

1.0 INTRODUCTION

This document is a program Environmental Impact Report (EIR) for the Los Osos Community Plan (LOCP). This document is the Final EIR, which includes the original Draft EIR, responses to public comments during a 90-day public circulation period of the Draft EIR (September 12, 2019 through December 11, 2019), and minor changes to the text of the Draft EIR that resulted from some of the comments raised. The responses to public comments are included in Section 8.0 of this document, along with a summary of changes to the Draft EIR text that resulted from those comments. None of the resulting changes in the Final EIR modified the conclusions or mitigation measures that were described in the Draft EIR.

The EIR evaluates the policy and buildout ramifications of implementing the LOCP, which is a regulatory document that implements and updates the portion of the Estero Area Plan centered on the unincorporated community of Los Osos. The Plan Area (also referred to in this document as the “project area”, or “proposed project area”) encompasses roughly 3,041 net acres, and includes the anticipated 20-year growth boundary (URL). This area also encompasses the proposed Urban Services Line (USL). The Plan Area also encompasses some additional surrounding properties in order to provide the context for a comprehensive analysis of potential environmental impacts under the Community Plan.

There are no expansion areas planned outside the URL, although as noted above, there will be minor adjustments to the existing URL, largely for administrative purposes so that certain parcels better coincide with existing property lines and ownership. Although no expansion is anticipated, there are areas within the URL where special planning area standards will apply, which are intended to guide and facilitate future growth in these areas.

The project’s background, as well as the legal basis for preparing an EIR, is described below. Additional detail regarding the project components can be found in Section 2.0, *Project Description*.

1.1 PURPOSE AND LEGAL AUTHORITY

This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), and the State CEQA Guidelines. In accordance with Section 15121(a) of the State CEQA Guidelines, the purpose of this EIR is to serve as an informational document that:

“...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project...”.

The proposed project is a regulatory document that guides future development within the Los Osos community. It is similar to a General Plan, and includes a policy framework and accompanying maps that provide guidance for development projects in Los Osos. Thus, this EIR is appropriately framed as a Program EIR pursuant to CEQA Guidelines Section 15168, and any mitigation that arises from potential

impacts associated with the plan will be programmatic in nature. To a large extent, mitigation measures will be policy-oriented, and intended to provide general guidance for future projects. Individual projects that are proposed within the Plan Area may need to undergo separate CEQA review, but that review may tier from the analysis contained in this Program EIR.

Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are typically more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in Section 15168 of the State CEQA Guidelines, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the County (as Lead Agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the County with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis.

Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways.

This EIR evaluates and mitigates a reasonable worst-case scenario of potential impacts associated with projected buildout under the LOCP. The design and planning of specific future development projects and/or infrastructure improvements is beyond the scope of this EIR.

This report is to serve as an informational document for the public and County of San Luis Obispo decision-makers. The process will culminate with public hearings, starting with consideration by the Planning Commission. A Planning Commission recommended plan will be considered by the Board of Supervisors. The Board of supervisors will consider certification of a Final EIR and a decision whether to approve the proposed plan, possibly with modifications. A Board of Supervisors approved plan will be submitted to the California Coastal Commission for their review and adoption.

1.2 USE OF THIS EIR FOR FUTURE PROJECTS

In practice, this program EIR will be used as a first tier of environmental review for development projects proposed in accordance with the Los Osos Community Plan. This EIR has been developed specifically to comply with CEQA Section 15183 in order to minimize future environmental review of proposed projects. This section of CEQA provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects for such projects shall be limited to those effects that: a) are peculiar to the project or parcel on which the project would be located; b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the

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project is consistent; c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR; and d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact. Pursuant to Section 15183(f), an effect is not considered peculiar if uniformly applied development policies or standards previously adopted by the County would substantially mitigate the environmental effect. Examples of uniformly applied development policies or standards include, but are not limited to: parking ordinances, flood plain ordinances, habitat protection or conservation ordinances, view protection ordinances, and requirements for reducing greenhouse gas emissions [Section 15183(g)].

Consistent with CEQA Guidelines Section 15183, future development projects in the Community Plan Area would not require subsequent environmental review if it can be shown that:

- The proposed development is consistent with General Plan and zoning designations;
- The proposed development is consistent with Community Plan policies; and
- The proposed development would not result in environmental effects that:
 - are peculiar to the project or parcel;
 - were not analyzed in this EIR; or
 - would be more severe than what was analyzed in this EIR.

Each section of this EIR describes specific issue-area conditions under which future development in the Community Plan Area would require additional review, pursuant to Section 15183. These situations are summarized in **Table 1-1** below. If these conditions are met, subsequent environmental review may be required for the specific future projects in the Community Plan Area.

