4-1

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

MEMORANDUM

To: Planning Commission

From: Murry Wilson, Environmental Resource Specialist

Subject: Sheridan Properties (DRC2005-00073)

Date: November 3, 2011

This item was continued from the September 8, 2011 hearing to September 29, 2011 and then to the November 3, 2011 hearing, to allow for revisions to the environmental document. This hearing will include continued discussion of the topical areas related to the Sheridan Properties project as requested by your commission. This report also includes responses to comments raised by the public in comment letters submitted on September 7 and 12, 2011 and the revised environmental document.

Environmental Determination

The environmental determination has been revised based on comments received prior to and after the September 8, 2011 hearing (see Attachment 3 – Letters dated September 7, 2011 and September 12, 2011). Revisions to the Mitigated Negative Declaration are shown in a strike-through underline format, so your Commission can easily identify the changes that were made to the document. Recirculation of the environmental document was not required because no "substantial revisions" have resulted from the changes made. The determination to not recirculate the environmental document was made based on the follow:

A "substantial revision" that would require recirculation includes the following:

1. A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance.

2. The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significant and new measures or revisions must be required.

Recirculation is not required under the following circumstances:

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1. Mitigation measures are replaced with equal or more effective measures.

2. New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

3. Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create a new significant environmental effect, and are not necessary to mitigate or avoid significant effects.

4. New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

As revised, the environmental document adequately addresses all impacts that may result from development of the proposed project and an Environmental Impact Report (EIR) is not required.

Issues for Further Discussion

Grading – The project is proposed as a phased project and includes grading that will occur in phases. As shown on the Phasing Plan (see Attachment 1), the project will include rough grading in phase 1 which will achieve approximate grades for a majority of the overall site. Existing structures and uses will remain during the development of the first three phases. The existing RV storage will be relocated to the west and south of the property, until the phases that would occupy those areas are constructed. Temporary drainage improvements will also be constructed to ensure the project does not result in drainage impacts during the development of the project. Precise grading will occur during each phase to achieve final grades necessary to support the development of the structures, parking, internal streets, and other improvements. Condition of Approval # 4 requires the applicant to coordinate with Planning, Building, and the Public Works Department prior to construction of individual phases to ensure all concerns are addressed (i.e. drainage, grading, and condition compliance).

Parking – The applicant is proposing a total of 253 parking spaces for the entire development. Parking will be constructed with the associated phases along with the internal street improvements for each phase. Staff supports the reduced parking requirements and has provided your Commission with a finding in support of the modification request (see Attachment 2 – Revised Findings and Conditions of Approval, Finding G). Condition of Approval # 1 has been modified to identify the total number of parking spaces required for the entire development.

Allowable Uses – All uses that are not proposed to be allowed by plot plan approval (i.e. Chemical Products and Petroleum Extraction) would require approval of a separate Development Plan / Coastal Development Permit. That use would be subject to a future discretionary action by the Planning Commission and potentially the Board of Supervisors.

"Eating and Drinking Places" are allowed in the Industrial land use category and could occupy a space in Units 1-10. Units 11-21 are within the Sheridan Road Heavy Industrial Area and "Eating and Drinking Places" are not allowed in that portion of the proposed project site.

Water – Concerns associated with water usage quantities, water availability, and seawater intrusion were raised during the public hearing. The attached environmental document includes revisions and clarifications associated with project related water impacts. No new impacts were identified based on the revisions to the water section of the environmental document. The project's impacts on water resources are considered less than significant with the proposed mitigation measures.

Caretaker Size and Associated Water Calculations – The sizes of the caretaker units (seven caretaker units proposed) were incorrectly identified in the staff report and mitigated negative declaration. The actual sizes of the proposed caretaker units are 1,185 square feet each not 500 square feet. See the revised mitigated negative declaration for the revised water calculations and revised water discussion. The revised calculations resulted in less than 1 acre-foot per year of additional water usage associated with the proposed project. This revision did not result in a new significant impact.

Changes to Mitigated Negative Declaration Language – An error was identified in the setting section of the mitigated negative declaration (Pg. 2-45 of the September 8, 2011 staff report), and staff verbally corrected that error at the September 8, 2011 Planning Commission hearing. The report stated, "Currently, there is no evidence of seawater intrusion." While this statement was correct in 2003 (when the referenced report was release), the setting section should have also included the more recent information that indicated evidence of seawater intrusion in the Oceano area approximately 4 miles to the northwest (see Attachment 4 – Revised Mitigated Negative Declaration for further clarification on this issue). This revision did not result in a new significant impact.

Landscaping – The applicant chose to create relatively small units suited for startup businesses as opposed to large structures that maximize interior floor area. This project consequently resulted in larger landscaped areas due to the project design and layout. The project will be required (as a condition of approval) to incorporate drought tolerant and low water using plant materials. While the water savings associated with these features are identified in the water calculation of the environmental document and credited towards the total water use, this project will realize additional beneficial water resource impacts due to the soil conditions and landscaping features. All stormwater generated from this project will remain on site and percolate back to the groundwater basin through numerous LID measures that will be incorporated into the landscaping and the on-site retention basin.

Will Serve Letter – The applicant has provided an updated will serve letter from Woodland Park Mutual Water Company (dated August 4, 2011). In addition to the preliminary letter from the water company, the project has been conditioned to provide proof that the water company meets State Health Department requirements. No permits will be issued until the applicant can show proof that the water company is in compliance with State Health Department requirements.

Sensitive Species (Nipomo Mesa Lupine) – The site contains two small populations of Nipomo Mesa Lupine, an endangered species. A goal of the project, once the species was discovered on site, was to avoid all impacts to the species. This resulted in a redesign of the project (avoidance is the preferred mitigation) and numerous other mitigation measures to ensure the protection of the species. The proposed open space areas were created based on the recommendations of the biologist. The County biologist reviewed the proposed easement areas and concurred that the area was adequate to protect the species with the mitigation measures that are included with the project.

The primary threat to the species is non-native weeds such as veldt grasses. As such, controlling the weeds within the easement area is critical to the survival of the species. The existing measures require weed control within the easement area, based upon recommendations of the consulting biologist. Weed removal and monitoring of the easement areas will be required throughout the entire construction period (up to 12 years) and a minimum of three years beyond construction. Time frames for weed removal are not dictated, because extensive foot traffic within the easement area has the potential to disrupt the cryptogrammic crust (a layer or crust that holds the soil down, prevent soil erosion, and provide a hospitable environment for germinating plants). Weed removal time frames will be based on the annual monitoring of the easement area, and a recommendation will be made as to whether weed removal is required for the following season during each monitoring event. This will

ensure that foot traffic within the easement area does adversely affect the easement area and the species is adequately protected.

The long term protection of these areas, both during construction and after construction, has been addressed through the existing mitigation measures. Staff has provided additional language associated with the monitoring and reporting plan (see . The additional language will clarify the performance standard that must be met at the end of the monitoring period, and if not met, will require additional recommendations to ensure the performance standard is met. If the standard has not been met, additional protection recommendations and monitoring will be required.

With regard to fencing of the easement areas, staff has provided clarifying language regarding the fencing requirements. The revised language will ensure the fencing is designed to be durable and prevent access to the easement area.

Impacts to Residences – Concerns were raised regarding potential impacts to residences (e.g. people who occupy the proposed caretaker units). Further discussions with the law office of Babak Naficy (Counsel for the Sierra Club) clarified their concerns regarding the specifics of this issue. Their primary concern is that the young and elderly were not subject to potential future industrial uses that may occupy the project site. To address this concern, staff has added a condition of approval that clarifies who may occupy the proposed caretaker units (as defined by the CZLUO).

Air Quality and Climate Change – Concerns were raised regarding the adequacy of the air quality modeling due to the unknown future uses of the project site. The project was reviewed using approved procedures for both construction and operational phases of the project. The estimates that were used are considered a reasonable development scenario for the purpose of CEQA. With regard to climate change impacts, the estimated amounts of greenhouse gas (GHG) emissions resulting from the project have been verified by APCD. Staff believes the estimates are reasonable and appropriate mitigation measures have been provided (see Attachment 4 – Revised Air Quality Section for further discussion). Staff added a condition of approval that acknowledges the existing APCD permitting process.

Groundwater Protection – Concerns were raised about contamination of groundwater due to the industrial nature of the proposed project. To address this concern, staff has included a new condition of approval that requires pretreatment of waste from businesses that may use harmful compounds.

Revised and New Conditions of Approval

Your Commission identified concerns about various conditions of approval. Staff has provided revised / modified language based on the comments received at the September 8, 2011 hearing and letters submitted on the project for your consideration. These changes are summarized below and the full text in contained in Attachment 2.

- Emergency Access – Staff has added a new condition of approval to require emergency access.
- Parking Numbers Codified – The total number of parking spaces for cars and bikes has been included in Condition of Approval #1.
- Water Meters Required – Staff has added language to existing condition of approval #26 to require water meters on individual units.
- APCD Permits Required – Staff has added a new condition of approval that recognizes the existing APCD permitting process and requires future tenants to get clearance from the APCD or a letter stating that a permit is not necessary for the proposed use.
- Caretaker Occupancy Limitations – Staff has added a new condition of approval clarifying who can occupy the caretaker units (as defined by the CZLUO).

- Monitoring Requirements – Staff has added language to existing condition of approval #46 that clarifies the performance standards and requires on-going monitoring and application of additional measures if the performance standard has not been met at the conclusion of the monitoring period.
- Groundwater Protection – Staff has added a new condition of approval that requires pretreatment of waste from businesses that may use harmful compounds.
- Indemnification Agreement – Staff has added a new condition of approval requiring the applicant to indemnify the County.

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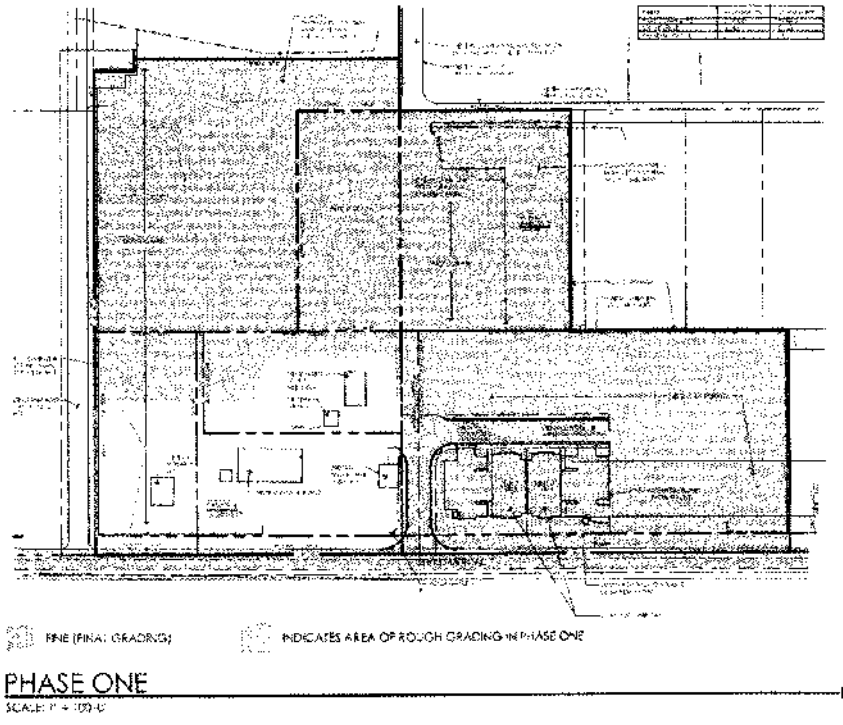
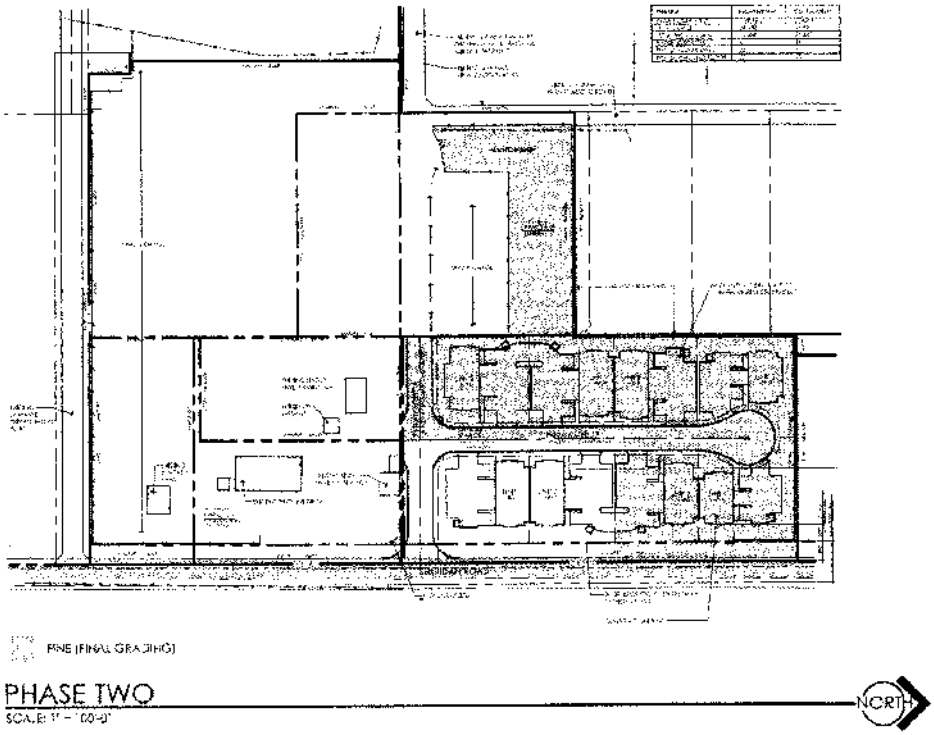
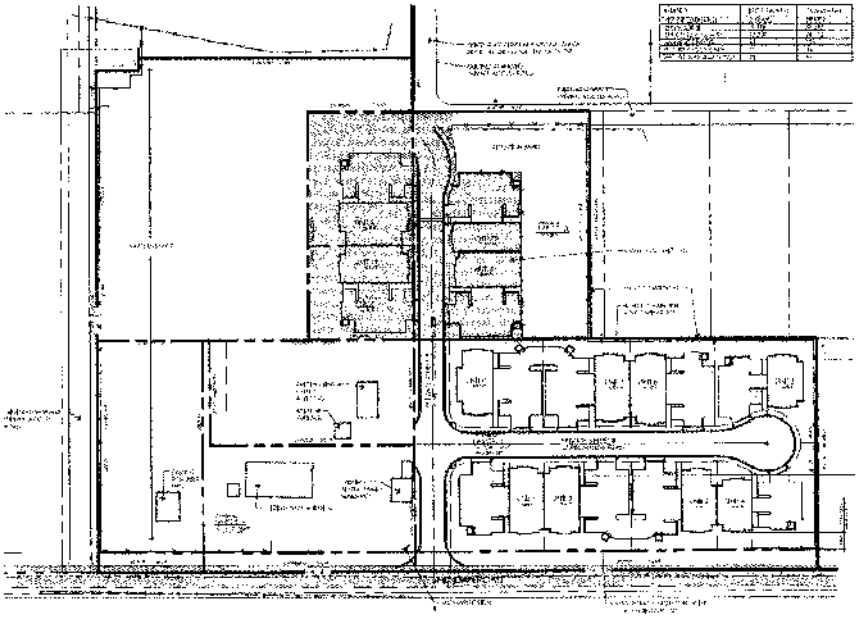
Attachment 1 – Phasing Plan





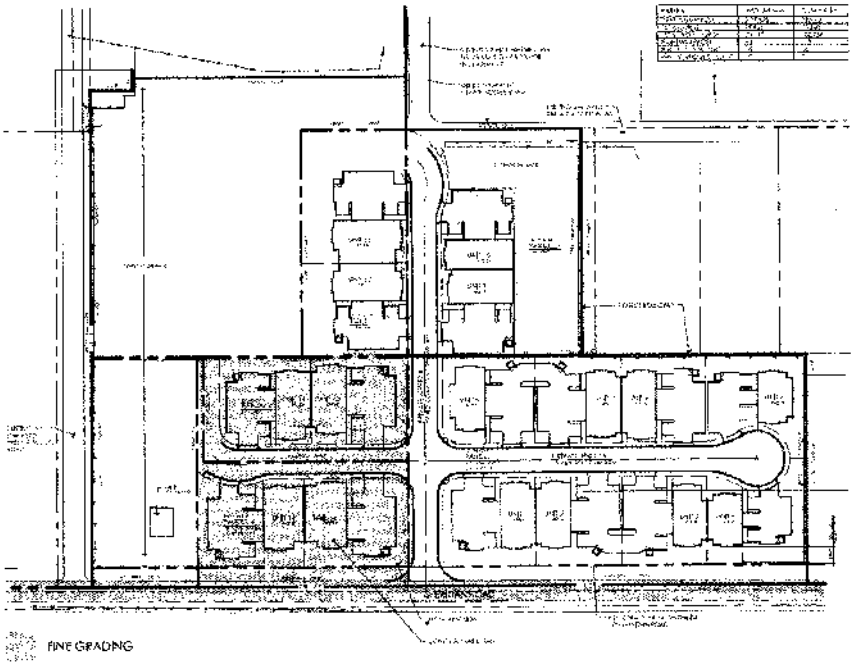


FINE (FINAL GRADING)

PHASE THREE

SCALE: 1" = 100'-0"

NORTH



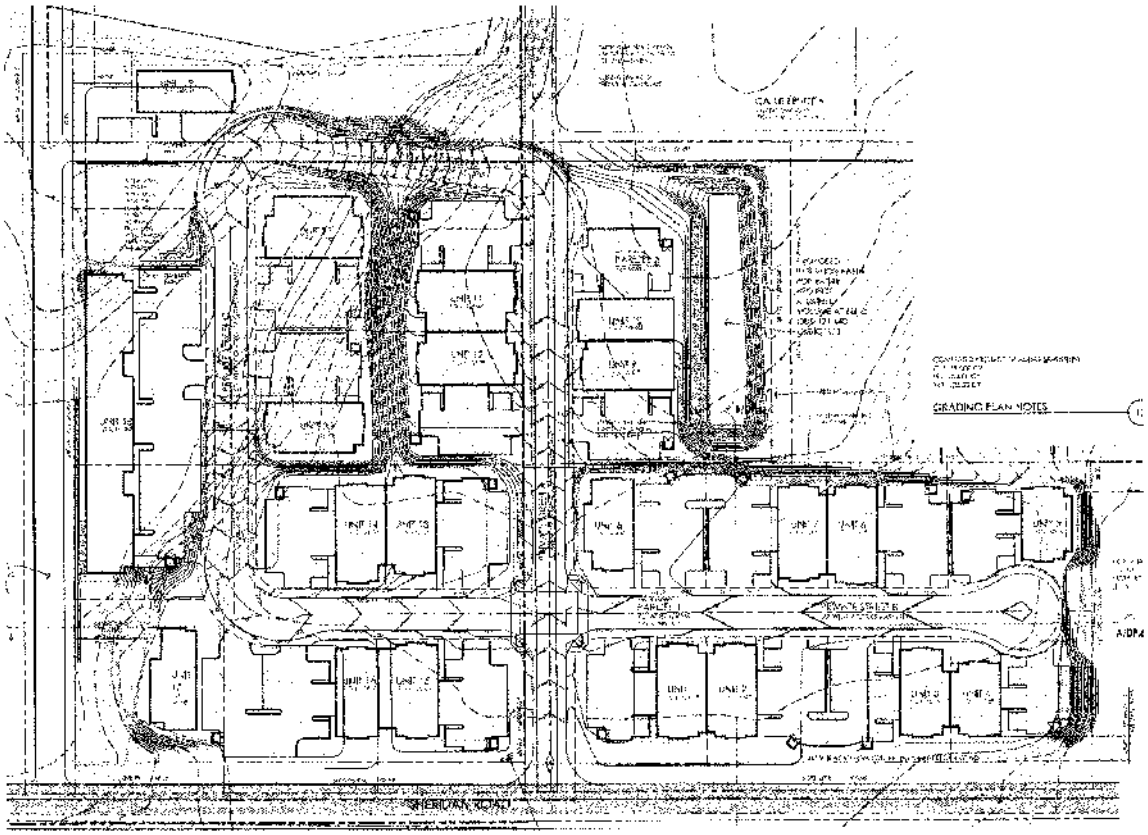
FINE GRADING

PHASE FOUR - REFER TO SP-4 FOR PHASE 5 FULL BUILD-OUT

SCALE: 1" = 100'-0"

NORTH

4-8



PHASE FIVE

Attachment 2 – Revised Findings and Conditions of Approval

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 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 28, 2011 for this project.

