would be subject to public facility fees to offset the increased cumulative demand on fire protection services. Therefore, impacts would be *less than significant*. Additional information regarding wildfire hazard impacts is discussed in Section XX, Wildfire. Additional information regarding fire related hazard impacts is discussed in Section IX, Hazards and Hazardous Materials.

Police protection?

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

Schools?

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

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Parks?

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

Other public facilities?

As discussed above, the proposed project would be subject to applicable fees to offset negligible increased demands on public facilities; therefore, impacts related to other public facilities would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

Sources

See Exhibit A.

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XV. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County of San Luis Obispo Parks and Recreation Element (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 ensure an equitable distribution of parks throughout the county.

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

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

The Recreation Element does not show any existing or potential future trails going through or adjacent to the project site.

Discussion

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

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The project proposes a winery facility and would potentially employ two full-time employees. Workers would likely be sourced from the local labor pool and would not result in increased demand on existing or planned recreational facilities in the county. The project is not proposed in a location that would affect any existing trail, park, recreational facility, coastal access, and/or natural area. The project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant*.

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, impacts would be *less than significant*.

Conclusion

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

Mitigation

None necessary.

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XVI. TRANSPORTATION

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

Setting

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

The County has established Level of Service (LOS) “C” or better for rural roadways. The project site has direct access onto Kiler Canyon Road, which is an easily traveled paved County Maintained Road which offers adequate access. Further, the site is located in close proximity to the Arbor Road / Kiler Canyon Road intersection. Arbor Road is also a County maintained road and provides access to Highway 46 west. A project referral package was sent to the County Public Works Department and no traffic-related concerns were identified.

In 2013, SB 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3 [b]). Beginning July 1, 2020, the newly

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adopted VMT criteria for determining significance of transportation impacts must be implemented statewide.

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

Sight Distance.

A sight distance analysis, trip generation, and Roadway Safety Audit was conducted by Orosz Engineering Group, Inc. (March 18, 2019) on the proposed project. The primary proposed access would be from the existing driveway at 1535 Kiler Canyon Road. The existing driveway approach was evaluated and found to be consistent with, and exceeding, with the minimum sight distances required by the County. The driveway and approach will be improved to meet Cal Fire commercial access requirements as well as Department of Public Works standards. The project will require minimal improvements to meet B-1a rural driveway standards, A-5a sight distance standards per County Public Work standards. As a recommended condition of approval, Department of Public Works requests that at the time of application for construction permits, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire, or the regulating fire agency standards and specifications back to the nearest public maintained roadway.

The Roadway Safety Analysis was prepared in compliance with County of San Luis Obispo Resolution 2008-152 for projects with 10 or fewer typical general public peak hour trips or less than 100 special event trips. The project is expected to generate a total of seven total peak hour trips, including one general public peak hour trip and no special event traffic. Based on the low level of traffic volume, the project is not expected to create any peak hour (weekday or weekend days) impacts and will not result in any significant circulation/traffic impacts.

Table 1 identifies Trip Generation Summary for the project consistent with the County's trip generation rates for wineries adopted in December 2017.

Table 1:

Olson-ONX Winery Trip Generation Summary				
Location	Function	KSF	Trip Rate	PHT Trips
Building A	Tasting Room	1.668	0.76	1
Building A	Storage	0.298	0.57	0
Building B	Production and Storage	6.608	0.57	4
Covered Work Area	Production	2.410	0.57	2
Project Total Peak Hour Trips				7

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The Roadway Safety Analysis also evaluated the collision data within a half mile in either direction of the project's point of access off Kiler Canyon Road, provided by California Highway Patrol. Over the past three years, from mid-2015 through mid-2018, there was one rear end collision in 2017 caused by an improper turn under wet roadway conditions. Based on the average collision rate for this section of 4.6 collisions per Million Vehicle Miles ("MVM"), during this period, the collision rate is higher than the average. According to Caltrans collision data, rural two-lane highways in District 5 (including San Luis Obispo County) have an average collision rate of 0.86 collisions per MVM. While the collision rate is higher than average, it was due to only one collision on a rainy day. OEG determined there was no significant traffic safety issues or significant patterns identified, especially at the project access driveways. The report concluded that the project is not expected to create a need for roadway improvements.

San Luis Obispo County Code Section 22.30.70.D.2.a. states that the principle access driveway to a winery with public tours, tasting rooms or special events is to be located on or within one mile of an arterial or collector road. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles from Vine Street, the nearest collector road. Section 22.30.020.D contains a provision that allows a standard to be waived or modified through a Conditional Use Permit if it can be proven to be unnecessary or ineffective and the project meets all other development standards contained in the Land Use Ordinance.

Access Location Modification.

In order to modify the access location standard, the approving body must make findings that the standard is unnecessary or ineffective. These findings are:

1. The traffic associated with the tasting room is nominal 1 peak hour trip ("pht") –the peak hour traffic trips generated by the proposed project in total is 7 pht.
2. The existing road system is designed to accommodate the small amount of additional traffic that may be generated by this small winery tasting room.
3. The site has frontage on a County Maintained Road.
4. There are similar uses in the area; therefore, this project will share traffic that is already in the area (Pass-By Trips).
5. The site is not located on a dead-end road.

Discussion

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

The project does not conflict with adopted policies, plans and programs related to transportation, and would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities. As a result, the proposed project would have *a less than significant*, long-term impact on existing road service or traffic safety levels.

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

The County of San Luis Obispo has not yet identified an appropriate model or method to estimate vehicle miles traveled for proposed land use development projects. Section 15064.3, subdivision (b) states that if existing models or methods are not available to estimate the vehicle miles traveled for

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the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, impacts would be *less than significant*.

- (d) *Result in inadequate emergency access?*

The proposed project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Therefore, no impacts would occur.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Potential impacts related to emergency access would be less than significant.

Mitigation

Improvements to meet County Standards.

Sources

Referral Response form Public Works (David E. Grim, Development Services, May 13, 2019).

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XVII. TRIBAL CULTURAL RESOURCES

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

Setting

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

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

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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.

On May 6, 2019 in accordance with AB 52 Cultural Resources requirements outreach to four Native American tribes was conducted: Northern Chumash Tribal Council, Salinan Tribe of San Luis Obispo and Monterey Counties, Xolon Salinan Tribe, and yak tityu tityu yak tiłhini.

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 County has provided notice of the opportunity to consult with appropriate tribes per the requirements of AB 52. One response was received from the Xolon Salinan Tribe (XST) on June 17, 2019, which stated that there are no known sensitive sites within the boundaries of the project and requested to be contacted if cultural materials are discovered during ground disturbance and to also receive a copy of a cultural report if cultural studies are performed.

As discussed in Section V., Cultural Resources, the project site does not contain any known tribal cultural resources that have been listed or been found eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1. Potential impacts associated with the inadvertent discovery of tribal cultural resources would be subject to LUO 22.10.040 (Archaeological Resources), which requires that in the event resources are encountered during project construction, construction activities shall cease, and the County Planning and Building Department shall be notified of the discovery so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and the disposition of artifacts may be accomplished in accordance with state and federal law. Therefore, impacts related to a substantial adverse change in the significance of tribal cultural resources would be *less than significant*.

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- (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.*

The project site does not contain any resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be less than significant.

Conclusion

No tribal cultural resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive resources are discovered during project activities, adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore, potential impacts to tribal cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XVIII. UTILITIES AND SERVICE SYSTEMS

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

Setting

The County Public Works Department provides water and wastewater services for specific County Service Areas (CSAs) that are managed through issuance of water/wastewater “will serve” letters. The Department of Public Works currently maintains CSAs for the communities of Nipomo, Oak Shores, Cayucos, Avila Beach, Shandon, the San Luis Obispo County Club, and Santa Margarita. Other unincorporated areas in the County rely on on-site wells and individual wastewater systems. Regulatory standards and design criteria for onsite 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 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

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acre or more must obtain coverage under the SWRCB's Construction General Permit. Pacific Gas & Electric Company (PG&E) is the primary electricity provider and both PG&E and Southern California Gas Company provide natural gas services for urban and rural communities within the County of San Luis Obispo.

Discussion

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

The project site contains four existing wells (domestic and Ag). No new wells are proposed. The existing vineyards and proposed winery facility will utilize the existing wells. The project would not require the expansion of existing community facilities. Therefore, impacts would be less than significant.

The project includes a new domestic onsite septic system and new onsite winery wastewater processing system. The proposed project must comply with ordinance requirements for the placement and design of domestic septic systems. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the domestic septic systems will be evaluated in greater detail to ensure compliance with the Central Coast Basin and will not be approved if Basin Plan criteria cannot be met.

The proposed winery wastewater treatment will require a discharge waiver from the Regional Water Quality Control Board ("RWQCB") prior to construction. The winery's proposed maximum annual production of 10,000 cases will qualify for a small winery discharge waiver through Regional Water Quality Control Board ("RWQCB"). Case production at 10,000 cases will generate an estimated 600 gpd during peak production and 400 gpd on average. All waste will go into a holding tank where the solids will settle, and the liquids will be treated and re-used onsite for vineyard irrigation and dust control under the provisions of the RWQCB winery wastewater waiver. Based on compliance with existing regulations and requirements, potential wastewater impacts would be less than significant.

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

The project site contains four existing wells (domestic and Ag), two on each parcel. On April 3, 2019 the applicant provided a memorandum from the Wallace Group identifying a net water demand of 0.83 Acre Feet/Year (AFY) for the proposed project. The annual water estimate breakdown can be referenced in Table 1 below:

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Table 1: Annual Water Estimates					
Use	Rate	Gross Demand (gallons/year)	Gross Demand (AFY)	Return rate (recycled or recharged)	Net Demand (AFY)
Wine Production	10,000 Cases per year (@10 gallons per case)	100,000	0.31	Assume minimal reduced pumping	0.31
Tasting Room	Estimated 200 patrons per week at 5 gal/patron	52,000	0.16	80%	0.032
Employee Demand	2 FTE @10 GPD /employee = 20 gpd x 365 days	7300	0.02	80%	0.004
Landscape Demand	Approx. .53 Acres ornamental landscape (see attached)	304,290	0.93		0.93
Existing Mobile Home Units	Two (2) total, one residence, one farm quarters	84,721	0.26	80%	-0.05
Existing Irrigated Landscape	Approx. 0.26 Acres ornamental landscape @ 1.5 AFY/Acre	127,082	0.39		-0.39
Total New Water Demand		463,590	1.42		0.83

The project is located within the Atascadero Sub-basin and not subject to the County's water off-set ordinances. However, in anticipation of the proposed winery project, two existing mobile homes have been removed that had a total demand of for 84,721 gallons per year (42,360.5 gallons per year each) and 0.26 acres of ornamental irrigated landscaping, which decreased domestic water use by 0.65-acre feet a year. The removal of these uses resulted in a partial voluntary water off-set of the projects water demand.

The project would be consistent with existing and planned levels and types of development in the project area and would not create new or expanded water supply entitlements. Short-term construction activities would require minimal amounts of water, which would be met through available existing supplies. Operational water demands would not be substantially different than existing demands. Therefore, potential impacts on water supplies would be less than significant.

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

The project proposes the use of an on-site wastewater treatment systems. No additional demand will be added to the community's provider's existing commitments. Therefore, impacts associated with wastewater collection and treatment capacity are considered *less than significant*.

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

Construction activities would result in the generation of minimal solid waste materials; no significant long-term increase in solid waste would occur. The project does not propose to generate solid waste in excess of State or local standards or otherwise impair the attainment of solid waste reduction goals. Therefore, potential impacts would be less than significant.

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

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

Conclusion

The project would not result in significant increased demands on wastewater or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. The project is not located in a Bulletin 118 Groundwater Basin; there is a no potential for impacts related to groundwater supply. Therefore, potential impacts to utilities and service systems would be less than significant and no mitigation measures are necessary.

Mitigation

There is no evidence that measures above what will already be required by ordinance or codes are needed.

Sources

See Exhibit A.

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XIX. WILDFIRE

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

Setting

The project is located within a local responsibility area and is located in a High Fire Hazard Zone with an Emergency Response Time of 5 to 10 minutes to the closest Cal Fire / County Fire station. The existing driveway and approach will be improved to meet Cal Fire commercial access requirements as well as the Department of Public Works B-1a rural driveway standards, A-5a sight distance standards.

In central California, the fire season usually extends from roughly May through October; however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by CALFIRE based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the county have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County.

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

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

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

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

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

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

Discussion

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

The project does not require any road closures and would be designed to accommodate emergency vehicle access. Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project.

The proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be less than significant.

Initial Study – Environmental Checklist

- (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 has gently to moderately sloping topography. Vegetation consists primarily of vineyards, and oak trees and shrubs are located on the eastern portion of 026-472-004. Proposed uses would not significantly increase or exacerbate potential fire risks and the project does not propose any design elements that would exacerbate risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, potential impacts would be less than significant.

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

The project would not require the installation or maintenance of utility or wildfire protection infrastructure and would not exacerbate fire risk or result in temporary or ongoing impacts to the environment as a result of the development of wildfire prevention, protection, and/or management techniques. Therefore, potential impacts would be less than significant.

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

At the time of application for construction permits, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.

At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plans for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

The project site is in areas of Low to Moderate Potential Landslide Risk. Based on the Landslide Hazards Map provided in the County Safety Element, the project site is not located within an area with slopes susceptible to local failure. The proposed project does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

Conclusion

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

Mitigation

No mitigation measures above what are already required by ordinance are necessary.

Sources

See Exhibit A.

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XX. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

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

The proposed project has the potential to have significant impacts to biological resources. However, with the inclusion of mitigation measures, impacts would be mitigated to less than significant.

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- (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)?*

Potential cumulative impacts of the proposed project have been analyzed within the discussion sections of each environmental resource area. Cumulative impacts associated with the proposed project would be minimized to less than significant levels through ordinance requirements and the implementation of proposed mitigation measures.

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

The project's environmental impacts which might result in adverse effects on human beings, either directly or indirectly, have been analyzed in the discussion section of each environmental resource area. There are no significant impacts to human beings anticipated.

Conclusion

The proposed project has the potential to have significant impacts to biological resources. However, with the inclusion of mitigation measures, impacts would be mitigated to less than significant.

Mitigation

See mitigation measures BR-1 which would reduce biological resource impacts to less than significant.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	In File
<input checked="" type="checkbox"/>	County Environmental Health Services	In File
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	In File
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Fish and Wildlife	In File
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Services District	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Native American Consultation</u>	In File

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

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

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application <u>County Documents</u> <input type="checkbox"/> Coastal Plan Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland) <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Agriculture Element <input checked="" type="checkbox"/> Conservation & Open Space Element <input type="checkbox"/> Economic Element <input type="checkbox"/> Housing Element <input checked="" type="checkbox"/> Noise Element <input checked="" type="checkbox"/> Parks & Recreation Element/Project List <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal) <input checked="" type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Public Facilities Fee Ordinance <input type="checkbox"/> Real Property Division Ordinance <input type="checkbox"/> Affordable Housing Fund <input type="checkbox"/> Airport Land Use Plan <input type="checkbox"/> Energy Wise Plan <input checked="" type="checkbox"/> North County Area Plan/Salinas River SA | <ul style="list-style-type: none"> <input type="checkbox"/> Design Plan <input type="checkbox"/> Specific Plan <input type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Circulation Study <u>Other Documents</u> <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook <input type="checkbox"/> Regional Transportation Plan <input type="checkbox"/> Uniform Fire Code <input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input checked="" type="checkbox"/> Special Biological Importance Map <input checked="" type="checkbox"/> CA Natural Species Diversity Database <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other |
|--|---|

Initial Study – Environmental Checklist

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

The project application materials are incorporated by reference and available for review at the Department of Planning and Building, 976 Osos Street, Suite 200, San Luis Obispo.

Project-Specific Studies

Orosz Engineering Group, Inc., March 18, 2019, Sight Distance Analysis, Trip Generation, and Roadway Safety Audit.

Agency References

May 13, 2019 Referral Response letter from David E. Grim, Public Works Department

May 13, 2019, Referral Response letter from Lynda L. Auchinachie, Agriculture Department

June 15, 2019 e-mail from Karen White, Xolon Salinan Tribe

California Department of Conservation (DOC). 2019. Farmland Mapping and Monitoring Program - DLRP Important Farmland Finder. Accessed on: June 14, 2019. Available at: <<https://maps.conservation.ca.gov/DLRP/CIFF/>>

California Department of Fish and Wildlife (CDFW). 2018. CDFW Lands Viewer. Accessed on July 1, 2019. Available at: <<https://apps.wildlife.ca.gov/lands/>>

California Department of Fish and Wildlife (CDFW). 2019. California Natural Diversity Database BIOS Viewer. Accessed on June 18, 2019. Available at: <<https://apps.wildlife.ca.gov/bios/?bookmark=327>>

California State Water Resources Control Board. 2019. Geotracker. Accessed on June 18, 2019. Available at: <<http://geotracker.waterboards.ca.gov>>

California Department of Toxic Substances Control (DTSC). 2019. EnviroStor. Accessed on June 18, 2019. Available at: <<https://www.envirostor.dtsc.ca.gov/public/>>

California Department of Transportation (Caltrans). 2008. Scenic Highway Guidelines. October 2008.

California Department of Conservation (DOC). California Geological Survey Information Warehouse for Mineral Land Classification. 2019. Accessed on June 18, 2019. Available at <<https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/>>

CalRecycle. May 14, 2019. SWIS Facility Detail. Accessed on June 18, 2019. Available at: <<https://www2.calrecycle.ca.gov/swfacilities/Directory/40-AA-0008>>

County of San Luis Obispo. 2011. EnergyWise Plan. Available at <<https://www.slocounty.ca.gov/Departments/Planning-Building/Energy-and-Climate/Energy-Climate-Reports/EnergyWise-Plan.aspx>> Accessed on: June 3, 2019.

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- Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page
- San Luis Obispo Air Pollution Control District (SLOAPCD). 2012. CEQA Air Quality Handbook. Accessed on June 14, 2019. Available at: < https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/CEQA_Handbook_2012_v2%20%28Updated%20Map2019%29_LinkedwithMemo.pdf>
- San Luis Obispo Air Pollution Control District (SLOAPCD). 2017. CEQA Air Quality Handbook Clarification Memo. Accessed on June 14, 2019. Available at: < https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/FINAL_Clarification%20Memorandum%2020172.pdf>
- U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory Surface Waters and Wetlands. June 5, 2019. Available at: <<https://www.fws.gov/wetlands/data/Mapper.html>>
- Weather Spark. 2018. Average Weather in Templeton, California. Access on June 30, 2019. Available at: < <https://weatherspark.com/y/1290/Average-Weather-in-Templeton-California-United-States-Year-Round>>

Initial Study – Environmental Checklist

Exhibit B - Mitigation Summary

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

- BR-1 Prior to permit issuance and initiation of any ground disturbing activities, the applicant shall provide construction timelines to the County Department of Planning and Building in order to minimize impacts to nesting birds (*including least Bell's vireo*) and bats. Construction and grading activities should take place outside the bird nesting season, which is February 1 through August 31. If construction and grading activities occur during nesting bird season, provide evidence that a County approved qualified biologist has been obtained to conduct a clearance survey within one week prior to the initiation of ground disturbance to identify nests and burrows. Visual surveys for bats should be conducted in the vicinity of all trees that have cavities, broken limbs, resulting in hanging woody debris, and large patches of loose bark.
- a. If Active nest sites of bird species protected under the Migratory Bird Treaty Act and/ or California Fish and Game Code Section 3503 are observed within the project area, the particular construction activity should be modified and /or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate “no activity” buffers around the nest site. Construction activities should not occur in the buffer until a biologist has determined that the nesting activity has ceased.
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of project related disturbances, an appropriate buffer around the nest site (potentially up to 50 feet (250 feet for raptors) of the construction area, the biologist in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will delineated with flagging and no work shall take place within the buffer area until the young have left the nest, as determined by the biologist.

Initial Study – Environmental Checklist

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September 3, 2020

DEVELOPER'S STATEMENT & MITIGATION MONITORING PROGRAM
FOR KILER CANYON LLC CONDITIONAL USE PERMIT DRC2019-00070

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

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

Project Description: A request by **Steve Olson of Kiler Canyon Vineyards LLC** for a Conditional Use Permit (DRC2019-00070) to allow for the construction of a winery facility that will include two buildings: Building A (one-story 1,966-square-foot tasting room building) that will include a 978-square-foot tasting room, 298-square-foot case storage room, wine pick up area, foyer, 3-restrooms and 1,465-square-foot outdoor covered porch; Building B (two-story 6,608-square-foot wine production/barrel storage building) that will include a 2,451-square-foot barrel storage room, 2,659-square-foot tank room, office, breakroom, kitchen, 2-restrooms; the mezzanine level will include a lab and additional storage space. This building will include a 2,410-square-foot outdoor covered work area. Maximum annual case production of 10,000 cases. San Luis Obispo County Code Section 22.30.70.D.2.a. states that the principle access driveway to a winery with public tours, tasting rooms or special events is to be located on or within one mile of an arterial or collector road. The applicant is requesting a modification to Section 22.30.70.D.2.a to locate the winery with a tasting room 1.97 miles from the nearest collector road. Section 22.30.020.D contains a provision that allows a standard to be waived or modified through a Conditional Use Permit if it can be proven to be unnecessary or ineffective and the project meets all other development standards contained in the Land Use Ordinance. This project does not include any special events. However, the project does include the participation in wine industry events as allowed by the Land Use Ordinance. The proposed project is within the Agriculture land use category, located at 1535 Kiler Canyon Road, 1.97 miles west of the City Paso Robles. The project site is in the Salinas River Sub Area of the North County planning Area.

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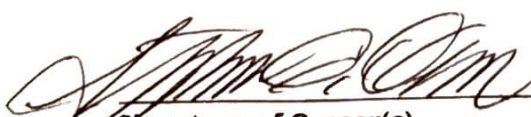
BIOLOGICAL

- BR-1 Prior to permit issuance and initiation of any ground disturbing activities, the applicant shall provide construction timelines to the County Department of Planning and Building in order to minimize impacts to nesting birds (*including least Bell's vireo*) and bats. Construction and grading activities should take place outside the bird nesting season, which is February 1 through August 31. If construction and grading activities occur during nesting bird season, provide evidence that a County approved qualified biologist has been obtained to conduct a clearance survey within one week prior to the initiation of ground disturbance to identify nests and burrows. Visual surveys for bats should be conducted in the vicinity of all trees that have cavities, broken limbs, resulting in hanging woody debris, and large patches of loose bark.
- a. If Active nest sites of bird species protected under the Migratory Bird Treaty Act and/ or California Fish and Game Code Section 3503 are observed within the project area, the particular construction activity should be modified and /or delayed as necessary to avoid direct impacts of the identified nests, eggs, and/or young. Potential project modifications may include establishing appropriate "no activity" buffers around the nest site. Construction activities should not occur in the buffer until a biologist has determined that the nesting activity has ceased.
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of project related disturbances, an appropriate buffer around the nest site (potentially up to 50 feet (250 feet for raptors) of the construction area, the biologist in consultation with CDFW, shall determine the extent of a buffer to be established around the nest. The buffer will delineated with flagging and no work shall take place within the buffer area until the young have left the nest, as determined by the biologist.

Monitoring: Department of Planning and Building shall verify compliance (BR-1 thru BR-4) in consultation with the Environmental Coordinator.

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.

A.O.