Table 1-1. Conditions Under Which Future Development in the Community Plan Area Would Require Additional CEQA Review	
Condition	Impact to Address
<i>The future project is inconsistent with underlying General Plan and zoning designations.</i>	AES-1 through AES-5; AQ-1 through AQ-4; BIO-1 through BIO-6, CH-1 and CH-2; CR-1 through CR-4; GHG-1 and GHG-2; HYD-1 and HYD-2; LU-1 and LU-2; NOS-1 through NOS-4; PH-1 through PH-3; PS-1 through PS-4; REC-1; TC-1 through TC-5; WW-1; and W-1
<i>The future project is inconsistent with Community Plan policies or design guidelines.</i>	AES-1 through AES-5; AQ-1 through AQ-4; BIO-1 through BIO-6, CH-1 and CH-2; CR-1 through CR-4; GHG-1 and GHG-2; HYD-1 and HYD-2; LU-1 and LU-2; NOS-1 through NOS-4; PH-1 through PH-3; PS-1 through PS-4; REC-1; TC-1 through TC-5; WW-1; and W-1

Table 1-1. Conditions Under Which Future Development in the Community Plan Area Would Require Additional CEQA Review	
Condition	Impact to Address
<i>The future project would result in an impact peculiar to the project or parcel in any issue area. An effect is not considered peculiar if uniformly applied development policies or standards previously adopted by the County would substantially mitigate the environmental effect.</i>	Impact that is peculiar to the project or parcel
<i>The future project would result in an impact or impacts not analyzed above, including off-site or cumulative effects. This may include if the project would result in operational emissions that exceed project-level APCD thresholds and cannot be mitigated to a less than significant level.</i>	Impact other than AES-1 through AES-5; AQ-1 through AQ-4; BIO-1 through BIO-6, CH-1 and CH-2; CR-1 through CR-4; GHG-1 and GHG-2; HYD-1 and HYD-2; LU-1 and LU-2; NOS-1 through NOS-4; PH-1 through PH-3; PS-1 through PS-4; REC-1; TC-1 through TC-5; WW-1; and W-1
<p><i>The future project would result in an impact or impacts analyzed above, but at a higher level of severity as a result of substantial new information not known at the time the EIR was certified. This may include the following circumstances:</i></p> <ul style="list-style-type: none"> • <i>If areas not currently under agricultural production or Williamson Act contract were converted to agricultural use or placed under contract, and then later converted back to non-agricultural use.</i> • <i>If future APCD standards have changed such that the future project would result in a significant effect;</i> • <i>If pollutants other than PM10 and ozone have received non-attainment status;</i> • <i>If the future project would generate toxic air contaminants;</i> • <i>If the future project would be more appropriately analyzed based on quantitative thresholds;</i> • <i>If new or additional hazardous materials sites are identified on or adjacent to the future project site that require abatement prior to project implementation;</i> • <i>If new special status species are listed or a more protective listing status is established for currently listed species under the state or federal Endangered Species Acts and would be affected by the project;</i> • <i>If NPDES permitting regulations or Sections 19.07.042, 22.10.155, or 22.14.060 of the County Code were updated from the time of Community Plan adoption in such a way that they identify the need for additional measures to reduce significant effects;</i> • <i>If the County General Plan or another County land use and/or environmental policy document, including CEQA thresholds, is updated resulting in new policies or standards</i> 	Worsened AES-1 through AES-5; AQ-1 through AQ-4; BIO-1 through BIO-6, CH-1 and CH-2; CR-1 through CR-4; GHG-1 and GHG-2; HYD-1 and HYD-2; LU-1 and LU-2; NOS-1 through NOS-4; PH-1 through PH-3; PS-1 through PS-4; REC-1; TC-1 through TC-5; WW-1; and W-1

Table 1-1. Conditions Under Which Future Development in the Community Plan Area Would Require Additional CEQA Review	
Condition	Impact to Address
<p><i>for which the project may be inconsistent;</i></p> <ul style="list-style-type: none"> <i>If additional local or regional growth beyond that described in this EIR increases baseline environmental effects such that project contributions to cumulative impacts are at a higher level of severity (e.g., traffic, noise).</i> 	

1.3 SCOPE AND CONTENT

In accordance with the State CEQA Guidelines, a Notice of Preparation (NOP) was distributed for review by affected agencies and the public. The NOP and responses to the NOP are presented in Appendix A of this report.

This EIR addresses the issues determined to be potentially significant by the responses to the NOP, and scoping discussions among the public, consulting staff, and the County. **Table 1-2** summarizes the issues identified in the NOP, and where they are addressed in the EIR:

Table 1-2. Where NOP Issues are Addressed in the EIR	
Issue Identified in the Notice of Preparation	Where the Issue is Addressed in the EIR
Aesthetics	Section 4.1 – Aesthetics
Agricultural Resources	Section 1.5 – Effects Found to be Less Than Significant
Air Quality	Section 4.2 – Air Quality
Biological Resources	Section 4.3 – Biological Resources
Cultural Resources	Section 4.5 – Cultural Resources
Geology and Soils	Section 1.5 – Effects Found to be Less Than Significant
Greenhouse Gas Emissions	Section 4.6 – Greenhouse Gas Emissions
Hazards and Hazardous Materials	Section 1.5 – Effects Found to be Less Than Significant Section 4.4 – Coastal Hazards
Hydrology and Water Quality	Section 4.7 – Effects Found to be Less Than Significant
Land Use and Zoning	Section 4.8 – Land Use and Policy Consistency
Mineral Resources	Section 1.5 – Effects Found to be Less Than Significant
Noise	Section 4.9 – Noise
Population and Housing	Section 4.10 – Population and Housing Section 1.5 – Effects Found to be Less Than Significant
Public Services	Section 4.11 – Public Services Section 4.13 – Recreation
Socioeconomic and Environmental Justice	Section 1.5 – Effects Found to be Less Than Significant
Transportation and Circulation	Section 4.12 – Transportation and Circulation
Utilities and Service Systems	Section 4.11 – Public Services (Solid Waste) Section 4.14 – Wastewater Section 4.15 – Water Supply

This EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including site-specific and cumulative effects of the project in accordance with the provisions set forth in the *CEQA Guidelines*. In addition, the EIR recommends feasible mitigation measures, where possible, that would reduce or eliminate adverse environmental effects.