Development Plan

B. The proposed project is consistent with the San Luis Obispo County General Plan and Local Coastal Plan because the development meets applicable zoning regulations and future uses that may occupy the proposed structures will be limited to allowable uses in the Industrial land use category and the Sheridan Road Heavy Industrial Area respectively.

C. As conditioned, the proposed project 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 construction and future uses on the proposed project do not generate activity that presents a potential threat to the surrounding property and buildings as conditioned. The project also includes caretaker units for security purposes and to provide for 24-hour care and supervision of the site. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns and operational standards of the CZLUO.

E. The proposed project will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the development of an industrial park within an industrial land use category is similar to, and will not conflict with, the surrounding lands and uses. The inclusion of caretaker units as a part of the project is secondary and accessory to the primary use of the site. The caretaker will provide security and 24-hour supervision to ensure there are not conflicts with surrounding 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 Sheridan Road, a local road which will be improved to handle any additional traffic associated with the project and the applicant will provide additional funding for improvements at the Highway 1 (Willow Road) and Sheridan Road intersection.

Adjustments

G. Modification of parking standards required by Coastal Zone Land Use Ordinance Section 23.04.166, is justified because the characteristics of the future uses do not necessitate the number of parking spaces for the worst case traffic generating use because it is not likely that the development will include a large percentage of high demand parking uses (i.e. Eating and Drinking Places). As proposed, 253 parking spaces (1 space per 415 sf.) is adequate for the types of uses that are anticipated (i.e. Warehousing, Manufacturing, etc.) and no traffic safety problems would result from the reduction in on-site parking.

H. Granting of the exception to the sign standards will not result in adverse visual impacts or other adverse effects because the number of buildings associated with the development will limit the allowable sign area on each building to less than 10 square feet.

Coastal Access

I. 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.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes the construction of a five (5) phase Industrial Park consisting of twenty one (21) units on seven (7) underlying legal parcels, as follows:

   a. **Phase I** (as shown on the phasing plan) shall be vested **within 2 years** of the effective date of this permit and shall include:
      i. the construction of two (2) units (Units 1 and 2) with a combined square footage of 9,168 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.

   b. **Phase II** (as shown on the phasing plan) shall be vested **within 5 years** of the effective date of this permit and shall include:
      i. The construction of six (6) units (Units 3 thru 8) with a combined square footage of 24,803 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.

   c. **Phase III** (as shown on the phasing plan) shall be vested **within 7 years** of the effective date of this permit and shall include:
      i. the construction of four (4) units (Units 9 thru 12) with a combined square footage of 19,384 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.

   d. **Phase IV** (as shown on the phasing plan) shall be vested **within 10 years** of the effective date of this permit and shall include:
      i. the construction of five (5) units (Units 17 thru 21) with a combined square footage of 32,498 (including grading).
      ii. street improvements and parking, and
      iii. landscaping.

   e. **Phase V** (as shown on the phasing plan) shall be vested **within 12 years** of the effective date of this permit and shall include:
      i. the construction of four (4) units (Units 13 thru 16) with a combined square footage of 19,865 (including grading),
      ii. street improvements and parking, and
      iii. landscaping.

   The total first floor square footage for the proposed development is 105,718 square feet. Approximately 43,000 square feet of second story floor is possible within the overall development (dependent on tenant needs), for a total maximum of 149,000 square feet of floor area. Additionally, each phase will include the construction of all associated infrastructure (e.g. streets, parking, landscaping, and drainage facilities) necessary to serve that phase of development. The applicant is requesting up to one (1) caretakers unit to be constructed on each legal lot of record for a total of seven (7) caretaker units (~~500~~ 1,185 square feet each) with a maximum square footage of ~~3,500~~8,295 square feet for the entire development. The total number of parking spaces for the development shall not be less 253. A total of 25 bike parking spaces shall be provided for the development and spaced through out.

   f. A maximum height of 45 feet measured from average natural grade.

   g. An exception to the sign ordinance standards to allow a total of 200 sf. of sign area for the entire 21 unit industrial park. Signage may also include a 32.5 sf. monument sign.

   h. All potential future uses categorized as allowable (A), permitted (P), and special (S) industrial uses are authorized by this Development Plan / Coastal Development Permit and do not require subsequent use permits for individual tenants of the proposed project. Any use that has

special standards identified in Chapter 8 (Special Uses) must also be able to meet the requirements of that section to be authorized under this approval. These uses would be authorized by "Plot Plan" approval at the time future tenants request a business license approval and / or tenant improvements. Any waiver or modification of Chapter 8 - Special Use standards would not be authorized by a "Plot Plan" approval and would instead require approval of either a Minor Use Permit or Development Plan as described in the CZLUO.

All allowable, permitted, and special uses within the Industrial land use category would be allowed without the need for future use permit approvals (as described in Table O and the South County Coastal Area Plan), except as follows:

- Chemical Products – per CZLUO
- Petroleum Refining and Related Industries – per CZLUO
- Petroleum Extraction – per CZLUO
- Water Wells and Impoundments – per CZLUO

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

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

3. **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan 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 surrounding properties or public views (Sheridan Road). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented **prior to final inspection or occupancy of the first structure in each phase (whichever occurs first).**

   The height of free standing or security outdoor lighting fixtures shall be kept as low as is practically possible and no higher than twelve (12) feet so that they are not visible from surrounding properties or public views. Security lighting shall be shielded so as not to create glare when viewed from surrounding properties or public views.

4. **Prior to application for construction / grading permits for any phase of the project**, the applicant shall contact and schedule a meeting with the building division, project planner, and the public works department to discuss the phasing plan. The discussion shall address concerns related to drainage during the phasing of the project and other improvements required by this approval.

Fire Safety

5. **At the time of application for construction permits for all structures,** 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 CDF/County Fire Department for this proposed project and dated December 12, 2005 or as modified due to changes in fire code requirements since the time of letter issuance.

Services

6. **At the time of application for construction permits,** the applicant shall provide a letter from Woodland Park Mutual Water Company stating they are willing and able to service the property.

7. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Biological Resources

8. **At the time of application for construction / grading permits,** the project grading plan shall ensure that new contours and slopes do not influence localized hydrology within the preserve areas and do not direct and stormwater into the preserve.

9. **At the time of application for construction / grading permits,** native landscaping shall be required on any newly disturbed grounds or slopes around the preserve. Otherwise only non-invasive landscape species shall be allowed adjacent to the preserves and throughout the development. All landscape areas shall consist of drought tolerant and consistent with the requirements of Section 23.04.178 through 23.04.186.

Geology / Soils and Water

10. **At the time of application for construction permits**, loading dock areas shall be covered or drainage shall be designed to minimize run-on or runoff of stormwater. Connections to storm drains or other drainage facilities from depressed loading docks (truck wells) and maintenance bays are prohibited. An approved structural source control measure and / or treatment control measure shall be used to prevent stormwater pollution if drainage is not diverted around these areas.

11. **At the time of application for construction permits**, the applicant shall reduce impervious land coverage of parking areas to the maximum extent practicable (e.g. use of impervious pavers where appropriate). Stormwater runoff from parking areas shall infiltrate and / or be treated prior to be discharged to storm drains or other drainage facilities. Parking lots shall be designed with curb cuts and drain to vegetated depressions or rain gardens to allow for stormwater filtration along the flowline to the drainage basin. If underground piping is used to transmit flows to the drainage basin, the pipes shall be perforated to allow groundwater recharge.

12. **At the time of application for construction permits**, roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants such as parking areas.

13. **At the time of application for construction / grading permits,** vegetated drainage swales shall be constructed along internal streets (if feasible) to transmit stormwater flows to the drainage basin. Where direct connection to the drainage basin is not feasible, underground piping may be used to transmit flows to the drainage basin. These pipes shall be perforated to allow groundwater recharge (see low impact development design manuals for guidance on such measures).

14. **At the time of application for construction permits,** trash container areas shall be covered or have drainage from roofs and pavement diverted around the enclosure areas. Trash container areas must be screened or walled to prevent loose debris or trash from being transported outside the enclosure.

Hazards and Hazardous Materials

15. **At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project,** the project shall not use any hazardous materials not listed in Appendix A (see attached), or in greater quantities then specified, unless approved in advance by the County Environmental Health Division and the Planning Department.

16. **At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project**, the tenant/applicant shall concurrently provide a Hazardous Materials Business Plan to CAL FIRE/San Luis Obispo County Fire Department, the County Planning and Building Department, and County Environmental Health Division for review and approval. Copies of the final HMBP shall then be provided to the above parties for use, as well as a copy kept on-site at all times.

17. **At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project,** if any hazardous materials not listed in Appendix A are used or stored on the project site, the tenant/applicant shall provide evidence that a fully compliant Hazardous Waste Management Plan has been prepared and subsequently approved by the County's Environmental Health Division. At a minimum, the Hazardous Waste Management Plan shall address:

a. waste determination (22 CCR §66262.11);
b. on-site container/tank management (22 CCR §66265.171 - .191);
c. proper disposal (22 CCR §66266.3, HSC §25250.4);
d. accumulation times (22 CCR §66262.34);
e. contingency plans (22 CCR §66265.50).

18. **At the time of application for construction permits for the first structure,** if a potentially operational or existing auxiliary water supply (in the form of an existing well) is located on any of the parcels associated with the development plan 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).

If the Woodland Park Mutual Water Company does not have two (2) operational wells **at the time of permit issuance for the first structure / phase,** the applicant shall provide the existing onsite well or provide a new well for use in the mutual water system (in order to meet State Department of Environmental Health requirements). The applicant shall provide proof that the mutual water system meets applicable requirements for operations under state law **prior to construction / grading permit issuance.**

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 shall be required to obtain a permit from the County Health Department.

Noise

19. **At the time of application for construction permits for structures with caretaker units,** the applicant shall show the following on the project plans:

- All exterior doors within the caretakers units (including doors that open to the industrial work space) shall be solid core with perimeter weather stripping and threshold seals and shall have an STC (Sound Transmission Class) rating of 35 or greater;
- All fresh air inlets or exhaust vents on caretakers units shall incorporate sound attenuation and noise baffling;
- All internal walls that are located between the industrial use area and the caretakers units shall have an STC (Sound Transmission Class) rating of 40 or greater;

20. **Prior to final inspection or occupancy of structures with caretaker units**, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the above measures have been adhered to.

Transportation and Circulation

21. **At the time of application for construction permits,** the applicant's engineer shall submit to the Department of Public Works improvement plans prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer. The submittal package is to include:

1. Street plan and profile.

   a. Sheridan Road shall be widened to complete the project side of an A-1 rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.

2. Drainage calculations for the road improvements.

3. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the development plan to be approved jointly with the Department of Planning and Building.

4. A completed Engineering Checking and Inspection 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.

5. A completed 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.

22. **At the time of application for construction permits,** the applicant shall apply to the Department of Planning and Building for approval of new street names. Street signs shall be in place **prior to the occupancy of the first structure.**

Water

23. **At the time of application for construction permits,** the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.

1. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards and the measures listed under geology / soils and water. The basin/s is/are to be maintained in perpetuity.

2. 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.

24. **At the time of application for a construction permit,** applicable construction plans will show the use of all feasible indoor water conservation measures, including but not necessarily limited to:

a. low water-use toilets (max. 1.28 gpf), showerheads (max. 1.5 gpm), and faucets;
b. automatic shut-off devices for bathroom and kitchen faucets;
c. point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen (when 20 feet or more from water heater).

Landscape plans will be prepared that include, but are not necessarily limited to, the following outdoor conservation measures:

d. plants grouped into "hydrozones" with similar water needs;
a. low water-use plant materials;
b. non-native, invasive, drought tolerant, and turf grass landscaping shall be prohibited on the entire site;
c. soil moisture sensors, and drip irrigation systems.

All measures list above shall be completed prior to final inspection or occupancy, whichever occurs first.

25. **At the time of application for a construction permit,** the applicant shall pay a supplemental water development fee for dwelling unit equivalent as required by County Ordinance.

26. **At the time of application for a construction permit,** if the County's supplemental water fee is not adopted, the applicant shall either:

1. Pay the Nipomo Community Services District supplemental water fee to the District based on the current fee schedule at the time of payment; or

2. Enter into an agreement with the County that the applicant will provide retrofitting within the Nipomo Water Conservation Area boundary to off-set the additional water usage generated by new development on the parcels. Evidence of retrofitting and the estimated amount of water saved through retrofits will be required **prior to construction permit issuance**.; and
3. Water meters shall be shown on the plans and installed for each individual industrial unit including separate meters for the individual caretaker units.

Conditions to be completed prior to issuance of a construction permit

Fees

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

28. **With each phase of development and prior to issuance of construction permit(s) for each structure,** the applicant shall pay the housing impact fee as required by Section 23.04.096.f(1) or may defer fee payment pursuant to Section 23.04.096.j(4). As an alternative the applicant may provide housing unit(s) for one or more development phases by recording an inclusionary housing agreement on the caretaker unit for that phase prior to issuance of any construction permit(s) for that phase pursuant to Section 23.04.096.j(4).

29. **On-going condition of approval (valid for the life of the project), prior to issuance of building permits,** the applicant shall pay the current South County Area 2 Road Impact Fees.

Air Quality

30. Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction / grading permit issuance**.

    a. Reduce the amount of the disturbed area where possible;
    b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
    c. All dirt stock-pile areas should be sprayed daily as needed;
    d. 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;
    e. 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;
    f. 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;
    g. 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, soil binders, or other approved methods are used;
    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. All these fugitive dust mitigation measures shall be shown on grading and building plans; and
    m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

31. **Prior to commencement of construction / grading activities,** the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

32. **Prior to construction / grading permit issuance**, the following measures shall be shown on the plans; **during all construction activities and for the life of the industrial park**, these Idling Restrictions near Sensitive Receptors for On and Off-Road Construction Equipment shall be implemented:

a. Staging and queuing areas shall be located the maximum feasible distance away from sensitive receptors;
b. Diesel idling within 1,000 feet of sensitive receptors shall be minimized and in no case be allowed for more than five minutes;
c. Use of alternative fueled equipment is recommended whenever possible; and
d. Signs that specify the idling requirements shall be posted and enforced at the construction site.

33. **Prior to construction / grading permit issuance,** a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. Please refer to the APCD webpage at http://www.slocleanair.org/business/asbestos.asp) or for more information or contact the APCD Enforcement Division at 781-5912.

34. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to Issuance of any construction permit** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

35. **Prior to construction / grading permit issuance,** the applicant will be required to document the source of fill for the proposed project. The location shall be from a permitted source and be the closest location feasible to reduce air emissions.

36. **Prior to construction / grading permit issuance,** any portable equipment, 50 horsepower or greater, used during construction activities shall require California statewide portable equipment registration (issued by the California Air Resources Control Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be considered exclusive. For a more detailed listing, refer to APCD's 2009 CEQA Air Quality Handbook.

- Power screens, conveyors, diesel engines, and or crushers;
- Portable generators and equipment with engines that are 50 horsepower or greater;
- Internal combustion engines;
- Concrete batch plants;
- Tub grinders; and
- Trommel screens.

37. **Prior to construction permit issuance for individual tenant improvement,** proven energy efficiency measures shall be implemented to mitigate GHG emissions. Refer to the APCD's 2009 CEQA Handbook for mitigation measures. The applicant shall consult with APCD to determine appropriate mitigation for the individual impacts associated with the proposed use. Mitigation shall be provided to account for said uses fair share of the 4 metric ton per day impact identified for the project and receive approval of the proposed energy efficiency measures.

38. **Prior to construction permit issuance for individual tenant improvement,** proven energy efficiency measures shall be implemented to mitigate operational phase emissions associate with equipment and operations listed in the 2009 CEQA Air Quality Handbook. The applicant shall consult with APCD to determine appropriate mitigation for the individual impacts associated with the proposed use. Mitigation

shall be provided to account for said uses fair share of the 4 metric ton per day impact identified for the project and receive approval of the proposed energy efficiency measures. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to APCD's 2009 CEQA Air Quality Handbook.

- Electrical generation plants or the use of standby generators;
- Poratble generators and equipment with engines that are 50 horsepower or greater;
- Public utility facilities;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Biological Resources

39. **Prior to commencement of tree removal associated with construction / grading activities**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county

40. **Prior to construction / grading permit issuance for any phase of the project,** the "project limits" shall be clearly delineated in the field. Highly visible construction fencing shall be used to exclude activities from the Nipomo Mesa lupine areas. No development (including storage of materials) shall occur outside of the "project limits." This fencing shall remain in place during the entire construction period. Verification shall be provided by means of a site visit from applicable County staff at a pre-construction meeting.

41. **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine or contain grading that may impact Nipomo Mesa lupine areas,** silt fencing and highly visible construction fences shall be installed. These measures shall be installed around the buffer zones during all construction activities to ensure no disturbance, siltation, or runoff enters the preserved areas. No straw wattles shall be used as they may introduce undesirable non-native grasses near the preserves. If wattles are to be used, then cocoanut fiber rolls shall be specified.

42. **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine,** the final project design shall include buffer zones around the two occurrences of Nipomo Mesa lupine with non-disturbance buffer zones (see project plans dated December 12, 2008). The grading plans shall be designed so as to not change the existing drainage patterns that provide water to the identified Nipomo Mesa lupine locations.

43. **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine,** permanent and highly durable fencing shall be installed to exclude access and disturbance from building occupants and construction crews that could create volunteer trails and / or other disturbance. The fencing shall be approved by the Environmental Division. The fencing shall be designed to ~~discourage~~ prevent access to the Nipomo Mesa lupine areas. Educational signs shall be placed to identify the area as protected endangered species habitat preserve. The signs shall include a brief description of the sensitive species, historic context / range of the species, and restricted access requirements listed below in Condition of Approval # 45.

44. **Prior to construction / grading permit issuance for any phase of the project,** the applicant shall enter into a open space easement with the county in perpetuity for the areas specified on attached Exhibit A and A-1. The intent of the open space agreement is primarily to protect the populations of Nipomo Mesa lupine and curly-leaved monardella. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement. Sturdy fencing shall be installed to protect sensitive areas. To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable structures shall be setback from the edge of the conservation easement area

the distance recommended by CAL FIRE. This setback shall be **shown on all applicable future construction plans**.

45. Only individuals with jurisdiction, or their designee (e.g., County Planning, county-approved monitor or non-profit group, Department of Fish & Game, US Fish & Wildlife) shall be periodically allowed access, on an as-needed basis, to the specified open space areas as shown on Exhibit A and A-1 for the following reasons: permit compliance, verify habitat restoration / protection, evaluate long-term effectiveness of required measures. All efforts shall be made between the above-referenced groups to coordinate their efforts to view the site jointly, and minimize the number of separate visits conducted any given year. Unless in response to a potential violation, such individuals will provide to the property owner at least a 72-hour prior notice of their intent to visit the premises. This measure shall be **placed on the required signage**, and on subsequent applicable **construction plans upon submittal of individual construction permits**.