STEPHEN B. OLSON
9/23/20

Signature of Owner(s)
Name (Print)
Date

Signature of Owner(s)
Name (Print)
Date



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

PLANNING COMMISSION

Promoting the wise use of land

MEETING DATE October 22, 2020	CONTACT/PHONE Young Choi ychoi@co.slo.ca.us (805) 788-2086	APPLICANT HDFT Investments, LLC	FILE NO. DRC2020-00081
SUBJECT Hearing to consider a request by HDFT Investments LLC to amend approved condition of approval 1.g of recorded Tract 3091 (SUB2015-00026). Tract 3091 provided for the resubdivision of two existing parcels into seven parcels and the development of eight residential units. Condition 1.g limits any use as a vacation rental to the studio unit only within the recorded tract/development. The proposed amendment would remove that condition and allow any unit to be utilized as a vacation rental, subject to Land Use Ordinance 23.08.165 (Residential Vacation Rentals). The project is located on the southwest corner of First and San Antonia Streets, within the community of Avila Beach, in the San Luis Bay Coastal planning area.			
RECOMMENDED ACTION Deny Minor Use Permit DRC2018-00041 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Archaeologically Sensitive, Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 076-222-005; -006	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: Avila Beach Specific Plan			
COASTAL ZONE LAND USE ORDINANCE STANDARDS: Section 23.02.038 – Changes to Approved Project			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process outlined above.			
EXISTING USES: Residential Multi-Family (in development)			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi Family / Vacant <i>South:</i> Residential Multi Family / Residences <i>East:</i> Residential Multi Family / Residences <i>West:</i> Residential Multi Family / Residences			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Building Division, Public Works, Avila Valley Advisory Council, and California Coastal Commission	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	
TOPOGRAPHY: Site is moderately sloping	VEGETATION: None
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Avila Beach Fire	ACCEPTANCE DATE: September 22, 2020

PROJECT DESCRIPTION

The applicant, HDFT Investments, LLC is requesting an amendment to the conditions of approval for Tract Map 3091/SUB2015-00026 pertaining to limiting vacation rental only to the studio unit.

BACKGROUND

Tract 3091 was approved by the Planning Commission on August 25, 2016. The map recorded on July 23, 2018 (Book 37, Page 78-80 of Maps).

On August 25, 2016, the Planning Commission heard and approved a request by HDFT Investments for a Vesting Tentative Tract Map and Development Plan/Coastal Development Permit to demolish three existing residences, a detached garage and accessory building; subdivide two existing parcels totaling approximately 12,000 sq. ft. into seven lots ranging in size from 1,245 sq. ft. to 2,895 sq. ft. and construct eight residential units in four buildings ranging in size from 360 sq. ft. (studio) to 1,235 sq. ft.

During the public comment, a vacation rental issue was raised. During the Commission deliberation, Commissioner Topping brought up an issue on Vacation Rental in Avila Beach, including concern of parking, and neighborhood compatibility. Commissioner Meyer then proposed a condition (Condition #1.g) that only allowed Vacation Rental to be allowed/permitted for the one studio unit.

The proposed project, with Condition 1.g, was approved by the Planning Commission unanimously, with Commissioner Irving being absent on the August 25, 2016 Planning Commission meeting.

ORDINANCE COMPLIANCE

Changes to Approved Project

Section 23.02.038 of the Coastal Zone Land Use Ordinance allows changes to approved Development Plan subject a new Development Plan, if a change (removal of the condition) relates to a project feature that was specifically addressed in conditions of approval of Development Plan.

Staff Comments: Staff has determined that a Development Plan (DRC2020-00081) is necessary to change the conditions of approval that was specifically addressed (vacation rental) in conditions of approval.

Modification of Recorded Parcel and Tract Maps

Section 21.06.060 of the Real Property Division Ordinance allows modification of recorded final maps if the following findings can be made:

- (1) That there are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary; and
- (2) That the modifications do not impose any additional burden on the present fee owner of the property; and
- (3) That the modifications do not alter any right, title, or interest in the property reflected on the recorded map; and
- (4) That the map as modified conforms to the provisions of Government Code section 66474.

Staff Comments: No changes are being made to the conditions relating to the Real Property Division Ordinance (Title 21). Proposed amendment does not impact subdivision conditions as approved. This request is to consider amendment to the approved use of the site.

STAFF COMMENTS

Staff does not recommend approval of the proposed modification of the Conditions of Approval to allow Residential Vacation Rentals in Tract 3091, because the condition limiting vacation rental use to one studio unit was in response to the public comment that were raised during the Planning Commission meeting August 25, 2016. The community members, including Avila Valley Advisory Council members have expressed concerns that the existing concentration of vacation rentals already impacts the residential character of Avila Beach neighborhoods, and that approval of the ordinance modification request would further diminish the residential character of the town enjoyed by both visitors and permanent residents living in Avila Beach.

As shown in the graphics, the concentration of vacation rentals in this neighborhood already exceeds the limit set by the ordinance, with three (3) existing vacation rentals located closer than 50 feet from each other, within Residential Multi-Family land use category.

After public comments, Commissioner Meyer and Commissioner Topping were concerned about the potential for oversaturation of vacation rentals in a residential neighborhood. Allowing the vacation rental could potentially transform the character of coastal neighborhoods from residential areas to primarily visitor-serving areas, undermining the intent of the ordinance to preserve residential neighborhoods. In addition, the proposed land use is within Residential Multi-Family, that are zoned for residential uses.

Should your commission support this request to vacation rentals in Tract 3091, the Coastal Zone Vacation Rental Ordinance (CZLUO 23.08.165) establishes rules to ensure that vacation rentals in Avila Beach are operated in a manner that is compatible with neighboring homes. This includes a location standard which limits the concentration of vacation rentals in residential neighborhoods. This standard can be waived through the Minor Use Permit process, when applicants are able to show that their property has unique characteristics which help to mitigate concerns (e.g. noise, parking, and traffic) associated with a concentration of vacation rentals in residential neighborhoods. All units within Tract 3091 would be subject to a Minor Use Permit, as there are existing vacation rentals in the vicinity (within 50 feet) of the project site.

RESULTS

Denying the proposed amendment would result in upholding the originally approved Conditions of Approval, specifically retaining Condition #1.g, that limits the vacation rental unit to the studio unit only. This action would be consistent with original findings, encouraging a safe, healthy and livable community.

Should the Commission approve the modification of the Condition of Approval, all units within Tract 3091 would be subject to Coastal Zone Vacation Rental Ordinance (CZLUO 23.08.165). A

Minor Use Permit would be required for individual units to apply for Residential Vacation Rental since there are existing residential vacation rental within 50 feet of the project site.

ENVIRONMENTAL DETERMINATION

This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

COMMUNITY ADVISORY GROUP COMMENTS

The project was referred to Avila Valley Advisory Council (AVAC). AVAC reviewed the project on July 14, 2020 and the council unanimously voted to recommend denial of the proposed amendment.

AGENCY REVIEW

Public Works- No comments. (D. Grim, July 1, 2020)

Building Division – Check with building division should the use of the structure changes (Aldana, July 14, 2020)

California Coastal Commission - No comments. (O'Neill, September 29, 2020)

LEGAL LOT STATUS

Tract 3091 was recorded on July 23, 2018 (Book 37, Page 78-80 of Maps, at a time when that was a legal method of creating lots.

Staff report prepared by Young Choi and reviewed by Kate Shea.

**EXHIBIT A –FINDINGS
DEVELOPMENT PLAN / COASTAL DEVELOPMENT PERMIT
DRC2020-00081 HDFT Investment LLC**

CEQA Exemption

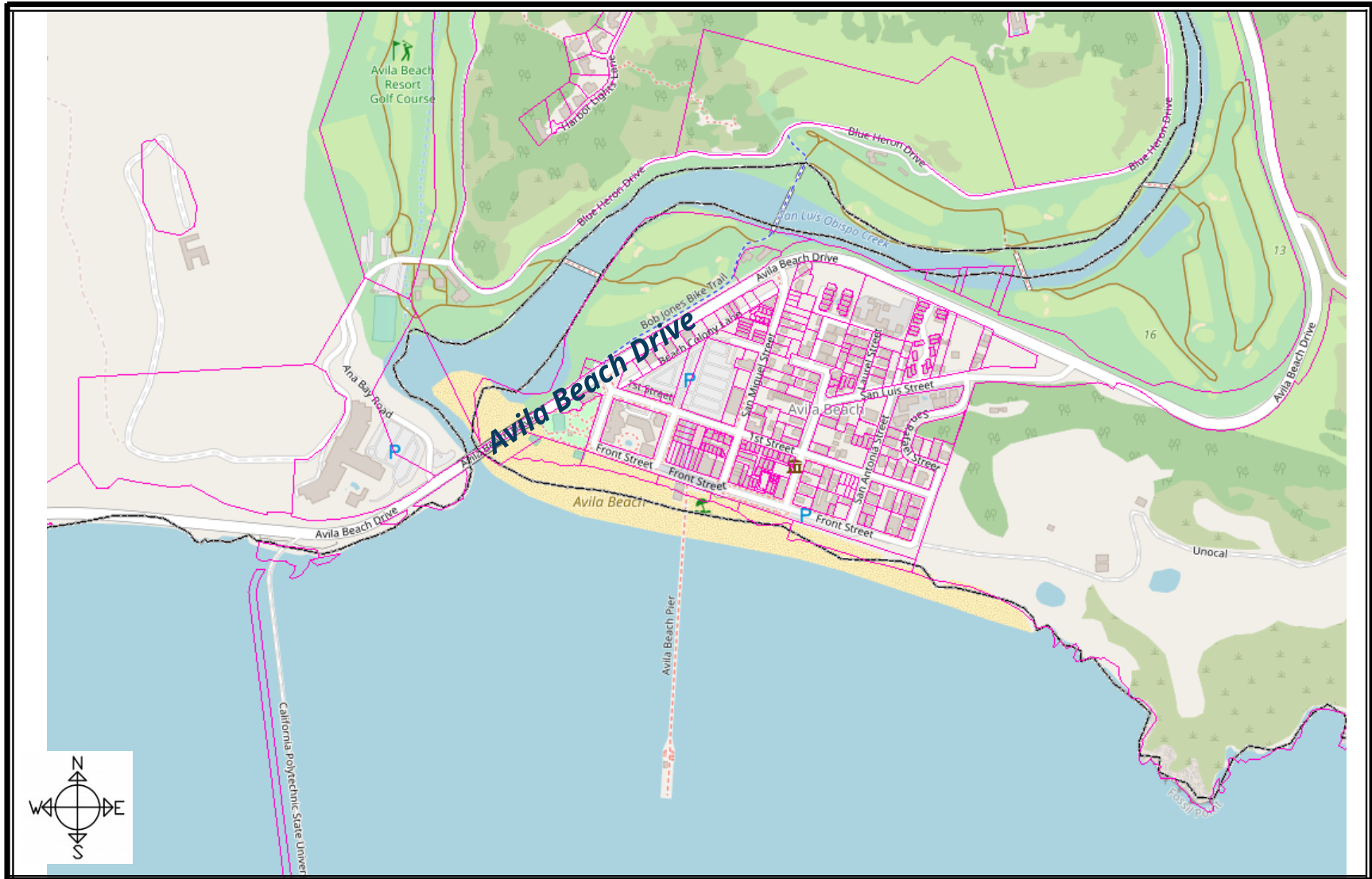
- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Development Plan/Coastal Development Permit

- B. The proposed project or use is inconsistent with the San Luis Obispo County General Plan and Local Coastal Plan because the requested modification would result in a greater concentration of vacation rentals on the 10-90 block of San Antonia Street and 200 block of First Street in Avila Beach than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Multi-Family land use category. This immediate neighborhood already has a substantially greater concentration of vacation rentals than what is allowed by Section 23.08.165(C)(3) and the addition of another vacation rental in this neighborhood would further transform the character of the neighborhood from residential to visitor-serving and would contribute to the cumulative impacts (e.g. noise, street parking, non-residential traffic, etc.) of visitor-serving uses on the residential character of the neighborhood.
- C. The proposed project or use does not satisfy all applicable provisions of Title 23 of the County Code because it would allow a vacation rental to be established closer to an existing vacation rental than what is allowed by Section 23.08.165(C)(3). According to this section, no residential vacation rental and/or other visitor-serving accommodation in Avila Beach shall be located within a 50-foot radius around the proposed vacation rental. The proposed vacation rental does not comply with this standard because it would be located within 50 feet of an existing vacation rentals on the same side of the street. Specifically, it would be located next to an existing vacation rental at 75 San Antonia Street, and 257 First Street. It would also be located near existing lodging business 256 Front Street. While the ordinance allows for modifications to the location standard through minor use permit approval, the application does not present any unique project or site characteristics that would justify an exception in this particular case. The project site is very typical of other vacation rental properties in Avila Beach and is located in an area that already exceeds the minimum separation/density requirement for vacation rentals.
- D. The establishment and subsequent operation or conduct of the use will be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the requested modification would result in a greater concentration of vacation rentals on the 10-90 block of San Antonia Street and 200 block of First Street in Avila Beach than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Multi-Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area. Therefore, the creation of more vacation rentals in this area of Avila Beach would degrade the quality and character of the residential neighborhood, effectively making it cumulatively more commercial (visitor-serving) in

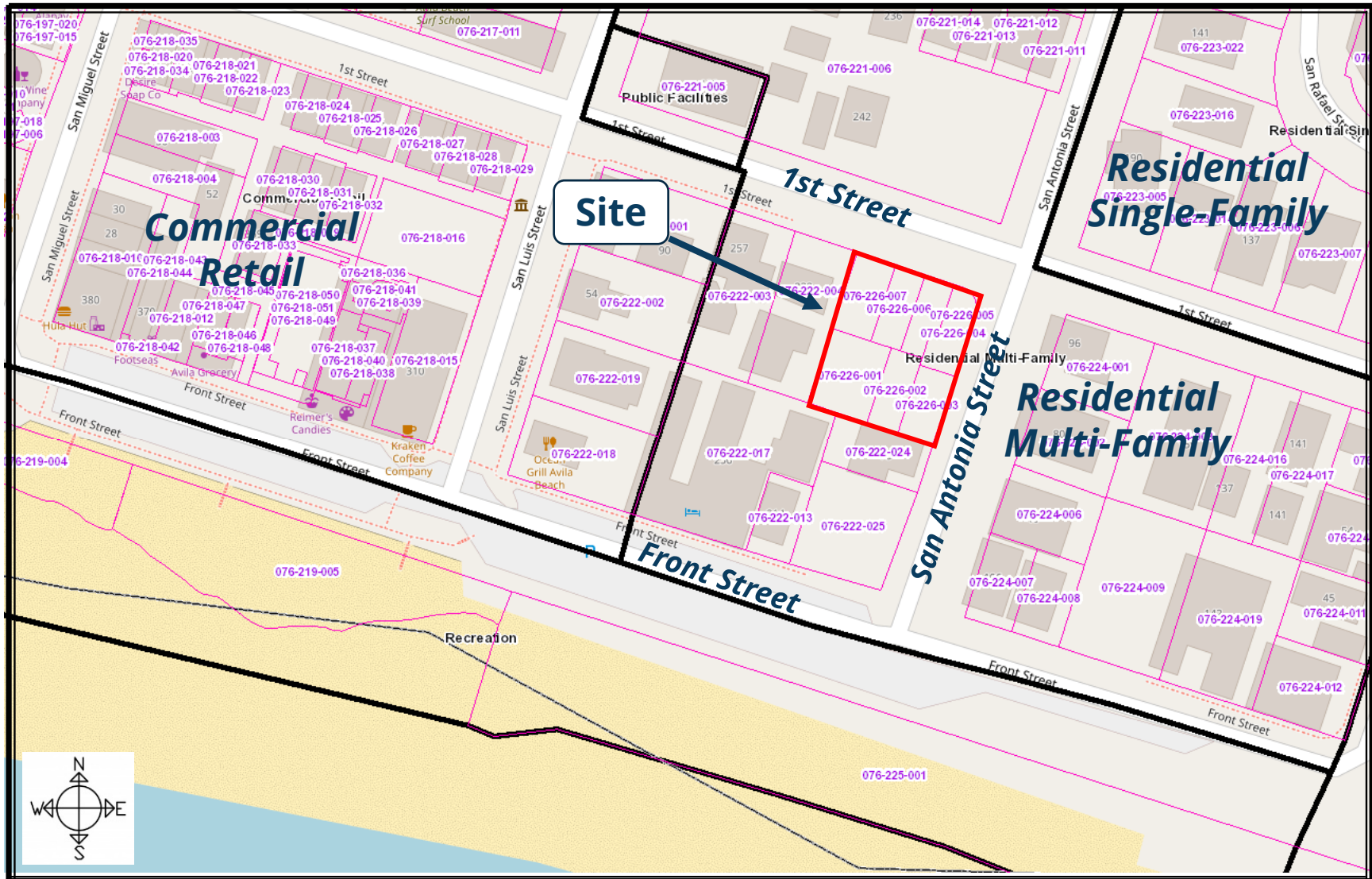
character, and thus degrade the quality of life enjoyed by neighboring residents who make the neighborhood their home.

- E. The proposed project or use will be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the requested modification would result in a greater concentration of vacation rentals on the 10-90 block of San Antonia Street and 200 block of First Street in Avila Beach than the ordinance allows for, and as a result would be incompatible with the purpose and character of the Residential Multi-Family land use category. Allowing a vacation rental on the project site and other similar properties in the area would cumulatively change the character of the neighborhood from a primarily residential area to a visitor-serving area. This would degrade the quality of life enjoyed by neighboring residents.
- F. The proposed project or use will generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because allowing a vacation rental on the project site would exceed the concentration of vacation rentals allowed by the ordinance and because granting this modification and others for similar projects in the area would cumulatively increase non-residential traffic and street parking on San Rafael Street in a residential neighborhood. Vacation rentals tend to generate traffic trips and use patterns that are increased and different than normal residential traffic volumes, because visitors tend to bring multiple vehicles to vacation rentals and travel by vehicle to visitor-serving destinations.



COUNTY OF SAN LUIS OBISPO

Vicinity Map
DRC2020-00081



COUNTY OF SAN LUIS OBISPO

Land Use Category Map
DRC2020-00081



COUNTY OF SAN LUIS OBISPO

Aerial
DRC2020-00081



COUNTY
OF SAN LUIS
OBISPO

COUNTY OF SAN LUIS OBISPO

Lodging Business
DRC2020-00081



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

August 30, 2016

Erik Vasquez
1641 Mission Drive #302
Solvang, CA 93463

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: August 25, 2016S

SUBJECT: HDFT INVESTMENTS / County File No. SUB2015-00026
Vesting Tentative Tract Map and Development Plan/Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was heard on appeal, and the appeal denied based on the approved Finding(s) attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance, and Section 21.04.020 of the County Real Property Division Ordinance.

This action is appealable to the Board of Supervisors within 14 days of this action. If there are Coastal grounds for the appeal there will be no fee. If an appeal is filed with non-coastal issues there is a fee of \$850.00. This action is appealable to the California Coastal Commission pursuant to regulations contained in Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. The regulations provide the California Coastal Commission 10 working days following the expiration of the County appeal period to appeal the decision. This means that no construction permits can be issued until both the County appeal period and the additional Coastal Commission appeal period have expired without an appeal being filed.

Exhaustion of appeals at the county level is required prior to appealing the matter to the California Coastal Commission. This second appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (831) 427-4863 for further information on their appeal procedures.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, August 25, 2016

PRESENT: Commissioners Eric Meyers, Ken Topping, James Harrison, and Chairman Don Campbell

ABSENT: Commissioner Jim Irving

PLANNING COMMISSION RESOLUTION NO. 2016 - 025
RESOLUTION RELATIVE TO THE GRANTING
OF A
CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 25th day of August, 2016, grant a Conditional Use Permit, County File Number: SUB2015-00026 to HDFT INVESTMENTS and approves the Mitigated Negative Declaration The site is in the Residential Multi Family land use category and is located on the southwest corner of First and San Antonia Streets within the community of Avila Beach, in the San Luis Bay Coastal planning area. Assessor Parcel Number(s)/APN(s): 076-222-005 &006.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit based on the Findings listed in Exhibits A and C.

WHEREAS, the Planning Commission, after considering the facts relating to such application, approves this Permit subject to the Conditions listed in Exhibits B and D.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 25th day of August, 2016, does hereby grant the aforesaid Permit No. SUB2015-00026.

This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance/Coastal Zone Ordinance Section 22.64.070/23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work

has been completed. Substantial site work is defined by Land Use Ordinance/Coastal Zone Ordinance Section 22.64.080/23.02.042.

If the use authorized by this Permit approval, once established, remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than 12 consecutive months, such Permit approval shall become void.

On motion of Commissioner Meyer, seconded by Commissioner Topping, and on the following roll call vote, to-wit:

AYES: Commissioners Meyer, Topping, Harrison, and Chairman Campbell

NOES: None

ABSENT: Commissioner Irving

the foregoing resolution is hereby adopted.

/s/ Don Campbell
Chairperson of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

**EXHIBIT A
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
FINDINGS
SUB2015-00026**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on May 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, and Cultural Resources and are included as conditions of approval.

Development Plan/Coastal Development Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the new residences do not generate activities that present potential threats to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the eight residential units are allowed uses and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on 1st Street and San Antonia, local roads constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Minimum Parcel Size

- H. The reduction in minimum parcel size for parcels 1 through 7 is appropriate because:
1. The common ownership external parcel is in compliance with the provisions of 23.04.084; and

Attachment 1

2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi-Family category.

Archaeology

- I. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because earth disturbing activities shall be monitored by an archaeologist and native American and should resources be encountered construction will stop and the applicant will contact the County Planning and Building Department and Native American Representative.

**EXHIBIT B
DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
SUB2015-00026**

Approved Development

1. This approval authorizes:

- a. Demolition of three existing residences, a detached garage and an accessory building;
- b. The subdivision of two existing parcels totaling approximately 12,000 sq. ft. into seven lots ranging in size from 1,245 sq. ft. to 2,895 sq. ft. as shown on the tentative tract map 3091;
- c. Construction of eight residential units in four buildings ranging in size from 360 sq. ft. (studio) to 1,235 sq. ft.
- d. The maximum height of the residences shall be 25 feet as measured from average natural grade to the peak of the roof or top of roof deck railings.
- e. Parcel size, floor area, parking and setbacks as follows:

Table 1 -- Tract 3091 Project Summary								
Components	Building 1		Building 2		Building 3		Building 4	
Parcel Area (sq.ft.)	1,868	1,437	1,245	1,548	1,578	1,433	2,895	
Unit No.	Unit 1A	Unit 1B	Unit 2A	Unit 2B	Unit 3A	Unit 3B	Unit 4A	Unit 4B
Living Area (sq.ft.)	915	1,154	822	1,031	1,115	1,162	1,235	360
Bedrooms	2	2	2	2	2	2	2	Studio
Garage (sq.ft.)	503	483	547	499	520	483	413	0
Decks (sq.ft.)	200	211	93	172	233	247	339	0
Roof Decks	213	300	258	253	382	47	561	0
Storage (sq.ft.)	0	361	163	0	0	361	0	0
Parking Provided	2 in tandem	2	2 in tandem	2	2	2	2	2

- f. All development shall be consistent with the approved tentative map, development Plan/Coastal Development Permit as conditioned.
- g. The studio unit is the only unit allowed to be utilized as a vacation rental.

Conditions required to be completed at the time of application for construction permits

Exterior Lighting

2. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Roofing Materials

3. **At the time of application for construction permits**, the applicant shall provide samples of roofing materials for review and approval and which comply with the requirements of the Avila Beach Specific Plan.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

5. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Revised Plan

6. **At the time of application for construction permits** revised plans shall be submitted that revise the elevations of buildings 2 and 3 (south side and San Antonia St frontage) to include a pitched roof above 20 feet in compliance with Avila Beach Specific Plan section D.3.b. The flat vertical walls with roof decks above shall have a minimum 2.5 in 12 pitched roof above 20 feet above ANG.

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, road and public facilities fees.

Best Management Practices

8. **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.

Asbestos

9. **Prior to issuance of a grading permit**, the project proponent shall demonstrate compliance with applicable provisions of the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

Cultural Resources Monitoring Plan

10. **Cultural Resources - Monitoring Plan. Prior to issuance of construction permit(s) or subdivision public improvement plan**, the Applicant shall submit a Monitoring Plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved Plan. The Monitoring Plan shall include at a minimum:
 - a. List of personnel involved in the monitoring activities;
 - b. Inclusion of involvement of the Native American community, as appropriate;
 - c. Description of how the monitoring shall occur;
 - d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
 - e. Description of what resources are expected to be encountered;
 - f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
 - g. Description of procedures for halting work on the site and notification procedures; and

h. Description of monitoring reporting procedures.