In preparing the EIR, use was made of pertinent County policies and guidelines, existing EIRs and background documents prepared by the County. A full reference list is contained in Section 7.0, *References and Preparers*, of this EIR.

The Alternatives section of the EIR was prepared in accordance with Section 15126(d) of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the basic objectives of the project. In addition, the EIR identifies the "environmentally superior" alternative from the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" Alternative (both No Development and Buildout under the Existing Estero Area Plan), a "Reduced Development Based on Water Availability" Alternative, and a "Mitigated Project" Alternative.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The Guidelines state:

"An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but, the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."(Section 15151).

1.4 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *CEQA Guidelines* define "lead," "responsible" and "trustee" agencies. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process. The County of San Luis Obispo is the lead agency for the project because it has the principal responsibility for approving the proposed project, which is a County-adopted regulatory document ("Community Plan") that guides future development in the Los Osos community.

A "responsible agency" refers to public agencies other than the "lead agency" that has discretionary approval over the project. Responsible agencies for this project would include the California Coastal Commission, which needs to approve an update of the Local Coastal Plan associated with the adoption of the Community Plan.

A "trustee agency" refers to a state agency having jurisdiction by law over natural resources affected by a project. The California Department of Fish and Wildlife (CDFW) has jurisdiction over biological resources, including drainages that may be impacted by project development. The CDFW is therefore a trustee agency.

1.5 AREAS OF CONTROVERSY

Pursuant to State CEQA Guidelines § 15123(b)(2), this EIR acknowledges the areas of controversy and issues to be resolved which are known to the County of San Luis Obispo or were raised during the scoping process. A Notice of Preparation (NOP) was prepared and circulated for a 30-day public review period that began on March 20, 2015 and ended April 20, 2015. Several comment letters from the public, and comment letters from public agencies (i.e., California Coastal Commission; San Luis Obispo Council of Governments; San Luis Obispo County Air Pollution Control District; San Luis Obispo County Parks), were received in response to the NOP. The NOP and associated comment letters are included in Appendix A of this EIR.

Primary environmental areas of concern raised by the commenting agencies and public include:

- Environmentally Sensitive Habitat Area
- Habitat Conservation Plan
- Water Supply in the context of the Basin Plan
- Recycled Water
- Preservation of Groundwater Basin
- Wastewater Service
- Growth Management
- Coastal Access
- Shoreline Development
- Night Sky Preservation
- Oak Tree Protection
- Estuary Habitat Protection
- Global Climate Change
- Park Planning
- Bike Planning
- Public Safety (adequate lighting)
- Jobs/Housing Balance
- Alternative Transportation Modes
- Smart Growth
- Removing Invasive Species

- Aesthetics
- Roadway Safety

1.6 EFFECTS FOUND NOT TO BE SIGNIFICANT

Based on the scoping process for the proposed project, the County of San Luis Obispo determined that there was no substantial evidence that the project would cause or otherwise result in significant environmental effects in the resource areas discussed below. As indicated in the State CEQA Guidelines, no further environmental review of these issues is necessary for the reasons summarized in the following discussion.

No Initial Study was prepared for the LOCP, but the NOP (Appendix A) identified issues that would potentially be addressed in the EIR. This section analyzes the presumed EIR scope set forth in the NOP in greater detail, based on the key questions included in a CEQA Initial Study. For some issues, this process leads to the conclusion that certain issues would be less than significant. The basis for that determination follows. The specific issues or questions discussed below will not be analyzed further in the EIR.

Agricultural Resources

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

According to the NRCS, nearly the entire Plan Area is urbanized, and is not designated as either Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The margins of Los Osos Creek along the eastern boundary of the Plan Area includes some Prime Farmland Soils (if irrigated) or Farmland of Statewide Importance. However, these areas are either designated as Open Space, or on the margins of designated Residential Suburban land that is already developed. The one exception to this is APN 074-222-013, which is an undeveloped 67.8-acre parcel designated Residential Suburban north of Palomino Drive, and directly west of Los Osos Creek. However, the prime farmland area is within 100 or feet or less of the creek, and thus within an area that could not be developed in any case as a matter of existing creek setback and habitat protection policies. The LOCP would not change any existing Open Space land use designations in these areas, nor would it facilitate the conversion of any undeveloped prime farmland soils, since such areas are already developed, or designated for development. Conversely, the LOCP would redesignate lands in the northeastern part of the Plan Area from Residential Suburban to Open Space, and in so doing provide protection for prime soils along Los Osos Creek that are found within that portion of the Plan Area. In addition, there is currently no designated AG land within the Community Plan Area, so there would be no potential loss of designated agricultural land. No impacts to farmland resources would result from Plan implementation.

- ❖ *Would the Project conflict with existing zoning for agricultural use or a Williamson Act contract?*

There are no parcels under Williamson Act contract within the Plan Area. No impacts related to this issue would result.