46. **Prior to construction / grading permit issuance for any phase of the project,** to ensure the long term protection of the Nipomo Mesa lupine, the following measures will be required:

- Non-native Weed Control – Invasive and non-native weeds shall be removed by hand in the preservation area as determined by a qualified biologist. Invasive and noxious weed removal shall be limited to the extent feasible to ensure that foot traffic and disturbance from plant removal would be detrimental to the Nipomo Mesa lupine. In particular, preservation of the cryptogrammic crust shall be weighed against the risk of non-native weeds and the need to remove undesirable weeds. Table 1 below indicates typical noxious weeds that shall be the focus of monitoring and removal. Of key concern and most likely to occur and require removal is veldt grass (Ehrharta calycina).

Table 1 – Noxious Weed Species	
Brassica / Hirschefeldia	Mustard
Carduus pycnocepalus	Italian thistle
Centaurea calcitrapa	Purple-star thistle
Centaurea solstitialis	Yellow-star thistle
Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Ehrharta calycina	Veldt grass
Foeniculum vulgare	Fennel
Picris echioides	Prickly ox-tongue
Poaceae	Non-native grasses
Silybum marianum	Milk thistle

- Monitoring and Reporting Plan – Monitoring shall be conducted by a qualified biologist during May through July of each year of construction and for at least three years following completion of the development plan. Annual reports shall be submitted to the County by August 31 of each year until the terms above are satisfied. Photo documentation shall be provided to document success of the protection measures. Each annual report shall include a description of the maintenance and monitoring activities conducted for that year. The report shall make recommendations as needed regarding the original conservation measures and upon completion of construction shall provide a habitat condition within the conservation areas that is equal to or better than the current habitat condition. At the end of the monitoring period, the biologist shall make a recommendation as to whether additional monitoring is required beyond that time and if any additional measures are needed to maintain the current habitat conditions.

Hazards and Hazardous Materials

47. **Prior to construction / grading permit issuance for any phase of the project,** the applicant will be required to provide a technical report from a Registered Fire Protection Engineer showing that existing water storage, water mains, fire hydrants, pumps etc. either meet or exceed the requirements of the California Fire Code. If improvements are required to the existing system, the applicant shall be required to make these improvements **prior to construction of the proposed structures.**

Transportation and Circulation

48. **Prior to issuance of construction or grading permits,** all driveway / street approaches to be constructed on County roads by the applicant or project related roads constructed by the applicant to be accepted for County maintenance shall require an encroachment permit. All driveway / street approaches shall be constructed in accordance with County Public Improvement Standards **prior to final inspection of the structures associated with said phase.**

Conditions to be completed during project construction

Building Height

49. The maximum height of each building is 45 feet from average natural grade.

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

50. **Prior to occupancy or final inspection of the first structure in each phase (whichever occurs first),** the applicant shall implement the proposed landscaping plan, as shown on the approved project plans. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed in accordance with the approved plans.

51. To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator. The applicant is not responsible for monitoring previously completed / approved phases once the monitoring period has been completed for said phase.

52. **Prior to occupancy or final inspection,** the Registered 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. All street improvements shall be completed **prior to occupancy of the first structure associated with each phase.**

53. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

54. **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.

55. **Prior to final inspection / occupancy of each phase,** the applicant shall provide at least on bike rack that will accommodate 5 bikes. The bike racks shall be located in an area that will provide convenient access to the structures in each phase and shall be spaced to provide adequate access to the overall development plan. A total of 25 bike spaces shall be provided **prior to final inspection / occupancy of the final phase.**

56. **Prior to occupancy or final inspection of each phase that includes tree removal, whichever occurs first**, the applicant shall replace, in kind at a 4:1 ratio, all coast live oak trees removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed

and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). A total of 20 coastal live oak trees shall be planted based on the removal of five (5) coast live oak trees.

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. This shall be reflected on the required landscape plans.

57. **Prior to final inspection or occupancy of the first structure,** all driveway / street approaches shall be constructed in accordance with County Public Improvement Standards. All driveway / street approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

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

58. **During the life of the project,** noise-making industrial activities (manufacturing, use of heavy machinery, etc.) are prohibited outside of the structures / units.

59. **On-going condition of approval (valid for the life of the project),** any gate constructed on the private access road shall be set back in accordance with current Cal Fire standards. Additional setback may be required by the County based on the length of the design delivery truck accessing the site.

60. **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, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

61. This land use permit is valid for the period described above in 1 e. 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. 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 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

62. 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.

63. **At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project,** the applicant shall obtain permits for operational source emissions as required by the APCD. If no permit is required, clearance shall be provided by the APCD.

64. **Prior to issuance of any permit associated with Phase 3,** the applicant shall revise the grading plan to provide emergency access (to the satisfaction of Cal Fire) at the northwestern corner of Private Street A & D and the private access road (Calle Bendita), to allow access for emergency vehicles.

65. **On-going condition of approval (valid for the life of the project),** the caretaker units shall only be occupied by a caretaker employed on the site where a caretaker is needed for security purposes or to provided 24 hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

66. **At the time of application for construction permits**, plans shall note that sewage disposal from any building containing organic solvents, hydrocarbons and/or other harmful compounds shall be pre-treated and removed prior to entering the septic system. Verification of the implementation of this condition will be completed with all subsequent individual building permits.

67. The applicant shall as a condition of approval of this Development Plan / Coastal Development Permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this Development Plan / Coastal Development Permit or the manner in which the County is interpreting or enforcing the conditions of this Development Plan / Coastal Development Permit, or any other action by a third party relating to approval or implementation of this Development Plan / Coastal Development Permit. The applicant shall reimburse the County for any cost and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

4-23
ATTACHMENT 3

Law Offices of Babak Naficy

DELIVERED BY HAND AND EMAIL

September 7, 2011

Planning Commission
San Luis Obispo County
Department of Planning & Building
976 Osos Street, Room 300
San Luis Obispo, California 93408
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Re: Sheridan Properties Project – Applicant Alex Paul
County File Number DRC2005-0073
Application for Development Plan/Coastal Development Permit
Assessor Parcel Numbers: 091-351-069; 091-361-002, -003, -005, -012

Dear Planning Commissioners:

I submit these comments on behalf of the Santa Lucia Chapter of the Sierra Club. As we will explain, the Negative Declaration (ND) fails to adequately analyze the Project's potentially significant direct, indirect and cumulative impacts on air quality, biological resources and water supplies. The ND also fails to adequately analyze proposed mitigation measures. The County must prepare an Environmental Impact Report because the evidence in the record supports a "fair argument" that the Project, even as mitigated, may result in one or more significant environmental impacts. Public Resource Code §21100, 21151.

Air Quality Impact

The ND admits that the County is considered in nonattainment for Ozone and PM10, yet it does not adequately analyze the significance of the air emissions that could result from the operation of the various industrial tenants at this proposed development site. The ND refers to and relies on a letter from APCD, which devotes a single short paragraph to the analysis of the project's operational phase. The APCD letter, which the ND merely quotes, claims that the APCD staff considered the operational impacts of the proposed Project running the URBEMIS 2007 computer model, which is a "tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses." ND at 2-22.

The ND/APCD letter then goes on to conclude that "the resulting emission simulation indicated that at build-out, the operational phase impacts of ozone precursors (reactive organic gases and nitrogen oxides) and diesel particulate matter will be less than the APCD's CEQA significance threshold values."

Neither the ND nor the APCD comment letter disclose any of the assumptions that supports this analysis, or even clearly explain whether non-traffic related (i.e. stationary) emissions from the industrial uses themselves were considered

The ACPD and the County's conclusion that the impacts of the Project's operational emissions on air quality will be less than significant is poorly explained and is not supported by substantial evidence. Both the County and the APCD admit that that at present, it is impossible to predict exactly what type of industry would utilize this site. Without this knowledge, however, it is difficult to see how anyone can predict the traffic-related emissions that can be attributed to this Project. We have not, moreover, been provided with any information about what basic assumptions were used by the APCD to run its computer model. Without this information, it is impossible to determine whether the ND's conclusion regarding the Project's level of impact is accurate.

Even more troubling is the appearance that neither the County nor the APCD considered stationary source emissions from the Project. It appears that stationary source emissions were not considered because in its letter to the County, the APCD explains that "**based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits**." It thus appears that the County and the APCD may have analyzed the Project's air quality impacts solely on the basis of predicted traffic related emissions.

In any event, as we explained above, it is difficult to see how the County or APCD could reasonably estimate stationary source emissions without making reasonable assumptions about the likely types of industries that may occupy this space. Because these assumptions have not been made explicit in the ND, it is impossible for the public to determine (a) whether the assumptions are reasonable and (b) whether the calculations are accurate. A warehouse or distribution type center, for example, would generate a large amount of traffic, and therefore more emissions. On this record, it is impossible to determine whether these potential future emissions have been seriously evaluated.

According to the APCD's CEQA Handbook, (at 1-4, fn 3), rural projects such as this must be analyzed individually with the assumption that daily trips are at least 13 miles in length. Given the rural nature of the Project, and its relatively large size, it appears unlikely that the Project's direct and indirect (traffic) emissions would not exceed the APCD's thresholds for ozone and PM10. We have no way of knowing whether this was done here.

The ND is deficient also to the extent that it fails to adequately consider the significance of the Project's cumulative impact on air quality. There is no discussion of the extent to which this Project could exacerbate an existing air quality problem (i.e. ozone and PM 10 nonattainment).

Accordingly, the Project's ozone (precursors, ROGs) emissions may be considered cumulatively significant in light of the County's non-attainment status, even if the Project does not exceed the APCD's threshold of significance for direct emissions.

The ND is inadequate to the extent that it does not sufficiently explain and divulge its assumptions, provide the basis for its conclusions, and fails to adequately analyze the Project's direct, indirect and cumulative impacts. An initial study/negative declaration that does not provide adequate analysis or identify sufficient evidence of the Project's environmental impacts is inadequate. *City of Redlands v. County of San Bernardino, (2002) 96 Cal. App. 4th 398, 408, (as modified on Feb. 22, 2002)*

Climate Change

CEQA mandates that "a lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." CEQA Guideline §15064.4. It does not appear that the County has fulfilled its responsibility under CEQA to calculate the Project's Green House Gas (GHG) emissions. The ND solely relies on APCD's estimate that the Project would emit approximately 4 metric tons of CO2 per year. It is not at all clear how the APCD came up with this estimate.

The County makes no effort to come up with its own estimate of Project GHG emissions. The ND fails, moreover, to include the APCD's admission that this (i.e. the APCD's estimate of GHG emissions) is an "underestimate since it does not include other GHGs [sic] mobile source activities associated with non-academic activities, and the water use and electric energy use of the facilities." Thus, it would appear that the ND does not include an accurate calculation of the Project's Green House Gas (GHG) emissions.

The APCD's analysis is improperly focused exclusively on CO2. GHGs include carbon dioxide, but also include methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. It does not appear that the APCD considered potential emissions of these other gases from the Project.

The ND makes no effort to assess the significance of the Project's GHG emissions. Ibid.

To address Project-related GHG emissions, the ND proposes the following mitigation measure: "Proven energy efficiency measures such as windows, insulation, point of circulation water heaters shall be implemented to mitigate GHG emissions." ND at 2-26. This mitigation is wholly inadequate under CEQA. It contains no specific mandates or requirements and no performance criteria. The proposed measures appear more suited to a residential development than an industrial park. There is no effort to assess the efficacy of these proposed measures, or determine the extent to which the Project's climate change impacts would be reduced through these proposed measures. In short, the proposed mitigation is wholly inadequate. It can be fairly argued that the Project's impact on climate change will be significant, even with the implementation of the proposed mitigation measure.

Impact on Residents

The Project includes future residential structures (caretaker units) and a number of current residences. See, ND at 2-25, APCD letter at p. 5. Yet, the ND fails to assess the Project's impact on current and future residents. In this regard, the ND ignores the APCD's warning that some mixed uses may not be compatible, such as placement of a residence (sensitive receptors) in an industrial development near potential toxic emission sources (i.e. diesel emission source) and/or nuisance problems (i.e. odor and/or dust). Therefore it is essential that mixed uses be carefully evaluated prior to issuance of the land use permit to reduce the interface between residential uses and the potential exposure to toxic sources.

Despite this warning, the ND proposes that with the approval of the ND and the Development Plan/Coastal Development Permit, "all allowable, permitted, and special uses within the industrial land use category would be allowed without the need for future use permit approvals . . ." (Staff Report at 2-2). The ND thus clearly fails to evaluate the potential impact that could result from the approval of this Project on the health of current and future residents of this Project.

The ND admits that because the future uses are not known, future applicants for use permits must consult with the County Health Dept. re proper storage, disposal, etc. How can this requirement ensure that no significant impact would result?

Water Supply

The Project is within the Santa Maria River Basin groundwater basin, as well as the Nipomo Mesa Basin Water Conservation Area. The Nipomo Mesa has been designated Level of Severity III for water supply, meaning its groundwater resources are severely depleted. As the ND explains, the increased groundwater pumping in Nipomo has resulted in a lowering of groundwater levels, which pulls increasingly larger volumes of water from the Santa Maria Basin and will eventually result in saltwater intrusion of the groundwater supplies unless it is abated. Pursuant to a court order, the Nipomo CSD is required to import at least 2,500 acre feet per year (AFY) of supplemental water. 2-46.

According to the ND, the proposed Project will require approximately 48 AFY of water. Despite the Level of Severity III water shortage, the ND concludes that the payment of supplemental water fees or providing retrofits in the Nipomo Mesa Conservation District would mitigate any impact on water supplies to a less than significant level. As we shall demonstrate, the ND's analysis of the potential impact on supplies, as well as the sufficiency of the proposed mitigation measures, is inadequate.

The ND does not include an adequate analysis of the significance of the Project on water supplies. In fact, the ND does not contain any discussion to inform the reader whether adding an additional 48 AFY demand to an already depleted basin would result in a significant impact under CEQA. We contend that it does, as the level of shortage is such that any substantial increase in demand must be considered significant. To reach a contrary conclusion, the ND must be revised to explain

how adding roughly 50 AFY to the existing demand can be considered insignificant given the current shortage and the impending threat of sea water intrusion.

The ND makes no effort to assess the adequacy of the proposed mitigation measures. There is no analysis from which to determine whether payment of supplemental water fees to the NCSD or the County could feasibly reduce the significance of the impact on groundwater supplies. While payment of fees can sometimes adequately mitigate environmental impacts, there is no information in the ND to help the reader determine the likelihood that payment of supplemental water fees in this instance would result in adequate mitigation of the impact on water supplies. The ND does not explain how likely it is for NCSD's current plans to result in actual delivery of supplemental water supplies to the Nipomo Basin. The ND does not, moreover, include a formula (that applies to an industrial project) to explain how fees would be assessed on this Project. On this record, it is impossible to gauge the effectiveness of supplemental water fees.

Likewise, it is impossible to discern whether providing retrofits within the basin is an adequate and feasible mitigation measure. It is not clear, for example, whether there is any longer a need for such retrofit after years of active retrofitting efforts within the basin.

Nipomo Mesa Lupine

The ND admits that the construction of the Project could result in a significant adverse impact on the federally endangered Nipomo Mesa Lupine, which occurs on a half-acre portion on the south end of the Project site. ND at p. 2-5. To address the impact on the Lupine, the ND requires (1) exclusionary fencing; (2) educational signage; (3) an open space easement; and (4) a monitoring and reporting program "to ensure the long term protection of the species." Id. With the implementation of the avoidance and mitigation measures, the ND concludes that the "the species will not be impacted by the proposed development." There is evidence, however, to suggest that the adverse impact on Nipomo Lupine will not be adequately avoided or mitigated.

The main proposed "avoidance" measure is the redesign of the Project based on 2006 and 2008 observations. 2-30. It is not clear whether the 2009 observations coincide with the 2006 and 2008 locations. Even if they do, we note that the Project will likely have a significant adverse impact on this federally protected species because the proposed Project will necessarily limit the range of this species. The lupine will never be able to expand on the Project site beyond the proposed fence.

The proposed "long-term and construction protection measures" are not reasonably calculated to ensure long-term survival of the Mesa Lupine on the Project site. The proposed "permanent fencing," for example, will be designed to "discourage access to the Nipomo Mesa lupine." 2-31. Merely "discouraging" access to the lupine will not ensure that the lupine will be adequately protected. Likewise, the ND fails to explain how the exclusionary fencing will be permanently maintained and kept in good repair in perpetuity for the protection of the lupine. On this record, it cannot be concluded that the lupine habitat will be permanently protected.

The ND does not include any adequate conditions to ensure the long-term management of the lupine. Condition BR-8 proposes the dedication of an easement in favor of the County to ensure the preservation of the land in perpetuity (2-32), but otherwise fails specifically to exclude all non-conservation related activities within the easements; it merely provides that "allowed activities or uses within the open space area shall be limited to what is specified in the agreement/easement."

BR-11 requires non-native weed removal "as determined by a qualified biologist." BR-11 does not, however, otherwise require non-native, invasive weed removal on a regular basis to ensure the preservation of the lupine; in fact, it is not clear whether weed removal would occur at all after the completion of construction. The monitoring requirement is also inadequate to the extent that it only extends to three years beyond the completion of construction. This limited monitoring will not ensure long-term survival of the lupine

The proposed condition/mitigation measures are inadequate as a matter of law. The ND fails to adequately analyze the long-term adequacy of the proposed measures. Nor does the ND adopt any meaningful performance standards to ensure that appropriate corrective or remedial action is taken if the long-term survival of the endangered lupine is jeopardized. On this record, it can be fairly argued that the impact on the Nipomo Mesa lupine remains potentially significant.

We suggest that unless the County is prepared to prepare an EIR to address this potentially significant impact, it must require the applicant to (1) create a non-wasting endowment for the management of the Nipomo Mesa lupine ; and (2) enter into an agreement with a qualified land trust, Department of Fish and Game ,or other qualified agency for the long term management of the lupine on this site.

All and all, the ND as currently drafted in legally inadequate. As we noted at the outset of these comments, this record supports a fair argument that the Project may result in significant adverse impacts. We therefore respectfully urge the Planning Commission not to approve the Project and this ND.

Sincerely,

Babak Naficy
Counsel for SIERRA CLUB
Santa Lucia Chapter

cc: Murry Wilson, Project Manager
San Luis Obispo County Planning Department
mwilson@co.slo.ca.us

Andrew Christie, Director
Santa Lucia Chapter of Sierra Club
sierraclub8@gmail.com

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SENT VIA FACSIMILE & U.S. MAIL

September 12, 2011

Murry Wilson
Department of Planning & Building
San Luis Obispo County
County Government Center #310
San Luis Obispo, CA 93401
FAX (805) 781-1242

Re: Sheridan Properties Project – Applicant Alex Paul
County File Number DRC2005-0073
Application for Development Plan/Coastal Development Permit
Assessor Parcel Numbers: 091-351-069; 091-361-002, -003, -005, -012

Dear Mr. Wilson:

Although I was unable to attend the Planning Commission hearing regarding the above-referenced Project on September 8, 2011, I have since watched the proceedings online and would like to offer the following additional comments on behalf of the Sierra Club:

Change in Project Description
Revisions to Negative Declaration and Recirculation

During the hearing it became apparent that, contrary to the Project description contained in the Negative Declaration ("ND"), the onsite "caretaker" units will **not** be 500 square feet; they will be 1185 square feet each. As I shall explain below, this is a significant change in the Project description which we believe requires substantial revisions to the ND and recirculation.