11.

11. **Prior to construction/ground-disturbing activities**, the Applicant shall ensure that any construction-related subsurface excavation in sensitive areas (those with moderate to high potential for buried prehistoric archaeological resources) are tested by a County-approved archaeologist. Should buried resources be identified, further testing or avoidance shall be required; if avoidance is not possible, mitigation through data recovery shall be required (as defined in Mitigation Measure CR-3 - Cultural Resources - Phase III (data recovery) program).

Conditions to be completed during project construction

Air Quality

12. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction.
- a. Reduce the amount of disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Reclaimed (nonpotable) water should be used whenever possible.
 - c. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - d. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top load and top of trailer) in accordance with CVC Section 23114.
 - e. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - f. All dirt stock-pile areas should be sprayed daily as needed.
13. During construction activities. The project proponent shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.
- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
 - b. Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
 - c. Use diesel construction equipment meeting ARB's Tier 3 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
 - d. Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
 - e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;

- f. All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
 - g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
 - h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - i. Electrify equipment when feasible;
 - j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
 - k. Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
14. To help reduce sensitive receptor emissions impacts of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operations on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 - 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-road Diesel regulation.
 - c. Signs shall be posted in the designated queuing areas and job sites to remind drivers and operators of the 5-minute idling limit.
15. The proposed truck route for the delivery and removal of materials and equipment shall be selected to ensure routing patterns have the least impact to residential and other sensitive receptors such as schools, parks, day care centers, nursing homes and hospitals.

Cultural Resource Protection

16. Crew Education - The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites. In addition, the Applicant shall provide all field supervisors with maps showing those areas sensitive for potential buried resources.

The Project Archaeologist shall verify implementation of the Plan during construction of improvements. A final report on compliance shall be submitted by the archaeologist prior to final inspection/occupancy of individual lot construction permits.

17. (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
18. (CR-2) Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
19. (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).
20. (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).
21. Cultural Resources - Phase III (Data recovery) Program. If, during site disturbance monitoring, cultural resources are discovered on site, the applicant shall submit to the Environmental Coordinator (and possibly subject to peer review) for review and approval, a detailed research design for a Phase III (data recovery) archaeological investigation. The Phase III program shall be prepared by a subsurface qualified archaeologist approved by the Environmental Coordinator. The consulting archaeologist responsible for the Phase III program shall be provided with a copy of conducted archaeological investigations and the Phase I Archaeological Survey (CRMS; May 2015). The Phase III program shall include at least the following:
 - a. Standard archaeological data recovery practices;
 - b. Recommendation of sample size adequate to mitigate for impacts to archaeological site, including basis and justification of the recommended sample size. Sample size typically is 2% of the volume of disturbed area. If a lesser sample size is recommended, supporting information shall be presented that justifies the smaller sample size.
 - c. Identification of location of sample sites/test units;
 - d. Detailed description of sampling techniques and material recovery procedures (e.g. how sample is to be excavated, how the material will be screened, screen size, how material will be collected);
 - e. Disposition of collected materials;
 - f. Proposed analysis of results of data recovery and collected materials, including timeline of final analysis results;
 - g. List of personnel involved in sampling and analysis.

Once approved, these measures shall be shown on all applicable construction drawings and implemented during construction. Prior to final inspection, the applicant shall provide to the County a final report on the investigation work conducted during construction.

Building Height

22. The maximum height of the project is 25 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

23. Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
24. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
25. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

26. *Permit Vesting*

This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade. This DP/CDP will remain valid and run concurrently with the approved map.

27. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

**EXHIBIT C
TENTATIVE TRACT MAP 3091
FINDINGS
SUB2015-00026**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, found, and the Planning Commission agrees, that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on May 19, 2016, and is hereby adopted for this project. Mitigation measures are proposed to address Air Quality, Cultural Resources and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multifamily land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential units.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support eight residential units.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for air quality and cultural resources are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

**EXHIBIT D
TENTATIVE TRACT MAP 3091
CONDITIONS OF APPROVAL
SUB2015-00026**

Approved Project

1. This Tract Map/Development Plan/Coastal Development Permit authorizes the subdivision of a 12,000 square foot site into seven buildable lots (eight units) as follows:
 - a. Lot 1 – 2895.62 sq. ft.
 - b. Lot 2 – 1433.41 sq. ft.
 - c. Lot 3 – 1577.62 sq. ft.
 - d. Lot 4 – 1548.13 sq. ft.
 - e. Lot 5 – 1245.66 sq. ft.
 - f. Lot 6 – 1436.87 sq. ft.
 - g. Lot 7 – 1867.51 sq. ft.

Access and Improvements

2. Road and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. San Antonio Street shall be widened to complete the project frontage of an A-2 urban road section fronting the property and within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. First Street shall be widened to complete the project frontage of an A-2 urban road section fronting the property and within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - c. The two proposed driveway approaches on San Antonio Street shall be constructed to a B-2 urban standard; the First Street shared driveway approach to a B-3 standard; and all constructed within a dedicated right-of-way easement of sufficient width.
 - d. A curb ramp shall be constructed at the intersection of First Street at San Antonio Street and within a dedicated right-of-way easement of sufficient width.
3. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative.
4. The applicant shall provide the county with an Engineer of Work Agreement retaining a registered civil engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works. The civil engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.
5. All public improvements shall be completed prior to occupancy of any new structure.

Offers, Easements and Restrictions

6. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. Pedestrian access easements along San Antonia Street and First Street of sufficient width to contain all elements of the County standard driveway walk arounds and intersection curb ramp.
 - b. A 20-foot radius road right-of-way along the property line returns at the intersection of First Street and San Antonia Street.
 - c. A public utility easement along First Street and San Antonia Street to a width as required by the utility company shall be shown on the final map.

7. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A blanket private access, drainage, and utility easement in favor of Parcels 1-7 as shown on the tentative map.
 - ~~b. By separate document and prior to approval of the improvement plans, a minimum 10-foot offsite overland escape drainage easement in favor of Parcels 1-7 with additional width as necessary.~~

Improvement Plans

8. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvements.
 - f. Stormwater control plan for subdivision related improvements (if subject to MS-4 requirements).
 - g. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - h. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - i. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.

8. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.

9. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.

10. Prior to final map recordation, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
11. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Drainage

12. Submit complete drainage calculations prepared by a registered civil engineer to the Department of Public Works for review and approval.
13. All project related drainage shall be designed and constructed in accordance with the recommendations of the San Luis Creek Watershed Drainage Design Manual.

Storm Water

14. At the time of application for construction permits, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Storm Water Management by submitting a Storm Water Control Plan (SWCP) to show what is required to satisfy post construction requirements for storm water treatment. It shall be prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Control Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - a. Storm Water treatment facilities for public or common area improvements (including those for fronting and interior roadways) shall be constructed with those improvements outside of the Public Right of Way.
 - b. An impervious area ceiling must be determined for each lot and noting that as a building restriction on an Additional Map sheet is required.
15. At the time of submittal of the improvement plans or construction permits, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
16. Prior to approval of the improvement plans or construction permits if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Additional Map Sheet

17. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map and provide the following notifications to prospective buyers:

Attachment 4

- a. Covenants, Conditions, and Restrictions (CC&R) and a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance of onsite roads and parking areas, drainage facilities, storm water facilities, common area landscaping, and other shared improvements is required.
- b. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.
- c. If improvements are bonded for, all public improvements (access, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- d. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.
- e. Garages shall be maintained so that two automobiles can be parked at all times.
- f. The studio unit is the only unit that can be utilized as a vacation rental.

Covenants, Conditions and Restrictions

18. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate. The CC&R shall provide at a minimum the following provisions:
 - a. Maintenance of the private access road, parking areas, common areas and common landscaped areas, in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of the storm drainage areas including basins, inlets, pipes, pumps, fences, landscaping, and other related appurtenances in a viable condition on a continuing basis into perpetuity.
 - c. Maintenance of the storm water treatment facilities in a viable condition on a continuing basis into perpetuity and in accordance with the "Private Storm Water Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - d. Maintenance of public road frontage sidewalks and landscaping in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
 - e. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.
 - f. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be the solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.

- g. Association rules shall require all garages be maintained so that two automobiles can be parked at all times.

Miscellaneous

- 19. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
- 20. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.
- 21. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 22. All timeframes on approved tentative maps for filing of parcel or final tract maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND COMMUNITY SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

Attachment 4

12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff Report from Planning Commission of August 25, 2016 and Supporting Documentation

The staff report and supporting documentation from the Planning Commission of **August 25, 2016** can be viewed online at the following address:

https://slocounty.granicus.com/MediaPlayer.php?view_id=64&clip_id=2383

For questions, please contact the Project Manager:

Young Choi
Planner

Planning & Building, County of San Luis Obispo
Tel: (805) 788-2086

Avila Valley Advisory Council

San Luis Obispo County, California
P.O. Box 65

Avila Beach, CA 93424 www.avac-avila.org

2020 Officers

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Vice Chair

Steve Benedict

Secretary

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Michael Clayton

Carol Hayden (alt)

Bill Crewe (alt)

See Canyon

Denise Allen

Open

Liz Gujo-Johnson (alt)

Squire Canyon

Kirt Collins

Margaret Greenough

Open (alt)

July 14, 2020

Re: DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach APN(s): 076-226-002, -005, & -007

To: Young Choi, Planner, San Luis Obispo Planning Department

Young,

Regarding the above mentioned project at 95 San Antonia Street, at last night's AVAC meeting at the recommendation of the Avila Beach Committee, the council unanimously voted against any removal of the current conditions placed on this project: **g. The studio unit is the only unit allowed to be utilized as vacation rental.** The required condition should remain.

Sincerely,

Jim Hartig

Jim Hartig, AVAC Chairperson

CC: Adam Hill, 3rd District Supervisor, Nicole Nix, 3rd District Legislative Assistant, Kimmie Nguyen, Planning Department, AVAC Members

From: Sylvia Aldana
Sent: Tuesday, July 14, 2020 3:28 PM
To: Young L. Choi
Cc: Michael Stoker; Cheryl Journey; Don C. Moore
Subject: Re: Project Summary / Referral*: DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach

Hello Young,

The following are the Building Division Comments for Planning Project Request: DRC2020-00081

In regards to this preliminary review, for the modification of TM 3091(SUB2015-00026) to strike condition 1.g of development plan conditions of approval, does not require an additional building permit at this time. The condition to be removed states: “The studio unit is the only unit allowed to be utilized as a vacation rental.” The project has been approved and is under construction, if the use of the structure changes the building division will need to re-review the proposed plans to verify if a building permit is required.

Thank you

Sylvia Aldana
Plans Examiner III
County of San Luis Obispo
Planning and Building Department
(p) 805-781-4671
(f) 805-781-1242
saldana@co.slo.ca.us



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING

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reproduce this transmission. Please contact the sender of this email at the above e-mail address and permanently delete the message and any attachments from your system.

From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>
Sent: Wednesday, June 17, 2020 1:24 PM
To: Young L. Choi <ychoi@co.slo.ca.us>
Cc: Kimberly Nguyen <knguyen@co.slo.ca.us>
Subject: Project Summary / Referral*: DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach

*** For hyperlink or technical issues, or to update your agency/department's recipient and contact information, please contact Hilary Brown (hbrown@co.slo.ca.us or 805-788-2009)*

**County of San Luis Obispo
Department of Planning & Building**

We are requesting your review of this recently submitted application as the proposed project may be of interest or concern to your department/agency. Please click the direct hyperlink below titled "Project Summary / Referral*" for an overview of the project:

**[Project Summary / Referral*](#): DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach
APN(s): 076-226-002, -005, & -007**

Direct comments or questions on this application to the project manager(s):
Young Choi (805-788-2086 or ychoi@co.slo.ca.us)

Please comment within 14 days of receiving this e-mail (Community Advisory Groups: please respond within 60 days)

Referral Response:

As part of your response to this referral, please consider the following questions:

- Are there significant concerns, problems or impacts in your area of review?
- If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.
- If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.
- What does the community like or dislike about the project or proposal?
- Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?
- Does the community believe the road(s) that provide access to the site is(are) already overcrowded?
- Does the community wish to have a trail in this location?
- If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?

Attachment 5

- Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

****All information and/or material provided in the linked Referral Package is valid for 90 days after this correspondence. If current or additional information is needed, please contact the Project Manager for the most updated information***

[Search Public Information on the CSS \(Citizen Self Service\) Portal](#) by “plan” number (land use & subdivisions), building “permit” number, or APN



THIS IS A NEW PROJECT REFERRAL / SUMMARY *

DATE: 6/17/2020
TO: 3rd District Legislative Assistant, Building Division, Environmental Health, Parks, Public Works, Avila CSD, Avila Valley Advisory Council
FROM: Young Choi (805-788-2086 or ychoi@co.slo.ca.us)

PROJECT NUMBER & NAME: DRC2020-00081 HDFT INVESTMENTS I LLC

PROJECT DESCRIPTION*: Proposed Amendment to Conditional Use Permit (original SUB2015-00026, Tract Map with Conditional Use Permit) to remove Condition 1.G of the Development Plan (condition that limits Vacation Rental), in Avila Beach.

APN(s): 076-226-002, -005, & -007

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
- NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
- NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE INDICATE (VIA E-MAIL OR PHONE).

No comments

7/1/2020	David E Grim	781-5252
Date	Name	Phone

**All information and/or material provided in the following Referral Package is valid for 90 days after this correspondence. After that time please contact the Project Manager for the most updated information.*

Attachment 5

From: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>
Sent: Tuesday, September 29, 2020 2:19 PM
To: Young L. Choi
Subject: [EXT]RE: Project Summary / Referral*: DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

Thanks, Young. We do not have any comments on the project.

~Brian

From: Young L. Choi <ychoi@co.slo.ca.us>
Sent: Tuesday, September 29, 2020 1:14 PM
To: O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>
Subject: FW: Project Summary / Referral*: DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach

Hi Brian,

I hope you are staying safe and healthy. I mistakenly forgot to send you the referral request for DRC2020-00081. (so sorry!)

This project is to amend the conditions of approval for Tract Map 3091/SUB2015-00026 (approved 8/25/2016) pertaining to limiting vacation rental only to the studio unit. The below referral link has the original condition.

Please let me know if your agency has any concerns or comments on the proposed amendment. As always, if you need any additional information, or need clarification on the project, please feel free to contact me.

Best,

Young Choi
Planner
(p) 805-788-2086
ychoi@co.slo.ca.us

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING

From: Mail for PL_Referrals Group <plreferrals@co.slo.ca.us>
Sent: Wednesday, June 17, 2020 1:24 PM
To: Young L. Choi <ychoi@co.slo.ca.us>
Cc: Kimberly Nguyen <knguyen@co.slo.ca.us>

Subject: Project Summary / Referral*: DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach

*** For hyperlink or technical issues, or to update your agency/department's recipient and contact information, please contact Hilary Brown (hbrown@co.slo.ca.us or 805-788-2009)*

County of San Luis Obispo

Department of Planning & Building

We are requesting your review of this recently submitted application as the proposed project may be of interest or concern to your department/agency. Please click the direct hyperlink below titled "Project Summary / Referral*" for an overview of the project:

[Project Summary / Referral*](#): DRC2020-00081 HDFT INVESTMENTS I LLC, Amendment to Conditional Use Permit, Avila Beach

APN(s): 076-226-002, -005, & -007

Direct comments or questions on this application to the project manager(s):

Young Choi (805-788-2086 or ychoi@co.slo.ca.us)

Please comment within 14 days of receiving this e-mail (Community Advisory Groups: please respond within 60 days)

Referral Response:

As part of your response to this referral, please consider the following questions:

- Are there significant concerns, problems or impacts in your area of review?
- If Yes, please describe the impacts along with any recommendations to reduce the impacts in your response.
- If your community has a "vision" statement in the Area Plan - does the community feel this project helps to achieve that vision? If No, please describe.
- What does the community like or dislike about the project or proposal?

Attachment 5

- Is the project compatible with surrounding development, does it fit in well with its surroundings? If No, are there changes in the project that would make it fit in better?
- Does the community believe the road(s) that provide access to the site is(are) already overcrowded?
- Does the community wish to have a trail in this location?
- If the proposal is a General Plan Amendment, does the community feel the proposed change would encourage other surrounding properties to intensify, or establish intense uses that would not otherwise occur?
- Please feel free to include information or questions other than those listed above. You may also choose to respond that you have no comments regarding the proposal.

****All information and/or material provided in the linked Referral Package is valid for 90 days after this correspondence. If current or additional information is needed, please contact the Project Manager for the most updated information***

[Search Public Information on the CSS \(Citizen Self Service\) Portal](#) by “plan” number (land use & subdivisions), building “permit” number, or APN



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE October 22, 2020	CONTACT/PHONE Jennifer Guetschow, Senior Planner (805) 788-2352 jguetschow@co.slo.ca.us	APPLICANT Franco DeCicco	FILE NO. LRP2019-00001
SUBJECT Hearing to consider a request by Franco DeCicco to amend the Official Maps- Part III of the Coastal Land Use Element, by rezoning 0.4 acres from Commercial Retail to Residential Single-Family in the Cayucos Urban Reserve Line. The project site at 2958 Orville Avenue in Cayucos about 200 feet from Highway 1. District 2.			
RECOMMENDED ACTION Recommend to the Board of Supervisors approval of the amendments to the official maps - Part III of the Coastal Land Use and Circulation Element to change the land use category from Commercial Retail to Single-Family Residential.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq) has been issued September 8, 2020 for this project. Mitigation measures are proposed to address Tribal Cultural Resources and are included as conditions of approval.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION Coastal Zone	ASSESSOR NUMBER 064-263-036	PARCEL SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Estero Area Plan, Cayucos Urban Area Standards, Commercial Retail			
EXISTING USES: Commercial Building pending demolition permit previously used as a gas station, vacant land otherwise			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Multi-Family; multi-family residences South: Residential Single Family; single-family residences East: Residential Single-Family; single-family residences West: Residential Single-Family; Highway 1 / Ocean Blvd.			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to County Public Works, County Environmental Health, Air Pollution Control District, RWQCB, CA Coastal Commission, Cayucos Community Services District, CA Department of Toxic Substances, Central Coast Water Board			
TOPOGRAPHY: Nearly level to gently sloping		VEGETATION: Urban built-up	
PROPOSED SERVICES: Water Supply: Community system (CSA 10A) Sewage Disposal: Community sewage disposal system (Cayucos Sanitary District) Fire Protection: Cayucos Fire Protection District		AUTHORIZED FOR PROCESSING DATE: February 21, 2019	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

SUMMARY OF REQUEST

The applicant, Franco DeCicco has submitted a new application proposing to amend the Official Maps – Part III of the Coastal Land Use Element by rezoning 0.4 acres within the Cayucos Urban Reserve Line (URL) from Commercial Retail (CR) to Residential Single-Family. This amendment would allow the processing of a land division application to create up to a four-lot single family development.

HISTORY/BACKGROUND

The 0.4 acre parcel was used as a gasoline service station in the late 1950s for about 20 years until it was decommissioned by Texaco Inc. in 1978. Since then, the structure has been used for various commercial retail uses.

On October 8, 2008, the County Board of Supervisor's approved a mixed-use development proposal which included four residential condominiums and an 18-unit motel. This decision was appealed to the California Coastal Commission (CCC).

The CCC found that the County's approval raised a substantial Local Coastal Plan (LCP) conformance issue and took jurisdiction over the coastal development permit (CDP) application. Following an unsuccessful legal challenge, the applicant modified the proposed project from what was approved by the County in 2015. Coastal staff recommended approval of the project with conditions, but the project was ultimately denied by CCC on February 7th, 2018, after strong community opposition.

Current Property Conditions and Demolition of Commercial Building

The applicant received a demolition permit in July, 2020 for the 1,100 square foot vacant structure. There are no other permanent structures on the property currently and the impervious surfaces on the site have been graded to a semi-level dirt lot.

AUTHORITY

Following the denial by the Coastal Commission, Mr. DeCicco modified his development proposal to include four single-family residences, absent of commercial or multi-family uses. Staff determined this request would require a change to the designated land use from Commercial Retail to Residential Single-Family and would require an authorization from the Board of Supervisors to process a General Plan Amendment to change the Official Maps - Part III Of the Coastal Land Use Plan. The Board of Supervisors authorized the processing of the request at their meeting June 19, 2019.

The Land Use Element sets forth the authority by which the General Plan can be amended. The following factors should be considered by the Commission and the Board in making their decision, pursuant to the Land Use Element:

1. **Necessity.** Considering the relationship of the amendment to other existing Land Use Element / Local Coastal Plan policies including the Guidelines for Land Use Category Amendments.
 - *Does the project comply with existing land use policies, including Coastal Plan policies?*
 - *Would existing policies make the proposed amendment unnecessary or inappropriate?*
 - *Does the project site conform to the Purpose and Character statements for the proposed land use category?*
2. **Timing.** Considering whether the proposed amendment is timely and its relationship to the inventory of similarly designated land.
 - *Is there a need to designate additional land as Residential Single-Family?*
 - *Will the amendment result in a significant loss of available Public Facilities land?*
 - *Is the requested amendment unnecessary or premature?*
3. **Vicinity.** Considering the relationship of the site to its surrounding area.
 - *Are the boundaries of the area proposed for amendment appropriate, or should they be reduced or expanded?*
 - *Is there sufficient resource availability?*
 - *Are there potential environmental constraints?*

Necessity

There is nothing in the proposal that conflicts with General Plan policies to declare the proposal to be unnecessary or inappropriate. The applicant proposes a land use category change from Commercial Retail to Residential-Single Family on a lot that is vacant, and which was previously occupied by a gas station. According to the Local Coastal Plan, to build residential units on a commercially zoned parcel there are limitations on use which make the residence a subordinate use to primary commercial uses. To address concerns of neighborhood compatibility and reduce the previously purposed project, the land use category would have to change in order to allow for only residential units to be developed.

Timing

The applicant has spent fourteen years trying to develop the property beginning in 2005 with a subdivision and a 19-room hotel. This Coastal Development Permit was denied at the February 7, 2018 Coastal Commission Hearing despite Commission Staff recommending approval. One of the main points of concerns with the previous project was its size and scale. The applicant is proposing this general plan amendment as an avenue to reduce the scale of the project and listen to the neighbors which want residential units.

Vicinity

This proposal does not include any changes to the Urban Reserve Line or changes to the land use intensity adjacent to surrounding areas that may warrant changing the scope of the proposal. Likewise, the proposed zone change would be compatible with the immediate neighborhood which includes the Residential Multi-family to the north, and Residential Single-Family to the south

and west. Single family residences are located the north, east, and south of the site. The proposed use (or other potential uses in the Residential-Single Family zone) would generally be less intensive than the uses allowed in the Commercial Retail zone.

The parcel is located close to two other commercial zoned areas less than 2 miles which include a multiple of commercial use types. Removal of this small parcel from the community commercial options should be negligent.

Coastal Zone Framework for Planning

The Land Use Element of the General Plan is the official county policy on the location of land uses and their orderly growth and development. The Land Use Element has been approved and adopted by the Board of Supervisors and certified by the California Coastal Commission. The Land Use Plan, together with the Coastal Zone Land Use Ordinance and related Official Maps comprise the County's Local Coastal Program. An amendment to the Official Maps to change a land use designation, requires careful consideration in both how it will interplay with existing development and its impact on future development plans. An amendment should be measured by the Goals set out in the Coastal Zone Framework for Planning Part I of the Land Use Element based on the following findings:

Relationship to Community Planning Goals regarding orderly growth

The change in land use will further the community goals of addressing the lack of housing and avoid a "leapfrog" growth.

Relationship to Surrounding Uses

The use is consistent with those surrounding it, with impacts associated with the same as those from adjacent land uses.