- ❖ *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The Community Plan would not convert active farmland to non-agricultural use. There is currently no designated AG land within the Community Plan Area, so there would be no potential loss of designated agricultural land. No impacts would result.

Because there would be no potential impacts related to Agricultural Resources that would result from implementation of the proposed LOCP, this issue will not be studied further in the EIR.

Geology and Soils

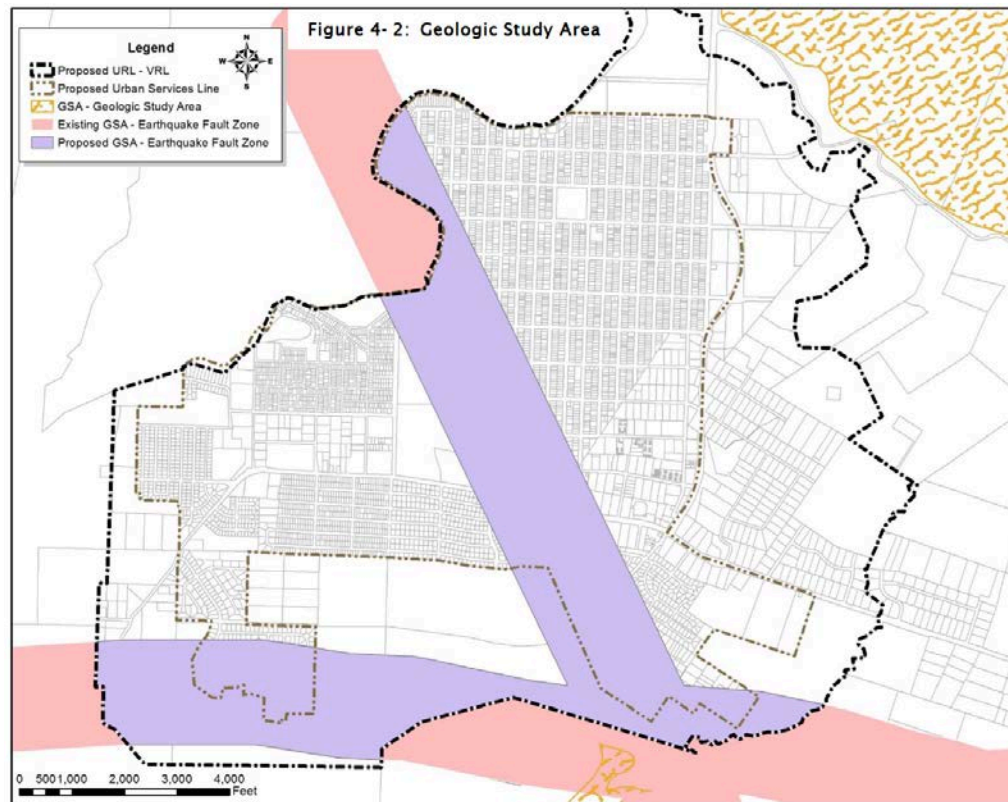
- ❖ *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:*

- *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.*
- *Strong seismic ground shaking?*
- *Seismic-related ground failure, including liquefaction?*
- *Landslides?*

The project is a Community Plan, which provides a framework for long-range planning within the Los Osos community. Development is already contemplated within the Plan area under the Estero Area Plan, and in general, the LOCP will result in a similar level of development, although in some cases, will be even more restrictive than anticipated under the Estero Area Plan.

The Plan area is in a seismically-active region, and the nearest active fault is the Los Osos Fault, located along the base of the Los Osos Hills at the southern edge of the Plan area. The Los Osos fault zone is described as a series of discontinuous, sub parallel and en echelon fault traces that extend from the offshore Hosgri fault zone to Lopez Reservoir, a distance of about 35 miles. The fault zone is subdivided into the following four segments: Estero Bay, Irish Hills, Lopez Reservoir, and Newsom Ridge. The Irish Hills segment of the Los Osos Fault is about 10 to 12 miles long and extends from the Pacific Ocean near Los Osos eastward to San Luis Creek. This segment of the fault forms the boundary between the Los Osos Valley and the Irish Hills, has documented Holocene offset, is considered potentially active in the area near Los Osos, and considered active near the City of San Luis Obispo. The Los Osos fault zone is located along the southern boundary of the community at the base of the Irish Hills. An additional branch of the

Los Osos fault extends northwesterward through the community, as shown on the following map included as Figure 4-2 in the draft LOCP:



Portions of the fault east of Los Osos (east of the Community Plan area) near the City of San Luis Obispo have been zoned active and designated as an Alquist-Priolo earthquake fault hazard zone by the CGS. The entire length of the Los Osos fault is a potential source of high ground motion.

New development under the LOCP could be susceptible to impacts from future seismic events, creating the potential for structural damage or health and safety risks.

The State of California has enacted many regulations to reduce the potential risk from seismic events, including impacts related seismically-induced motion and liquefaction. The two most important of these are the following:

- **Earthquake Fault Zoning Act.** In response to the severe fault rupture damage of structures by the 1971 San Fernando earthquake, the State of California enacted the Alquist-Priolo Earthquake Fault Zoning Act in 1972. This act required the State Geologist to delineate Earthquake Fault Zones along known active faults that have a relatively high potential for ground rupture. Faults that are zoned under the Alquist-Priolo Act must meet the strict definition of being “sufficiently active” and “well-defined” for inclusion as an Earthquake Fault Zones. The Earthquake Fault

Zones are revised periodically, and they extend 200 to 500 feet on either side of identified fault traces. No structures for human occupancy may be built across an identified active fault trace. An area of 50 feet on either side of an active fault trace is assumed to be underlain by the fault, unless proven otherwise. Proposed construction in an Earthquake Fault Zone is permitted only following the completion of a fault location report prepared by a California Registered Geologist.