(1) Contrary to the information that was provided to the Planning Commission, this change in the Project description significantly alters the water demand calculations as the larger residences will undoubtedly require substantially larger quantities of water. These approximately 1200-square foot units are essentially single family homes that will likely be occupied by families with children with water demands far exceeding the ND's estimate. Water demand calculations, therefore must be revised.

(2) It would appear that the Project's criteria air and GHG emissions must also be recalculated as the Project will likely result in greater traffic-related emissions (e.g. PM10 and ROGs) normally associated with residential developments.

(3) The change in the Project description also heightens our concern about the potential health impacts on the occupants of these proposed "caretaker units", which could include the elderly and children. In particular, we believe this impact cannot be adequately analyzed without performing a health risk assessment for toxic air contaminants (TACs) which may be generated on this site.

The need for adequate analysis and consideration of the potential air quality impacts on the residents is particularly acute because the County proposes to give the applicant a blank check to accept any industrial tenant regardless of the type of use or the potential impacts on air quality or any other considerations (traffic, safety, etc.).

We urge the County not to consider approving the Project unless the ND is revised and re-circulated in light of the change in the Project description.

Air Quality Impacts

It appears that our comments regarding air quality impacts were misunderstood. While the County's "attainment status" is not in itself a threshold of significance, the fact that the County is in nonattainment for PM10 and ozone suggests that even projects that do not exceed the applicable threshold of significance may still result in a significant cumulative impact with respect to Ozone and PM10. The ND does not include an adequate analysis of the Project's potential cumulative impact with respect to PM10 and ozone. Given the open-ended nature of the proposed project approval, we believe the ND's analysis of the potential air quality impacts is inadequate and must therefore be revised.

In your presentation to the Commission, you stated that according to the APCD's modeling, the Project's estimated air emissions are 4 metric tons of CO_2 per day. Based on my review of the APCD's May 25, 2010 letter to the County, I must respectfully disagree. The APCD letter is actually silent on the Project's criteria emissions (ROG, PM 10, CO), but estimates the Project's GAG emissions to consist of approximately 4 metric tons of CO_2 per day. While I cannot vouch for the APCD's GHG emissions estimate, the APCD does not claim that the Project's air emissions will consist entirely of 4 metric tons of CO_2.

Impact on Water Supplies

The Planning Commission's discussion made it very clear that at the present time, the County has not identified a reliable source of water for this Project. The Woodland Water Co., which the ND claims will serve as the Project's supply source, may or may not be able to provide water to the Project. Approving the Project without a reliable water supply would violate CEQA's mandate that lead agencies identify a reliable water source before approving the Project. Merely conditioning the Project to show proof of adequate water supply before issuing building permits does not cure this defect.

The Planning Commission's discussion also underscored the glaring absence of adequate analysis of the Project's potential impact on water supplies. The ND does not include any adequate analysis of the likelihood that payment of fees to the NCSD would result in actual transfer of water supplies to the Nipomo Basin in the near future. In order to support a conclusion that payment of fees to the NCSD would adequately mitigate this Project's potential impact on water supplies (on nearby wells, saltwater intrusion, cones of depression, etc.), the ND must include an adequate discussion of the status of NCSD's water transfer plans, including a timeline for the implementation of the proposed pipeline. If the NCSD pipeline and water acquisition plan will not be completed before the implementation of the Project, the ND must include a discussion of the likely interim impacts of the Project on area wells and waters supplies.

Before even getting to the issue of mitigation, the ND must adequately analyze the Project's potential impact on water supplies and salt water intrusion.

Nipomo Mesa Lupine

Finally, I regret that the discussion of the Nipomo Mesa Lupine mitigation missed the point of the Sierra Club's concerns in this regard. Mere acceptance of an open space easement by the County would not ensure that the lupine population will be appropriately managed. As you seemed to recognize, the long-term survival of this endangered plant will require a long-term management plan, an adequately sized endowment, and oversight and implementation of the management plan by a qualified land trust or other entity such as the Department of Fish and Game. As proposed, the Project does not include any of these essential mitigation measures.

Sincerely,

Babak Naficy
Counsel for SIERRA CLUB
Santa Lucia Chapter

cc: Jim Irvin, San Luis Obispo County Planning Commissioner, District 1
Ken Topping, San Luis Obispo County Planning Commissioner, District 2
Carlyn Christianson, San Luis Obispo County Planning Commissioner, District 3
Tim Murphy, San Luis Obispo County Planning Commissioner, District 4
Dan O'Grady, San Luis Obispo County Planning Commissioner, District 5
Jim Orton, San Luis Obispo County Counsel
Tim McNulty, San Luis Obispo County Counsel

ATTAC4-32ENT 4

Initial Study Summary – Environmental Checklist

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

Promoting the Wise Use of Land • Helping to Build Great Communities

(ver 3.3)

Project Title & No. Sheridan Properties Development Plan / Coastal Development Permit; ED09-156 (DRC2005-00073)

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

☒ Aesthetics	☒ Geology and Soils	☐ Recreation
☐ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☒ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water
☐ Cultural Resources	☒ Public Services/Utilities	☒ Land Use

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

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

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

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

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

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

Murry Wilson			~~10/3/2011~~10/5/2011
Prepared by (Print)	Signature		Date
~~Steve McMasters~~John Nall		Ellen Carroll, Environmental Coordinator (for)	10/6/2011
Reviewed by (Print)	Signature		Date

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 Environmental Division 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 Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Sheridan Properties for a Development Plan / Coastal Development Permit to allow for the construction of a five (5) phase Industrial Park consisting of twenty one (21) units on seven (7) underlying legal parcels. Phase I will include the construction of two (2) units (Units 1 and 2) with a combined square footage* of 9,168. Phase II will include the construction of six (6) units (Units 3 thru 8) with a combined square footage of 24,803. Phase III will include the construction of four (4) units (Units 9 thru 12) with a combined square footage of 19,384. Phase IV will include the construction of five (5) units (Units 17 thru 21) with a combined square footage of 32,498. Phase V will include the construction of four (4) units (Units 13 thru 16) with a combined square footage of 19,865. The total first floor square footage for the proposed development is 105,718 square feet. Approximately 43,000 square feet of second story floor is possible within the overall development (dependent on tenant needs), for a total maximum of 149,000 square feet of floor area. Additionally, each phase will include the construction of all associated infrastructure (e.g. streets, parking, landscaping, and drainage facilities) necessary to serve that phase of development. The applicant is requesting up to one (1) caretakers unit to be constructed on each legal lot of record for a total of seven (7) caretaker units (~~500~~ 1,185 square feet each) with a maximum square footage of ~~3,500~~8,295 square feet for the entire development. The project will result in the phased disturbance of approximately 13.5 acres (including approximately 38,000 cubic yards of cut and 50,000 cubic yards of fill) on a 13.75 acre parcel. The proposed project is within the Industrial land use category and is located at 804 Sheridan Road in the village of Callender-Garrett. The site is in the South County (coastal) planning area.

The project site currently contains a mix of uses including two legal non-conforming residences, an industrial building, and RV storage. Development of the project site will include the following characteristics:

Buildings:	~ 105,000 square feet	Landscaping:	~ 200,000 square feet
Paving:	~ 230,000 square feet	Retention Basin:	~ 40,000 square feet
Lupine Exclusion Area and Other Open Areas:	~24,000 square feet		

ASSESSOR PARCEL NUMBER(S): 091-351-069; 091-361-002, -003, -005, -012

Latitude: 35 degrees 2' 37" N Longitude: -120 degrees 34' 38" W SUPERVISORIAL DISTRICT # 4

When the Mitigated Negative Declaration was released for public review (August 5, 2011), comments were received which required revisions to the document. New information has been added to this Mitigated Negative Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Mitigated Negative Declaration. As such, recirculation of the Mitigated Negative Declaration is not required.

B. EXISTING SETTING

PLANNING AREA: South County (Coastal), Callender-Garrett

LAND USE CATEGORY: Industrial

COMBINING DESIGNATION(S): Local Coastal Plan/Program , Coastal Appealable Zone

EXISTING USES: Industrial uses and existing single-family residence(s)

TOPOGRAPHY: Nearly level to gently sloping

VEGETATION: Grasses , eucalyptus

PARCEL SIZE: Seven underlying parcels totaling 13.75acres

SURROUNDING LAND USE CATEGORIES AND USES:

North: Industrial; industrial uses	*East:* Industrial; industrial uses
South: Industrial; heavy commercial/light industrial	*West:* Industrial; industrial uses, single-family residence(s)

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

1.	**AESTHETICS** - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	***Create an aesthetically incompatible site open to public view?***	☐	☐	☒	☐
b)	***Introduce a use within a scenic view open to public view?***	☐	☐	☒	☐
c)	***Change the visual character of an area?***	☐	☐	☒	☐
d)	***Create glare or night lighting, which may affect surrounding areas?***	☐	☒	☐	☐
e)	***Impact unique geological or physical features?***	☐	☐	☒	☐
f)	***Other:_____***	☐	☐	☐	☒

Setting. The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The northern boundary of the project site is located approximately 750 feet south of Highway 1 (Willow Road). The project site is located within the Industrial land use category on Sheridan Road which contains a mixture of industrial uses including but not limited to automobile salvage yards, construction storage yards, and recreational vehicle storage yards. The site currently contains a recreational vehicle storage yard and other industrial uses on the eastern portion of the site and a mixture of grasses, coastal scrub habitat, and eucalyptus on the vacant western portion of the site. The site is currently fenced along Sheridan Road (viewing area) with a six to eight foot solid metal fence. The project site does not currently allow for views of the ocean due to intervening topography.

Impact. No significant visual impacts are expected to occur as a result of the proposed project. The project has the potential to result in beneficial aesthetic impacts in the vicinity of the project site based upon the proposed structural and landscaping improvements associated with the project. The existing character of the area would be improved by project related components.

Potential impacts to the night sky could occur as a result of the lighting associated with the proposed project. At this time, no lighting has been proposed as a part of the project but it is anticipated lighting will be desired by future tenants of the proposed project. Unshielded light sources or bright-lights reflected on exterior walls have the potential to result in adverse impacts to the night sky. Security type lights and lights on tall posts located along internal roads may also impact the night sky.

Mitigation/Conclusion. To mitigate for potential impacts caused by increased lighting in the vicinity of the project site, the applicant will be required to shield all proposed lighting to prevent impacts to the night sky, adjacent properties, and public areas. Appropriate lighting will be required to shown on a lighting plan prior to issuance of construction permits and future tenant improvement plans. The

applicant will also incorporate landscaping into the proposed project to minimize the structural massing of the proposed buildings. While the proposed structures do not resulting in significant aesthetic impacts, the applicant proposed landscaping will minimize potential impacts related to structural massing. The implementation of the above measures will mitigate visual impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

2. AGRICULTURAL RESOURCES - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Convert prime agricultural land to non-agricultural use?	☐	☐	☒	☐
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☐	☒	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☒

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: Industrial

State Classification: Not prime farmland, Farmland of Statewide Importance

Historic/Existing Commercial Crops: None

In Agricultural Preserve? No

Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Oceano sand (0 - 9 % slope). This nearly level to gently sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VI without irrigation and Class IV when irrigated.

The project site is located in the Industrial land use category with no historic or present agricultural use. The property is surrounded on three sides by industrial uses (e.g. automobile salvage yards and construction storage yards) and on the east by both industrial uses and a vacant industrial property (approximately 20 acres in size).

Impact. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated. The nearest agricultural uses are 700 feet to the northeast and 1400 feet to the east of the proposed project site. Water usage associated with the build-out of the proposed project has the potential to result in drawdown of groundwater resources. Further discussion of this issue is contained in Section 14 (Water) of this document.

Mitigation/Conclusion. The project site does not support existing agricultural operations and will not interfere with agricultural production in the vicinity of the project site, therefore no mitigation measures are necessary.

3. AIR QUALITY - *Will the project:*		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	***Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?***	☐	☒	☐	☐
b)	***Expose any sensitive receptor to substantial air pollutant concentrations?***	☐	☒	☐	☐
c)	***Create or subject individuals to objectionable odors?***	☐	☐	☒	☐
d)	***Be inconsistent with the District's Clean Air Plan?***	☐	☒	☐	☐
e)	***Other:*** _____	☐	☐	☐	☒

Setting. The Air Pollution Control District (APCD) has developed the 2009 CEQA Air Quality Handbook 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).

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 PM_{10} (or fugitive dust) and ozone. The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation. Nitrous oxides and reactive organic gasses (ROG) pollutants (vehicle emission components) are common contributors towards this chemical transformation into ozone. Dust, or particulate matter less than ten microns (PM_{10}), that becomes airborne and finds its way into the lower atmosphere, can act as the catalyst in this chemical transformation to harmful ozone. The proposed project was referred to the County of San Luis Obispo Air Pollution Control District (APCD) for review and determination of any air quality impacts potentially resulting during both the project's construction and operational phases.

Impact. The project was reviewed using the APCD Air Quality Handbook and APCD approved procedures for analyzing projects under California Environmental Quality Act (CEQA). Future uses of the proposed industrial park are not known at this time therefore the project was modeled as a five phase industrial park using the proposed square footages show on the project plans. This is representative of the proposed project and is considered a reasonable development scenario for the purpose of CEQA. As proposed, the project will result in the disturbance of approximately 13.5 acres of the project site. Based on the project description, the project will have short-term construction air quality impacts as well as long-term operational air quality impacts. These impacts are not considered significant with the incorporation of the proposed project mitigation measures and conditions of approval as described below.

As identified by the APCD, air quality impacts during construction include: the creation of fugitive dust (PM_{10}), the potential release of asbestos during demolition and / or removal of pipelines, the potential release of naturally occurring asbestos during grading, and unpermitted developmental burning. These items are summarized as follows:

CONSTRUCTION PHASE IMPACTS – APCD staff considered the construction impacts of the development by comparing it against screening models within the APCD's Air Quality Handbook and by running the URBEMIS 2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emission related to this project's land uses. The project will exceed the APCD's particulate matter emission threshold and; therefore, fugitive dust mitigation is applicable during all ground disturbance activities. The project is also near sensitive receptors; therefore, construction equipment requirements to limit diesel emission impacts to these receptors are necessary.

Nearby Residences. The proposed project site is located adjacent to existing scattered residential development including two on-site residences. Residential areas are sensitive to air pollution, including both construction and operational emissions. The applicant is proposing to develop the project site, which would result in approximately 13.5 acres of site disturbance. The two existing residences will be demolished, and up to seven caretaker units would be constructed at various locations throughout the project site. Caretaker units are used for housing a caretaker employed on the site for security purposes or other conditions on the site that warrant 24 hour care or monitoring.

Fugitive Dust (PM_{10}). Implementation of the proposed project would result in the generation of dust, potentially affecting local residents and businesses in close proximity to the project site. Dust complaints could result in violation of the APCD's nuisance rules, a potentially significant air quality impact.

Material-Containing Asbestos. Asbestos-containing materials could be encountered during the demolition, relocation, or remodeling of existing buildings. Asbestos can also be found in utility pipes / pipelines. If asbestos is present in onsite structures, proposed demolition activities would result in a release of asbestos, and a potentially significant air quality impact.

Naturally-Occurring Asbestos. According to the APCD, the project site is located in an area containing potentially naturally occurring asbestos. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities would release the asbestos into the air, resulting in a potentially significant air quality impact.

Importation of Fill. The project will require the importation of approximately 12,000 cubic yards of fill for purposes of on-site grading.

Construction Permit Requirements. Portable construction equipment has the potential to result in air quality impacts during construction activities.

OPERATIONAL PHASE IMPACTS – APCD staff considered the construction impacts of the development by comparing it against screening models within the APCD's Air Quality Handbook and by running the URBEMIS 2007 computer model, a tool for estimating vehicle travel, fuel use and the resulting emission related to this project's land uses. The resulting emission simulation indicated that at build out, the operational phase impacts of ozone precursors (reactive organic gases and nitrogen oxides) and diesel particulate matter will be less than the APCD's CEQA significance threshold values.

Project Specific GHG. The APCD has evaluated the project's carbon dioxide (CO_2) emissions using the URBEMIS 2007 model and found that at build out, the CO_2 emissions from the development will be approximately 4 metric tons per day (Note: URBEMIS models also calculate other Green House Gas (GHG) emissions such as methane, nitrous oxide, hydro fluorocarbons, etc. These emissions are considered "CO_2 Equivalent" emissions and are included as part of the GHG calculations above).

Operational Permit Requirements. Operational impacts associated with future uses of the proposed Industrial Park have the potential to result in air quality impacts (including stationary and transportation related impacts). Future uses associated with the proposed project are not known

at this time because the project is being developed as an industrial park with unknown tenancy. Impacts associated with future uses that may result in non-traffic related (i.e. stationary) emissions are included in the estimates as part of the URBEMIS modeling for an "industrial park." Any attempt at this time to determine the precise uses that would be established, and assign a square footage of each of those uses would be speculative given the range of potential uses and the level of uncertainty. Specific uses that may occupy the shell buildings will be required to consult with APCD prior to issuance of a business license. If ~~O~~operational emission sources are proposed, those emission sources would require APCD permits. The APCD has an existing permitting process for uses such as dry cleaners, auto body shops, coffee roasters, etc. Once preliminary permit evaluation is complete, APCD staff issues an Authority to Construct (ATC) permit that allows construction of a new facility, and installation or modification of equipment at an existing facility. The ATC ensures that the equipment is designed, constructed, and operated to meet air quality requirements and describes how the equipment must be operated to minimize air pollution. The ATC is required before construction begins on projects

Idling Restrictions Near Sensitive Receptors for Operational Phase On-Road Diesel Equipment. The project has the potential to result in impacts associated with operating on-road diesel engines in close proximity to sensitive receptors (such as caretaker units proposed as a part of this project).

Clean Air Plan Consistency. The proposed project would be located within an existing urban area, and proposes typical uses expected to be within this land use category, and is therefore considered consistent with the Clean Air Plan.

Mitigation/Conclusion. Based on the above referenced impacts that may result from the proposed project, numerous mitigation measures have been applied to the project to mitigate for potential impacts as follows:

Nearby Residences. The project is near sensitive receptors (including the proposed caretaker residences on site); therefore, ~~construction~~ equipment requirements to limit diesel emission impacts to these receptors area necessary during both the construction and operational phases of the project (see AQ-2). Residential uses that are constructed as part of this project and other residential uses within the Industrial category are considered secondary to the primary uses and must be associated with the Industrial use of the property. These residences will be constructed to current Uniform Building Code (UBC) requirements. Current UBC requirements will minimize the potential for emissions within the residential structure and will therefore be less than significant with mitigation.

Fugitive Dust (PM_{10}). The project will exceed the APCD's particulate matter emission threshold (grading area greater than 4.0 acres) and; therefore, fugitive dust mitigation is applicable. To minimize nuisance dust impacts, the applicant is required to implement APCD fugitive dust mitigation measures including reducing the amount of disturbed area where possible, the use of water trucks or sprinkler systems to water down airborne dust, daily spraying of dirt stock-pile areas, paving of applicable surfaces as soon as possible after grading, and laying of building pads as soon as possible after the completion of grading.

In addition, regulatory mitigation measures to address federal, state, and local air quality requirements are also required for this project. The fugitive dust, sensitive receptor mitigation for construction equipment, and regulatory measures area listed in Exhibit B.

Naturally-Occurring Asbestos. The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxic Control Measures (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, the applicant is required to determine if NOA is present. If NOA is found at the site, the applicant must comply with all restrictions outlined in the Asbestos ATCM.