Relative Size of a Change

Removal of the commercial retail designation will not greatly impact the community as other nodes of commercial uses that include number of options is less than ¼ of mile south of the subject and less than 1 ½ miles north from an even larger node of various types of commercial uses. See Exhibit C

Land Capability and Service Availability – Is the land capable of supporting the land use
This parcel is less than half an acre and offers limited options for commercial retail considering a potential building size, provision of the required parking and the uses allowed in Commercial Retail.

Relationship to other GP Elements – proposed changes must be consistent with other Land Use elements that may also require Amendment.

This a relatively basic change to the Land Use Element and therefore no changes to other Elements of the General Plan are required by this amendment.

Estero Area Plan

This property is located in Cayucos Neighborhood 6 in Figure 4-3 of the Cayucos Urban Area Neighborhood, Morro Strand Area. Upon review of the Estero Area Plan Urban Area Standards for Commercial Retail land uses, it was noted that there were no direct references to the subject

parcel. Under the Purpose and Character statements for Commercial Retail land uses, the subject parcel could be categorized for Neighborhood Commercial, but that is not how it has been used in the past. When the Estero Plan was approved the gas station on this parcel was existing and it is suggested that the land use designation was a product of already having a use that was different than the surrounding residential uses and instead zoned for the existing use of Commercial Retail. Although looking closer at the Estero Area Plan and the land use definitions, it may be a more appropriate location for a different type of commercial use that would serve the residents in the neighborhood. Any other intense commercial use will struggle with the requirements of access and parking on a small parcel.

The findings for a Residential land use appear more appropriate in this particular location.

RESIDENTIAL SINGLE-FAMILY PURPOSE AND CHARACTER STATEMENTS

The project site is consistent with the purpose and character statements for the Residential Single-family land use category (see attached Exhibit D). The project site is located within an established residential neighborhood within the Cayucos Urban Reserve Line and Urban Services Line. It is located on a residential street with access to Orville Avenue. The proposed density will be consistent with the existing character. The land is relatively flat and without fragile natural resources.

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit C. These criteria include:

- consistency with existing goals and policies in the General Plan,
- consistency with the applicable purpose and character statements,
- compatibility with the character of the general area, convenient access to a road system in the area that is adequate to accommodate the traffic generated,
- protection of prime agricultural soils, and
- if the change is needed to provide a sufficient supply of land for the population of the community or area.

Purpose:

- a. To provide areas for single-family homes on urban sized lots of less than one acre and mobile home developments in communities with full urban services.
- b. To allow accessory and non-residential uses that complement single-family neighborhoods.
- c. To discourage incompatible non-residential uses in single family neighborhoods.
- d. To provide housing within a neighborhood context where social interaction is facilitated by allowing compatible nonresidential uses such as small neighborhood/convenience stores, parks and schools.
- e. To encourage clustering of allowed densities where there are important open space

attributes that are a community resource or where sensitive habitats exist.

Character:

- a. Areas with single-family dwellings at gross densities from one to seven dwelling units per acre.
- b. Areas having (or programmed to receive) appropriate urban level services (see Table H).
- c. Areas within an urban or village reserve line and areas within (or programmed by an individual community plan to be within) an urban services line.
- d. Areas where the majority of land contains slopes less than 20% (with increased lot sizes required as slope increases) and where land with slopes less than 15% is available for development of building sites on all parcels.
- e. Areas generally without fragile natural resources.
- f. Areas with a landscape or viewshed of high visual quality where clustering of allowed density to less sensitive portions of a site is encouraged by planning area standards.
- g. Areas where residential structures generally should not exceed two stories in height or cover more than 60% of the site.
- h. Areas where small-scale neighborhood commercial and service uses may be appropriate in limited areas if consistent with the LUE area plan and Coastal Zone Land Use Ordinance location criteria.

The site generally meets these purpose and character statements. The site is located adjacent to Single-Family and Multi-family Residential uses. The proposed land use category change would be a logical extension for the existing neighborhood.

COMMUNITY ADVISORY GROUP COMMENTS:

The proposed project was referred to the Cayucos Citizens Advisory Committee, and on April 3, 2019 the meeting minutes reported that the Committee members supported the proposed change from Commercial Retail to Single Family Residential. There are lingering concerns that will be addressed in the subdivision process for the four lots should the applicant pursue development of 4 single family homes. The concern is the same as mentioned by SLO County Environmental Health; the complete remediation of any soils remaining from the use of the property as a Gas Station and evaluating past underground storage tank systems and sources of hazardous materials for potential impacts.

Air Pollution Control District expressed concerns to changing the land use from commercial to residential. See attached letter from APCD.

CALIFORNIA ENVIRONMENTAL QUALITY ACT - LOCAL COASTAL PLAN – ARCHAEOLOGICAL RESOURCE PROTECTION

The project was reviewed for a land use category change in an Initial Study per CEQA. The staff prepared a Mitigated Negative Declaration with mitigation measures to address tribal cultural resources. *Because archaeological resources are scarce and non-renewable resources, the following general policies represent the county's commitment to ensure that any proposed development would be designed and located to minimize its impacts on archaeological resources:*

Policy 1: Protection of Archaeological Resources

The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

Policy 3: Identification of Archaeological Sites

The county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be defined as follows:

Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office. Within urban areas, the county shall maintain maps in the Land Use Element (combining designation) which reflect generalized areas of known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office.

An Archaeological Survey of the surface soil layers did not report any evidence of tribal cultural resources. However, because there are resources in the vicinity, it was recommended that a tribal representative monitor the findings from soil removal once construction occurs and soils are further disturbed. Responses from SB18 and AB52 agreed that construction monitoring program would address this concern. The applicant has signed a Developers Statement agreeing to this mitigation.

ATTACHMENTS

1. Exhibit A – Findings
2. Exhibit B – LRP2019-00001 – Proposed Land Use Category Map Changes
3. Exhibit C – LRP20190-00001 – Relative Size of Change – Locations of Commercial Uses
4. Exhibit D – LRP2019-00001 – Purpose and Character Statements for Residential Land Use Category

5. Exhibit E – Guidelines for Coastal Framework for Planning, Land Use Category Amendments
6. Exhibit G – Vicinity Map, Site Photos, and Aerial Photographs
7. Mitigated Negative Declaration
8. Referrals - Letter from Air Pollution Control District and SLO County Environmental Health

Staff report prepared by Jennifer Guetschow and reviewed by Brian Pedrotti

**EXHIBIT A – FINDINGS
COUNTY OF SAN LUIS OBISPO
GENERAL PLAN AMENDMENT LRP2019-00001**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 8, 2020 for this project. Mitigation measures are proposed to address tribal cultural resources.

Land Use Element / Local Coastal Plan Amendment

- B. The proposed amendment is consistent with the Land Use Element/Local Coastal Plan and other adopted elements of the general plan because all future uses are limited to those allowed under Table O for Residential Single-Family land use category.
- C. The proposed amendment is consistent with the guidelines for amendments to land use categories because the change is consistent with the guidelines for amendments to the Land Use Element as follows:
 - a. The proposal will not alter the residential character of the area.
 - b. The proposal is compatible with the surrounding residential uses.
- D. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area and will reduce the impacts associated with commercial uses, such as noise, parking and traffic.
- E. The proposed amendment is consistent with the purpose and character statements in the Land Use Element/Local Coastal Plan of the General Plan for the Residential Single-family land use categories as the site is located in a predominantly residential area within the urban reserve line.

EXHIBIT B
LRP2019-00001 PROPOSED LAND USE CATEGORY MAP CHANGES
DECICCO GENERAL PLAN AMENDMENT LRP2019-00001



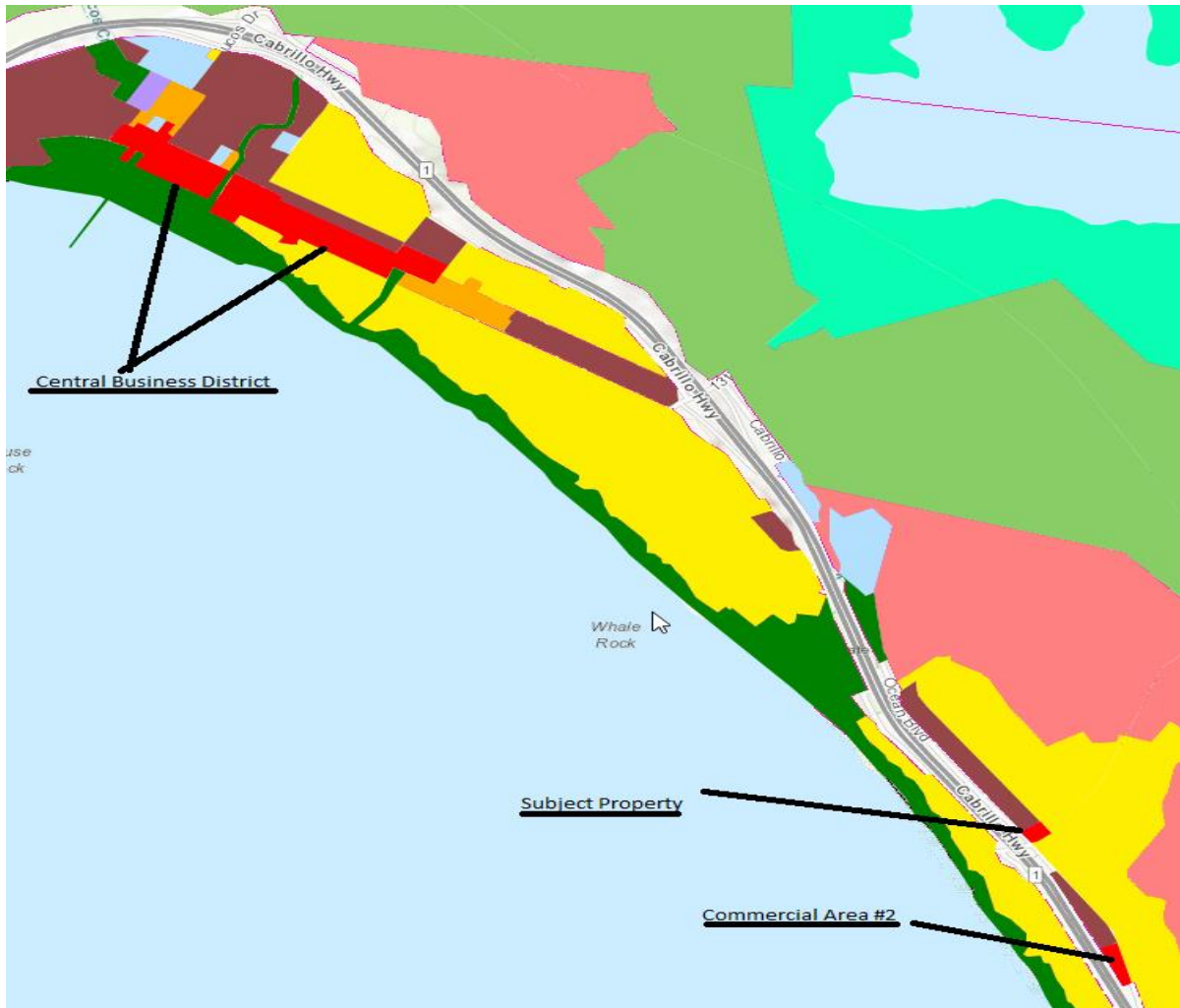
Exhibit: LRP2019-000001
Site: APN 064-263-036

INITIATING A LAND USE DESIGNATION AS SHOWN ON OFFICIAL LAND USE CATEGORY MAP ON FILE IN THE DEPARTMENT OF PLANNING AND BUILDING.

CHANGE APPROXIMATELY 0.4 ACRES FROM COMMERCIAL RETAIL (CR) TO RESIDENTIAL SINGLE FAMILY (RSF)

DECICCO GENERAL PLAN AMENDMENT

EXHIBIT C
Relative Size of Change – Locations of Nearby Commercial Uses
General Plan Amendment LRP2019-00001



Commercial Area #2

containing 1.20 acres of land within approximately ¼ mile

Uses are limited to: nursery specialties--non-soil dependent; broadcasting studios; allowable uses in the cultural, education and recreation use group; recycling collection stations; printing and publishing; caretaker residence; home occupations; multi-family dwellings as a principal use; water wells and impoundments; eating and drinking places; food & beverage retail sales; general merchandise stores; mail order and vending; outdoor retail sales; financial services; health care services; offices; personal services; public safety facilities; consumer repair facilities; pipelines and transmission lines.

Central Business District

containing 14.5 acres and 8.25 acres, within 1½ miles from the subject property.

Current Uses include: bed and breakfasts, inns, dog and cat grooming, cookie and coffee shops, usps, cafes, Senior Citizen Center, takeout restaurants, mini mart with deli and gas station, pharmacy and gift shop, massage therapy, garage, tax service, financial advisor, bank, wine bar, aromatherapy supply store, surf shops, antiques, jewelry, bakery

EXHIBIT D
PURPOSE AND CHARACTER STATEMENTS
FRAMEWORK FOR PLANNING – PART I OF THE LAND USE ELEMENT
RESIDENTIAL SINGLE-FAMILY
General Plan Amendment LRP2019-00001

Purpose:

- a. To provide areas for single-family homes on urban sized lots of less than one acre and mobile home developments in communities with full urban services.
- b. To allow accessory and non-residential uses that complement single-family neighborhoods.
- c. To discourage incompatible non-residential uses in single family neighborhoods.
- d. To provide housing within a neighborhood context where social interaction is facilitated by allowing compatible nonresidential uses such as small neighborhood/convenience stores, parks and schools.
- e. To encourage clustering of allowed densities where there are important open space attributes that are a community resource or where sensitive habitats exist.

Character:

- a. Areas with single-family dwellings at gross densities from one to seven dwelling units per acre.
- b. Areas having (or programmed to receive) appropriate urban level services (see Table H).
- c. Areas within an urban or village reserve line and areas within (or programmed by an individual community plan to be within) an urban services line.
- d. Areas where the majority of land contains slopes less than 20% (with increased lot sizes required as slope increases) and where land with slopes less than 15% is available for development of building sites on all parcels.
- e. Areas generally without fragile natural resources.
- f. Areas with a landscape or viewshed of high visual quality where clustering of allowed density to less sensitive portions of a site is encouraged by planning area standards.
- g. Areas where residential structures generally should not exceed two stories in height or cover more than 60% of the site.
- h. Areas where small-scale neighborhood commercial and service uses may be appropriate in limited areas if consistent with the LUE area plan and Coastal Zone Land Use Ordinance location criteria.

EXHIBIT E
GUIDELINES FOR LAND USE CATEGORY AMENDMENTS COASTAL FRAMEWORK FOR
PLANNING – PART I OF THE LAND USE ELEMENT
General Plan Amendment LRP2019-00001

1. **Existing Planning Policies.** Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the general plan.
 - b. Applicable policies in the Coastal Plan Policies Document of the Local Coastal Program.
 - c. The general goals and objectives in Chapter 1 of Coastal Framework for Planning (Part I of the Land Use Element);
 - d. The purpose and character statements for Land Use Categories in Section B, description of land use categories;
 - e. Uses listed in Coastal Table O, list of allowable uses; and
 - f. The text, standards and maps of the area plans (Part II of the Land Use Element).
 - g. Applicable policies in the California Coastal Act pertaining to the amendment of a Local Coastal Program.

2. **Area Character.** Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, community character and style of development in the surrounding area.

3. **Environmental Impacts.** The proposed amendments should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.

4. **Accessibility/Circulation.** Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.

5. **Soils Classification.** Whether the proposed amendment gives consideration to protecting prime agricultural land as defined in the Coastal Act and prime farmland and farmland of statewide importance as mapped by the Natural Resources Conservation Service (NRCS). Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.

6. **Slope and Other Terrain Characteristics.** Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment. Whether development resulting from the proposed amendment would avoid excessive grading and retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.

7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare or endangered plant or animal species.
8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. **Existing Parcel Size and Ownership Patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. **Availability of Public Services and Facilities.** Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on site disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are available or funded within their sustainable capacities.
11. **Land Inventory.** Whether the amendment is needed to provide an appropriate balance of land uses for the population of the community or area within the projected capacity for natural resources, services and facilities.
12. **Mineral Resources.** Whether the amendment proposed in an area included within the EX (Energy and Extractive Resource Area) or EX1 (Extractive Resource Area) combining designations on the official maps of the Land Use Element would preclude resource extraction or would result in uses which adversely affect the existing operation or expansion of extraction uses. Proposals within the EX or EX1 Combining Designations which would preclude resource extraction, would allow minimum residential parcel sizes of less than 10 acres or would otherwise be incompatible with resource extraction shall be approved only when the need for the particular use is determined by the Board of Supervisors to outweigh the value of keeping the potential mineral resource available for future extraction. The proposed amendment shall not enable development that would adversely affect the continuing operation or expansion of an extraction use. (Amended 1991, Ord. 2498).
13. **Agricultural land.** Whether the amendment would enable conversion of agricultural land at the urban fringe and would allow an expansion of urban development into agricultural lands or encourage sprawl by allowing "leapfrog" development into agricultural areas. Conversion of agricultural land to non-agricultural uses is discouraged unless other locations for development are physically, environmentally or otherwise not feasible in the foreseeable future. Requests for conversion shall be consistent with the Local Coastal Program and Sections 30241, 30241.5 and 30242 of the Coastal Act for conversion of agricultural land.
[Amended 1991, Ord. 2498, 2009, Ord. 3176]

EXHIBIT F
Vicinity Map, Site Photos, and Aerial Photographs (NOTE: PROPERTY IS NOW VACANT)
General Plan Amendment LRP2019-000001









Recent construction on adjacent lots APN 064-263-053 and APN 064-263-025 - photo taken looking north-west



Looking north at the cross-streets of Orville & Ocean Blvd merge lane to Old Creek Rd



Looking west toward oceanfront from Orville Avenue after demolition of buildings, site is graded relatively flat



Looking south from Orville Avenue



This view (dated approximately April 13, 2020) shows the (now-demolished) building on the property, looking East from Ocean Boulevard



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. DeCicco General Plan Amendment; ED20-197 (LRP2019--00001)

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jennifer Guetschow	<i>Jennifer Guetschow</i>	9/8/2020
Prepared by (Print)	Signature	Date
Brian Pedrotti	<i>B. D. Pedrotti</i> for	Steve McMasters, Principal Environmental Specialist
Reviewed by (Print)	Signature	9/8/2020 Date

Project Number **Project Name**

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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: Request by Franco DeCicco for a General Plan Amendment to rezone the property from Commercial Retail to Single-Family Residential to allow for the development of four single-family residential homes with a total area of approximately 10,000 sq ft. The project is located at the intersection of Ocean Blvd and Old Creek Rd, approximately 100 feet (east) of Highway 1, within the community of Cayucos, in the Estero planning area (Coastal Zone sub area).

ASSESSOR PARCEL NUMBER(S): 064-263-036

Latitude: 35°25 '45.552 " N **Longitude:** 120°52'076" E **SUPERVISORIAL DISTRICT #** 2

B. Existing Setting

Plan Area:	Estero, Cayucos	Sub:		Comm:	
Land Use Category:	Commercial Retail				
Combining Designation:	Coastal Zone				
Parcel Size:	0.4acres				
Topography:	Nearly level, gently sloping				
Vegetation:	Urban Built Up				
Existing Uses:	Undeveloped				

Surrounding Land Use Categories and Uses:

North:	Residential Multi-family; multi-family residences	East:	Residential Single-family; single-family residences
South:	Residential Single-family; single-family residences	West:	Residential Single-family; Highway 1/Ocean Blvd.

C. Environmental Analysis

The Initial Study Checklist provides detailed information about the environmental impacts of the proposed

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Initial Study – Environmental Checklist

project and mitigation measures to lessen the impacts.

Project Number Project Name

<p>PLN-2039 04/2019</p>

Initial Study – Environmental Checklist

I. AESTHETICS

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

Setting

The project is located within the community of Cayucos, approximately 100 feet east of Highway 1. The parcel is in a predominately residential area, characterized by small lots with single family and multi-family residences. Directly adjacent lots to the South and East contain single family residences on approximately 4,000 square-foot lots. Adjacent lots to the north contain multi-family residences on approximately 5,200 square-foot lots. Ocean Blvd and Highway 1 border the property to the West. The project parcel is currently vacant after having recently demolished the previous commercial-use structures. The topography of the project parcel is gently sloping. The project would introduce a density of use which is more consistent with surrounding lots and uses. The structure would be visible from Highway 1 as well as the surrounding roads, Ocean Blvd, Old Creek Rd, and Orville Ave.

Discussion

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

In a visual study prepared by a qualified consultant (Carr in 2007) the project site was described in detail relative to its location along the Cabrillo Highway, part of the State of California Highways and Streets Code designated Scenic Highway 1, The project is located within the southern portion of Cayucos, at the northeast corner of the intersection of Old Creek Road and Ocean Avenue. On the inland side of the highway near the project site the neighborhood generally extends north and south paralleling the highway

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east of Ocean Avenue. Houses can be seen to the east where the landform rises up from the highway to the adjacent hillside. The residences also continue approximately 0.2 mile east along Old Creek Road. The homes in this neighborhood east of the highway are a mix of one and two-story buildings. The forms and architectural styles of these houses vary greatly, which adds to the eclectic visual character of the neighborhood. Within this varied neighborhood aesthetic, two common elements are identified that provide visual continuity: 1) gable roof forms which are seen on more than 80% of the buildings, and 2) mature landscaping is visible on the majority of the lots. View of the coastal resources from this neighborhood include the hillsides to the east and distant vistas of the Pacific Ocean and Morro Rock. The extent of ocean view increases as the homes to the east rise in elevation up the slope. Public roads in this area with elevated vantage points also have an increased access to ocean views.

The neighborhood surrounding the project site contributes to the quality of the Highway 1 scenic corridor. The individual houses, although not necessarily memorable, collectively define a visual quality typical of a small-town beach community. As seen from highway, the houses appear mostly compact in form and sit close together on relatively small lots with little yard space. A mix of building styles and ages is noticeable, resulting in diverse neighborhood aesthetic evolved over the years.

The project site is bordered on its eastern boundary by Orville Street, by Old Creek Road to the South and by Ocean Avenue along its western side. North of the project site are residences. The site is basically flat with an approximately 8-foot drop in elevation from the northeast corner to the southwest corner near the intersection of Ocean Avenue and Old Creek Road.

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

Half of the property was paved for parking and the commercial building, but during demolition of the structures, all hard surfaces were removed down to the dirt. No trees are on the subject property. The project is located along and visible from a designated state scenic highway, however there are no resources on the property that would damage the scenic resources on this property, therefore there would be no significant impact on the scenic resources.

(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 urbanized area of Cayucos. The rezone would allow the same use as those on the surrounding lots with residential housing. This area does not serve as a publicly accessible vantage point and would not conflict with applicable zoning and other regulations governing the scenic quality. There would be no significant impact to the quality of the existing scenic quality.

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

The lighting for the project would not conflict with regulations governing the scenic quality. The County's Land Use Ordinance, Title 23 (Section 23.04.320) prohibits light or glare which is transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or

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that interferes with use of surrounding properties or streets. Therefore, impacts would be less than significant.

Conclusion

The project impact on the visual quality of the site and its surroundings, including any scenic vistas and resources would be less than significant.

Mitigation

None required.

Sources

See Exhibit A.

II. AGRICULTURE AND FORESTRY RESOURCES

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The project parcel is within the Commercial Retail land use category and is not under a Williamson Act contract. Additionally, the project does not support historic crops or timberland activities.

Based on the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) and the San Luis Obispo County Important Farmland Map (FMMP 2018), the project site contains farmland considered prime farmland if irrigated.