- California Building Standards Code. The California Building Standards Code establishes building requirements for construction and renovation. The most recent version of the California Building Standards Code was adopted in 2013 by the California Building Standards Commission, and is based on the National Fire Protection Association, International Association of Plumbing and Mechanical Officials, and the International Code Council’s Building and Fire Codes. Included in the California Building Standards Code are the Electrical Code, Mechanical Code, Plumbing Code, Energy Code, and Fire Code.

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations, Title 24). Where no other building codes apply, Chapter 29 regulates excavation, foundations, and retaining walls. Finally, the California Building Standards Code regulates grading activities, including drainage and erosion control and construction on unstable soils, such as expansive soils and areas subject to liquefaction.

All new development under the LOCP (or the existing Estero Area Plan) would be required to conform to these laws, adherence to which would reduce potential impacts to a less than significant level.

The County’s Safety Element includes additional policies that further implement these state laws. Specifically, it includes the following policies and standards:

- *Policy S-18 Fault Rupture Hazards.* *Locate new development away from active and potentially active faults to reduce damage from fault rupture. Fault studies may need to include mapping and exploration beyond project limits to provide a relatively accurate assessment of a fault’s activity. The County will enforce applicable regulations of the Alquist-Priolo Earthquake Fault Zoning Act pertaining to fault zones to avoid development on active faults.*
- *Standard S-49.* *The County will continue to enforce elements of the General Plan, based on the Alquist Priolo Earthquake Fault Zoning Act, that require geologic studies to be performed so that habitable structures and essential facilities will be sited away from active and potentially active faults.*

It should be noted that the portion of the Los Osos Fault in and near the community have not been formally designated as an Alquist-Priolo Earthquake Fault Zone. However, in recognition of the presence of the Los Osos Fault’s proximity to the community, the draft LOCP identifies the two Geological Study Areas (GSAs) as Combining Designations, which are

intended to form the basis for more stringent development guidelines within these areas. These include the following:

- Los Osos Liquefaction (GSA). Portions of the Los Osos urban area are subject to a high potential for liquefaction, as identified in the Safety Element of the general plan.
- Ground Rupture (GSA). Based on information contained in a Fault Evaluation Report prepared by the California Department of Mines and Geology (FER-200, 1989), the Los Osos fault zone traverses the southern portion of the Los Osos Valley, extending from the eastern boundary of the Estero Planning Area through Los Osos. A 1,000-foot wide zone on either side of the fault trace has a higher potential for ground rupture during an earthquake.

These new GSAs are not included in the existing Estero Area Plan. There is no map in the LOCP showing the extent of the Los Osos Liquefaction GSA, although it is intended to correspond to the Safety Element Map showing areas of high liquefaction. In general, this includes a large area along Los Osos Creek east of South Bay Boulevard, and some areas immediately adjacent to Morro Bay and its associated estuary.

The Ground Rupture GSA apparently corresponds to the purple areas shown in proposed LOCP Figure 4-2 (above), identified as “Proposed GSA – Earthquake Fault Zone.”

Section 7.4 of the draft LOCP is where standards related to these GSAs would be described. The intent is to use existing standards already in place pursuant to Title 23 of the Coastal Zone Land Use Ordinance.. This is discussed further in this EIR in *Section 4.8, Land Use Policy Consistency*.

Even without these clarifications, potential impacts related to geologic hazards would be less than significant, because development would be required to comply with state laws, including the California Building Standards Code (CBC), which has stringent requirements that ensure building safety. Projects would also be required to comply with the San Luis Obispo County Building Code, as well as existing General Plan Safety Element policies would minimize the risk to life and property. As such, program level impacts to new development from seismic hazards would therefore be less than significant.

This issue will not be evaluated further in the EIR.

❖ *Would the Project result in substantial soil erosion or the loss of topsoil?*

The project is a Community Plan, which provides a framework for long-range planning within the Los Osos community. Development is already contemplated within the Plan area under the Estero Area Plan, and in general, the LOCP will result in a similar level of

development, although in some cases, will be even more restrictive than anticipated under the Estero Area Plan.

Future development under the LOCP is not anticipated to result in substantial soil erosion or the loss of topsoil. As noted in the discussion of groundshaking and seismically-related impacts, future development would be required to conform to the California Building Code (CBC). Proper engineering, including compliance with the CBC, San Luis Obispo County Building Code, and existing General Plan Safety Element policies would minimize the risk to life and property. As such, program level impacts related to the loss of topsoil would therefore be less than significant.

This issue will not be evaluated further in the EIR.

- ❖ *Would the project 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? Result in substantial soil erosion or the loss of topsoil?*

The project is a Community Plan, which provides a framework for long-range planning within the Los Osos community. Development is already contemplated within the Plan area under the Estero Area Plan, and in general, the LOCP will result in a similar level of development, although in some cases, will be even more restrictive than anticipated under the Estero Area Plan.