Material-Containing Asbestos. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing materials (ACM). Asbestos containing materials could be encountered during demolition of buildings. Asbestos can also be found in utility pipes / pipelines. The applicant will be required to contact APCD prior to demolition to ensure issues associated with asbestos are addressed.

Importation of Fill Material. The applicant will be required to document the location of fill for the proposed project. The location shall be from a permitted source and be the closest location feasible to reduce air emissions.

Construction Permit Requirements. Portable equipment, 50 horsepower or greater, used during construction activities will require California statewide portable equipment registration (issued by the California Air Resources Control Board) or an APCD permit.

Project Specific GHG. Proven energy efficiency measures such as windows, insulation, and point of circulation water heaters shall be implemented to mitigate GHG emissions. The applicant will be required to offset impacts associated with the 4 metric tons per day of carbon that would be emitted by the proposed project. Implementation of the approved measures will reduce GHG emissions to less than significant levels.

Operational Permit Requirements. Proven energy efficiency measures shall be implemented to mitigate operational phase emissions associate with equipment and operations listed in the 2009 CEQA Air Quality Handbook.

Idling Restrictions Near Sensitive Receptors for Operational Phase On-Road Diesel Equipment. To mitigate for potential impacts associated with operational phase emissions for diesel engines, mitigation measure AQ-2, which limits idle times and locations, shall be implemented for the life of the project.

The cumulative contribution of the proposed project is considered within the context of other closely related past, present, and reasonably foreseeable probable future projects. As discussed above, mitigation measures have been applied to reduce potential project related and cumulative impacts associated with the proposed project. All residential projects in the South County planning area are subject to the cumulative air quality impact fee which collects a fee for each residential unit. These fees contribute to improvements that help reduce cumulative air quality impacts within the area (e.g. clean-fuel bus replacement, park-and-ride lots). The South County Area Plan also conducted a cumulative assessment and projection of build-out, where air quality impacts were considered. Individual projects (such as this one) are also required to undergo CEQA review, and mitigation measures are applied as appropriate. Further, projects must comply with all existing APCD rules and regulations that include air emission reduction strategies for the basin.

The implementation of the above measures along with the APCD rules and South County fee program will mitigate project related and cumulative air quality impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

4. BIOLOGICAL RESOURCES - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a loss of unique or special status species or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐

4. BIOLOGICAL RESOURCES - *Will the project:*		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c)	*Impact wetland or riparian habitat?*	☐	☐	☒	☐
d)	*Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?*	☐	☐	☒	☐
e)	*Other:* _____	☐	☐	☐	☒

Setting. The project site consists of an industrial zone 13.85 acre property currently composed of ruderal annual grassland habitat, eucalyptus trees, scattered coast live oak tress, and industrial and residential buildings with small amounts of landscape vegetation. The northern approximately 3 acres of the site has previously been developed with a recreational vehicle storage yard surface with decomposed granite. This portion of the site lacks any habitat due to the above referenced improvements. The southeastern approximately 3 acres of the project site contain the industrial and residential development. The remainder of the site supports ruderal annual grassland and scattered eucalyptus and other non-native trees. Two locations on the undeveloped portion of the property contain the federally endangered Nipomo Mesa Lupine. Immediately adjacent to the property are industrial development facilities, residences, and automobile salvage yards.

There are numerous recorded occurrences of special-status plant and wildlife species within the vicinity of the project site. The following are existing elements on or near the proposed project site relating to potential biological concerns:

The project site occurs within the Santa Barbara Vernal Pool Region, as designated by the California Department of Fish and Game. Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species.

On-site Vegetation: Grassland with scattered coast live oaks and a stand of eucalyptus trees

Name and distance from blue line creek(s): Black Lake Canyon (~ 0.8 miles)

The project is within the following combining designation(s), which identifies this general area as biologically sensitive: Coastal Zone Boundary.

Site's tree canopy coverage: Approximately 20%.

The Natural Diversity Database (or other biological references) identified the following species potentially existing within approximately one mile of the proposed project:

Potential Vegetation:

California saw-grass – California saw-grass has been found about 1.0 miles to the northwest.

Central Dune Scrub – Central Dune Scrub has been found about 0.4 miles to the west.

Crisp monardella (Monardella crispa) List 1B – Crisp monardella *(Monardella crispa)* has been found about 0.7 miles to the south. This rhizomatous herb occurs in coastal dune and coastal scrub habitats (Tibor 2001). The typical flowering period for this species is April through August. The species grows at 10 m to 120 m (30 ft to 395 ft) elevations. The crisp monardella is federal concern species and the CNPS considers this plant to be rare (List 1B, RED 2-2-3).

Dune larkspur (Delphinium parryi ssp. blochmaniae) List 1B – Dune larkspur *(Delphinium parryi ssp. blochmaniae)* has been found about 0.2 miles to the northeast and 0.4 miles to the west. This perennial herb is found within maritime chaparral and coastal dune habitats (Tibor 2001). The typical flowering period is April through May. The species grows from sea level to 200 meters (660 feet). The dune larkspur is a federal species of concern and the CNPS considers this plant to be rare, threatened, or endangered in California and elsewhere (List 1B, RED 3-2-3).

Gambel's watercress (Rorippa gambelii) FE, ST, List 1B – Gambel's watercress *(Rorippa gambelii)* has been found about 0.8 to 1.0 miles to the north. This perennial herb is found in marshes, swamps, and at the borders of lakes at elevations ranging from 5 to 330 meters (15 to 1,085 feet). The typical flowering period is April through June. The species is known to exist at Oso Flaco Lake, near small twin lakes south of Arroyo Grande (west of the project site), on the south and north edge of Little Oso Flaco Lake, and near Black Lake Canyon Lake. Gambel's watercress is federally endangered, state threatened, and rated as rare by CNPS (List 1B, RED 3-3-2).

Hoover's bentgrass (Agrostis hooveri) List 1B – Hoover's bentgrass *(Agrostis hooveri)* has been found about 0.8 miles to the north. This perennial herb prefers sandy soils in open chaparral, cismontane woodland, and valley and foothill grassland area below the 600-meter (1,970-foot) elevation. The species blooming period is April-July. Hoover's bentgrass is considered rare by the California Native Plant Society (List 1B, RED 2-2-3).

Kellogg's horkelia (Horkelia cuneata ssp. sericea) List 1B – Kellogg's horkelia *(Horkelia cuneata* ssp. *sericea)* has been found about 0.9 miles to the east. This perennial herb is found on sandy or gravelly soils in closed cone coniferous forest, chaparral and coastal scrub habitats (Tibor 2001) at elevations between 10 and 200 meters (30 ft to 660 ft). The typical blooming period is April-September. Kellogg's horkelia is considered extremely rare by CNPS (List 1B, 3-3-3).

Marsh (swamp) sandwort (Arenaria paludicola) FE, SE, List 1B – Marsh sandwort *(Arenaria paludicola)* has been found about 0.7 to 1.1 miles to the north. This perennial herb occurs in freshwater marsh habitats (Tibor 2001) up to the 450-meter elevation (1,480 feet). The typical flowering period is May through August. Marsh sandwort is considered federally and state endangered, and extremely rare by CNPS (List 1B, RED 3-3-3).

Nipomo Mesa lupine (Lupinus nipomensis) FE, SE, List 1B – Nipomo mesa lupine *(Lupinus nipomensis)* has been found about 0.6 miles to the southeast, 0.4 miles to the southwest, 0.4 to 1.2 miles to the west, and 1.0 miles to the northwest. This species is an annual herb that occurs in coastal dune habitat with pockets of bare sand (Tibor 2001). The typical flowering period for this species is March through May. The species grows at 10 m to 50 m (30 ft to 165 ft) elevations. The Nipomo mesa lupine is a federal endangered species and the CNPS considers this plant to be extremely rare (List 1B, 3-3-3).

Nipomo Mesa lupine occurs along the south central California coast. They are restricted to a narrow area in northern and western Santa Barbara County, southern San Luis Obispo County, and southern Monterey County. The plant occurs as 1 extended population made up of 7 colonies with fewer than 700 plants. It requires pockets of bare sand, suggesting a low tolerance for competition. All known occurrences of Nipomo Mesa lupine are on private lands and remain unprotected. The primary threat to the species is the uncontrolled invasion of aggressive nonnative weeds, especially vedt grass, and the subsequent displacement of the species.

San Luis Obispo Monardella – San Luis Obispo Monardella has been found about 0.5 to 1.1 miles to the west, and 0.8 miles to the southeast.

Sand Mesa Manzanita – San Mesa Manzanita has been found about 0.7 miles to the northeast.

Wells's manzanita (Arctostaphylos wellsii) List 1B – Wells's manzanita *(Arctostaphylos wellsii)* has been found about 0.8 miles to the northeast. This evergreen shrub is found primarily on sandstone soils in closed cone coniferous forests and chaparral areas; in addition, individual shrubs have been observed growing in the shade of coast live oak trees on steep north-facing slopes. The typical flowering period is December through April. The species grows at elevations between 30 to 400 meters (100 to 1,315 feet). Wells's manzanita is considered rare by CNPS (List 1B, RED 2-3-3).

Wildlife:

California red-legged frog (Rana aurora draytonii) FT – California red-legged frog *(Rana aurora draytonii)* has been found about 1.1 miles to the northeast. California red-legged frog is considered federally threatened. This species typically inhabits shorelines with extensive vegetation. The frog requires 11 to 20 weeks of permanent water for larval development.

Monarch butterfly (Danaus plexippus) – The Monarch butterfly *(Danaus plexippus)* has been found on the project site, and also in every direction outside the site. This species is considered a "threatened phenomenon" by the State and "rare" under CEQA Guidelines Section 15380 because of declining availability of winter roosting habitat. Monarchs from west of the Rocky Mountains spend the winter along the California coast. Overwintering sites typically occur in dense, wind-protected tree groves with eucalyptus (*Eucalyptus* spp.), Monterey pine (*Pinus radiata*), and/or Monterey cypress (*Cupressus macrocarpa*) near the coast from northern Mendocino to Baja California (CNDDB, 2004).

Discussion. Biological and botanical surveys were conducted on the project site. These surveys were conducted during the appropriate flowering season, as required by the County. A field reconnaissance survey was conducted for Monarch Butterfly during the winter roosting period. All on-site trees were inspected for monarch butterfly aggregations and patrolling individuals during the site reconnaissance. In addition, bird species were observed and recorded to assess the potential for rare bird species use of the site. A know winter roost site (Pismo Beach butterfly reserve) was observed before and after the on-site survey to verify appropriate timing of the survey. Prior to the survey, large clusters were observed at the Pismo Beach preserve. Following the survey, the butterflies had dispersed and were observed flying and mating throughout the preserve. Based on these observations at the known winter roost site, it would be expected that if present on the project site, they would be readily noticeable and identifiable at the property.

Bird species observed during the field reconnaissance included the red-shouldered hawk, bushtit, scrub jay, house finch, Anna's hummingbird, white-crowned sparrow, Audubon's warbler, California towhee, northern mockingbird, chestnut-backed chickadee, Nuttall's woodpecker, northern flicker, and dark-eyed junco. No rare birds were observed during the site reconnaissance, and rare birds from the region are typically associated with riparian habitats which are not present on the project site.

Pismo clarkia was not identified on the project site during the June 9 survey of the project site. A known reference site for Pismo clarkia near Arroyo Grande was also observed prior to conducting the June 9 field reconnaissance to ensure that the species was identifiable.

Discovery of a small population of the endangered Nipomo Mesa lupine was made on the southern portion of the property. Approximately 20 individual plants were observed on a cut slope along the southeastern corner of the property and an additional two plants were observed (2006) then four plants were observed (2008) in a flat area on the southwestern portion of the property. Additionally, less than 10 individuals of wavy-leaved monardella were observed on the cut slope with the Nipomo Mesa lupine. In 2009, no individuals were observed at the southwestern location on the property. In the southeastern location 94 plants were observed as compared to 20 plants in 2006 and 16 plants in 2008.

No special-status wildlife species were observed during the two surveys of the project site. No wetland, streams or riparian habitats were observed on the property. As such, the property is not

expected to support any special-status aquatic species such as steelhead, California red-legged frog, or southwestern pond turtle.

The project site contains eucalyptus, a few pine trees, and coast live oak trees that will be removed as a part of the proposed project. The eucalyptus trees have been reviewed for potential winter roost sites for monarch butterfly and were determined to not be suitable habitat (see the discussion above).

The survey data collected on plant and wildlife species is contained in the reference document in the project file. The impact and conclusions below are based on the field reconnaissance conducted over the project site.

Impact / Mitigation / Conclusion. The timing of the on-site survey corresponded to an appropriate spring / summer floristic inventory for rare plant surveys (as required by the County Department of Planning and Building). Two special-status species were observed on the project site including one federally endangered species (Nipomo mesa lupine) and one List 4.2 species (wavy-leaved monardella). No other special-status plant species were observed on the project site; therefore, no other special-status species are expected to be impacted as a result of this project.

Monarch butterfly (Danaus plexippus) and migratory bird species: Based on a review of background information, observations at a known butterfly winter roost site, and a thorough field survey of the project site, it has been concluded that the property does not support winter roost sites or a substantial number of wintering monarch butterflies. Only 5 monarch butterflies were observed with no large aggregations therefore the proposed tree removal and development are not anticipated to substantially impact the monarch butterfly.

No rare birds were observed during the reconnaissance survey; however, the site could support nesting resident and / or migratory bird species. Standard nesting bird avoidance measures during tree removal would alleviate any impacts on nesting resident or migratory bird species. This includes tree removal outside the typical bird breeding season of March 1 through August 31. If tree removal is conducted during the breeding season, then breeding bird surveys will be required prior to tree removal. If nesting birds are observed, then the tree removal shall be postponed until the nest is no longer used by the adults or young. If not nesting birds are observed then no further mitigation will be required.

The eucalyptus trees and pine trees will not require mitigation planting. The coast live oak trees that are removed for the project will be required to be mitigated at a 4:1 ratio. Five coast live oak trees will be removed for the proposed project resulting in the replacement of 20 coast live oak trees which will be required as a part of the proposed landscaping plan.

Nipomo Mesa lupine (Lupinus nipomensis): The project has been redesigned to avoid impacts to the endangered Nipomo Mesa lupine. This includes maintaining historic drainage patterns to the populations of Nipomo Mesa lupine which have been verified by the applicant over four survey seasons. In the past, attempts to mitigate for rare plant populations have failed, largely due to inadequate considerations for species' biological needs and inadequate protection and management of the mitigation site. Due to these factors, avoidance was preferred over other mitigation options for this project.

Veldt grass is one of the key competitors to this species. These grasses prefer sandy soils and have the potential to persist for long periods of time. This nonnative species has a mass of roots that captures the majority of the soil moisture, effectively outcompeting the native vegetation and dominating habitats as a monoculture. Ensuring the preserve area is free from veldt grasses is a key to the long term survival of the species on the project site.

Significant impacts to Nipomo Mesa lupine are not anticipated based on the avoidance and design measures proposed by the project applicant. Avoidance of impacts on the two areas of documented Nipomo Mesa lupine would provide for conservation of the species and also would eliminate the need for any California Endangered Species Act permit from the department of Fish and Game. The

following conservation measures would provide adequate protection for the two observed areas of Nipomo Mesa lupine:

Project Redesign – The project has been redesigned by the applicant to avoid the two occurrences based upon the 2006 and 2008 observations (see project plans dated December 12, 2008).

Buffer Zone – The project redesigned includes a buffer zone around the two occurrences of Nipomo Mesa lupine with non-disturbance buffer zones (see project plans dated December 12, 2008). The following criteria were used to develop the proposed buffer zones:

- 50-foot Minimum Distance – A minimum 50-foot radius beyond the furthest occurrence was established based on all know occurrences. The 50-foot buffer zone captures sufficient area around each occurrence taking into account the physical limitations, existing vegetation, and topography (see Exhibit A of the July 12, 2008 Impact Avoidance and Conservation Plan).
- Physical Limitations – Both occurrences are located near property boundaries and the eastern occurrence is located within close proximity to existing developed areas. The buffer zones reflect these physical restrictions to property ownership and lack of suitable habitat.
- Topography and Vegetative Cover – The eastern occurrence buffer zone (large population) reflects conserving the entire slope from the property boundary to the existing developed area. The buffer in this area ranges from 95 feet to 50 feet. Based on topography and vegetation, the non-disturbance buffer zone includes the area most conductive to allowing for the continued existence of the species including natural annual fluctuations of the species. The general characteristics of this area include a lack of veldt grass, minimal shrub and non-native grass cover, and a high percentage of areas with exposed sandy soils.

  The western occurrence includes a simple 50-foot radius buffer zone where feasible, given the close proximity to the property line. The area also includes the general characteristics that appear conducive to the species including a lack of veldt grass, minimal shrub and non-native grass cover, and a high percentage of areas with exposed sandy soils.

The project includes Long-Term and Construction Protection Measures to mitigate for potential impacts during construction and for the life of the project. The following measures (also listed in Exhibit B – Mitigation Summary Table) would provide for protection of the buffer zones around the two occurrences during construction and over the life of the project:

- Pre-construction Meeting – A pre-construction meeting shall be required to ensure all required exclusion fencing is installed around the Nipomo Mesa lupine areas on the project site.
- Fencing and Signage – Permanent fencing shall be provided to exclude access and disturbance from building occupants that could create volunteer trails and / or other disturbance. The fencing shall be designed to discourage access to the Nipomo Mesa lupine areas. Educational signs shall be placed to identify the area as protected endangered species habitat preserve. The signs shall include a brief description and historic context / range of the species.
- Construction / Development Erosion Control BMPs – Silt fencing and highly visible construction fences shall be installed around the buffer zones during all construction activities to ensure no disturbance, siltation, or runoff enters the preserved areas. No straw wattles shall be used as they may introduce undesirable non-native grasses near the preserves. If wattles are to be used, then cocoanut fiber rolls shall be specified.

- Appropriate Grading – The project grading plan shall ensure that new contours and slopes do not influence localized hydrology within the preserve areas and do not direct and stormwater into the preserve.
- Appropriate Landscaping – Native landscaping shall be required on any newly disturbed grounds or slopes around the preserve. Otherwise only non-invasive landscape species shall be allowed adjacent to the preserves and throughout the development. All landscape areas shall consist of drought tolerant species.
- Long-Term Protection – The applicant shall provide an easement acceptable to the County, with a suitable instrument to the County over the two areas of Nipomo Mesa lupine to insure the conservation and preservation of the land in perpetuity (~24,000 square feet). The open space easement area shall include a Restoration and Revegetation Plan as described in Exhibit B. In addition, the monitoring provisions provide for additional recommendations by the monitor (at the conclusion of the 3 year post construction monitoring) for long term success and protection.

Wavy-leaved monardella (Monardella undulata): This species is not formally listed under either the State or Federal Endangered Species Act but is recognized by California Native Plant Society (CNPS) as a List 4.2 species. This designation is a watch list of species with a limited distribution but is considered by CNPS to be fairly endangered in California.

Based on the small number of individuals and the generally isolated nature of the property (surrounded by industrial development and salvage yards), any impacts to the wavy-leaved monardella would be considered less than significant. Though these impacts are considered less than significant, because this species is located in the proposed preserve area for Nipomo Mesa lupine, these individuals will be protected by default. Removal of this species will be avoided because they are located within the Nipomo Mesa Lupine preserve area.

Sand almond shrub (Prunus fasciculate var. punctatai): This species is not formally listed under either the State or Federal Endangered Species Act but is recognized by California Native Plant Society (CNPS) as a List 4 species. Impacts to this species are not considered significant although preservation of this shrub is recommended within proposed landscape area. Some of the individual plants will be removed as a result of development.