The soil types and characteristics subject to disturbance from this project include:

Cropley clay (2 - 9 % slope). This gently sloping clayey soil is considered very poorly drained. The soil has moderate erodibility and high shrink-swell characteristics, as well as having potential septic system constraints due to: slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Discussion

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

Based on information provided by the Farmland Mapping and Monitoring Program of the California Resources Agency, the proposed project would be located on a parcel containing soils which are designated as "Prime Farmland if Irrigated". However, the existing site is zoned for commercial retail transitioning to single-family residential, and there were no recorded agricultural activities on site. Therefore, no Farmland would be converted to non-agricultural uses and potential impacts would be less than significant.

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

The subject property is not currently subject to the Williamson Act contract, therefore there is no impact.

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- (c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*
 The project site is not zoned for forest land, timberland or Timberland Protection and is not listed as Private Timberland or Public Land with Forest by the CDFW. Therefore, there is no impact to or conflict with forest or timberland zoning.
- (d) *Result in the loss of forest land or conversion of forest land to non-forest use?*
 There is no forest land onsite, and the proposed project would have no impacts to forest and timberland
- (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?*
 This project rezone is in an urbanized area and will not affect Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or forest land. The project is not located on or near any areas zoned for forest land, timberland, and are not listed as Private Timberlands or Public Land with Forests by the CDFW. The proposed project would not result in the conversion of Farmland or forest land to non-agricultural or non-forest use.

Conclusion

The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. Therefore, impacts to agricultural resources are less than significant.

Mitigation

None required.

Sources

See Exhibit A.

III. AIR QUALITY

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (Prepared by SLOAPCD)

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term 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 PM10. 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.

As proposed, the total area for the proposed rezone of residential use would potentially result in disturbance of less than 1/2 acre for up to 4 single family residences. This would result in the creation of construction dust, as well as short- and long-term vehicle emissions. According to the United States Department of Agriculture's Wind Erodibility Index, the wind erodibility of the soils which would be disturbed by the proposed project is "moderate".

The project would be within close proximity (within 1,000 feet) to sensitive receptors including single-family residences that might result in nuisance complaints and be subject to limited dust and/or emission control measures during construction. The project would not be within a quarter mile of a designated serpentine rock outcrops which may have the potential to contain naturally occurring asbestos.

Discussion

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

The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if

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potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

As proposed, the project will result in the approval for residential structures that when developed will result in disturbance of less than 1/2 acre. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will be moving less than 1,200 cubic yards/day of material and will disturb less than four acres of area, and therefore will be below the general thresholds triggering construction-related mitigation. From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will result in less than 10 lbs/day of pollutants, which is below thresholds warranting any mitigation. Additionally, the project is consistent with the general level of development anticipated and projected in the Clean Air Plan and would therefore not conflict with or obstruct the implementation of the applicable air quality plan. Therefore, impacts would be less than significant.

- (a) *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 nonattainment status for federal ozone, state ozone, and state PM10 standards. With regards to federal ozone standards, only the eastern portion of the county is designated nonattainment. The project may result in a noticeable increase in vehicular traffic for residences. This increase is consistent with the general level of development anticipated and projected in the Clean Air Plan. Therefore, impacts related to a cumulatively considerable net increase of a criteria pollutant would be less than significant.

- (b) *Expose sensitive receptors to substantial pollutant concentrations?*

As described above in response to (b), the project would not generate significant construction-related or operational emissions and would, therefore, not expose sensitive receptors to substantial pollutant concentrations. Operational emissions would not substantially increase and implementation of standard LUO standards for dust control and compliance with existing regulations that prohibit excessive idling by diesel vehicles would reduce potential construction related emissions. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be less than significant.

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

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. No long-term operational odors would be generated by the project. Therefore, potential odor-related impacts would be less than significant.

Conclusion

The project would be consistent with the SLOAPCD's Clean Air Plan and thresholds for construction-related and operational emissions. The project would not result in cumulatively considerable emissions of any criteria pollutant for which the County is in non-attainment and would not expose sensitive receptors to substantial pollutant concentrations or result in other emissions adversely affecting a substantial number of

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people. Therefore, potential impacts to air quality would be less than significant and no mitigation measures are necessary.

Mitigation

None required

Sources

See Exhibit A.

IV. BIOLOGICAL RESOURCES

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Sensitive Resource Area Designations

The County of San Luis Obispo Land Use Ordinance (LUO) Sensitive Resource Area (SRA) combining designation applies to areas of the county with special environmental qualities, or areas containing unique or sensitive endangered vegetation or habitat resources. The combining designation standards established in the LUO require that proposed uses be designed with consideration of the identified sensitive resources and the need for their protection. The proposed project is not within SRA combining designation.

Federal and State Endangered Species Acts

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. The California Endangered Species Act of 1984 (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened, and also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under state law, the CDFW has the authority to review projects for their potential to impact special-status species and their habitats.

Migratory Bird Treaty Act

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

Clean Water Act and State 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 water bodies 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, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have

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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 State 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 U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

Conservation and Open Space Element

The intent of the goals, policies, and implementation strategies in the COSE is to identify and protect biological resources that are a critical component of the county's environmental, social, and economic well-being. Biological resources include major ecosystems; threatened, rare, and endangered species and their habitats; native trees and vegetation; creeks and riparian areas; wetlands; fisheries; and marine resources. Individual species, habitat areas, ecosystems and migration patterns must be considered together in order to sustain biological resources. The COSE identifies Critical Habitat areas for sensitive species including California condor, California red legged frog, vernal pool fairy shrimp, La Graciosa thistle, Morro Bay kangaroo rat, Morro shoulderband snail, tiger salamander, and western snowy plover. The COSE also identifies features of particular importance to wildlife for movement corridors such as riparian corridors, shorelines of the coast and bay, and ridgelines. The project site does not provide habitat for Critical Habitat species.

Site Setting

The project site is located within the community of Cayucos and is currently developed. Approximately 75% of the project parcel has been previously paved or built upon. The remaining portion contains nonnative grasses and forbs. The nearest waterway is Willow Creek, approximately 96 feet southeast of the project site.

Discussion

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

The project site is surrounded by dense residential development. Given the site was previously developed, and located in an urban environment, no natural sensitive habitats which would support endangered, threatened or special status plant or wildlife species would occur on or adjacent to the site, therefore, impacts are less than significant.

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

There are no mapped blue line creeks and no riparian vegetation or other sensitive natural communities within the proposed areas of disturbance. Sensitive species are likely to exist in Willow Creek east of the project site. Sedimentation and erosion from construction activities could result in impacts to Willow Creek. Preparation of a sedimentation and erosion control plan is required by

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ordinance for this project. Implementation of that plan will minimize erosion and sedimentation that may affect offsite biological resources.

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

The project site does not support state or federal wetlands or other jurisdictional areas. Site topography does not support vernal pool habitat. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and impacts are less than significant.

- (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?*

Based on the California Essential Habitat Connectivity Project, the project site is not located in an identified Essential Connectivity Area. The project site does not feature habitat conducive to migratory wildlife species such as riparian corridors, shorelines, or ridgelines. Therefore, the project would not interfere with the movement of resident or migratory fish or wildlife species or wildlife nursery sites and impacts are less than significant.

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

The County of San Luis Obispo has adopted an oak woodland preservation ordinance; however, the project is not proposing the removal of oak trees or construction within 1.5 times the dripline or of oak trees. Therefore, the project would have no impacts on local policies or ordinances protecting biological resources.

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

There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan adopted that includes the project site. Therefore, there will be no impact.

Conclusion

The project site is an infill lot located within an urban area, surrounded by existing development. There are no mapped blue line creeks and no riparian vegetation or other sensitive natural communities within the proposed areas of disturbance. Sensitive species are likely to exist in Willow Creek east of the project site. Sedimentation and erosion from construction activities could result in impacts to Willow Creek. Preparation of a sedimentation and erosion control plan is required by ordinance for this project. Implementation of that plan will minimize erosion and sedimentation that may affect offsite biological resources.

Mitigation

None required

Sources

See Exhibit A.

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V. CULTURAL RESOURCES

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

Setting

The project is located in an area historically occupied the Chumash tribal people. San Luis Obispo County possesses a rich and diverse cultural heritage and therefore has a wealth of historic and prehistoric resources, including sites and buildings associated with Native American inhabitation, Spanish missionaries, immigrant settlers, and military branches of the United States.

As defined by CEQA, a historical resource includes:

A resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR).

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

Pursuant to CEQA, a resource included in a local register of historic resources or identified as significant in an historical resource survey shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant. A Phase I cultural survey was prepared for the subject property by Parker and Associates (2005).

Discussion

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

According to the Cultural Survey (2005), no known historical resources are present on the project site. The proposed project will not cause a substantial adverse change in the significance of a historical resource. Therefore, no impacts will occur.

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

No known archaeological resources are present on the project site. In the unlikely event resources are uncovered during grading activities, implementation of LUO Section 22.10.040 (Archaeological Resources) would be required, which states:

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

A. Construction activities shall cease, and the Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

B. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Department so proper disposition may be accomplished.

Based on the low known sensitivity of the project site, and with implementation of LUO Section 22.10.040, impacts to archaeological resources would be less than significant.

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

The nearest dedicated cemetery is the Templeton Cemetery, located 0.6 miles to the north. The record and literature search of the project area did not identify any know burial sites within 0.5 miles of the project. Additionally, consultation with the Native American tribes provided no known native human remains on the site.

Conclusion

No archaeological or historical resources are known or expected to occur within or adjacent to the project site. In the event unanticipated sensitive archaeological resources or human remains are discovered during project construction activities, adherence with County LUO standards and State Health and Safety Code procedures would reduce potential impacts to less than significant; therefore potential impacts to cultural resources would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See Exhibit A.

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VI. ENERGY

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

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2019).

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

The EWP established the goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The California Building Code (CBC) contains standards that regulate the method of use, properties, performance, or types of materials used in the construction, alteration, improvement, repair, or rehabilitation of a building or other improvement to real property. The CBC includes mandatory green building standards for residential and nonresidential structures, the most recent version of which are referred to as the 2019 Building Energy Efficiency Standards. These standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards (preventing heat transfer from the interior to the exterior and vice versa), residential and nonresidential ventilation requirements, and non-residential lighting requirements.

The County LUO includes a Renewable Energy Area combining designation to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on

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environmentally costly energy sources. This designation is intended to identify areas of the county where renewable energy production is favorable and establish procedures to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs). The LUO establishes criteria for project eligibility, required application content for SEFs proposed within this designation, permit requirements, and development standards (LUO 22.14.100).

Discussion

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

The proposed residential activities are expected to consume approximately 26,736 kWh of electricity per year which about the equivalent energy demand associated with 4 single family residences (6,684 kWh per year per dwelling). The project is not expected to result in wasteful, inefficient or unnecessary consumption of energy resources because:

The project will be constructed with fixtures and equipment that meets current building codes for energy efficiency and conservation; therefore, impacts will be less than significant.

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

The proposed project would not interfere with the County of San Luis Obispo’s EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Therefore, impacts will be less than significant.

Conclusion

The project would not result in a significant energy demand during the construction phase or during operation. The project would not result in a conflict with state or local renewable energy or energy efficiency plans. Therefore, the project would not result in any potentially significant impacts related to energy and no mitigation measures are necessary.

Mitigation

None required.

Sources

See Exhibit A.

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically

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active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the State of California Alquist-Priolo Fault Zoning Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near the pier at San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

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

Groundshaking refers to the motion that occurs in response to local and regional earthquakes. Groundshaking can endanger life and safety due to damage or collapse of structures or lifeline facilities. The California Building Code (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 groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking 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. The project is located in an area with low potential for liquefaction, according to the County's Safety Element.

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. The project is located in an area with low potential for landslides.

Shrink/swell potential is the extent to which the soil shrinks as it dries out or swells when it gets wet. Extent of shrinking and swelling is influenced by the amount and kind of clay in the soil. Shrinking and swelling of soils can cause damage to building foundations, roads and other structures. A high shrink/swell potential indicates a hazard to maintenance of structures built in, on, or with material having this rating. Moderate and low ratings lessen the hazard accordingly. According to the NRCS, the soils underlying the site are characterized as having a moderate erodibility and moderate shrink-swells characteristics, as well as having potential septic system constraints due to slow percolation.

The County LUO 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 applicants located within a GSA are required to include a report prepared by a certified engineering geologist and/or registered civil/soils engineer as appropriate. This report is then required to be

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evaluated by a geologist retained by the County. In addition, all uses within a GSA are subject to special standards regarding grading and distance from an active fault trace within an Earthquake Fault Zone (LUO 22.14.070). The proposed project is located outside of mapped GSA combining designation.

The County Conservation and Open Space Element (COSE) identifies a policy for the protection of paleontological resources from the effects of development by avoiding disturbance where feasible. Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils.

The project site is gently sloping and the soils on the site have a high shrink-swell (expansive) potential. According to the County's Land Use View, the project site is not located within the County's Geologic Study Area, and it has a low landslide risk and low liquefaction potential. There are no potentially active faults within a mile of the project site, and there are no notable geologic features on the project site, including serpentine or ultramafic rock/soils.

Discussion

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

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

The project is not on or near an earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map or based on other evidence. The project would therefore not likely cause potential substantial adverse effects from the rupture of a known earthquake fault. In addition, the proposed project would be subject to professional engineering and construction standards to ensure the reservoirs are constructed in a stable manner. Therefore, the potential for impacts related to surface ground rupture to occur at the reservoir sites is low, and potential impacts would be less than significant.

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

Based on the County Safety Element Fault Hazards Map, the project site is located within 1 mile of a known active or potentially active fault, San Luis Obispo County is located in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (CBC) and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be less than significant.

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

(a-iv) *Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC seismic requirements to address the site's potential for seismic-related ground failure including liquefaction therefore, the potential impacts would be less than significant, Landslides?*

The project site has a relatively flat topography and based on the County Safety Element Landslide Hazards Map is located in an area with moderate potential for landslide risk. The site has previously been developed with a commercial building and is surrounded by other residential structures which indicate the landslide hazard risk is less than significant; therefore the project landslide risk would be less than significant.

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

(c) *The project does not include substantial vegetation removal or grading. Preparation and approval of an Erosion and Sedimentation Control Plan is required for all construction and grading projects (LUP 22.52.120) to minimize potential impacts related to erosion, sedimentation and siltation. The plan would be prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Compliance with existing regulations would reduce potential impacts related to soil erosion and loss of topsoil to less than significant. 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) *Landslides typically occur in areas with steep slopes or in areas containing escarpments. Based on the Landslide Hazards Map provided in the County Safety Element, the project is not located in an area with slopes susceptible to local failure or landslide. The project would be required to comply with CBC seismic requirements to address potential seismic-related ground failure including lateral spread. With these compliance requirements implemented the impacts will be less than significant. 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?*

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. In addition, all future development would be required to comply with the most recent CBC requirements, which have been developed to properly safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, potential impacts related to expansive soil would be less than significant.

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

The proposed project does not propose the installation of new septic tanks or other on-site wastewater disposal systems; therefore, no impacts would occur.

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

According to the Cultural Survey prepared for the project by Parker and Associates in 2005, no paleontological sites have been identified near the project site. No unique geological features exist

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on the project site and would therefore not be affected. Therefore, impacts would be less than significant with mitigation.

Conclusion

The project site is not within the GSA combining designation or in 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 LUO requirements which have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

As noted in Section 3 Air Quality, the project site is located in the South Central Coast Air Basin (SCCAB) under the jurisdiction of the San Luis Obispo County Air Pollution Control District (SLOAPCD). The SLOAPCD has developed and updated a CEQA Air Quality Handbook (2012) and clarification memorandum (2017) to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions have been found to result in an increase in the earth’s average surface temperature by exacerbating the naturally occurring “greenhouse effect” in the earth’s atmosphere. The rise in global temperature is has been projected to lead to long-term changes in precipitation, sea level, temperatures, wind patterns, and other elements of the earth’s climate system. This phenomenon is

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commonly referred to as global climate change. These changes are broadly attributed to GHG emissions, particularly those emissions that result from human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County Air Pollution Control District (APCD) approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,

Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,

Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects, the Bright-Line Threshold of 1,150 metric tons of carbon dioxide per year (MT CO₂e/year) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above-mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the CARB (or other regulatory agencies) and will be "regulated" either by CARB, the federal government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio Standards, and the Clean Car Standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is 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.

Discussion

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

Using the GHG threshold information described in the Setting section, the project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the project's potential direct and cumulative GHG emissions are found to be less significant and less

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than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not ‘cumulatively considerable’, no mitigation is required. Because this project’s emissions fall under the threshold, 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?*

The proposed project would not interfere with any applicable plans, policies, or regulations regarding greenhouse gas emissions including the County of San Luis Obispo’s EnergyWise Plan, which notes the emission reduction goals for the county by 2035 (San Luis Obispo County 2011). Therefore, impacts would be less than significant.

Conclusion

The project would not violate any regulations regarding GHG emissions, and it would not surpass any emission thresholds. Therefore, the project would result in less than significant impacts related to Greenhouse Gas Emissions.

Mitigation

None required.

Sources

See Exhibit A.

IX. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Setting

The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" (which is a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5) (SWRCB 2019; California Department of Toxic Substance Control [DTSC] 2019). The project is not located within a high fire hazard severity zone. The project is located within a Local Responsibility Area and based on the County's response time map, it will take approximately 0 to 5 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The project is not located within an Airport Review Area and the closest active landing strip, Oak Country Ranch Airport, is 10.2 miles northeast of the project site.

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Discussion

- (a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- The project does not propose the routine use, transport, or disposal of hazardous materials. Therefore, the project is not likely to create a significant hazard to the public or environment through exposure to hazardous materials, and impacts will be less than significant.
- (b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*
- Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Handling of these materials has the potential to result in an accidental release. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction contractor would be required to implement BMPs for the storage, use, and transportation of hazardous materials during all construction activities. Therefore, 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?*
- Cayucos Elementary School is located 2 miles to the northwest. There are no schools within a quarter mile of the proposed project. Therefore, there would be no impact.
- (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?*
- The project is not located in an area of known hazardous material contamination and is not on a site listed on the "Cortese List" pursuant to Government Code Section 65962.5. Therefore, there would be no impact.
- (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 is not located within an airport land use plan and is not located within two miles of an airport. Therefore, there would be no risk of exposing persons to a safety hazard or excessive noise from the operation of the airport and there would be no impact.
- (f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*
- The project would not conflict with any regional emergency response or evacuation plan as the existing access roads would be wide enough to accommodate emergency. Construction and operation of the project would not require road closure, and the project would not physically block nearby residents from evacuating during an emergency. Therefore, impacts would be less than significant.

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

According to Cal Fire, the project site is located in a very high fire hazard severity zone within a State Responsibility Area, and response times are between 0 and 5 minutes. The project proponent would be required to adhere to a Fire Safety Plan prepared by Cal Fire to lessen fire risk within the project site. With this in consideration, impacts would be less than significant.

Conclusion

Applicant has provided documentation from Texaco and soil borings to identify previous site remediation efforts. Research of online databases from the Central Coast Water Board's Geo-tracker and the Department of Toxic Substances Envirostor reported no findings of concern for the site recorded.

No significant impacts related to hazards or hazardous materials is anticipated to occur.

Mitigation

None required

Sources

See Exhibit A.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project proposes to obtain its water needs from a community water system. The proposed project would request four residential service connections. The project is subject to the County's Plumbing Code (Chapter 7 of the Building and Construction Ordinance [Title 19]), and/or the "Water Quality Control Plan, Central Coast Basin" for its wastewater requirements, where wastewater impacts to the groundwater basin will be less than significant.

The topography of the project is gently sloping. As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and is considered very poorly drained. The project parcel is not within a groundwater basin. The closest creek from the proposed development, Willow Creek, is approximately 96 feet to the southeast. The project site is not located within a 100-year flood zone. The Pacific Ocean is located 0.13 miles to the west.

For areas where drainage is identified as a potential issue, the Land Use Ordinance (LUO Sec. 22.52.110) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The project's soil types and descriptions are listed in the previous Agriculture section under "Setting".

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A sedimentation and erosion control plan is required for all construction and grading projects (LUO Sec. 22.52.120) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

Discussion

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

With regards to project impacts on water quality the following conditions apply:

- Less than .4 acres of site disturbance;
- Storm Water Pollution Prevention Plan (SWPPP) is required;
- The project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- The project is on soils with moderate erodibility, and gentle slopes;
- The project is not within a 100-year Flood Hazard designation;
- The project is 96 feet from the closest creek and at least 100 feet from the nearest surface water body;
- All hazardous materials and/or wastes will be properly stored onsite, which include secondary containment should spills or leaks occur; and
- Stockpiles will be properly managed during construction to avoid material loss due to erosion.

Implementation of Land Use Ordinance Section 22.52.110 and Section 22.52.120 will help ensure less than significant impacts to water quality standards and surface and ground water quality. Therefore, impacts would be less than significant.

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

The conversion of existing pervious surfaces to impervious surfaces may decrease groundwater infiltration into an underlying groundwater basin. The project site is not a designated recharge area and implementation of the project would increase impervious surfaces by a less than significant percentage. Development of new residential uses allowed under the Land Use Ordinance is not proposed to occur within any of the groundwater recharge facility nor would it affect the operation of the percolation or recharge facilities. As a result, implementation of the project would not interfere with groundwater recharge or cause a reduction in overall groundwater supply. Therefore, impacts to groundwater supplies and recharge areas would be less than significant.

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- (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 site is not located in close proximity to any surface stream or body of water that would be subject to risk associated with erosion or siltation as the result of project construction or operation. The project would not result in greater than 1 acre of site disturbance and would be required to implement required elements of the site's erosion and sediment control plan as required by the San Luis Obispo County LUO; therefore, potential impacts related to erosion and siltation 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 and volume of surface runoff in a manner that could result in flooding on- or off-site. Based on the nature and size of the project, changes in surface hydrology would be negligible. Therefore, potential impacts related to increased surface runoff resulting in flooding 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?*
- (c-iv) *The project would not substantially increase the amount of impervious surface area or the rate and 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. Impede or redirect flood flows?*
- The project has been conditioned to provide final grading, drainage, erosion and sedimentation control plans, and SWPPP for review and approval prior to building permit issuance as required by LUO Section 22.52.100, 110 and 120.
- The project site is not located within a 100-year flood plain and the amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. The project is not located within a flood zone and is not located within close proximity to a drainage channel. Therefore, impacts would be less than significant.
- (d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*
- The proposed project is not located in a 100-year flood zone, and it is 0.13 miles from the Pacific Ocean.
- (e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*
- The project will be conditioned to comply with relevant provisions of the Central Coast RWQCB Basin Plan. Therefore, impacts would be less than significant.

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Conclusion

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 no mitigation measures are necessary.

Mitigation

None required

Sources

See Exhibit A.

XI. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The proposed project would be located in an area designated Commercial Retail by the County of San Luis Obispo. The project site is located within the community of Cayucos and is surrounded by single-family residences. The proposed project was reviewed for consistency with policy and regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, North County Area Plan, etc.). Referrals were sent to outside agencies and other County departments to review for policy consistencies (e.g., County Fire/CAL FIRE for Fire Code, SLOAPCD for Clean Air Plan, etc.).

Discussion

(a) *Physically divide an established community?*

The proposed project is located on an existing parcel and would not involve any components that would physically divide the residential community. The project would utilize the existing circulation system and onsite roads for access and would not require the construction of offsite infrastructure. Therefore, there would be no impact.

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

The project site is an area surrounded by residential parcels. The project site is zoned for Commercial Retail by the County of San Luis Obispo and the project proposes a zoning change to Single-Family Residential. While the site is Commercial Retail, it is surrounded by Single-Family Residential and Multi-Family Residential parcels. As such, the zoning change would cause the project to better fit the character of land use of the area. The project was found to be consistent with standards and policies set forth in the County General Plan, the North County Area Plan, the SLOAPCD Clean Air Plan, and other land use policies for this area. The project would be conditioned to be consistent with standards set forth by County Fire/CAL FIRE, Environmental Health, and the Department of Public Works. Therefore, impacts related to inconsistency with land use and policies adopted to address environmental effects would be less than significant.

Conclusion

No significant land use or planning impacts would occur.