The following evaluates program-level impacts that might be anticipated under the implementation of the proposed LOCP.

Landslides. The County Safety Element identifies the entire Community Plan area as having low landslide potential. No impacts are anticipated.

Liquefaction. Liquefaction is a temporary, but substantial, loss of shear strength in granular solids, such as sand, silt, and gravel, usually occurring during or after a major earthquake. Portions of the community are identified as having high liquefaction potential. In general, this includes a large area along Los Osos Creek east of South Bay Boulevard, and some areas immediately adjacent to Morro Bay and its associated estuary. Refer to the discussion of seismic hazards. Programmatic impacts of implementing the LOCP would be less than significant because individual future development projects would be required to comply with State and County building codes.

Soil Hazards. Geologic hazards of concern that are not seismically induced events at the site include soils hazards such as settlement, expansive soils, and subsidence. Programmatic impacts of implementing the LOCP would be less than significant because individual future development projects would be required to comply with State and County building codes.

These issues will not be evaluated further in the EIR.

- ❖ *Would the Project be located on expansive soil, as defined in the California Building Code, creating substantial risks to life or property?*

Expansive soils are soils that are generally clayey, swell when wetted and shrink when dried. Wetting can occur in a number of ways (i.e., absorption from the air, rainfall, groundwater fluctuations, lawn watering, broken water or sewer lines, etc.). Soil expansion can cause subtle damage that can reduce structural integrity. Expansive soils generally consists of fine-grained soil of high plasticity (clay) that can damage near surface improvements in response to shrinking and swelling associated with changes in soil moisture content.

Portions of the Plan Area underlain by alluvial sediments could have a high potential for expansion, while areas overlain by dune sands have a generally low potential for expansion.

Future development under the LOCP has the potential to be subject to expansive soils. However, future projects in the Plan Area will be required to comply the California Building Code, as adopted by the County, which addresses project specific requirements for development on expansive soils. In such cases, if the project implements the recommendations of a geotechnical report prepared for that development, impacts would be reduced to a less than significant level.

This issue will not be evaluated further in the EIR.

- ❖ *Would the Project 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?*

A communitywide wastewater treatment plant and collection system was approved in 2008 and is nearly completed. Once online, it will remove most of Los Osos from its historic reliance on septic systems, which were found to cause adverse impacts to the groundwater and bay/estuary. Portions of the community, however, will be allowed to remain on septic systems, which are shown on Exhibit 3-2 of the Los Osos Wastewater Project Final EIR (San Luis Obispo County, 2009). When the County approved the wastewater project, CEQA Findings in support of that approval determined that the service area for the wastewater project was appropriate, and that septic systems in the remaining areas would be suitable. Therefore, no impacts related to septic suitability are anticipated, and this issue will not be evaluated further in the EIR.

Hazards and Hazardous Materials

- ❖ *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The project is a Community Plan that provides General Plan-level guidance for long-term development within the Los Osos area. The proposed land use pattern within the community includes a mixture of residential, commercial, office, public facility, recreation, and open space uses, similar to, but less intensive than, what is currently anticipated under the Estero Area Plan. It is an extension and continuation of the existing land use pattern in Los Osos. No industrially-designated land uses are anticipated in the Community Plan.

According to the San Luis Obispo County Safety Element, the major hazardous materials transport routes in the County include U.S. Highway 101; State Routes 41, 46 and 166; and the Union Pacific Railroad. None of these facilities is in or near the Los Osos Community Plan area.

Various regulations set forth criteria and specific requirements for the benefit of public health and safety from hazardous materials, including (but not limited to): the Federal Hazardous Materials Transportation Act; the Federal Resource Conservation and Recovery Act; the California Hazardous Substance Control Law; the State Emergency Response Act; the State Hazardous Materials Management Act; the California Health and Safety Code § 25550; the San Luis Obispo County Hazardous Materials Emergency Response Plan; and the San Luis Obispo County General Plan Safety Element.

The routine transport of hazardous materials for new commercial projects that may be allowed under this or any other plan within the County is addressed in the County's Safety Element Standard S-68, which requires the review of individual "commercial projects which use, store, or transport hazardous materials to ensure necessary measures are taken to protect public health and safety."

The USEPA is the lead agency responsible for enforcing federal laws and regulations pertaining to hazardous materials that affect public health and the environment. The major federal laws and regulations enforced by the USEPA that could potentially relate to the Proposed Project include the: Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Superfund Amendments and Reauthorization Act (SARA); and, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

In California, the federal USEPA has granted most enforcement authority of federal hazardous materials regulations to the California Environmental Protection Agency (Cal/EPA). Under the authority of Cal/EPA, the SWRCB and DTSC are responsible for overseeing the remediation of contaminated sites. The provisions of Government Code Section 65962.5 require the SWRCB, DTSC, the California Department of Health Services, and the California Integrated Waste Management Board to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, and/or hazardous materials releases to the Secretary of Cal/EPA.