Wildlife: Most of the special-status species listed in the CNDDB are localized habitat specialist recorded from the beach, coastal dune, lake, stream, and wetland habitats. The project site does not support these habitats; therefore, impacts to species that rely on these habitats are not expected. In addition, the wetland, estuary, and stream species are not expected because these habitats are not present on the project site. The site is situated among industrial development and salvage yards and does not represent a substantial corridor or connection to areas of native species habitat.

The implementation of the above measures will mitigate botanical and biological impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

5. CULTURAL RESOURCES - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Disturb pre-historic resources?	☐	☐	☒	☐
b) Disturb historic resources?	☐	☐	☒	☐
c) Disturb paleontological resources?	☐	☐	☒	☐

5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
*d) Other:*_____	☐	☐	☐	☒

Setting. The project is located in an area historically occupied by the Obispeno Chumash. The Nipomo Mesa area is known to contain many archaeological sites along the edge of the mesa and along Black Lake Canyon (Ford 1974, Gibson 1984, Gibson and Parson 1997). Following an annual cycle of hunting, fishing, fowling and harvesting, the Chumash people adapted to changing environmental and social conditions and grew into a large complex society. Archaeological sites are an intergral part of the modern day Native American Chumash community. Their history is contained in the sites and they believe it is best left in its narural state. No historic structures are present and no paleontological resources are known to exist in the area.

Most of the approximately 13 acre site has been graded and developed many years ago for industrial uses. The site contains a number of outbuildings including sheds, two houses, and various other industrial shell buildings. Approximately 75% of the site has been previously graded / leveled with cuts up to 20 feet in height. The southwestern corner contains approximately 3 acres consisting of a rolling sandy ridge that contains eucalyptus trees and grasses. The soil consists of a tan to light brown colored loose grained sandy soil with no lithics (except small pieces of imported gravel).

Impact. On February 6 and 10, 2005, a Phase I (surface) survey was conducted (Gibson, February 17, 2005). Based on the Phase I survey and the archival records search conducted on the approximately 13 acre parcel, no significant archaeological or cultural materials were identified anywhere within the survey area of the parcel. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. Development of the approximately 13 acre parcel for an industrial development will not have an adverse impact on any known cultural resources. Furthermore, as a result of the Phase I survey, no monitoring is recommended during construction unless undiscovered cultural materials are unearthed. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	☐	☐	☒	☐
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone"?	☐	☐	☐	☒
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?	☐	☐	☒	☐

6. GEOLOGY AND SOILS - *Will the project:*		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d)	*Change rates of soil absorption, or amount or direction of surface runoff?*	☐	☒	☐	☐
e)	*Include structures located on expansive soils?*	☐	☐	☒	☐
f)	*Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*	☐	☒	☐	☐
g)	*Involve activities within the 100-year flood zone?*	☐	☐	☐	☒
h)	*Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*	☐	☐	☒	☐
i)	*Preclude the future extraction of valuable mineral resources?*	☐	☐	☐	☒
j)	*Other: Stormwater runoff*	☐	☒	☐	☐

Setting.

GEOLOGY - The following relates to the project's geologic aspects or conditions:

Topography: Nearly level to gently sloping

Within County's Geologic Study Area?: No

Landslide Risk Potential: Low

Liquefaction Potential: Moderate

Nearby potentially active faults?: Yes Distance? 0.92 miles

Area known to contain serpentine or ultramafic rock or soils?: No

Shrink/Swell potential of soil: Low

Other notable geologic features? None

Due to the distance of any known fault (at least ¼ mile away) or serpentine rock outcrop (at least one mile away), it is unlikely that any naturally occurring asbestos would be encountered during any earthmoving activities.

DRAINAGE – The following relates to the project's drainage aspects:

Within the 100-year Flood Hazard designation? No

Closest creek? Black Lake Distance? Approximately 8,500 feet

Soil drainage characteristics: Well drained

For areas where drainage is identified as a potential issue, the Coastal Zone Land Use Ordinance

(CZLUO Sec. 23.05.042) 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.

SEDIMENTATION AND EROSION – Soil type, amount 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". As described in the NRCS Soil Survey, the the project's soil erodibility is as follows:

Soil erodibility: Low

When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.036) 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.

The topography of the site generally slopes from the southeast to the northwest. The southwest corner of the approximately 13.75 acre site contains a sandy knoll (steeper than the rest of the site). This portion of the site contains a stand of non-native eucalyptus trees. Soil conditions on-site (see Section 2 – Agriculture) are sandy and are considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities.

Impact. As proposed, the project will result in the disturbance of approximately 13.75 acres over the life of the project. The project will result in the creation of both cut and fill slopes that could be subject to sedimentation and erosion unless appropriate measures are implemented. Over the life of the project approximately 38,000 cubic yards of cut will be required and approximately 50,000 cubic yards of fill will be required. Importation of fill will be required to be from the closest location possible and will require documentation of appropriate permits prior to issuance of grading permits for the project (see Section 2 – Air Quality). As proposed, the project is phased, which will minimize the area of the site that is subject sedimentation and erosion. Where soils are disturbed from construction / grading activities, they will be protected by the required sedimentation and erosion control plan.

Drainage patterns will be affected by the proposed project. This includes re-contouring of approximately 13.5 acres of the 13.75 acre site. This includes impervious ground cover such as buildings and paved areas. Approximate ground coverage areas associated with the proposed project include:

Buildings:	~ 105,000 square feet	Landscaping:	~ 200,000 square feet
Paving:	~ 230,000 square feet	Retention Basin:	~ 40,000 square feet

Lupine Exclusion Area and Other Open Areas: ~24,000 square feet

In order to minimize runoff associated with the proposed project, and on-site retention basin is proposed. All surface water / stormwater runoff from the proposed project improvements will ultimately be directed to this basin. Due to the large area of impervious surfaces being proposed (see the figures above), there is a potential for impacts to water quality associated with pollutants from paved areas (including loading bays, parking lots, and trash enclosures) which must be mitigated. Stormwater from roof areas also has the potential to pick up pollutants from parking areas and other polluted surfaces if the stormwater is directed through areas that contain pollutants. Roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and should not be allowed to cross surfaces that have the potential to contain pollutants such as parking areas. This will minimize any treatment requirements for clean stormwater from roof areas.

Mitigation/Conclusion. Based on the above referenced impacts that may result from the proposed project, numerous mitigation measures have been applied to the project to mitigate for potential impacts associated with geology and soils (including stormwater runoff). While this discussion is included in the geology and soils section of this document, the following mitigation measures primarily address stormwater quality impacts:

Loading Bays. Loading dock areas shall be covered or drainage shall be designed to minimize run-on or runoff of stormwater. Not allowing stormwater to come in contact with polluted surfaces is an appropriate mitigation measure. If design consideration do not allow for grade breaks or other diversion options around loading bays and other similar areas, then these areas shall be designed to include appropriate structural source control measure and / or treatment control measure shall be used to prevent stormwater pollution.

Parking Areas. Pervious paving /pavers shall be used in parking areas or runoff shall be directed to depressed planting areas and / or vegetated drainage swales through curb cuts. This will allow any contaminants from these areas to be transported through vegetated areas which shall be planted with vegetation appropriate for such use (see low impact development design manuals for guidance on such measures).

Vegetated drainage swales. Vegetated drainage swales shall be used along all internal streets to transmit stormwater flows to the drainage basin. Where direct connection to the drainage basin is not feasible, underground piping may be used to transmit flows to the drainage basin. These pipes shall be perforated to allow groundwater recharge (see low impact development design manuals for guidance on such measures).

Downspouts from structures. Downspouts from buildings will be required to be directed to appropriate areas to minimize the potential for pollutants to come in contact with stormwater. This will minimize potential for impacts to surface / stormwater.

Trash Enclosures. Trash enclosure areas will be required to be covered on all water must be directed around the enclosure to prevent contact with garbage. This will minimize potential for impacts to surface / stormwater.

The implementation of the above measures will mitigate geology and soil impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☒	☐	☐
b) Interfere with an emergency response or evacuation plan?	☐	☐	☒	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☐	☒

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d)	*Increase fire hazard risk or expose people or structures to high fire hazard conditions?*	☐	☒	☐	☐
e)	*Create any other health hazard or potential hazard?*	☐	☐	☒	☐
f)	*Other: _____*	☐	☐	☐	☒

Setting. The project is located in an area that has the potential for hazardous material contamination. The area surrounding the proposed development contains a mix of industrial uses and scattered residential development. The site is currently used for a variety of uses including a RV storage yard, an industrial building with various uses, and two residential dwellings. A Phase I Site Assessment (Rincon Consultants, 2006) was prepared for the project site. The Public Health Department has reviewed the site assessment and concluded that a Phase II Site Assessment would not be required (letter dated June 14, 2006 in the project file). Vehicle storage yards, wrecking yards, construction storage areas, a concrete batch plant, and various other industrial uses all occur within 1,000 feet of the project site.

An easement utilized for a high pressure gas line and two ConocoPhillips petroleum pipelines run east to west across the northern half of the site. Review of an environmental records database search (EDR) indicated that six sites with environmental listings are located within one-half mile of the subject property. None of these listings are for the subject property or immediately adjacent properties. Additionally, based on the distance from the subject property, the nature of the environmental listings, and the anticipated groundwater flow direction to the northwest, these specified properties would not be expected to impact the subject property.

The project is within a high severity risk area for fire (zone 5). With regards to potential fire hazards, the subject project is within the High Fire Hazard Severity Zone. Based on the County's fire response time map, it will take approximately 5 minutes to respond to a call regarding fire or life safety from the fire department on Highway 1 near the intersection of Winterhaven Road. Refer to the Public Services section for further discussion on Fire Safety impacts.

The project is not within the Airport Review area.

Impact. Future uses that occupy the proposed industrial shell buildings have the potential to use hazardous materials that could result in a risk of explosion or release of hazardous substances. Since the future uses of the buildings are unknown at this time, upon request for tenant improvements for future uses, applicants will be required to consult with the Public Health Department to ensure all appropriate measures regarding storage and use of materials are addressed. This measure is listed in Exhibit B – Mitigation Summary Table.

The project does not present a significant fire safety risk. Implementation of the requirements listed in the letter from CAL FIRE dated December 12, 2005 will mitigate these concerns. CAL FIRE is concerned as to whether or not the existing infrastructure will be able to provide the increased fire flow necessary to meet the requirements of the California Fire Code for such development. In order to address this concern, the applicant will be required to provide a technical report from a Registered Fire Protection Engineer showing that existing water storage, water mains, fire hydrants, pumps etc. either meet or exceed the requirements of the California Fire Code. If improvements are required to the existing system(s), the applicant shall be required to make these improvements prior to construction of the proposed commercial structures.

Based on surrounding uses in the vicinity of the project site, there are concerns related to the use of private wells. There is currently a private well on-site but it is not being used to support the existing uses. If a private well will be used in the future for the purpose of landscape irrigation, different than the water that will provide water service to the development, then groundwater pollution prevention measures such as a backflow devise must be installed as described in Exhibit B – Mitigation Summary Table.

The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. The implementation of the above measures will mitigate hazard and hazardous material impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

8. **NOISE** - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☒	☐	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☐	☒	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project site is located within the Industrial land use category. The project is located in close proximity of loud noise sources, including uses such as automobile wrecking / salvage yards, construction storage yards, concrete batch plants, and various other industrial uses. The northern portion of the project site is located approximately 750 feet south of Highway 1 and the railroad is located approximately 4,500 feet to the west of the project site.

Some land uses are considered more sensitive to ambient noise levels than others, due to the amount of noise exposure and the types of activities involved. Noise-sensitive uses that have been identified by the County include the following:

- Residential development, except temporary dwellings;
- Schools-preschool to secondary, college & university; specialized education & training;
- Health care services (hospitals);
- Nursing and personal care;
- Churches;
- Public assembly and entertainment;
- Libraries and museums;
- Hotels and motels;
- Bed and breakfast facilities;
- Outdoor sports and recreation; and
- Offices.

Impact. Sources of transportation noise include traffic on public roadways, railroad lines, and airports. Control of these noise sources is usually preempted by existing federal or state regulations. However, the effects of noise from transportation sources may be controlled by regulating the location

and design of specific land uses affected by these sources. Based on the distance of the property from these noise making sources, impacts from these sources are not considered significant.

The project includes the development of industrial shell buildings and caretaker units on 7 of the 21 proposed units. The caretaker units associated with the proposed development may be impacted by existing and proposed noise sources in the vicinity of the project site. Industrial uses proposed as a part of this project are not considered sensitive receptors. Due to the location of the proposed caretaker units, these uses may potentially be affected by typical industrial uses such as woodworking, concrete manufacturing, or auto salvage.

To reduce potential noise impacts to the caretakers units proposed as a part of the project, standard construction measures as well as additional measures identified in Exhibit B – Mitigation Summary Table will be applied to the project. To further mitigate any potential impacts associated with possible future uses, noise making activities (use of heavy machinery, grinding, sawing, crushing, etc.) will be prohibited from occurring outside of the buildings. This will limit the amount of noise that can travel directly from the project site to the existing and proposed residential uses.

Mitigation/Conclusion. The implementation of the above referenced measures will mitigate noise impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

9. POPULATION/HOUSING - *Will the project:*	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☒

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 requires provision of new affordable housing in conjunction with both residential and nonresidential development and subdivisions.

Impact. The project will not result in a need for a significant amount of new housing. The project will require the demolition of two on-site single family residences. The project will include the construction of seven caretaker units therefore the demolition of the existing residences is not considered significant because housing opportunities will be provided as a part of this project. Commercial and Industrial development of 5,000 sq. ft. or more of floor are for commercial and industrial uses requires

the payment of a housing impact fee or construction of inclusionary housing units.

Mitigation/Conclusion. No significant population and housing impacts are anticipated. The project will mitigate its cumulative impact to the shortage of affordable housing stock by providing affordable housing unit(s) either on-site and/or by payment of the in-lieu fee, or housing impact fee (commercial and industrial projects). The project is consistent with the County's Housing Element. Prior to issuance of the Building Permit, the applicant shall pay applicable Inclusionary Housing fees pursuant to Section 23.04.096.f(1). The implementation of the above referenced measures will mitigate population and housing impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

10. PUBLIC SERVICES/UTILITIES - ***Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Fire protection?	☐	☒	☐	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☒	☐	☐
c) Schools?	☐	☒	☐	☐
d) Roads?	☐	☒	☐	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☒

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff Location: Oceano , (Approximately 5 miles to the northwest)

Fire: Cal Fire (formerly CDF) Hazard Severity: High Response Time: 5-10 minutes

Location: Approximately 1/2 miles to the east

School District: Lucia Mar Unified School District.

Impact. No significant project-specific impacts to utilities or public services were identified. This project, along with others in the area, will have a cumulative effect on police, fire protection, schools, and roads. 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 fees in place.

Mitigation/Conclusion. Regarding cumulative effects, public facility (county) and school (State Government Code 65995 et seq.) fee programs have been adopted to address this impact, and will reduce the cumulative impacts to less than significant levels. As discussed in Section 7 – Hazards, improvements to the water system may be required to provide sufficient flows for emergency fire events. The measures regarding water availability related to fire suppression are contained under the Hazards section of the developer's statement. No significant public service impacts are anticipated, and no mitigation measures are necessary.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☒

Setting. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☒	☐	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☒	☐	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☒	☐	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☒

Setting. The existing road network in the area including the project's access street, Sheridan Road and Willow Road (State Route (SR) 1), are operating at acceptable levels. The identified roadways are operating at acceptable levels (see traffic report for details). Referrals were sent to Public Works and Caltrans.

The project has been evaluated for traffic and circulation related impacts based on a potential to develop an approximately 150,000 square foot industrial park (including the potential for future second floor additions requested by the applicant). The project site is located south of State Route (SR) 1 on Sheridan Road within the South County Coastal Planning Area. The site currently contains approximately 4 acres of RV storage area, slightly less than 3 acres of industrial uses (approximately 5,000 square foot metal building), two dwelling units and the remainder of the site is vacant. The specific land uses and tenants of the industrial buildings are not known at this time. The project will include seven (7) caretakers units.

There are currently no transit systems operating in the project area. There is currently a commuter bike route located near the project site on SR 1. A commuter bike route is not necessarily a Class III and does not provide cyclists with increased road privileges. The project is subject to the South County Road Fee, which addresses cumulative impacts to county roads in the area by funding areawide improvements.

Impact. The proposed project (at build out) is estimated to generate 1,111 trips per day, based on the traffic report prepared for this project (TPG, 2006). This includes 1,044 trips associated with the proposed industrial uses and 67 trips associated with the proposed caretakers units. The proposed industrial use and caretakers units could capture some trips on-site due to the multi-use component of the project resulting in fewer trips that actually enter and leave the project site.

Left Turn Lane (Willow Road): The project is expected to impact the intersection at SR 1 (Willow Raod) and Sheridan Road. The project could result in level of service impacts at this intersection based on the proposed increase in traffic associated with this project. These impacts will require mitigation as discussed below.

Sight distance: Impacts associated with the proposed entrance location along Sheridan Road have been identified by the project traffic report. These impacts can be mitigated as described below.

Mitigation/Conclusion. Project related impacts associated with transportation and circulation have been identified for this project and applicable mitigation measures are discussed below.

Left Turn Lane (Willow Road): To mitigate for potential impacts associated with the proposed project to transportation facilities, the applicant will be required to pay the South County Road Impact Fee. Payment of this fee would be considered a fair share contribution to construct a left turn lane on west bound SR 1.

Sight Distance: Sheridan Road shall be widened to an A-1 road section along the project frontage within the existing 60' right-of-way.

Additionally, all driveway / street approaches shall be constructed in accordance with County Public Improvement Standards. All driveway / street approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

Contribution to the South County Fee program will mitigate cumulative project impacts to less than significant levels. All Road Fees shall be paid to the County prior to issuance of building permits.

The implementation of the above measures will mitigate transportation and circulation impacts to less than significant levels. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

13. WASTEWATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☐	☒
d) Other: _____	☐	☐	☐	☒

Setting. Regulations and guidelines on proper wastewater system design and criteria are found within the County's Plumbing Code (hereafter CPC; see Chapter 7 of the Building and Construction Ordinance [Title 19]), the "Water Quality Control Plan, Central Coast Basin" (Regional Water Quality Control Board [RWQCB] hereafter referred to as the "Basin Plan"), and the California Plumbing Code. These regulations include specific requirements for both on-site and community wastewater systems. These regulations are applied to all new wastewater systems.

For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the following:

- ✓ Sufficient land area (refer to County's Coastal Zone Land Use Ordinance or Plumbing Code) – depending on water source, parcel size minimums will range from one acre to 2.5 acres;
- ✓ The soil's ability to percolate or "filter" effluent before reaching groundwater supplies (30 to 120 minutes per inch is ideal);
- ✓ The soil's depth (there needs to be adequate separation from bottom of leach line to bedrock [at least 10 feet] or high groundwater [5 feet to 50 feet depending on perc rates]);
- ✓ The soil's slope on which the system is placed (surface areas too steep creates potential for daylighting of effluent);
- ✓ Potential for surface flooding (e.g., within 100-year flood hazard area);
- ✓ Distance from existing or proposed wells (between 100 and 250 feet depending on circumstances);
- ✓ Distance from creeks and water bodies (100-foot minimum).

To assure a successful system can meet existing regulation criteria, proper conditions are critical. Above-ground conditions are typically straight-forward and most easily addressed. Below ground criteria may require additional analysis or engineering when one or more of the following factors exist:

- ✓ the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch);
- ✓ the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or
- ✓ the separation between the bottom of the leach line to bedrock or high groundwater is

inadequate.

Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type(s) for the project is provided in the listed in the previous Agricultural Resource section. The main limitation of this soil for wastewater effluent includes:

Poor filtering characteristics: Due to the very permeable nature of the soil, without special engineering will require larger separations between the leach lines and the groundwater basin to provide adequate filtering of the effluent. In this case, due to the (limited availability of) information relating to the poor filtering soil characteristic, the following additional information will be needed prior to issuance of a building permit: soil borings at leach line location showing that there is adequate separation, or plans for an engineered wastewater system that shows how the basin plan criteria can be met.

The percolation rate for the subject property is very fast, which requires greater soil depth to provide for adequate filtering. Therefore, prior to issuance of a building permit, provide the county evidence of adequate soil separation to groundwater per CPC, or plans prepared by a qualified individual for an engineered septic system that meets CPC/Basin Plan criteria.

Impacts/Mitigation. Based on the following project conditions or design features, wastewater impacts are considered less than significant: The project has sufficient land area per the County's Coastal Zone Land Use Ordinance to support an on-site system;

- ✓ There is adequate soil separation between the bottom of the leach line to bedrock or high groundwater;
- ✓ The soil's slope is less than 20%;
- ✓ The leach lines are outside of the 100-year flood hazard area;
- ✓ There is adequate distance between proposed leach lines and existing or proposed wells;
- ✓ The leach lines are at least 100 feet from creeks and water bodies.

Based on the above discussion and information provided, the site appears to be able to design an on-site system that will meet CPC/Basin Plan requirements. Prior to building permit issuance and/or final inspection of the wastewater system, the applicant will need to show to the county compliance with the County Plumbing Code / Central Coast Basin Plan, including any above-discussed information relating to potential constraints. Therefore, based on the project being able to comply with these regulations, potential groundwater quality impacts are considered less than significant.

14. WATER - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any water quality standards?	☐	☒	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☐	☒	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☒	☐	☐
d) Change the quantity or movement of available surface or ground water?	☐	☒	☐	☐

14. WATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
e) Adversely affect community water service provider?	☐	☒	☐	☐
f) Other: _____	☐	☐	☐	☒

Setting. The project proposes to use a community system (Woodland Park Mutual Water Co.) as its water source. Woodland Park Mutual Water Co. provided an original will-serve letter dated March 26, 2005 and a revised will-serve letter dated August 4, 2010.

Groundwater Conditions: The project will be using water extracted from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria). Approximately 30 percent of the basin's area lies north of the Santa Maria River in San Luis Obispo County.

In 1994, the Department of Water Resources (DWR) began an update of the 1979 study of the Arroyo Grande Valley – Nipomo Mesa Area groundwater sub area and the northern portion of the Santa Maria River Valley groundwater sub area. The study, "Water Resources of the Arroyo Grande - Nipomo Mesa Area", was completed and published in 2003. The study contains the following findings and conclusions:

- Observations of groundwater elevations in 1975, 1985 and 1995 revealed the development and subsequent expansion of a depression in groundwater elevations generally south of Willow Road and east of Highway 1 - the south central portion of the Nipomo Mesa.
- Nipomo Community Services District and Southern California Water Company have many of their wells in or near the depression. The extractions of these two agencies have increased from about 940 afy in 1979 to 2,790 afy in 1995 and 3,620 afy in 2000.
- There have also been increases in demand for water to serve rural residences and agricultural uses.
- Since the depression enlarges, the reduced water in storage could result in increased inflow from Santa Maria Valley and decreased outflow to the ocean from the mesa and the valley. If the pumping depression on the mesa pulls in water from the Santa Maria Valley, the possibility exists for the poorer quality groundwater of the valley, containing high concentrations of dissolved solids, to locally reduce the quality of the mesa's groundwater. Also, in the future, if subsurface outflows to the ocean cease, and the seaward hydraulic gradient is reversed, this condition could lead to seawater intrusion of the groundwater resources. ~~Currently, t~~There is was no evidence of seawater intrusion when the above referenced report was prepared.

A major source of recharge for the Nipomo Mesa is deep percolation of precipitation. This makes the groundwater basin vulnerable to protracted periods of below-average rainfall. This characteristic provides an opportunity for projects that have the ability to provide for water recharge as a component of the proposed project.

Subsequent monitoring of the Sentry Wells (Oceano) within the northern portion of the ground water basin shows a wide variation in water quality during the past few years. Data from this sentry well cluster was interpreted to indicate localized seawater intrusion affecting the deep zone and, to a lesser extent, the middle zone in 2009. The most recent water quality data from this well cluster (January, April, July and October 2010) show continuing and significant improvement in water quality.

including a reduction in the concentrations of seawater indicators and a signature approaching the historical signature of groundwater in in the area.

Samples obtained in 2010 show less variation and general improvements in the overall quality compared to 2009. Todd (2010) suggested the observed variation in water quality data could be due to a number of factors including: variable permeability of geologic materials, potential mixing with seawater, ion exchange in clay-rich units, and variability in surface recharge sources, such as Arroyo Grande and Meadow Creeks. Changes in ground water demand and abundant rainfall may have contributed to the general improvement of ground-water quality in 2010.

In general, no wells showed evidence of sea water intrusion in 2010. Several wells showed continued improvement of water quality compared to 2008 and 2009 monitoring results (Northern Cities Management Area, 2011).

Political/Legal History: In 1998, a complaint was filed by agricultural pumpers in Santa Barbara County against the basin's water purveyors, including the City of Santa Maria, the Nipomo community Services District (NCSD) and Cal Cities Water Co. Because of inconsistencies in the DWR study, the County commissioned an additional study by S.S. Papadopulos & Associates (SSPA) to provide clarification of water issues on the Mesa. SSPA concluded that the data presented in the DWR study correctly identified overdraft conditions in the Nipomo Mesa area of the groundwater basin.

Concurrently, the judge in the groundwater litigation issued a finding that the basin as a whole was not being overdrafted and that there was insufficient evidence to support the existence of sub-basins. The County's Water Resources Advisory Committee (WRAC) reviewed the SSPA study and the judge's decision and concluded that overdraft in the Nipomo Mesa area either exists currently or is imminent. In November 2004 the Board of Supervisors certified Level of Severity II (projected water demand will equal or exceed estimated dependable supply within 7 years) and approved several actions intended to strengthen water conservation efforts in the Nipomo Mesa area.

Litigation of the basin has resulted in a settlement in which the stipulating parties have agreed to a "physical solution establishing a legal and practical means for ensuring the Basin's long-term sustainability." The physical solution establishes three management areas, creates a management entity for each area and directs each management entity to monitor groundwater conditions and prepare plans for dealing with water shortages. The agenda for the Nipomo Mesa Management Area (NMMA) also includes importation of at least 2,500 acre feet per year of supplemental water by the NCSD from the City of Santa Maria and an agreement of the major water purveyors in the area to purchase some of that water. New urban uses proposed by stipulating parties within the service area of a major water purveyor or within the Sphere of Influence of the NCSD must obtain water service from the local supplier. New urban uses proposed by stipulating parties outside these areas and within one-quarter mile of a service area or NCSD Sphere of Influence must conduct good faith negotiations with the local supplier before forming a mutual water company to provide water service.

County Actions. The following chronology of action taken by the Board of Supervisors shows the measures taken to address water usage in the Nipomo area:

1. May, 2006 - Board adopts the following as a part of the annual Growth Management Ordinance update:
   - Reaffirm limiting new residential development in the Nipomo Mesa Area to an annual 1.8% growth rate;
   - Change the Level of Severity for Water Supply from II to III (existing water demand equals or exceeds dependable supply); however, the Board further determined that a building moratorium would not be necessary based on implementing the following measures, as well as environmental determinations for development proposals on the Nipomo Mesa would

continue to be made on a case-by-case basis, where an EIR would not necessarily be required if water supply is identified as the only significant issue. The following water conservation measures were required of all new development (and added as County LUO planning area standards) as of August, 2006:

- Require all sink faucets in bathrooms and kitchens in new residences be equipped with automatic shut off devices. This also applies when a bathroom is added, or when the floor area is increased by twenty per cent (20%). Automatic shut off faucets operate by means of a hands-free electric sensor. *This measure will be applied to both residential and industrial uses proposed as a part of this project.*
- Require drip-line irrigation for all landscaped areas (except turf areas) installed for new construction. The drip irrigation system must include an automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant on how to use and maintain the water conservation hardware. *This measure will be applied to both residential and industrial uses proposed as a part of this project.*
- The maximum amount of turf (lawn) area may not exceed twenty percent of the site's total irrigated landscape area, and, in all cases the site's total irrigated landscape area shall be limited to 1,500 square feet. *The project will not be authorized to plant any turf (lawn) within the development.*

2. August, 2006 - Board approves new requirements for all land divisions accepted for processing and General Plan Amendments submitted after June 23, 2006 in the Nipomo and the Nipomo Mesa areas as follows:
   - Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division, or development that could occur with the General Plan Amendment;
   - For the land division, if this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the land division, the project will be subject to contributing towards acquiring supplemental water.
3. June 26, 2007 - Board reaffirms level of Severity III and directs staff to prepare additional water conservation ordinance(s), as a part of the County's Resource Management System annual update. The new ordinance(s) will require the establishment of retrofit program(s) and/or other new water conservation program(s) where new development will be required to participate to offset/reduce new impacts to water consumption from the Nipomo Mesa groundwater basin.

Other items also in effect relating to Nipomo Water include:

- The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for the Nipomo Mesa area; and
- Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water.

In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

The project site is within Santa Maria River Basin groundwater basin. The project is also within the Nipomo Mesa Water Conservation Area. Recently there have been concerns raised that the County

has not adopted a supplemental water fee per Ordinance 3090. The project site is outside the Nipomo Community Services District (NCSD) boundary but is within the Woodlands Mutual Water Company boundary. With no fee being adopted by the County, no money is being collected to address additional water usage on the Nipomo Mesa for new development outside of the NCSD boundary.

The NCSD has adopted a supplemental water fee and has been assessing users within the NCSD boundary. The District also has a memorandum of understanding with other water companies serving the Nipomo Mesa and those water companies will be assessing the NCSD supplemental water fee in the near future. In this instance, as mitigation for impacts associated with increased pumping from the ground water basin, the applicant will pay a supplemental water fee to mitigate cumulative impacts associated with water usage. This fee, along with fees paid by other projects will go towards development of a Supplemental Water Project to provide additional water to the Nipomo Mesa as an offset to additional pumping of groundwater.

At this time, the NCSD Supplemental Water Project has not begun construction. The project is currently 90% designed, the environmental work is completed, easements have been obtained, and agreements with the City of Santa Maria have been signed. The project will go to a vote of the people in spring of next year (2012) and once the election is certified, it will go out for construction bids.

The topography of the project is nearly level The closest creek (unnamed) from the proposed development is approximately 0.7 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County Ordinance requires that temporary sedimentation and erosion control measures be installed during the rainy season.

Impact. The additional water use generated by this project will contribute to the overall depletion of the groundwater resources on the Nipomo Mesa.

The project proposes a series of "shell" buildings that could be used for a range of uses allowed in the Industrial land use category. These uses include some that could be water use intensive (e.g. food and kindred products), as well as a number of uses that would use negligible amounts of water (e.g. warehousing). No specific uses have been proposed for the structures. Given this, a reasonable estimate of types of uses was developed in order to develop a reasonable water demand scenario.

Based on the project description, as calculated on the County's water usage worksheet, the project's water usage is estimated as follows:

Indoor Residential: ~~0.49~~ 1.46 acre feet/year (AFY);
(Nipomo: 0.209 AFY/DU x 7 dwelling units = 1.46 AFY)
Indoor Industrial: 44.5 acre feet/year (AFY);
Outdoor: 6.18 acre feet/year (AFY);
Total Use: ~~51.17~~ 52.14 acre feet/year (AFY);
Water Conservation: 3.31 acre feet/year (AFY);
Total Use w/ Conservation: ~~47.86~~ 48.83 acre feet/year (AFY).

The project proposes approximately 105,000 square feet of first floor area with an option to include approximately 43,000 of second floor area. A reasonable assumption for the proposed project would include half of the maximum square footage (~75,000 square feet) to be used for the highest water using businesses (food and kindred products). This use would require approximately 40.74 AFY. Assuming the remaining square footage would likely be used as industrial assembly and manufacturing (a typical industrial use), this use would require approximately 3.75 AFY.

The project will include the construction of 7 caretaker units to support industrial activities on-site.

These units are one bedroom and intended to house a caretaker for the industrial use on the underlying parcels and require ~~0.49~~ 0.209 AFY each. ~~Due to the small size of the caretaker units, the water calculations were conducted assuming a single occupancy for these units within a coastal climate.~~ Water conservation measures listed in Exhibit B will be included in the project resulting in 0.22 AFY of water savings for residential uses.

The project will include approximately 200,000 square feet of drought tolerant landscaping. Water conservation measures listed in Exhibit B will be applied to the project resulting in 3.09 AFY of water savings for outdoor water use.

Sources used for this estimate include one or more of the following references: County's Land Use Ordinance, 2000 Census data, Pacific Institute studies (2003), City of Santa Barbara Water Demand Factor & Conservation Study 'User Guide' (1989).

Regarding surface water quality, as proposed, the project will result in the disturbance of approximately 13.5 acres. The project is not within close proximity to surface water sources. See geology and soils (Section 6) for a detailed discussion of water quality impacts.

Mitigation/Conclusion. Typical measures associated with projects in this area include irrigation system requirements (i.e. smart controllers, drip irrigation, and turf area limitations) and supplemental water development fees. In order to address the ~~issue~~ impact of additional depletion of the groundwater resources from water usage associated with the proposed project, the applicant has agreed to pay the supplemental water fee at the time of building permit issuance (in the amount then currently imposed by the county ordinance, not to exceed $13,200 per dwelling unit equivalent). If the fee has not been adopted by the County, the applicant will either need to pay the adopted Nipomo Community Services District (NCSD) supplemental water fee to the District or off-set the new water use generated by the project by providing retrofits within the Nipomo Water Conservation Area equal to the water usage. If payment of the fee to the NCSD is the chosen option to off-set project related water usage, the fee will be based on the NCSD fee schedule.

The project includes the construction of an on-site retention basin that will capture stormwater runoff from the proposed project and also includes numerous Low Impact Development (LID) measures. The retention basin will collect stormwater allowing it to recharge the underlying aquifer and the LID measures will provide water quality benefits. Stormwater return flows from the proposed retention basin and LID measures will provide a beneficial water quantity and water quality impact. Construction of the retention (recharge) basin could substantially augment the yield of the ground water basin. No methodology to evaluate the amount of recharge associated with this project has been derived but it can be assumed that a portion of the water usage associated with this project will be returned to the ground water basin via the retention basin as well as the septic systems proposed to serve the project.

Standard drainage and erosion control measures will be required for the proposed project along with the measures listed in Exhibit B – Mitigation Summary Table to adequately protect surface water quality. The project will also be required to incorporate the following measures to reduce potential water impacts to less than significant levels:

1. Applicable construction plans will show the use of all feasible indoor water conservation measures, including but not necessarily limited to:
    a. low water-use toilets, showerheads, and faucets;
    b. automatic shut-off devices for bathroom and kitchen faucets;
    c. point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen (when 20 feet or more from water heater).
2. Landscape plans will be prepared that include, but are not necessarily limited to, the following outdoor conservation measures:

a. plants grouped into "hydrozones" with similar water needs;
b. low water-use plant materials;
c. non-native, invasive, (e.g. turf grass) landscaping shall be prohibited on the entire site;
d. soil moisture sensors, and drip irrigation systems.

The implementation of the above measures will mitigate water impacts to less than significant levels and is not anticipated to result in sea water intrusion. These mitigation measures are listed in detail in Exhibit B - Mitigation Summary Table.

15. LAND USE - *Will the project:*	**Inconsistent**	**Potentially Inconsistent**	**Consistent**	**Not Applicable**
a) Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?	☐	☐	☒	☐
b) Be potentially inconsistent with any habitat or community conservation plan?	☐	☐	☒	☐
c) Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?	☐	☐	☒	☐
d) Be potentially incompatible with surrounding land uses?	☐	☐	☒	☐
e) Other: Phasing	☐	☒	☐	☐

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Coastal Zone Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CAL FIRE for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary. To address the proposed phasing of the project, the applicant will be required to contact the planning, building, and public works department prior to each phase. The meeting will address concerns related to drainage and other improvement required by this approval.

16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

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

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

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

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

☒ Project File for the Subject Application

County documents

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☒ Building and Construction Ordinance
- ☒ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☐ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☐ Real Property Division Ordinance
- ☐ Trails Plan
- ☐ Solid Waste Management Plan
- ☒ South County (Coastal) Area Plan and Update EIR
- ☒ South County Circulation Study

Other documents

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

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

Percolation Testing and Permeability, GeoSolutions Inc., November 2, 2004.

Monarch Butterfly Survey and Habitat Assessment, David Wolff Environmental, February 15, 2005.

Phase I Surface Survey for Sheridan Road Industrial Park, Gibson, February 17, 2005.

Percolation Study, GSI Soils Inc., May 26, 2006.

Phase I Site Assessment, Rincon Consultants Inc., June 6, 2006.

Traffic Impact Study, TPG Consulting, August 2006.

Traffic Evaluation for Vawter Industrial Development Access Road A and Sheridan Road, TPG Consulting, August 23, 2006.

Biological and Botanical Assessment, David Wolff Environmental, August 14, 2006.

Sheridan Properties Nipomo Mesa Lupine Mitigation & Monitoring Plan, David Wolff Environmental, September 2007.

Sheridan Properties Nipomo Mesa Lupine Impact Avoidance Conservation Plan, ESA Biological Resources, June 12, 2008.

Sheridan Properties Nipomo Mesa Lupine 2009 Survey and Buffer Zone Analysis, Sage Institute Inc., June 22, 2009.

2010 Annual Monitoring Report (Northern Cities Management Area), Robert Almy, April 30, 2011.

Nipomo Mesa Lupine Conservation Areas
Nipomo Mesa lupine (2008)
Buffer Perimeter
Property Line
Note: Buffer dimensions are referenced from a property corner & parallel to property lines.