Mitigation

None required.

Sources

See Exhibit A.

XII. MINERAL RESOURCES

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

Setting

The County Land Use Ordinance provides regulations for development in delineated Energy and Extractive Resource Areas (EX) and Extractive Resource Areas (EX1). The proposed project is not located within an EX or EX1 designation. Based on the California Geological Survey (CGS) Information Warehouse for Mineral Land

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Classification, the project site is located within an Aggregate Materials study area which covers the majority of the county. There are no active mining operations within 1 mile of the project site.

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?*

There are no known mineral resources on the project site. Although the project site is located within an Aggregate Materials study area, the project site does not contain resources identified in the study. Therefore, impacts would be less than significant.

(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?*

Based on Chapter 6 of the County of San Luis Obispo General Plan Conservation and Open Space Element – Mineral Resources, the project site is not located within an extractive resource area or an energy and extractive resource area, and the site is not designated as a mineral resource recovery site. Therefore, impacts related to preclusion of future extraction of locally important mineral resources would be less than significant.

Conclusion

Due to the lack of known valuable minerals on the project site, and the lack of a mineral resource recovery designation, the proposed project would not result in the loss of availability of or future extraction of valuable mineral resources.

Mitigation

None required.

Sources

See Exhibit A.

XIII. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
(a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The existing ambient noise environment is characterized by traffic associated with Highway 1. Noise-sensitive land uses typically include residences, schools, nursing homes, and parks. The project site is surrounded by noise-sensitive residences. The project site is not located within an Airport Review Area, with the nearest airport, Oak Country Ranch Airport, 10.2 miles northeast of the project site.

The County Land Use Ordinance Section 22.10.120 establishes maximum allowed noise levels for both daytime (7 a.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) hours. The maximum allowed exterior hourly noise level is 50 db for the daytime hours and 45 db for the nighttime hours.

Discussion

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

The proposed project would result in ambient noise levels consistent with the surrounding area. Based on the Noise Element’s projected future noise generation from known stationery and vehicle-generated noise sources, the project is within an acceptable threshold area.

Project construction activities would also generate short-term (temporary) construction noise. These activities would be limited to the daytime hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday or Sunday, in accordance with County construction noise standards (County Code Section 22.10.120.A).

Noise impacts resulting from both construction and operation of the proposed facility are expected to be less than significant.

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

Operation of the proposed project would not result in substantial groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, impacts related to temporary or permanent groundborne vibration would be less than significant.

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- (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 closest airport is Oak Country Ranch Airport, located 10.2 miles northeast of the project site. Since the project site is not located within two miles of a public airport or public use airport, and is not located in an area subject to an airport land use plan, there would be no impact to people residing in the project area from excessive air traffic related noise levels.

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per County LUO Standards. 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 no mitigation measures are necessary.

Mitigation

None required.

Sources

See Exhibit A.

XIV. POPULATION AND HOUSING

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

Setting

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

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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 proposed project will create new residences which will increase the supply of homes in the area leading to potential, small population growth. This is in line with County and Local plans to increase housing availability. The proposed project would not result in new jobs in the area that would require new housing. The project does not propose new roads or infrastructure to undeveloped or underdeveloped areas that would indirectly result in population growth. Therefore, impacts from the project will be less than significant.

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

The proposed project does not involve the displacement, either directly or indirectly, of existing people or housing that would necessitate the construction of replacement housing elsewhere. The project proposes the creation of additional housing to increase home supply. Therefore, no impacts would occur.

Conclusion

The proposed project would provide additional housing. Therefore, population and housing impacts are expected to be less than significant.

Mitigation

None required.

Sources

See Exhibit A.

XV. PUBLIC SERVICES

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

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project area is served by the County Sheriff's Department and Cal Fire as the primary emergency responders. The nearest sheriff station is located at the Los Osos substation approximately 8.5 miles to the south of the proposed project. The project is located in a local Responsibility Area for fire protection. Fire hazard severity is low and emergency response times are between 0-5 minutes. The project is within the San Luis Coastal Unified School District.

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 proposed project was reviewed by County Fire/Cal Fire for consistency with the Uniform Fire Code and will be required to adhere to the requirements of Uniform Fire Code. The proposed project, along with other projects in the area, will result in a cumulative effect on fire protection services. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be less than significant.

Police protection?

The proposed project, along with other projects in the area, would result in a cumulative effect on police protection services. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place. Therefore, impacts would be less than significant.

Schools?

The proposed project would result in the creation of new housing and may result in minor population growth. This population growth would result in a cumulative effect on existing school facilities. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property. Therefore, impacts would be less than significant.

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Parks?

The proposed project would result in the creation of new housing and may result in minor population growth. This population growth would result in a cumulative effect on existing school facilities. The project's direct and cumulative impacts would be within the general assumptions of allowed use for the subject property. Therefore, impacts would be less than significant.

Other public facilities?

The proposed project would not generate a substantial long-term demand for roads, solid waste, or other public services or utilities. Electrical demands of the project would be within expected uses for the property. The proposed project site would be accessed by the existing local circulation system and would not generate substantial long-term operational trips. Therefore, potential impacts on public services or utilities would be less than significant.

Conclusion

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

Mitigation

None required.

Sources

See Exhibit A.

XVI. RECREATION

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

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Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing parks, 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. According to the County's Recreation Element, the project is located within the Salinas River to Adelaida, Cambria and Whalerock proposed trail corridor.

Discussion

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

The proposed project would have a cumulative effect on the use of existing parks and recreational facilities through population growth caused by the construction of new homes.

- (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?*

Although the proposed project would result in the creation of new housing and may result in minor population growth, the increase of use to existing facilities is expected to be less than significant. The proposed project does not include recreational facilities or require construction or expansion of existing facilities. Therefore, impacts will be less than significant.

Conclusion

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

Mitigation

None required

Sources

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XVII. TRANSPORTATION

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

Setting

The County has established the acceptable Level of Service on roads for this residential area as “C” or better. The existing road network in the area including the project’s access street—Ocean Blvd—are operating at acceptable levels. Based on existing road speeds and configuration (vertical and horizontal road curves), sight distance is considered acceptable. The proposed project is not located within a quarter mile buffer of a railroad crossing.

Discussion

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

Short-term construction-related trips would be minimal, and area roadways are operating at acceptable levels and would be able to accommodate construction-related traffic. An increase in trips associated with completion of the project would be within expected levels. As a result, the proposed project would have no significant, long-term impact on existing road service or traffic safety levels. The project does not conflict with adopted policies, plans and programs related to transportation, would not affect air traffic patterns or policies related to public transit, bicycle, or pedestrian facilities.

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

The County of San Luis Obispo has not yet identified an appropriate model or method to estimate vehicle miles traveled for proposed land use development projects. Section 15064.3, subdivision (b) states that if existing models or methods are not available to estimate the vehicle miles traveled for

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the particular project being considered, a lead agency may analyze the project's vehicle miles traveled qualitatively.

Based on the nature and location of the project, the project would not generate a significant increase in construction-related or operational traffic trips or vehicle miles traveled. The project would not substantially change existing land uses and would not result in the need for additional new or expanded transportation facilities. The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be less than significant.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, no impacts would occur.

- (d) *Result in inadequate emergency access?*

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and no impacts would occur.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees and compliance with existing regulations would ensure potential impacts were reduced to less than significant. Therefore, potential impacts related to transportation would be less than significant and no mitigation measures are necessary.

Mitigation

None required.

Sources

See Exhibit A.

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XVIII. TRIBAL CULTURAL RESOURCES

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

Setting

Approved in 2014, Assembly Bill 52 (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:

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 California Register of Historical Resources; or
- b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.

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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 California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

AB 52 consultation letters were sent to the Northern Chumash Tribal Council, Salinan Tribe of Monterey and San Luis Obispo Counties, Xonon Salinan Tribe, and yak tityu tityu -Northern Chumash Tribe.

An official request for a recommended tribal consultation list was sent to the Native American Heritage Commission for the proposed general plan amendment per the requirements of Senate Bill 18 (SB 18). County staff met with Fred Collins, representing the Northern Chumash Tribal Council and concerns of unknown tribal resources was discussed and mitigation measures to include in the IS were reviewed. Since that consultation, no other comments have been received.

Discussion

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

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

A Phase I (surface) survey was conducted by a qualified consultant (Parker 2005). No evidence of significant cultural materials was noted on the property. However, the majority of the project site is covered with fill, asphalt, concrete or the existing structure, making inspection of native soils difficult. As a result, the investigation was inconclusive. No known paleontological resources exist in the area and because the project is not expected to encounter bedrock (test bore to 20 feet below the surface did not encounter bedrock), it is unlikely that paleontological resources of value will be disturbed by the project.

(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.*

No resources were determined to be present based on Phase I (surface) survey, although the site lies in close proximity to known cultural resources. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be less than significant.

Conclusion

The scattered resources found in the vicinity does not appear to be connected to a singular significant cultural site. The Phase 1 study (Parker 2005) found no evidence of cultural resources on the site nor any significant site characteristics or features that are typically supportive of prehistoric occupation. Tribal

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comments were incorporated with the cultural monitoring mitigation to ensure any potential impacts to tribal cultural resources would be less than significant.

Mitigation

See Exhibit B for mitigation measure CR-1

Sources

See Exhibit A.

XIX. UTILITIES AND SERVICE SYSTEMS

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

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Setting

A fee program has been adopted to address impacts related to public facilities (county) and schools (State Government Code 65995 et seq.). Fees are assessed annually by the County based on the type of proposed development and proportional impact and collected at the time of building permit issuance. Fees are used for the construction as needed to finance the facilities required to the serve new development.

Discussion

(a) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?The Cayucos Service District has capacity for this Project and expansion of existing facilities will not cause significant environmental effects. Therefore the impact to the new water or wastewater treatment facilities will be less than significant.*

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

The project has current water availability and will have sufficient water for future development from the Cayucos Service Area 1- water delivery system. Therefore impacts of the project will 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?*

A referral response from the Cayucos Sanitary District indicated continued serve and a conditional will serve will be issued upon receipt of construction plans. Impacts to the wastewater treatment provider has adequate capacity and therefore impacts of the project will be less than significant.

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

There will be no excessive solid waste generated by the future use of 4 residential units on this property and therefore the impact to the State or Local standards from use will be less than significant.

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

The project currently complies with and will continue to comply with regulations related to solid waste. Therefore the impact would be less than significant.

Conclusion

Impacts to the Utilities and Service Systems are minimal and as anticipated, Service Districts have indicated sufficient capacity and systems are available for this project. Therefore the impacts would be less than significant,

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Mitigation

None required

Sources

See Exhibit A.

XX. WILDFIRE

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

Setting

The proposed project is located in a moderate fire hazard severity zone. The site is surrounded by residential homes with little vegetation and is separated as such from the sloped areas that may create fire risk.

The County of San Luis Obispo Safety Element establishes goals, policies, and programs that reduce the threat to life, structures and the environment caused by fire. Policy S-13 states that new development

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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 potential for added danger.

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

Discussion

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

The project will not conflict with any regional emergency response or evacuation plans due to the project's location on an existing parcel and will not alter or prohibit access to local circulation systems. The proposed road will not pose a significant obstacle during an emergency response. Therefore impacts will 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 is in a moderate fire hazard severity zone. The parcel is gently sloping but does not contain vegetation and is surrounded by residential structures. The project will be subject to the adhere to a Fire Safety Plan prepared by Cal Fire to lessen fire risk within the project site. With this consideration, impacts will 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 is accessed on already constructed neighborhood roads and will not require any infrastructure that will exacerbate fire risk beyond what is required for an infill parcel within a densely developed neighborhood. Therefore the impacts to associated infrastructure will be less than significant.

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

The project is located in a potential flood hazard zone. However, the proposed project does not propose any structures within the Flood Hazard. The project has no evidence of geologic instability that may cause landslides, therefore impacts will be less than significant.

Conclusion

The project will 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 risk. Therefore potential impacts associated with wildfire will be less than significant.

Mitigation

None required

Sources

See Exhibit A.

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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Discussion

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

As discussed each resource section above, upon implementation of identified mitigation measures, the proposed project will not result in significant impacts to biological or tribal cultural resources and will not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife

Project Number **Project Name**

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population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered species plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, impacts will be less than significant with mitigation incorporated.

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

Potential cumulative impacts of the proposed project have been analyzed within the discussion of each environmental resource area above. Cumulative impacts associated with the proposed project will be less than significant with mitigation.

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

Environmental impacts that may have an adverse effect on human beings, either directly or indirectly are analyzed in each environmental resource section above; therefore impacts will be less than significant.

Conclusion

With the implementation of the mitigation measures listed in Exhibit B - Mitigation Summary Table, impacts will be reduced to less than significant with mitigation.

Mitigation

See Exhibit B - Mitigation Summary Table

Sources

See Exhibit A.

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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
<input checked="" type="checkbox"/>	County Public Works Department	In File
<input checked="" type="checkbox"/>	County Environmental Health Services	In File
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input checked="" type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Cayucos Community Services District	In File
<input checked="" type="checkbox"/>	Other Department of Toxic Substances	In File
<input checked="" type="checkbox"/>	Other <u>Central Coast Water Board</u>	

** "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.

- | | |
|---|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Project File for the Subject Application County Documents <input checked="" type="checkbox"/> Coastal Plan Policies <input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland) <input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements: <ul style="list-style-type: none"> <input type="checkbox"/> Agriculture Element <input type="checkbox"/> Conservation & Open Space Element <input type="checkbox"/> Economic Element <input type="checkbox"/> Housing Element <input type="checkbox"/> Noise Element <input type="checkbox"/> Parks & Recreation Element/Project List <input checked="" type="checkbox"/> Safety Element <input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal) <input checked="" type="checkbox"/> Building and Construction Ordinance <input type="checkbox"/> Public Facilities Fee Ordinance <input type="checkbox"/> Real Property Division Ordinance <input type="checkbox"/> Affordable Housing Fund <input type="checkbox"/> Airport Land Use Plan <input type="checkbox"/> Energy Wise Plan <input checked="" type="checkbox"/> Estero Area Plan | <ul style="list-style-type: none"> <input type="checkbox"/> Design Plan <input type="checkbox"/> Specific Plan <input type="checkbox"/> Annual Resource Summary Report <input type="checkbox"/> Circulation Study Other Documents <input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook <input type="checkbox"/> Regional Transportation Plan <input type="checkbox"/> Uniform Fire Code <input type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) <input checked="" type="checkbox"/> Archaeological Resources Map <input checked="" type="checkbox"/> Area of Critical Concerns Map <input type="checkbox"/> Special Biological Importance Map <input type="checkbox"/> CA Natural Species Diversity Database <input checked="" type="checkbox"/> Fire Hazard Severity Map <input checked="" type="checkbox"/> Flood Hazard Maps <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) <input type="checkbox"/> Other |
|---|--|

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

Robert G Garr Visual Impact Study November 2007 (project setting, adjacent neighborhoods, State and National Scenic Designations)

Parker & Associates, Cultural Resource Investigation APN 064-263-025, 036, 052, 053, dated Feb 6, 2005 - surface cultural resource investigation, and assessment of impacts.

Central Coast Water Board GeoTracker for potential hazardous impacts to water quality

California Department of State and Toxic Substances Envirostor database for hazardous waste

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Exhibit B - Mitigation Summary

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

CULTURAL/ TRIBAL CULTURAL RESOURCES

CR-1 Cultural Resource Monitoring

a. Monitoring Plan. Prior to issuance of construction permits and/or approval of subdivision improvement plan, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Planning and Building. The intent of this plan is to monitor all earth-disturbing activities in areas identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

1. List of personnel involved in the monitoring activities ;
2. Inclusion of involvement of the Native American community, as appropriate;
3. Description of how the monitoring shall occur;
4. Description of the frequency of monitoring (eg. Full-time, part-time, spot-checking)
5. Description of what resources are expected to be encountered;
6. Description of circumstances that would result in the halting of work at the project site (eg. What is considered "significant" archaeological resources?);g. Description of procedures for halting work on the site and notification procedures; and
7. Description of monitoring reporting procedures

Crew Education . The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation with County-approved archaeologist, the applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

The archaeologist shall verify implementation of the Monitoring Plan during any ground disturbing activities. Prior to final inspection of construction permits, a final field completion report on compliance shall be submitted by the archaeologists to County Department of Planning.

b. Construction Monitoring. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American Representative to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity

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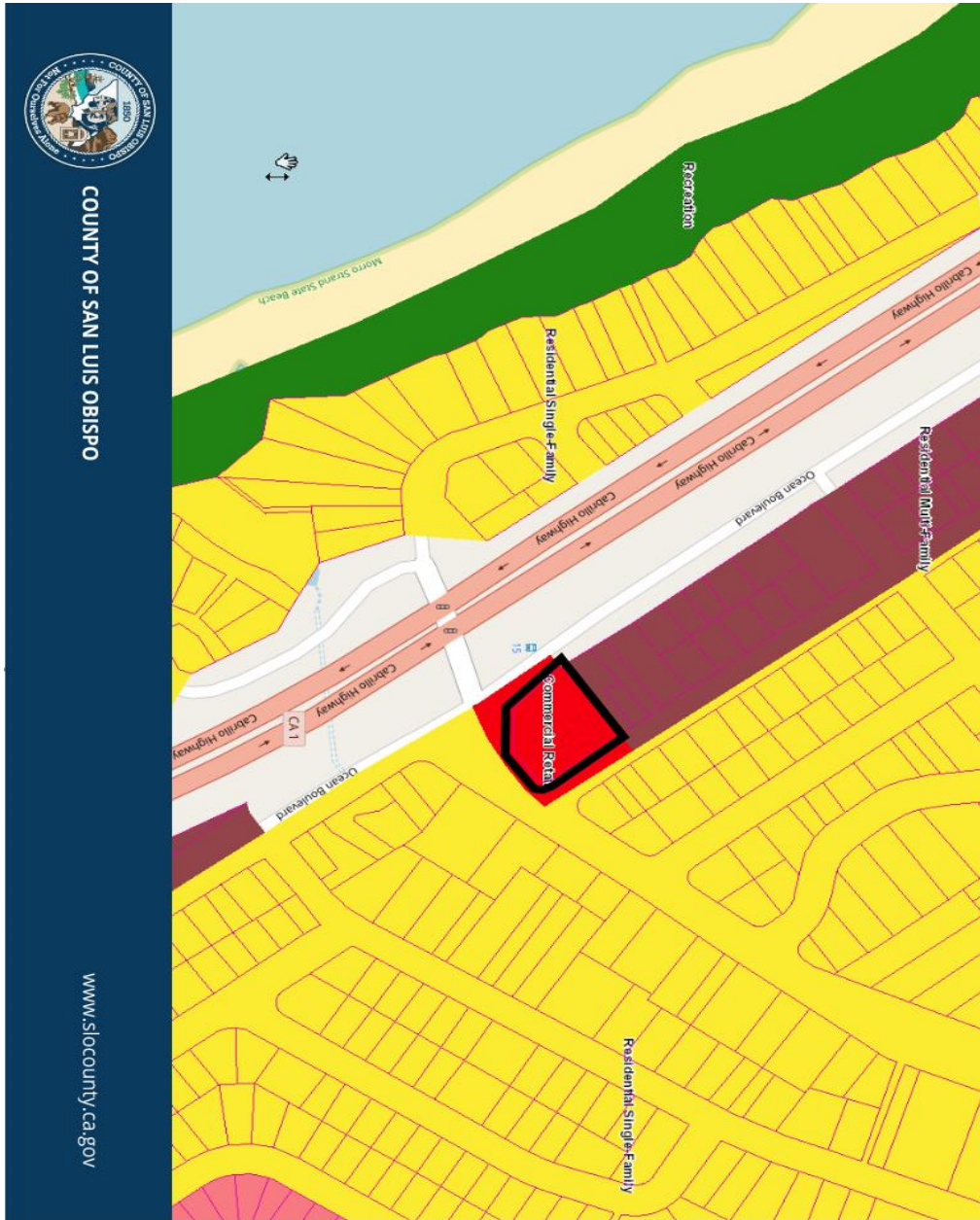
(precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate representatives, including Tribal consultants. The applicant shall implement the mitigation as required by the Environmental Coordinator.

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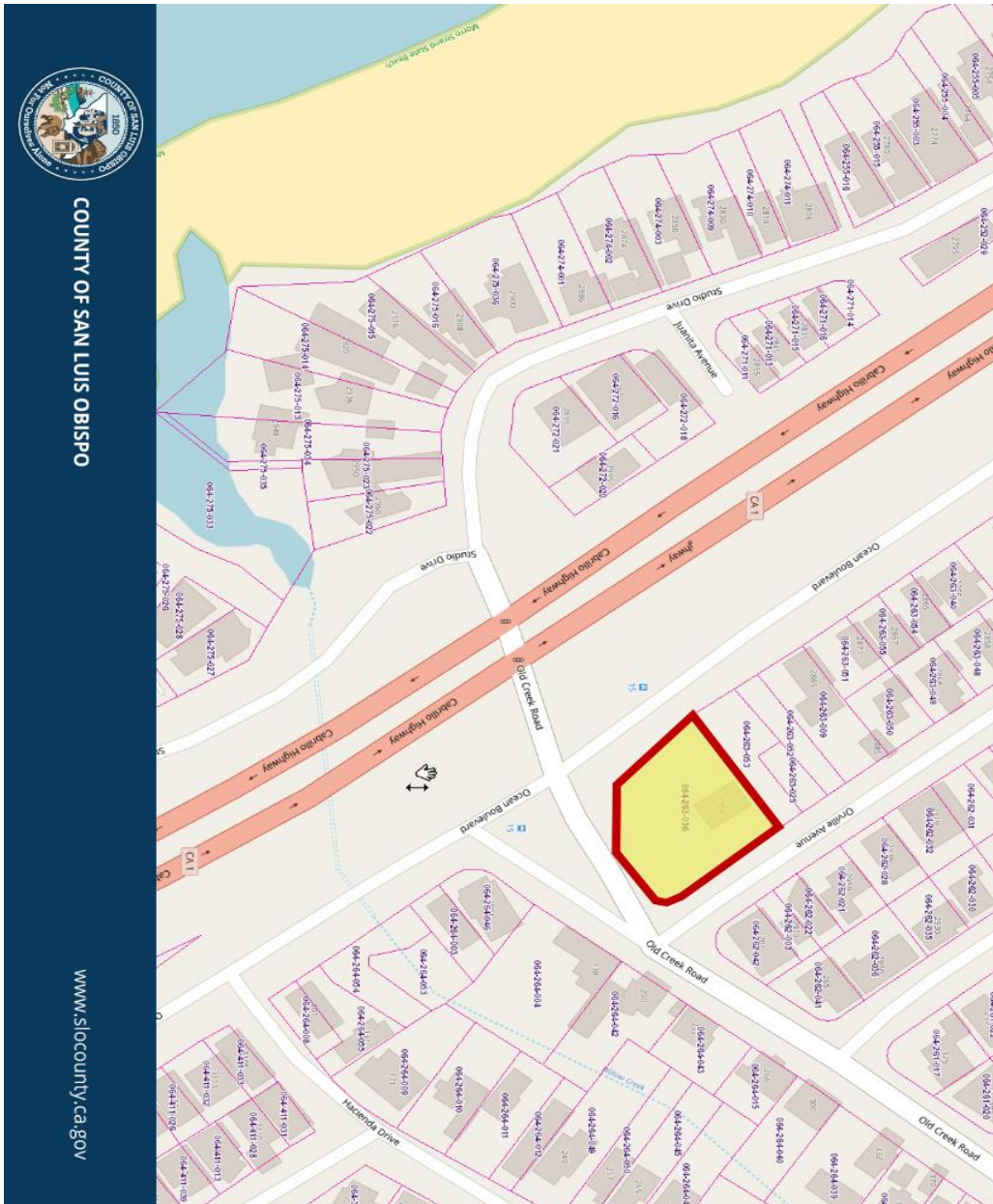


Project Number

Project Name

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04/2019

Initial Study – Environmental Checklist



RE: Re-Transmittal of Project Summary / Referral*: LRP2019-00001 DeCicco, General Plan Amendment, Cayucos

Jackie Mansoor
Wed 6/3/2020 11:25 AM
To: Jennifer Guetschow
Cc: Brian Pedrotti
Hello Jennifer,

The APCD has reviewed the information in the Project Referral. The APCD would like to inform the applicant, lead agency, and/or public of the below **(1) Information Comment**.