The routine management of hazardous materials in California is administered under the Unified Program (California Health and Safety Code, Chapter 6.11, Sections 25404 through 25404.8). The Cal/EPA has granted responsibilities to the County's

Environmental Health Services Division for implementation and enforcement of hazardous materials regulations in all areas of the County under the Unified Program as a Certified Unified Program Agency (CUPA). The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following environmental and emergency response programs for hazardous materials:

- Hazardous Materials Business Plan Program;
- California Accidental Release Prevention Program;
- Underground Storage Tank Program;
- Aboveground Storage Tank Program; and
- Hazardous Waste Tiered-Permitting Program

Because projects under the LOCP must adhere to federal, state and local requirements that pertain to the use and transport of hazardous materials, no significant impacts related to their use and transport are anticipated. This issue will not be examined further in the EIR.

- ❖ *Would the Project 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?*

In addition to the potential for transportation-related releases of hazardous materials, potential exposure of the public to hazardous materials can result from their use by industry, agriculture, commercial, and service establishments. Household use of hazardous materials also has the potential to result in their release into the environment. However, the potential for such hazards to occur within Los Osos are not any greater than any other community in the County.

Refer to the response to the previous question related to the use and transport of hazardous materials. Because projects under the LOCP must adhere to federal, state and local requirements that pertain to the use and transport of hazardous materials, no significant impacts related to their use and transport are anticipated. This issue will not be examined further in the EIR.

- ❖ *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Several schools are located in Los Osos, including Monarch Grove Elementary School, Baywood Elementary School, Los Osos Middle School, and Bay Osos Montessori School, all of which are within one-quarter mile of existing and potential development that could occur under the LOCP. However, no projects are currently proposed that are anticipated to use or release hazardous materials, so these schools are not considered to be at any elevated risk.

Refer to the response to the previous question related to the use and transport of hazardous materials. Because projects under the LOCP must adhere to federal, state

and local requirements that pertain to the use and transport of hazardous materials, no significant impacts related to their use and transport are anticipated. This issue will not be examined further in the EIR.

- ❖ *Would the Project 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 a Community Plan that provides General Plan-level guidance for long-term development within the Los Osos area. It is not a development plan, and no specific development is proposed pursuant to the LOCP at this time. There are no listed hazardous materials sites within the community, so implementation of the LOCP would not create a significant hazard to the public or the environment related to development in the community. This issue will not be examined further in the EIR.

- ❖ *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 for people residing or working in the project area?*

There are no airports within two miles of the LOCP area. The nearest airport is the San Luis Obispo County Regional Airport in San Luis Obispo, about 11 miles to the southeast. No impacts would occur.

- ❖ *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

There are no private airstrips in or near Los Osos. No impacts would occur.

- ❖ *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The San Luis Obispo County Safety Element describes the need and applicability of emergency response plans to address a variety of hazards within the County. It prescribes conditions for their creation, and how such plans would be coordinated with multiple agencies to address disasters.

The project is a Community Plan that would provide for orderly development, including improvements to the circulation system to accommodate that development. As such, it will not interfere with any existing or potential emergency response plan, but would likely help facilitate a more timely evaluation because of improvements to the roadways network that would be called for under the plan. No impacts would occur, and this issue will not be examined further in the EIR.

- ❖ *Would the Project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Fire suppression, fire prevention, and paramedic services within the community of Los Osos are provided by the Los Osos Community Services District Fire Department. The fire station is located at 2315 Bayview Heights Drive and is centrally located within the community.

Most of Los Osos is not considered at high risk from wildland fires, but the hills to the south and east are considered to be at higher risk than the more level and coastal portions of the community, as identified on the County's Fire Hazard map. This includes existing residential development south of Los Osos Valley Road, where homes are near or intermixed with areas of native and non-native vegetation. The County Safety Element describes these risks, and provides a policy framework to address the potential for risk in the context of existing and potential development countywide. It also prescribes strategies for development to minimize potential risks to the extent possible, including:

- Use fire resistant building materials and construction methods
- Provide defensible space around structures
- Provide adequate water supply
- Provide adequate access

The Safety Element also includes the following programs that are applicable to all development within the County, including Los Osos:

- *Standard S-29. Identify high value and high risk areas, including urban/wildland interface areas, and develop and implement mitigation efforts to reduce the threat of fire.*
- *Standard S-30. Site homes near one another to the extent practicable to reduce the need for multiple response teams during fires. Require that the subdivision design be reviewed by fire safety personnel. Require the clustering of lots or buildings in high and very high fire hazard areas as appropriate. New developments in high and very high fire hazard areas should maintain open areas large enough to allow for control burns and other vegetation management programs.*
- *Program S-31. Encourage applicants for subdivisions in fire hazard areas to cluster development to allow for a wild fire protection zone. Consider the voluntary use of transfer of development credits to bring development out of high and very high fire hazard areas.*
- *Standard S-32. Require fire resistant material to be used for building construction in fire hazard areas.*
- *Program S-33. Work with homeowners to improve fire safety and defensibility on developed parcels. Defensible space should be required around all structures in high and very high fire hazard areas.*

Future development in Los Osos is subject to many state and local regulations intended to further mitigate risk, including:

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- *Uniform Fire Code*
- *California Health and Safety Code*
- *Title 19 of the California Code of Regulations*
- *Title 14 of the Public Resources Code*
- *Assembly Bill 337 (Bates Bill)*

Several local ordinances direct fire prevention activities within San Luis Obispo County. These include Chapter 19.20, Construction Standards of Title 19, of the County Code; as well as Section 22/23.05.050 et. seq. of the Land Use Ordinance and Coastal Zone Land Use Ordinance. These sections of Titles 22 and 23 contain standards pertaining to the preparation and review of fire safety plans, fire safety standards, site access, and driveway requirements. In addition, the provisions of the Uniform Fire Code have been adopted by San Luis Obispo County.

Because of the programmatic nature of the Community Plan, and because future development within the area is already subject to a wide range of regulations intended to mitigate risk and reduce fire hazard risk, impacts are considered less than significant, and will not be analyzed further in the EIR.

It is also notable that in addition to these existing regulatory requirements, the proposed LOCP includes the following Planning Area Standard, which will further minimize potential fire risk related to new development:

E.2.d. Resource Protection – Concentration of Development Required; Development Requirements; Setbacks for Fire Safety. Where setbacks are required by the fire protection agency for fuel-breaks and vegetation or fuel modification, they shall be located adjacent to development and be in addition to the required setbacks for protection of the identified sensitive features.

Mineral Resources

- ❖ *Would the Project 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? Would the Project 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 a Community Plan in an area that is mostly built out with various urban land uses and open space areas. There is no mineral extraction within the Plan Area, nor any sites designated for mineral extraction. No impacts would result.

Because there would be no potential impacts related to Mineral Resources that would result from implementation of the proposed LOCP, this issue will not be studied further in the EIR.

According to the NRCS, nearly the entire Plan Area is urbanized, and is not designated as either Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The

margins of Los Osos Creek along the eastern boundary of the Plan Area includes some Prime Farmland Soils (if irrigated) or Farmland of Statewide Importance. However, these areas are either designated as Open Space, or on the margins of designated Residential Suburban land that is already developed. The one exception to this is APN

Population and Housing

- ❖ *Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

The LOCP is a long-range planning document that sets forth a proposed land use pattern, and provides a regulatory framework to ensure orderly growth. By its nature, it is not intended to displace housing, but rather, facilitate its construction through a set of policies and development guidelines. No impacts would result.

This issue will not be examined further in the EIR.

- ❖ *Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The LOCP is a long-range planning document that sets forth a proposed land use pattern, and provides a regulatory framework to ensure orderly growth. By its nature, it is not intended to displace housing, but rather, facilitate its construction through a set of policies and development guidelines. No impacts would result.

This issue will not be examined further in the EIR.

Socioeconomic and Environmental Justice

- ❖ *Would the Project expose minority or disadvantaged populations to proportionately greater risks or impacts compared to those borne by other individuals?*

Environmental justice addresses issues concerning whether a proposed project would expose minority or disadvantaged populations to proportionately greater risks or impacts compared to those borne by other individuals. Environmental Justice is defined in California law (Government Code § 65040.12) as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws and policies.”

The proposed project is a Community Plan that provides a regulatory framework for future development within Los Osos, and a corresponding Land Use Map that establishes the future location of potential development. It is not a development plan,

and no physical development is proposed at this time. The proposed Community Plan is an extension and refinement of the existing adopted Estero Area Plan, and the proposed land use pattern is substantially similar to what is in the currently adopted Area Plan. Land use redesignations that would occur under the Community Plan are intended either to protect known sensitive environmental resources, to provide a more logical framework for future development, or to address known land use incompatibilities. The land use pattern does not displace housing or populations, and maintains opportunities for new housing and economic growth. Planned growth will not adversely affect any socioeconomic group, or put one group at a relative advantage over another to attain new housing or develop new businesses in the community. Constraints to development, such as they are, would be based on environmental considerations, including the availability of water and the protection of sensitive resources.

No adverse impacts related to socioeconomic and environmental justice would occur as a result of potential Community Plan adoption, and this issue is not considered further in the EIR.

1.7 ENVIRONMENTAL IMPACT REVIEW PROCESS

The environmental impact review process, as required under CEQA, is outlined below. The steps are presented in sequential order.

- 1. Notice of Preparation (NOP) Distributed.** Immediately after deciding that an EIR is required, the lead agency must file a NOP soliciting input on the EIR scope to "responsible," "trustee," and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. A scoping meeting to solicit public input on the issues to be assessed in the EIR is not required, but may be conducted by the lead agency.
- 2. Draft Environmental Impact Report (DEIR) Prepared.** The DEIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) alternatives; g) mitigation measures; and h) irreversible changes.
- 3. Public Notice and Review.** A lead agency must prepare a Public Notice of Availability of an EIR. The Notice must be placed in the County Clerk's office for 30 days (Public Resources Code Section 21092). The lead agency must send a copy of its Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the DEIR from responsible and trustee agencies, and

adjacent cities and counties (Public Resources Code Sections 21104 and 21253). The minimum public review period for a DEIR is 30 days. When a DEIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless a shorter period is approved by the Clearinghouse (Public Resources Code 21091). Distribution of the DEIR may be required through the State Clearinghouse (*CEQA Guidelines* Section 15305).

- 4. Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse as soon as it completes a DEIR.
- 5. Final EIR (FEIR).** A FEIR must include: a) the DEIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.
- 6. Certification of FEIR.** The lead agency shall certify: a) the FEIR has been completed in compliance with CEQA; b) the FEIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the FEIR prior to approving a project (*CEQA Guidelines* Section 15090).
- 7. Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
- 8. Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that set forth the specific social, economic or other reasons supporting the agency's decision.
- 9. Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
- 10. Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges (Public Resources Code Section 21167[c]).