1. Information Comment

- i. The General Plan Amendment proposes to change 2958 Orville Ave in Cayucos from the Land Use Category Commercial Retail to Residential Single Family. The property is currently surrounded by residential land uses. The APCD encourages the balance of residential and commercial infill within the existing urban reserve lines (URLs) and village reserve lines (VRLs), as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. This balance of residential and commercial infill can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. When people can walk and/or cycle to nearby businesses, traffic is reduced, and we create healthier communities. The APCD supports this balance, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy. The proposed amendment would limit the opportunity for this balance, therefore, the APCD cannot support the proposed General Plan Amendment request.

Jackie

Jacqueline Mansoor | Air Quality Specialist

Currently Teleworking

SLO County Air Pollution Control District

3433 Roberto Court, SLO 93401

805-781-5983 • SLOCleanAir.org • SLOCarFree.org



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

THIS IS A *RE-TRANSMITTAL* OF A PROJECT REFERRAL

DATE: 3/9/2020
TO: 2nd District Assistant, Air Pollution Control Board, Public Works, Stormwater, County Service Area 10 (Cayucos Water), Coastal Commission, Cayucos Advisory Council, State Department of Toxic Substances
FROM: Jennifer Guetschow (jguetschow@co.slo.ca.us or 805-788-2352)

PROJECT NUMBER & NAME: LRP2019-00001 DeCicco

PROJECT DESCRIPTION: Proposed General Plan Amendment to change the Land Use Category from CR (Commercial Retail) to Residential Single Family (RSF), address is 2958 Orville Ave in Cayucos.

APN(s): 064-263-036

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I: IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- YES (Please go on to PART II.)
NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II: ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
NO (Please go on to PART III.)

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached. Thank you.

6/2/2020 Date L. Terry Name x5553 Phone



Attachment 8
COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT
Michael Hill *Health Agency Director*
Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

June 2, 2020

To: Jennifer Guetschow, jguetschow@co.slo.ca.us
SLO County Planning and Building

From: Environmental Health
Leslie Terry, 805-781-5553, lterry@co.slo.ca.us

RE: LRP2019-00001 DeCicco
APN 064-263-036

Please be advised that while this office does not have comments relative to the General Plan Amendment; there are significant comments applicable to the future re-development of this site. This site has not obtained a closure letter relative to its prior use. Please reference the July 8, 2016 document drafted by this office and the BOS Resolution from 2008 reference therewithin attached to this response.

Any questions regarding this site should be directed to Mr. Aaron LaBarre at (805) 781-5595 or at alabarre@co.slo.ca.us



Public Health Department

Jeff Hamin
Health Agency Director

Penny Borenstein, M.D., M.P.H.
Health Officer



Public Health
Prevent. Promote. Protect.

July 8, 2016

Frank DeCicco
115 Kodiak Street
Morro Bay, CA 93442

RE: Redevelopment of APNs 064-263-025, 036, 052, 053; 2991 South Ocean Blvd. Cayucos, Development Plan SUB2005-00241 and Variance DRC2006-00064

This letter is presented due to a request from your Project Planner, Chuck Stevenson. Chuck stated he is responding to a request from the Coastal Commission asking if any of the agencies have new conditions since providing them in 2008. Our agency provided general comments in 2008 and they were made project conditions. Our agency does not have any new general conditions but applicable changes of EPA guidance for site investigations will apply. At this point, changes will affect finer details of sample acquisition, analysis and sample analytical laboratory methods.

The conditions of approval confirmed in the Board Of Supervisors Resolution concerning this agency remain to be satisfied. Once those conditions are satisfied, this agency will provide a closure letter. In general, our conditions are concerned with evaluating past underground fuel storage tank systems and other sources of hazardous materials for potential impacts, potential removal of any remaining systems or sources and mitigation of impacts. The general phases are assessment, mitigation, waste management, mitigation confirmation and application for closure.

Please contact me for further detail on guidance for compliance with our agency's conditions or any questions regarding this letter at 805-781-5595.

Sincerely,

Abron LaBarre, REHS
Supervising Environmental Health Specialist
Hazardous Materials Section

C: Chuck Stevenson

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION MODIFYING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF FRANCO DECICCO FOR A
TENTATIVE TRACT MAP/COASTAL DEVELOPMENT PERMIT FOR
TRACT 2863, DEVELOPMENT PLAN SUB2005-00241,
AND VARIANCE DRC2006-00064

The following resolution is now offered and read:

WHEREAS, on March 27, 2008, May 22, 2008 and June 26, 2008, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of Franco DeCicco for a tentative tract map/coastal development permit for Tract 2863, Development Plan SUB2005-00241, and Variance DRC2006-00064; and

WHEREAS, Franco DeCicco has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 and Title 23 of the San Luis Obispo County Code; and

WHEREAS, public hearings were duly noticed and conducted by the Board of Supervisors on October 7, 2008 and October 28, 2008, and determination and decision was made on October 28, 2008; and

WHEREAS, at said hearings, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be upheld in part and the decision of the Planning

Attachment 8

Commission should be modified and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.
3. That the negative declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the Board of Supervisors has reviewed and considered the information contained in the negative declaration together with all comments received during the public review process prior to approving the project.
5. That the appeal concerning the tentative tract map filed by Franco DeCicco is hereby upheld in part and the decision of the Planning Commission is modified and that the application of Franc DeCicco for a tentative tract map/coastal development permit for Tract 2863 is hereby approved subject to the conditions of approval set forth in Exhibit D attached hereto and incorporated by reference herein as though set forth in full.
6. That the appeal concerning the development plan filed by Franco DeCicco is hereby upheld in part and the decision of the Planning commission is modified and that the application of Frank DeCicco for Development Plan SUB2005-00241 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.
7. That the appeal concerning the variance filed by Frank DeCicco is hereby denied and the decision of the Planning Commission is affirmed and that the application of Franco DeCicco for Variance DRC2006-00064 is hereby approved based upon the findings and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

EXHIBITS A, B, C, D

- FINDINGS, DEVELOPMENT PLAN SUB 2005-00241, VARIANCE DRC 2006-00064
 - CONDITIONS OF APPROVAL, DEVELOPMENT PLAN SUB 2005-00241
 - FINDINGS, TENTATIVE TRACT 2863
 - CONDITIONS OF APPROVAL, TENTATIVE TRACT 2863
-

EXHIBIT A: FINDINGS, DEVELOPMENT PLAN SUB2005-00241,
VARIANCE DRC2006-00064

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq. and CA Code of Regulations Section 15000 et seq.) has been issued on February 21, 2008, and a Revised Mitigated Negative Declaration has been issued on May 29, 2008 for this project. Mitigation measures are proposed to address aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/circulation, water, and land use, and are included as conditions of approval.

The Revised Mitigated Negative Declaration, including mitigation measures, effectively addresses the issues raised by the Concerned Citizens of Cayucos in its "Request for Review" (environmental appeal) of the proposed Mitigated Negative Declaration, as follows:

Consistency with Estero Area Plan

The Mitigated Negative Declaration and Visual Analysis for this project adequately address the project's consistency with policies in the *existing* Estero Area Plan. The Estero Area Plan *update* has not been approved by the Coastal Commission, is not in effect, and therefore cannot be used as a basis to evaluate a proposed project's consistency with the Local Coastal Program. No specific policy inconsistencies with the existing Estero Area Plan were identified; the project is consistent with Cayucos Urban Area standards in the Estero Area Plan associated with setbacks, density, and height limitations. In addition, granting a Variance to Commercial Retail Standard #1 for Cayucos, which requires new development to reflect a Western or Victorian style, would not result in a significant impact. Mitigation measures recommended in the Visual Analysis and incorporated into the project design include changing the style from the originally proposed Mediterranean style to a "California beach house" style. Although that style still requires a Variance to Commercial Retail Standard #1, it would result in a project that better reflects the architectural style of the surrounding neighborhood (see also following Findings I through M).

Aesthetic impacts

The Mitigated Negative Declaration adequately addresses the potential of the project to introduce a use within a scenic view open to the public, because the Visual Analysis determined that 1) the existing views from Orville Street looking west have been previously compromised and are therefore not considered scenic views in the analysis, and no significant impacts would occur, and 2) as viewed from the west, the proposed project would not significantly impact distant ridgelines, significant geologic features or scenic views from Highway 1.

The Mitigated Negative Declaration adequately addresses the potential of the project to change the visual character of the area, because the following mitigation measures reduce this potential impact to a less than significant level:

- additional stepping back of the motel portion of the project along Ocean Blvd. and the Residential Multi-Family- portion along Orville Avenue (these measures have already been incorporated into a revised project design)
- changing the architecture of the proposed project from “California Mediterranean” to “California Beach House style architecture”. (this architectural style has already been incorporated into a revised project design)

Air Quality, Hazards, Hazardous Materials

Potential contamination of the site is adequately addressed by the previous underground storage tank investigation, a new Phase I Environmental Site Assessment completed during the preparation of this Mitigated Negative Declaration, and the recommendations of the Environmental Health Division, which are included as mitigation measures. The following mitigation measures to be completed prior to recordation of the final map and issuance of construction permits reduce potential impacts to a less than significant level:

- implementation of a work plan submitted to the Division of Environmental Health which describes procedures to deal with a possible th underground storage tank, the elimination point of the former gas stations floor drain, potential lead or asbestos-containing materials in the existing building, and potential Volatile Organic Compounds
- verification that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health
- verification that the Regional Water Quality Control Board and the Division of Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP), and implementation of the CMMP during site excavation

The Mitigated Negative Declaration adequately addresses potential air quality impacts associated with excavation of the underground garage, because it is expected that less than 2,000 cubic yards of material would be moved per day (below the APCD’s mitigation threshold). As a result, no mitigation measures, beyond standard dust control measures already required by the county code would be required.

The Mitigated Negative Declaration adequately addresses the need for dewatering, its potential affects on biological resources, and the associated impacts of storm water runoff on biological resources in Willow Creek, because the following mitigation measures reduce potential impacts to a less than significant level. In addition, adequate capacity exists in the storm water system to handle the increased runoff from the project, according to the Public Works Department, and. project is not expected to significantly increase the amount or degrade the quality of runoff from the neighborhood:

- compliance with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County’s Storm Water Pollution Control and Discharge Ordinance
- no construction of the underground garage between Oct. 15 and April 15
- implementation of a construction dewatering plan that describes the dewatering technologies to be used, the Best Management Practices to be employed, the

proposed outfall location (currently the existing storm drain), and water quality standards to be met for discharged water, at a minimum

- verification that appropriate dewatering and/or discharge permits have been issued by the Regional Water Quality Control Board
- no subsurface water to be discharged into the public storm water system without filtration and all necessary discharge permits

Transportation and Circulation

The Mitigated Negative Declaration adequately addresses transportation impacts, including pedestrian safety and impacts to Old Creek Road. The traffic study prepared for this project concludes that no project-specific mitigation measures are necessary. The Public Works Department agrees with that conclusion, and also comments that most of the traffic concerns expressed in the comment letter attached to the Request for Review deal with existing conditions, and are not considered impacts of the project. The required standard road improvements for this project would reduce significant operational traffic impacts to a less than significant level.

The following mitigation measures reduce potential impacts on regional transit needs and potential impacts due to short-term construction traffic to a less than significant level:

- payment of applicable regional transit in-lieu fees to the Regional Transit Authority
- implementation of a Construction Traffic Management Plan that includes measures such as identifying the maximum number of daily trips proposed for construction workers and construction vehicles, and designated worker parking

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan, because the motel is a "Principally Permitted" allowable use in the existing Commercial Retail land use category, the residential multi-family portion of the project is a "Principally Permitted" allowable use in the existing Residential Multi-Family land use category, and the project, as conditioned, is consistent with all of the General Plan policies, including applicable Coastal Plan policies regarding public works, coastal watersheds, visual and scenic resources, and archaeology.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code, including Section 23.04.028d. regarding parcel sizes for condominiums in the Residential Single-Family and Multi-Family categories, Section 23.04.029 regarding minimum parcel sizes in the Commercial and Office categories, Section 23.04.084b. regarding density and intensity standards for multi-family dwellings, Section 23.04.160 et seq. regarding parking and loading, Section 23.04.300 et seq. regarding signs, Sections 23.05.040 et seq. and 23.05.050 regarding drainage, Section 23.07.104 regarding archaeology, and Section 23.08.262 regarding hotels and motels.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use, because neither the residential units nor the motel generate activity that presents a potential threat to the surrounding property and buildings. This

project is subject to Ordinance and Building Code requirements designed to address drainage, traffic, noise, air quality, and other health, safety and welfare concerns.

- E. The proposed project will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development, because the four multi-family dwellings are compatible with, and will not conflict with, surrounding residential uses and land use categories. The motel is also compatible with, and will not conflict with, surrounding residential uses and land use categories for the following reasons:
- 1) The motel portion of the building will be set back from adjacent neighborhoods by at least 55 feet from the closest residential properties on Orville Ave., and by a minimum of 75 feet from the closest residential properties on Old Creek Road.
 - 2) The proposed project, as conditioned, will not cause significant visual effects to the surrounding neighborhood in terms of mass, scale, height, appearance, and architectural style, according to a visual study prepared by an independent professional consultant
 - 3) The common outdoor activity areas for the motel and residences will be oriented away from most residential areas.
 - 4) The main motel entrance and parking entrance will be on Ocean Blvd., away from residences.
 - 5) The parking area will be subterranean, and more spaces will be provided than are required by the Coastal Zone Land Use Ordinance.
 - 6) The Negative Declaration determined that there will be no significant traffic impacts on the surrounding neighborhood.
 - 7) The Negative Declaration determined that there will be no significant noise impacts on the surrounding neighborhood, and a condition of approval requires that a local property manager be available 24 hours a day to respond to any potential neighborhood complaints.
- F. The proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because 1) the project fronts on Ocean Blvd. and Orville Avenue, both local roads constructed to a level able to handle any additional traffic associated with the project, and on Old Creek Road, a collector road that is able to handle any additional traffic associated with the project, and 2) the Negative Declaration determined that the project will not result in significant traffic impacts. In addition, street improvements are required on all three fronting streets.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is not located between the first public road and the ocean, developed vertical coastal access exists within 1/4 mile of the project site, and the project will not inhibit access to the coastal waters and recreation areas.

Archeologically Sensitive Area

- H. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected, because monitoring of earth disturbing activities is required.

Variance to allow development having other than Western or Victorian-style architecture

1. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated, because Cayucos has only one other area in the Commercial Retail land use category that is not within or in close proximity to the Central Business District, and that small area has limited commercial development potential and is already partially developed in and surrounded by development with other than Western or Victorian-style architecture.
- J. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category. These circumstances consist of the following:
1. The proposed project is well outside of the Cayucos Central Business District, where Western or Victorian-style architecture is most appropriate, and where a common design theme and façade treatments are desired, according to the discussion of the Central Business District in Chapter 6 of the Estero Area Plan.
 2. The site is surrounded by residential development where buildings with a beach house-style of architecture predominate, and the Negative Declaration includes a mitigation measure that calls for the proposed project to reflect that beach house-style architecture in order to be compatible with the visual character of the area. Thus, the Variance is needed in order to assure compatibility with the visual character of the area.
 3. The proposed project, while not reflecting a strictly Western or Victorian architectural style, does include architectural elements specified in the planning area standard requiring such architecture, including wood or wood-appearing materials, railings and balconies.
- K. The variance does not authorize a use that is not otherwise authorized in the land use category because the proposed multi-family dwellings and motel are allowable in the Residential Multi-Family and Commercial Retail land use categories on this site.
- L. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements, because the architectural style does not affect health or safety, and because the proposed beach house-style architecture will make the project compatible with the visual character of the area.
- M. The variance is consistent with the San Luis Obispo County General Plan, because the proposed beach house-style architecture will make the project compatible with the visual character of the area, thereby promoting consistency with the General Goal of the Land Use Element to preserve and enhance the quality of residential areas by preserving desirable neighborhood characteristics. Aside from the issue of architectural style, the variance will not conflict with any General Plan or Local Coastal Plan policies or standards.

EXHIBIT B: CONDITIONS OF APPROVAL, DEVELOPMENT PLAN SUB2005-00241

Approved Development

1. This approval authorizes:

- a) A residential/motel mixed-use development, all in a three-story building, including the following:
 - i) four residential multi-family units having a total floor area of about 10,300 square feet, plus decks and courtyards
 - ii) an 18-unit motel, to be operated as a conventional motel for overnight and short-term lodging by the general public, and a 17,600 square-foot subterranean garage
- b) A Variance to allow development that reflects a "California beach house-style" of architecture instead of the Western or Victorian-style architecture that is required by the Estero Area Plan of the Land Use Element and Local Coastal Plan (planning area standard #1 for the Commercial Retail category in Cayucos)

General

2. In addition to the following conditions of approval, the applicant shall comply with the conditions of approval for Tract 2863 regarding access and improvements, improvement plans, drainage, and utilities.

Conditions to be completed at the time of application for construction permits

Safe Development

3. At the time of application for construction permits, submit revised plans to the Department of Planning and Building for review and approval. The plans are to include the following:
- a. Provide additional screening of the blank walls on the north (residential) elevation of the building that abuts the Residential Multi-Family category by use of trees in selective locations to provide more substantial screening of the blank walls than would be provided by the previously proposed palm trees.
 - b. Replace the Queen palm--used as a street tree along Ocean Blvd. and a portion of Old Creek Road--with another species that is either native or drought tolerant from the County-approved list of plant materials in order to comply with the street tree requirements of the Real Property Division Ordinance, Section 21.03.010c(7).
 - c. Provide additional street trees, which may be grouped, as needed along at least two of the street frontages in order to provide street trees at a ratio of one tree for every 25 feet of frontage, as required by the Real Property Division Ordinance, Section 21.03.010c(7).

4. At the time of application for construction permits, the applicant shall submit construction plans and elevations to the Department of Planning and Building for review and approval consistent with the following conditions:

Visual impacts

- a. No highly reflective glazing or coatings shall be used on west and south facing windows.
- b. No highly reflective exterior materials such as chrome, bright stainless steel or glossy tile shall be used on the south and west facing sides of the development where visible from off-site locations.
- c. Submit revised plans showing a minimum 15-foot building setback from the property line for the three motel units on the third level of the Commercial Retail-portion of the building along Orville Avenue.

Noise impacts

- d. Plexiglass or similar barriers shall be installed on top of the walls that enclose the upper floor decks/terraces of the residential units to a total height of six feet above the decks/terraces in order to reduce noise exposure in those outdoor areas.

Air quality

- e. Only Air Pollution Control District (APCD)-approved wood burning devices can be installed in new dwelling units per APCD rule 504. These devices include:
 - i. all EPA-certified Phase II wood burning devices
 - ii. catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iii. non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iv. pellet-fueled woodheaters
 - v. dedicated gas-fired fireplaces

Geology and Soils

- f. Construction and grading plans shall reflect the recommendations of the geotechnical report (GSI, 2006).

Construction plans submitted, and all development shall be consistent with the approved site plan, and the revised and approved floor plans, elevations, and landscape plans.

Signs

5. At the time of application for construction permits, submit a sign plan for the entire site showing all locations, dimensions, materials, text, and lighting of all proposed exterior signs in accordance with the requirements of Coastal Zone Land Use Ordinance Sections 23.04.300 et seq. The proposed project identification monument sign near the intersection of Old Creek Road and Ocean Blvd. shall be no greater than three feet in height; otherwise, it shall be relocated outside of the required setback area. The maximum sign area for the monument sign is 60 square feet. Any signage visible from off-site shall not be internally illuminated.

Lighting

6. At the time of application for construction permits, the applicant shall submit interior and exterior lighting plans to the Department of Planning and Building for review and approval. The plans shall include the height, location, and intensity of all exterior lighting, and shall be consistent with the following.
 - a. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties; the point source of all exterior lighting shall be shielded from off-site views.
 - b. Light hoods shall be dark colored.
 - c. All required security lights shall utilize motion detector activation.
 - d. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.
 - e. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
 - f. Lumination spill-over from security lighting in the parking garages shall be minimized through selective luminaire placement, in conjunction with possible motion detectors, fixture design, lowest allowable foot-candle standards, and hours of operation.
 - g. Any signage visible from off-site shall not be internally illuminated.

Fire Sa/efy

7. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan dated August 31, 2006 that was prepared by the Cayucos Fire Protection District for this proposed project.

Services

8. At the time of application for construction permits, the applicant shall provide a letter from the Cayucos Sanitary District and clearance from County Service Area 10A stating that they are willing and able to service the property.

Ufi/ifies

9. At the time of application for construction permits, the applicant shall submit a utility plan to the Department of Planning and Building for review and approval. The utility plan shall include the undergrounding of existing overhead utilities on-site and surrounding the project along the project frontages of Ocean Avenue, Old Creek Road and Orville Street, unless PG&E provides written documentation that such undergrounding is infeasible due to high voltage or other technical reasons.

Conditions to be completed prior to issuance of a construction permit

Grading, drainage, Sed/mentation and Erosion Control

10. Prior to issuance of construction permits, the applicant shall submit a Drainage and Erosion Control plan to be reviewed by the Department of Public Works. The plans shall comply with Coastal Zone Land Use Ordinance Sections 23.05.040 and 23.05.050 and the following:
 - a. No subsurface water shall be discharged into the public storm water system without filtration and all necessary discharge permits

- b. Submit complete drainage calculations for review and approval. A Soils Engineer is to determine the volume of subsurface flows which will enter the underground garage or be intercepted by underground drains, and if calculations so indicate, offsite storm drain improvements will be required.

During construction and operation, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

11. Prior to issuance of construction permits, the applicant shall submit a sedimentation and erosion control plan pursuant to Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the Department of Public Works.
12. Planters, benches, and other proposed improvements within the rights-of-way of along Orville Avenue, Old Creek Road or Ocean Blvd. require that the applicant first obtain an encroachment permit from the Public Works Department prior to issuance of construction permits.

Oeofogy and Soifs

13. To minimize the amount of dewatering necessary, construction of the underground garage shall be prohibited between Oct. 15 and April 15, and this shall be placed as a note on the grading and construction plans prior to issuance of grading and construction permits.
14. Prior to issuance of construction permits, the applicant shall submit a construction dewatering plan for review and approval by the Department of Public Works for Encroachment Permit purposes. The plan shall include description of dewatering technologies to be used, the Best Management Practices to be employed during dewatering, the proposed outfall location (currently the existing storm drain), and water quality standards to be met for discharged water, at a minimum. The applicant shall implement the provisions of the approved dewatering plan during excavation. The applicant shall also provide the Department of Planning and Building and the Department of Public Works with verification that appropriate dewatering and/or discharge permits have been issued by the Regional Water Quality Control Board prior to commencement of the dewatering.
15. Prior to issuance of a grading permit, the applicant shall be responsible for identifying an "export site" where excavated material can be accepted. A separate grading permit may be required for the export site.

Hazards and Hazardous Materials

16. Prior to recordation of the final map and issuance of construction permits, the applicant shall submit a work plan to the Division of Environmental Health which describes procedures to determine the following:
 - a. whether or not a 7th underground storage tank (UST) still exists onsite, if it was the used oil UST and whether or not it leaked
 - b. the elimination point of the former gas stations floor drain (whether or not it was into

- the sewer system or a septic/leach system)
- c. whether or not lead or asbestos-containing materials were used in the construction of the building.
 - d. whether or not Volatile Organic Compounds (VOCs) are present onsite in the soil gas. This portion of the work plan shall be prepared by a qualified Health Risk Assessor and shall be in compliance with the USEPA Guidance on vapor intrusion and the Cal-EPA/DTSC Guidance for the evaluation of subsurface vapor intrusion.
17. The approved work plan shall be implemented prior to recordation of the final map and issuance of construction permits. If VOCs are present, they shall be addressed in the CMMP (see below).
 18. Prior to recordation of the final map and issuance of construction permits, the applicant shall provide verification to the Department of Planning and Building that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health.
 19. Prior to recordation of the final map and issuance of construction permits, the applicant shall provide verification to the Department of Planning and Building that the RWQCB and Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP) for the project. The plan shall include, at minimum, a discussion of the findings from the additional site assessment work required in the work plan (see above), and the methodologies proposed for proper field screening of excavated soil for potential contamination by an environmental monitor, identification of a contractor licensed to perform the removal and transportation of hazardous waste, proper handling, onsite storage and disposal of contaminated soil, and confirmatory soil sampling, etc. if encountered. The approved CMMP shall be implemented during the site excavation.

Air Quality

20. Prior to issuance of construction permits, the applicant shall submit to the Air Pollution Control District (APCD) a geologic evaluation of naturally occurring asbestos on the project site. If naturally occurring asbestos is present onsite, the applicant shall comply with all requirements outlined in the Asbestos Airborne Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include, but are not limited to: 1) an Asbestos Dust Mitigation Plan that shall be approved by the APCD prior to construction, and 2) an Asbestos Health and Safety Program. If the applicant has any questions regarding these requirements, they shall contact Ms. Karen Brooks, APCD at 781-5912.
21. Prior to issuance of construction permits, the applicant shall develop and submit to the Air Pollution Control District for review and approval a comprehensive Construction Activity Management Plan (CAMP) designed to minimize the amount of large construction equipment operating during any given time period. The purpose of the CAMP is to specifically define the mitigation measures that will be employed as the project moves forward, in order to ensure all requirements are accounted for in the project budget, included in the contractor bid specifications, and are fully implemented throughout project construction. The plans should include but not be limited to the following elements:

- a. Dust control measures
 - b. Construction schedule to limit construction equipment operation (including idling limits) and truck trips during non-peak hours
 - c. Air Quality complaint response plan.
22. Prior to issuance of construction permits, the following eetes regulations shall be shown on grading, demolition and building plans for implementation during grading and construction activities. The project shall comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook.
- a. Reduce the amount of disturbed area where possible.
 - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - c. All dirt stock-pile areas shall be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading, unless seeding or soil binders are used.
 - e. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
 - f. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established.
 - g. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - l. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to recordation and finished grading of the area.
23. Prior to issuance of demolition permits, the applicant shall contact the Air Pollution Control District (APCD) regarding requirements relating to demolition activities. If utility pipelines are removed or relocated, or if buildings are removed or renovated, this project

may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M — asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ACM). The applicant shall contact Tim Fuhs of the Enforcement Division of APCD (781-5912) for further information.

24. Prior to issuance of grading and construction permits, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- a. Portable generators and equipment with engines that are 50 horsepower and greater
 - b. IC engines
 - c. Power screens, conveyors, diesel engines, and/or crushers
 - d. Unconfined abrasive blasting operations
 - e. Concrete batch plants
 - f. Rock and pavement crushing
 - g. Tub grinders
 - h. Trommel screens

Cultural Resources

25. Prior to issuance of construction permits, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall include:
- a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. what is considered “significant” archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.

Landscape Plans

26. Prior to issuance of construction permits, the applicant shall submit revised landscaping plans to the Department of Planning and Building for review and approval. The plans are to include the following:
- a. Provide additional screening of the blank walls on the north (residential) elevation of the building that abuts the Residential Multi-Family category by use of trees in selective locations to provide more substantial screening of the blank walls than would be provided by the previously proposed palm trees.
 - b. Replace the Queen palm--used as a street tree along Ocean Blvd. and a portion of Old Creek Road--with another species that is either native or drought tolerant

from the County-approved list of plant materials in order to comply with the street tree requirements of the Real Property Division Ordinance, Section 21.03.010c(7).

- c. Provide additional street trees, which may be grouped, as needed along at least two of the street frontages in order to provide street trees at a ratio of one tree for every 25 feet of frontage, as required by the Real Property Division Ordinance, Section 21.03.010c(7).

Transportation

27. Prior to issuance of construction permits, the applicant shall pay applicable regional transit in-lieu fees to the Regional Transit Authority.
28. Prior to issuance of a grading permit, the applicant shall submit a Construction Traffic Management Plan to the Department of Public Works for review, approval and issuance of an Encroachment Permit. That plan shall include measures that identify the maximum number of daily trips proposed for construction workers and construction vehicles, and designated worker parking.

School, Pzzb/ie Facility fees

29. Prior to issuance of construction permits, the applicant shall pay all applicable school and public facilities fees.

Conditions to be completed prior to or during project construction

Geo/ogy and So/is

30. Prior to any site disturbance, the applicant shall post a performance bond with the County in an amount commensurate with the cost of restoring the site to its pre-existing condition. If at any time during any excavation of the site there is cessation of work for more than 90 days, excluding all periods of time that such work is discontinued due to circumstances beyond the control of the applicant, the applicant shall be responsible for the full restoration of the site to its pre-existing condition. The performance bond shall be released by the County at the time the construction permit is finalized or the site is restored.
31. Approximately one week prior to commencement of excavation, the applicant shall schedule an onsite pre-construction meeting with representatives from the Department of Planning and Building and the Department of Public Works, the soils engineer, the project architect and/or engineer, and the contractor.
32. Prior to and during construction, the applicant shall implement the recommendations of the geotechnical report (GSI, 2006). Measures to be taken include excavating native materials, importing non-expansive fill materials, and diverting drainage away from the foundation, among others. Implementation of these measures shall be verified by the Department of Planning and Building.

Building Height

33. The maximum height of the project is 28 feet for the portion of the building within the Residential Multi-Family land use category, as measured from average natural grade of that portion of the site, and 30 feet for the portion of the building in the Commercial Retail land use category, as measured from the average natural grade of that portion of the site.
 - a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. Prior to approval of the foundation inspection, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Cultural Resources

34. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation measures as required by the Environmental Coordinator.
35. If hydrocarbon-contaminated soil is encountered during construction activities, the Air Pollution Control District (APCD) must be notified immediately. Any storage pile of contaminated material must be covered at all times, except when soil is added or removed. The following measures shall be implemented:
 - a. covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal
 - b. contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp; no headspace shall be allowed where vapors could accumulate
 - c. covered piles shall be designed in such a way as to eliminate erosion due to wind or water; no openings in the covers are permitted
 - d. during soil excavation, odors shall not be evident to such a degree as to cause a public nuisance
 - e. clean soil must be segregated from contaminated soil
 - f. contact Karen Brooks of the APCD (781-5912) for further information

36. Prior to finished grading and prior to recordation of the final map, the name and telephone number of the person or persons designated by the contractor or builder to monitor the dust control program (see Condition 22I.) shall be provided to the Air Pollution Control District.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

Public Improvements

37. Prior to occupancy or final inspection, whichever comes first, the public improvements for Tract 2863 shall be completed.

Landscaping

38. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

Building colors and materials

39. Prior to occupancy or final inspection, whichever comes first, the building colors and materials shall be consistent with the approved color and materials board to the satisfaction of the Planning and Building Department.

Cultural Resources

- 40.. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Noise

41. Prior to occupancy of the hotel units, the applicant shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. If the property owner lives within the Cayucos Urban Area as defined in the County General Plan, the owner may designate himself or herself as the local contact person.

The name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, and the local fire agency, and shall be supplied to the property owners within a 300-foot radius. The name, address and telephone number(s) of the local contact person shall be permanently posted on the premises in prominent locations. Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this condition.

Fire Safety

42. Prior to occupancy or final inspection, whichever occurs first, the applicant shall provide verification from the Cayucos Fire Protection District that the measures identified in the August 31, 2006 letter have been complied with. These measures include installing additional fire hydrants, and having the project reviewed by a registered Fire Protection Engineer.

inspection

43. Prior to occupancy of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

Transient Occupancy

44. The motel is to be operated as a conventional motel for overnight and short-term lodging by the general public. No person or persons shall occupy a motel unit for greater than 29 consecutive days.

Conversion to more intensive use

45. The motel component of the proposed project shall not be converted to any other or more intensive use, including timeshare estates or residential condominiums, without approval of a discretionary land use permit (Minor Use Permit, at minimum, dependent on request), accompanied by approval of a land division, as required.

Noise

46. The local property manager designated by the applicant shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. If the property owner lives within the Cayucos Urban Area as defined in the County General Plan, the owner may designate himself or herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be permanently posted on the premises in prominent locations. If there is a change in the local contact person's name, address or telephone number, that information shall be promptly furnished to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and all property owners within a 300-foot radius.

Access to common areas

47. In the event that condominium units are not created, the occupants of the residential units shall have guaranteed access to and use of the common areas of the project as shown on Tentative Tract Map 2863.

Compliance

48. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

Indemnification

49. The applicant shall as a condition of approval of this development plan and variance application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this development plan and variance, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.

EXHIBIT C: FINDINGS, TENTATIVE TRACT 2863

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 21, 2008, and a Revised Mitigated Negative Declaration has been issued on May 29, 2008 for this project. Mitigation measures are proposed to address aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/circulation, water, and land use, and are included as conditions of approval.

The Revised Mitigated Negative Declaration, including mitigation measures, effectively addresses the issues raised by the Concerned Citizens of Cayucos in its "Request for Review" (environmental appeal) of the proposed Mitigated Negative Declaration, as follows:

Consistency with Estero Area Plan

The Mitigated Negative Declaration and Visual Analysis for this project adequately address the project's consistency with policies in the *existing* Estero Area Plan. The Estero Area Plan *update* has not been approved by the Coastal Commission, is not in effect, and therefore cannot be used as a basis to evaluate a proposed project's consistency with the Local Coastal Program. No specific policy inconsistencies with the existing Estero Area Plan were identified; the project is consistent with Cayucos Urban Area standards in the Estero Area Plan associated with setbacks, density, and height limitations. In addition, granting a Variance to Commercial Retail Standard #1 for Cayucos, which requires new development to reflect a Western or Victorian style, would not result in a significant impact. Mitigation measures recommended in the Visual Analysis and incorporated into the project design include changing the style from the originally proposed Mediterranean style to a "California beach house style. Although that style still requires a Variance to Commercial Retail Standard #1, it would result in a project that better reflects the architectural style of the surrounding neighborhood (see also following Findings I through M).

Aesthetic impacts

The Mitigated Negative Declaration adequately addresses the potential of the project to introduce a use within a scenic view open to the public, because the Visual Analysis determined that 1) the existing views from Orville Street looking west have been previously compromised and are therefore not considered scenic views in the analysis, and no significant impacts would occur, and 2) as viewed from the west, the proposed project would not significantly impact distant ridgelines, significant geologic features or scenic views from Highway 1.

The Mitigated Negative Declaration adequately addresses the potential of the project to change the visual character of the area, because the following mitigation measures reduce this potential impact to a less than significant level:

- additional stepping back of the motel portion of the project along Ocean Blvd. and the Residential Multi-Family- portion along Orville Avenue (these measures have already been incorporated into a revised project design)
- changing the architecture of the proposed project from “California Mediterranean” to “California Beach House style architecture”. (this architectural style has already been incorporated into a revised project design)

Air Quality, Hazards, Hazardous Materials

Potential contamination of the site is adequately addressed by the previous underground storage tank investigation, a new Phase I Environmental Site Assessment completed during the preparation of this Mitigated Negative Declaration, and the recommendations of the Environmental Health Division, which are included as mitigation measures. The following mitigation measures to be completed prior to recordation of the final map and issuance of construction permits reduce potential impacts to a less than significant level:

- implementation of a work plan submitted to the Division of Environmental Health which describes procedures to deal with a possible 7th underground storage tank, the elimination point of the former gas stations floor drain, potential lead or asbestos-containing materials in the existing building, and potential Volatile Organic Compounds
- verification that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health
- verification that the Regional Water Quality Control Board and the Division of Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP), and implementation of the CMMP during site excavation

The Mitigated Negative Declaration adequately addresses potential air quality impacts associated with excavation of the underground garage, because it is expected that less than 2,000 cubic yards of material would be moved per day (below the APCD's mitigation threshold). As a result, no mitigation measures, beyond standard dust control measures already required by the county code would be required.

The Mitigated Negative Declaration adequately addresses the need for dewatering, its potential affects on biological resources, and the associated impacts of storm water runoff on biological resources in Willow Creek, because the following mitigation measures reduce potential impacts to a less than significant level. In addition, adequate capacity exists in the storm water system to handle the increased runoff from the project, according to the Public Works Department, and. project is not expected to significantly increase the amount or degrade the quality of runoff from the neighborhood:

- compliance with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance
- no construction of the underground garage between Oct. 15 and April 15
- implementation of a construction dewatering plan that describes the dewatering technologies to be used, the Best Management Practices to be employed, the

proposed outfall location (currently the existing storm drain), and water quality standards to be met for discharged water, at a minimum

- verification that appropriate dewatering and/or discharge permits have been issued by the Regional Water Quality Control Board
- no subsurface water to be discharged into the public storm water system without filtration and all necessary discharge permits

Transportation and Circulation

The Mitigated Negative Declaration adequately addresses transportation impacts, including pedestrian safety and impacts to Old Creek Road. The traffic study prepared for this project concludes that no project-specific mitigation measures are necessary. The Public Works Department agrees with that conclusion, and also comments that most of the traffic concerns expressed in the comment letter attached to the Request for Review deal with existing conditions, and are not considered impacts of the project. The required standard road improvements for this project would reduce significant operational traffic impacts to a less than significant level.

The following mitigation measures reduce potential impacts on regional transit needs and potential impacts due to short-term construction traffic to a less than significant level:

- payment of applicable regional transit in-lieu fees to the Regional Transit Authority
- implementation of a Construction Traffic Management Plan that includes measures such as identifying the maximum number of daily trips proposed for construction workers and construction vehicles, and designated worker parking

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans, because it complies with the Estero Area Plan and the applicable area plan standards; is consistent with all of the General Plan policies, including applicable Coastal Plan policies regarding public works, coastal watersheds, visual and scenic resources, and archaeology; and is being subdivided in a consistent manner with the Commercial Retail and Residential Multi-Family land use categories.
- C. The proposed map is consistent with the county zoning and subdivision ordinances, because the parcels meet the minimum parcel sizes set by the Coastal Zone Land Use Ordinance, as well as the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans, because the required improvements will be completed consistent with county ordinances, and the conditions of approval and the design of the parcels meet applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed, because the proposed parcels contain adequate area for development of residential units and a motel, and because potential impacts regarding geology, soils, drainage, and hazards will be mitigated.

- F. The site is physically suitable for the proposed density proposed, because the site can adequately support the proposed number of residential units and motel units while providing adequate open area.
- G The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no rare, endangered or sensitive species are present; and mitigation measures for aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/circulation, water, and land are required.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

EXHIBIT D: CONDITIONS OF APPROVAL, TENTATIVE TRACT 2863

Approved Project

This approval authorizes a one-lot subdivision to create a five-unit condominium for development of a residential/motel mixed-use development, all in a three-story building, including the following:

- a) four residential multi-family units having a total floor area of about 10,300 square feet, plus decks and courtyards
- b) an 18-unit motel, to be operated as a conventional motel for overnight and short-term lodging by the general public, and a 17,600 square-foot subterranean garage

Access and Improvements

1. Roads and/or streets to be constructed to the following standards:
 - a. Old Creek Road constructed to an A-3b road section (project side) fronting the property (minimum paved width to be 46 feet)
 - b. Ocean Blvd. constructed to an A-2b road section (project side) fronting the property (minimum paved width to be 36 feet)
 - c. Orville Avenue constructed to an A-2b road section (project side) fronting the property (minimum paved width to be 30 feet)
2. All driveways shall be constructed in accordance with County Public Improvement Standards. All driveways constructed on county roads require an encroachment permit.

Improvement Plans

3. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the County Health Department for approval. The plan is to include:
 - a. Street plan and profile
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require)
 - c. Water plan (County Health)
 - d. Sewer plan (County Health)
 - e. Grading and erosion control plan for subdivision-related improvement locations
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot
 - g. To minimize the amount of dewatering necessary, construction of the underground garage shall be prohibited between Oct. 15 and April 15, and this shall be placed as a note on the grading and construction plans prior to issuance of grading and construction permits.
4. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the

county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

5. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works, shall:

- a. submit a copy of all such permits to the Department of Public Works, OR
- b. document that the regulatory agencies have determined that said permit is not required

Drainage

7. Submit complete drainage calculations to the Department of Public Works for review and approval. A Soils Engineer is to determine the volume of subsurface flows which will enter the underground garage or be intercepted by underground drains, and if calculations so indicate, offsite storm drain improvements will be required.
8. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

9. Electric and telephone lines shall be installed underground. At the time of application for construction permits, the applicant shall submit a utility plan to the Department of Planning and Building for review and approval. The utility plan shall include the undergrounding of existing overhead utilities on-site and surrounding the project along the project frontages of Ocean Avenue, Old Creek Road and Orville Street, unless PG&E provides written documentation that such undergrounding is infeasible due to high voltage or other technical reasons.
10. Cable T.V. conduits shall be installed in the street.
11. Gas lines shall be installed.

Fire Protection

12. The applicant shall submit the fire safety clearance letter from the Cayucos Fire Protection District establishing fire safety requirements prior to filing the final parcel or tract map.

Affordable Housing Fee

13. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Quimby Fee

14. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Conditions required to be completed prior to filing of the final map

Landscape Plans

15. Prior to filing of the final map, the applicant shall submit revised landscaping plans to the Department of Planning and Building for review and approval. The plans are to include the following:
 - a. Provide additional screening of the blank walls on the north (residential) elevation of the building that abuts the Residential Multi-Family category by use of trees in selective locations to provide more substantial screening of the blank walls than would be provided by the previously proposed palm trees.
 - b. Replace the Queen palm--used as a street tree along Ocean Blvd. and a portion of Old Creek Road--with another species that is either native or drought tolerant from the County-approved list of plant materials in order to comply with the street tree requirements of the Real Property Division Ordinance, Section 21.03.010c(7).
 - c. Provide additional street trees, which may be grouped, as needed along at least two of the street frontages in order to provide street trees at a ratio of one tree for every 25 feet of frontage, as required by the Real Property Division Ordinance, Section 21.03.010c(7).

Services

16. Prior to recordation of the final map, the applicant shall submit to the Environmental Health Division a final "will-serve" letter from the Cayucos Sanitary District and a final clearance from County Service Area 10A.

Hazards and Hazardous Materials

17. Prior to recordation of the final map, the applicant shall submit a work plan to the Division of Environmental Health which describes procedures to determine the following:
 - a. whether or not a 7th underground storage tank (UST) still exists onsite, if it was the used oil UST and whether or not it leaked
 - b. the elimination point of the former gas stations floor drain (whether or not it was into the sewer system or a septic/leach system)
 - c. whether or not lead or asbestos-containing materials were used in the construction of the building.
 - d. whether or not Volatile Organic Compounds (VOCs) are present onsite in the soil gas. This portion of the work plan shall be prepared by a qualified Health Risk Assessor and shall be in compliance with the USEPA Guidance on vapor intrusion and the Cal-EPA/DTSC Guidance for the evaluation of subsurface vapor intrusion.
18. The approved work plan shall be implemented prior to recordation of the final map. If VOCs are present, they shall be addressed in the CMMP (see below).
19. Prior to recordation of the final map, the applicant shall provide verification to the Department of Planning and Building that the Division of Environmental Health has issued a closure letter for the site, and that any and that any underground storage tanks, piping and/or other hazardous materials, hazardous materials related equipment, lead, asbestos, contaminated soil, etc. discovered upon implementation of the work plan have been disposed of properly under the direction of Environmental Health.
20. Prior to recordation of the final map, the applicant shall provide verification to the Department of Planning and Building that the RWQCB and Environmental Health have reviewed and approved a Contaminated Materials Management Plan (CMMP) for the project. The plan shall include, at minimum, a discussion of the findings from the additional site assessment work required in the work plan (see above), and the methodologies proposed for proper field screening of excavated soil for potential contamination by an environmental monitor, identification of a contractor licensed to perform the removal and transportation of hazardous waste, proper handling, onsite storage and disposal of contaminated soil, and confirmatory soil sampling, etc. if encountered. The approved CMMP shall be implemented during the site excavation.
21. Prior to recordation of the final map, the name and telephone number of the person or persons designated by the contractor or builder to monitor the dust control program (see Development Plan SUB2005-00241 Condition 221.) shall be provided to the Air Pollution Control District.

Additional Map Sheet

22. The applicant shall prepare an additional map sheet to be approved by the County Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Development shall comply with all conditions of approval of Development Plan SUB2005-00241.

- b. Public improvements shall be completed prior to occupancy or final inspection, whichever comes first.
- c. The motel is to be operated as a conventional motel for overnight and short-term lodging by the general public. No person or persons shall occupy a motel unit for greater than 29 consecutive days.
- d. The motel component of the proposed project shall not be converted to any other or more intensive use, including timeshare estates or residential condominiums, without approval of a discretionary land use permit (Minor Use Permit, at minimum, dependent on request), accompanied by approval of a land division, as required.
- e. The local property manager designated by the applicant shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. If the property owner lives within the Cayucos Urban Area as defined in the County General Plan, the owner may designate himself or herself as the local contact person. The name, address and telephone number(s) of the local contact person shall be permanently posted on the premises in prominent locations. If there is a change in the local contact person's name, address or telephone number, that information shall be promptly furnished to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office, the local fire agency, and all property owners within a 300-foot radius.
- f. Only Air Pollution Control District (APCD)-approved wood burning devices can be installed in new dwelling units per PCD rule 504. These devices include:
 - i. all EPA-certified Phase II wood burning devices
 - ii. catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iii. non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour which are not EPA-certified but have been verified by a nationally recognized testing lab
 - iv. pellet-fueled woodheaters
 - v. dedicated gas-fired fireplaces
- g. No highly reflective glazing or coatings shall be used on west and south facing windows.
- h. No highly reflective exterior materials such as chrome, bright stainless steel or glossy tile shall be used on the south and west facing sides of the development where visible from off-site locations.
- i. A sign plan for the entire site show all locations, dimensions, materials, text, and lighting of all proposed exterior signs in accordance with the requirements of Coastal Zone Land Use Ordinance Sections 23.04.300 et seq. The proposed project identification monument sign near the intersection of Old Creek Road and Ocean Blvd. shall be no greater than three feet in height; otherwise, it shall be relocated outside of the required setback area. The maximum sign area for the monument sign is 60 square feet.
- j. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties; the point source of all exterior lighting shall be shielded from off-site views.
- k. Light hoods shall be dark colored.
- l. All required security lights shall utilize motion detector activation.
- m. Light trespass from exterior lights shall be minimized by directing light downward and utilizing cut-off fixtures or shields.

- n. Lumination from exterior lights shall be the lowest level allowed by public safety standards.
- o. Lumination spill-over from security lighting in the parking garages shall be minimized through selective luminaire placement, in conjunction with possible motion detectors, fixture design, lowest allowable foot-candle standards, and hours of operation.
- p. Any signage visible from off-site shall not be internally illuminated.

Covenants, Conditions and Restrictions

- 23. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the County Department of Planning and Building for review and approval. The CC&R's shall provide for the creation of a Homeowner's Association, and at a minimum, shall include the following provisions:
 - a. Access to, use of and maintenance of common areas.
 - b. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 24. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 25. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

Indemnification

- 26. The applicant shall as a condition of approval of this tentative or final map application defend, indemnify and hold harmless the County of San Luis Obispo or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul any approval of the County concerning this subdivision, which action is brought within the time period provided for by law. This condition is subject to the provisions of Government Code section 66474.9, which are incorporated by reference herein as though set forth in full.