Exhibit A

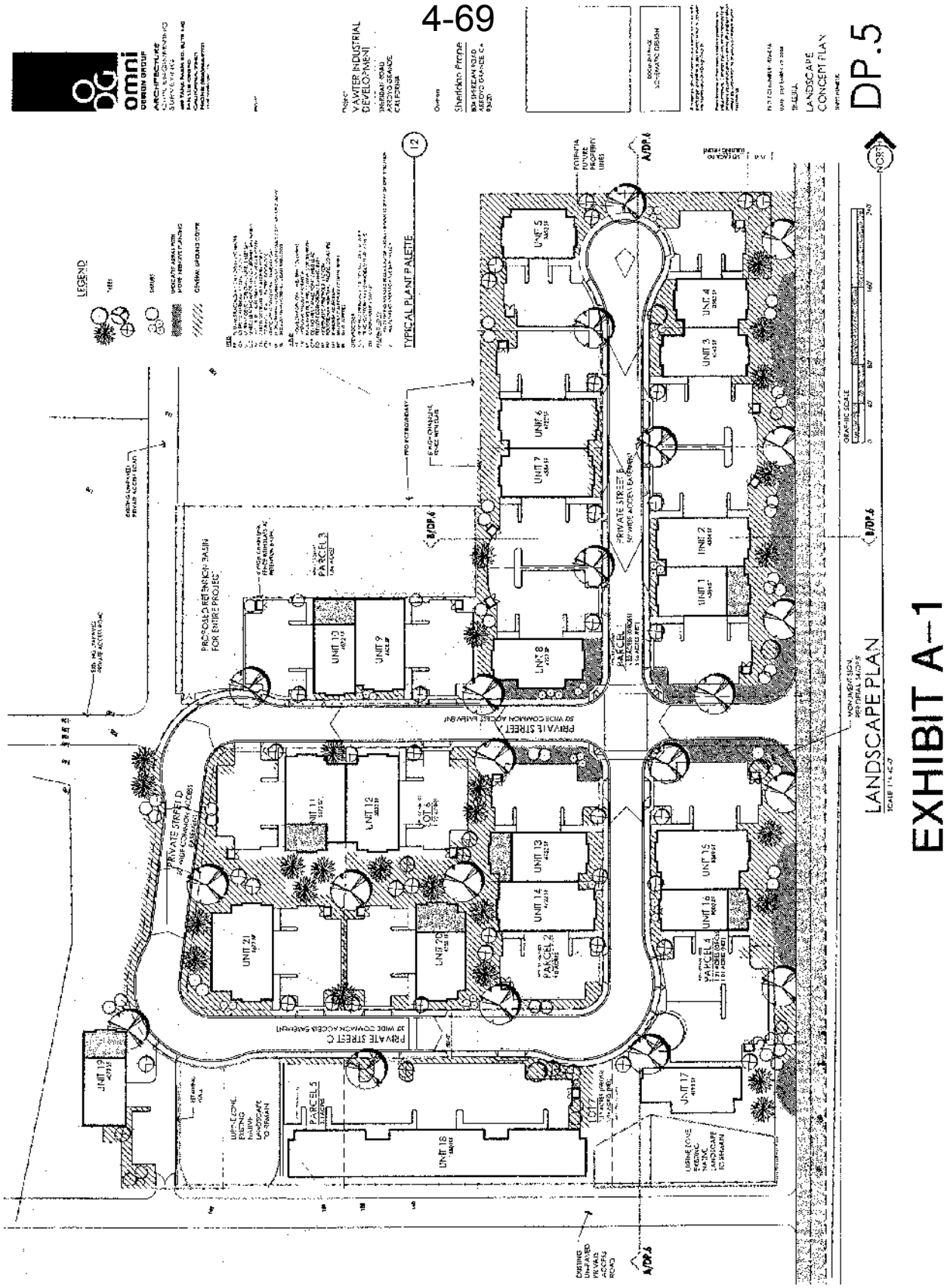
4-69
DP.5
LANDSCAPE CONCEPT PLAN
LANDSCAPE PLAN
EXHIBIT A-1

Exhibit B - Mitigation Summary Table

Aesthetic Resources

AS-1 **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan 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 surrounding properties or public views (Sheridan Road). All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented **prior to final inspection or occupancy of the first structure in each phase (whichever occurs first).**

The height of free standing or security outdoor lighting fixtures shall be kept as low as is practically possible and no higher than twelve (12) feet so that they are not visible from surrounding properties or public views. Security lighting shall be shielded so as not to create glare when viewed from surrounding properties or public views.

AS-2 **Prior to occupancy or final inspection of the first structure in each phase (whichever occurs first),** the applicant shall implement the proposed landscaping plan, as shown on the approved project plans. In conjunction with the implementation of the landscaping plan, the applicant shall submit a letter, prepared by a qualified individual (e.g., arborist, landscape architect/contractor, nurseryman), to the Department of Planning and Building stating that the planting has been completed in accordance with the approved plans.

AS-3 To guarantee the success of the landscaping, the applicant shall retain a qualified individual (e.g., arborist, landscape architect/ contractor, nurseryman) to monitor the new vegetation until successfully established, on an annual basis, for no less than three years. The first report shall be submitted to the County Environmental Coordinator one year after the initial planting and thereafter on an annual basis until the monitor, in consultation with the County, has determined that the newly planted vegetation is successfully established. The applicant, and successors-in-interest, agrees to complete any necessary remedial measures identified in the report and approved by the Environmental Coordinator. The applicant is not responsible for monitoring previously completed / approved phases once the monitoring period has been completed for said phase.

Air Quality

AQ-1 Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction / grading permit issuance**.

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
c. All dirt stock-pile areas should be sprayed daily as needed;
d. 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;
e. 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;

f. 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;
g. 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, soil binders, or other approved methods are used;
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. All these fugitive dust mitigation measures shall be shown on grading and building plans; and
m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Prior to commencement of construction / grading activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.

AQ-2 Prior to construction / grading permit issuance, the following measures shall be shown on the plans; **during all construction activities and for the life of the industrial park**, these Idling Restrictions near Sensitive Receptors for On and Off-Road Construction Equipment shall be implemented:

a. Staging and queuing areas shall be located the maximum feasible distance away from sensitive receptors;
b. Diesel idling within 1,000 feet of sensitive receptors shall be minimized and in no case be allowed for more than five minutes;
c. Use of alternative fueled equipment is recommended whenever possible; and
d. Signs that specify the idling requirements shall be posted and enforced at the construction site.

AQ-3 Prior to construction / grading permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. Please refer to the APCD webpage at http://www.slocleanair.org/business/asbestos.asp) or for more information or contact the APCD Enforcement Division at 781-5912.

AQ-4 Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. **Prior to issuance of any construction permit** to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector;

and d) applicable removal and disposal requirements of the asbestos-containing material.

AQ-5 **Prior to construction / grading permit issuance,** the applicant will be required to document the source of fill for the proposed project. The location shall be from a permitted source and be the closest location feasible to reduce air emissions.

AQ-6 **Prior to construction / grading permit issuance,** any portable equipment, 50 horsepower or greater, used during construction activities shall require California statewide portable equipment registration (issued by the California Air Resources Control Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be considered exclusive. For a more detailed listing, refer to APCD's 2009 CEQA Air Quality Handbook.

- Power screens, conveyors, diesel engines, and or crushers;
- Portable generators and equipment with engines that are 50 horsepower or greater;
- Internal combustion engines;
- Concrete batch plants;
- Tub grinders; and
- Trommel screens.

AQ-7 **Prior to construction permit issuance for individual tenant improvement,** proven energy efficiency measures shall be implemented to mitigate GHG emissions. Refer to the APCD's 2009 CEQA Handbook for mitigation measures. The applicant shall consult with APCD to determine appropriate mitigation for the individual impacts associated with the proposed use. Mitigation shall be provided to account for said uses fair share of the 4 metric ton per day impact identified for the project and receive approval of the proposed energy efficiency measures.

AQ-8 **Prior to construction permit issuance for individual tenant improvement,** proven energy efficiency measures shall be implemented to mitigate operational phase emissions associate with equipment and operations listed in the 2009 CEQA Air Quality Handbook. The applicant shall consult with APCD to determine appropriate mitigation for the individual impacts associated with the proposed use. Mitigation shall be provided to account for said uses fair share of the 4 metric ton per day impact identified for the project and receive approval of the proposed energy efficiency measures. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to APCD's 2009 CEQA Air Quality Handbook.

- Electrical generation plants or the use of standby generators;
- Poratble generators and equipment with engines that are 50 horsepower or greater;
- Public utility facilities;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Biological Resources

BR-1 **Prior to commencement of tree removal associated with construction / grading activities**, to avoid conflicts with nesting raptors, construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted. At such time, if any evidence of nesting activities are found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the County (Environmental Division), possibly with recommendations for variable buffer zones, as needed, around individual nests. The applicant agrees to incorporate those recommendations approved by the county.

BR-2 **Prior to construction / grading permit issuance for any phase of the project,** the "project limits" shall be clearly delineated in the field. Highly visible construction fencing shall be used to exclude activities from the Nipomo Mesa lupine areas. No development (including storage of materials) shall occur outside of the "project limits." This fencing shall remain in place during the entire construction period. Verification shall be provided by means of a site visit from applicable County staff at a pre-construction meeting.

BR-3 **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine or contain grading that may impact Nipomo Mesa lupine areas,** silt fencing and highly visible construction fences shall be installed. These measures shall be installed around the buffer zones during all construction activities to ensure no disturbance, siltation, or runoff enters the preserved areas. No straw wattles shall be used as they may introduce undesirable non-native grasses near the preserves. If wattles are to be used, then cocoanut fiber rolls shall be specified.

BR-4 **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine,** the final project design shall include buffer zones around the two occurrences of Nipomo Mesa lupine with non-disturbance buffer zones (see project plans dated December 12, 2008). The grading plans shall be designed so as to not change the existing drainage patterns that provide water to the identified Nipomo Mesa lupine locations.

BR-5 **Prior to construction / grading permit issuance for project phases that include occurrences of Nipomo Mesa lupine,** permanent fencing shall be installed to exclude access and disturbance from building occupants and construction crews that could create volunteer trails and / or other disturbance. The fencing shall be approved by the Environmental Division. The fencing shall be designed to discourage access to the Nipomo Mesa lupine areas. Educational signs shall be placed to identify the area as protected endangered species habitat preserve. The signs shall include a brief description of the sensitive species, historic context / range of the species, and restricted access requirements listed below (BR-9).

BR-6 **At the time of application for construction / grading permits,** the project grading plan shall ensure that new contours and slopes do not influence localized hydrology within the preserve areas and do not direct and stormwater into the preserve.

BR-7 **At the time of application for construction / grading permits,** native landscaping shall be required on any newly disturbed grounds or slopes around the preserve. Otherwise only non-invasive landscape species shall be allowed adjacent to the preserves and throughout the development. All landscape areas shall consist of drought tolerant and consistent with the requirements of Section 23.04.178 through 23.04.186.

BR-8 **Prior to construction / grading permit issuance for any phase of the project,** the applicant shall enter into a open space easement with the county in perpetuity for the areas specified on attached Exhibit A and A-1. The intent of the open space agreement is primarily to protect the populations of Nipomo Mesa lupine and curly-leaved monardella. All allowed activities or uses within this open space area shall be limited to what is specified in the agreement/easement. Sturdy fencing shall be installed to protect sensitive areas. To avoid potential modification or removal of sensitive vegetation for fire protection, all applicable structures shall be setback from the edge of the conservation easement area the distance recommended by CAL FIRE. This setback shall be **shown on all applicable future construction plans**.

BR-9 Only individuals with jurisdiction, or their designee (e.g., County Planning, county-approved monitor or non-profit group, Department of Fish & Game, US Fish & Wildlife) shall be periodically allowed access, on an as-needed basis, to the specified open space areas as

shown on Exhibit A and A-1 for the following reasons: permit compliance, verify habitat restoration / protection, evaluate long-term effectiveness of required measures. All efforts shall be made between the above-referenced groups to coordinate their efforts to view the site jointly, and minimize the number of separate visits conducted any given year. Unless in response to a potential violation, such individuals will provide to the property owner at least a 72-hour prior notice of their intent to visit the premises. This measure shall be **placed on the required signage**, and on subsequent applicable **construction plans upon submittal of individual construction permits**.

BR-10 **Prior to occupancy or final inspection of each phase that includes tree removal, whichever occurs first**, the applicant shall replace, in kind at a 4:1 ratio, all coast live oak trees removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, topsoil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). A total of 20 coastal live oak trees shall be planted based on the removal of five (5) coast live oak trees.

These newly planted trees shall be maintained until successfully established. This shall include protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip-irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used. This shall be reflected on the required landscape plans.

BR-11 **Prior to construction / grading permit issuance for any phase of the project,** to ensure the long term protection of the Nipomo Mesa lupine, the following measures will be required:

- Non-native Weed Control – Invasive and non-native weeds shall be removed by hand in the preservation area as determined by a qualified biologist. Invasive and noxious weed removal shall be limited to the extent feasible to ensure that foot traffic and disturbance from plant removal would be detrimental to the Nipomo Mesa lupine. In particular, preservation of the cryptogrammic crust shall be weighed against the risk of non-native weeds and the need to remove undesirable weeds. Table 1 below indicates typical noxious weeds that shall be the focus of monitoring and removal. Of key concern and most likely to occur and require removal is veldt grass (Ehrharta calycina).

Table 1 – Noxious Weed Species	
Brassica / Hirschefeldia	Mustard
Carduus pycnocepalus	Italian thistle
Centaurea calcitrapa	Purple-star thistle
Centaurea solstitialis	Yellow-star thistle
Cirsium vulgare	Bull thistle
Conium maculatum	Poison hemlock
Ehrharta calycina	Veldt grass
Foeniculum vulgare	Fennel
Picris echioides	Prickly ox-tongue
Poaceae	Non-native grasses
Silybum marianum	Milk thistle

- Monitoring and Reporting Plan – Monitoring shall be conducted by a qualified biologist during May through July of each year of construction and for at least three years

following completion of the development plan. Annual reports shall be submitted to the County by August 31 of each year until the terms above are satisfied. Photo documentation shall be provided to document success of the protection measures. Each annual report shall include a description of the maintenance and monitoring activities conducted for that year. The report shall make recommendations as needed regarding the original conservation measures and upon completion of construction shall provide a habitat condition within the conservation areas that is equal to or better than the current habitat condition. At the end of the monitoring period, the biologist shall make a recommendation as to whether additional monitoring is required beyond that time and if any additional measures are needed to maintain the current habitat conditions.

Geology / Soils and Water

GS/W-1 At the time of application for construction permits, loading dock areas shall be covered or drainage shall be designed to minimize run-on or runoff of stormwater. Connections to storm drains or other drainage facilities from depressed loading docks (truck wells) and maintenance bays are prohibited. An approved structural source control measure and / or treatment control measure shall be used to prevent stormwater pollution if drainage is not diverted around these areas.

GS/W-2 At the time of application for construction permits, the applicant shall reduce impervious land coverage of parking areas to the maximum extent practicable (e.g. use of impervious pavers where appropriate). Stormwater runoff from parking areas shall infiltrate and / or be treated prior to be discharged to storm drains or other drainage facilities. Parking lots shall be designed with curb cuts and drain to vegetated depressions or rain gardens to allow for stormwater filtration along the flowline to the drainage basin. If underground piping is used to transmit flows to the drainage basin, the pipes shall be perforated to allow groundwater recharge.

GS/W-3 At the time of application for construction permits, roof runoff should be directed to landscape areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants such as parking areas.

GS/W-4 At the time of application for construction permits, vegetated drainage swales shall be constructed along internal streets to transmit stormwater flows to the drainage basin. Where direct connection to the drainage basin is not feasible, underground piping may be used to transmit flows to the drainage basin. These pipes shall be perforated to allow groundwater recharge (see low impact development design manuals for guidance on such measures).

GS/W-5 At the time of application for construction permits, trash container areas shall be covered or have drainage from roofs and pavement diverted around the enclosure areas. Trash container areas must be screened or walled to prevent loose debris or trash from being transported outside the enclosure.

Hazards and Hazardous Materials

HAZ-1 At the time of application for construction permits for all structures, 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 CDF/County Fire Department for this proposed project and dated December 12, 2005 or as modified due to changes in fire code requirements since the time of letter issuance.

HAZ-2 At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project, the project shall not use any hazardous

materials not listed in Appendix A (see attached), or in greater quantities then specified, unless approved in advance by the County Environmental Health Division and the Planning Department.

HAZ-3 **At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project,** the tenant/applicant shall concurrently provide a Hazardous Materials Business Plan to CAL FIRE/San Luis Obispo County Fire Department, the County Planning and Building Department, and County Environmental Health Division for review and approval. Copies of the final HMBP shall then be provided to the above parties for use, as well as a copy kept on-site at all times.

HAZ-4 **At the time of application for tenant improvements / business licenses for futures uses of all buildings and during the life of the project,** if any hazardous materials not listed in Appendix A are used or stored on the project site, the tenant/applicant shall provide evidence that a fully compliant Hazardous Waste Management Plan has been prepared and subsequently approved by the County's Environmental Health Division. At a minimum, the Hazardous Waste Management Plan shall address:

a. waste determination (22 CCR §66262.11);
b. on-site container/tank management (22 CCR §66265.171 - .191);
c. proper disposal (22 CCR §66266.3, HSC §25250.4);
d. accumulation times (22 CCR §66262.34);
e. contingency plans (22 CCR §66265.50).

HAZ-5 **Prior to construction / grading permit issuance for any phase of the project,** the applicant will be required to provide a technical report from a Registered Fire Protection Engineer showing that existing water storage, water mains, fire hydrants, pumps etc. either meet or exceed the requirements of the California Fire Code. If improvements are required to the existing system, the applicant shall be required to make these improvements **prior to construction of the proposed commercial structures.**

HAZ-6 **At the time of application for construction permits for the first structure,** if a potentially operational or existing auxiliary water supply (in the form of an existing well) is located on any of the parcels associated with the development plan 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).

If the Woodland Park Mutual Water Company does not have two (2) operational wells **at the time of permit issuance for the first structure / phase,** the applicant shall provide the existing onsite well or provide a new well for use in the mutual water system (in order to meet State Department of Environmental Health requirements). The applicant shall provide proof that the mutual water system meets applicable requirements for operations under state law **prior to construction / grading permit issuance.**

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 shall be required to obtain a permit from the County Health Department.

Noise

NS-1 **At the time of application for construction permits for structures with caretaker units,** the applicant shall show the following on the project plans:

- All exterior doors within the caretakers units (including doors that open to the industrial work space) shall be solid core with perimeter weather stripping and threshold seals and shall have an STC (Sound Transmission Class) rating of 35 or greater;
- All fresh air inlets or exhaust vents on caretakers units shall incorporate sound attenuation and noise baffling;
- All internal walls that are located between the industrial use area and the caretakers units shall have an STC (Sound Transmission Class) rating of 40 or greater;

Prior to final inspection or occupancy of structures with caretaker units, whichever occurs first, the applicant shall provide verification to the satisfaction of the county that the above measures have been adhered to.

NS-2 **During the life of the project,** noise-making industrial activities (manufacturing, use of heavy machinery, etc.) are prohibited outside of the structures / units.

Population and Housing

PH-1 **With each phase of development and prior to issuance of construction permit(s) for each structure,** the applicant shall pay the housing impact fee as required by Section 23.04.096.f(1) or may defer fee payment pursuant to Section 23.04.096.j(4). As an alternative the applicant may provide housing unit(s) for one or more development phases by recording an inclusionary housing agreement on the caretaker unit for that phase prior to issuance of any construction permit(s) for that phase pursuant to Section 23.04.096.j(4).

Transportation and Circulation

TC-1 **At the time of application for construction permits,** the applicant's engineer shall submit to the Department of Public Works and CalTrans improvement plans prepared in accordance with County Public Improvement Standards and CalTrans by a Registered Civil Engineer. The submittal package is to include:

1. Street plan and profile.

   a. Sheridan Road shall be widened to complete the project side of an A-1 rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.

2. Drainage calculations for the road improvements.

3. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the development plan to be approved jointly with the Department of Planning and Building.

4. A completed Engineering Checking and Inspection 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.

5. A completed 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.

TC-2 **At the time of application for construction permits,** the applicant shall submit complete drainage calculations to the Department of Public Works for review and approval.

1. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards and the measures listed under geology / soils and water. The basin/s is/are to be maintained in perpetuity.

2. 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.

TC-3 **At the time of application for construction permits,** the applicant shall apply to the Department of Planning and Building for approval of new street names. Street signs shall be in place **prior to the occupancy of the first structure.**

TC-4 **Prior to occupancy or final inspection,** the Registered 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. All street improvements shall be completed **prior to occupancy of the first structure associated with each phase.**

TC-5 **On-going condition of approval (valid for the life of the project), prior to issuance of building permits,** the applicant shall pay the current South County Area 2 Road Impact Fees.

TC-6 **On-going condition of approval (valid for the life of the project),** any gate constructed on the private access road shall be set back in accordance with current Cal Fire standards. Additional setback may be required by the County based on the length of the design delivery truck accessing the site.

TC-7 **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, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

TC-8 **Prior to final inspection or occupancy of the first structure,** all driveway / street approaches shall be constructed in accordance with County Public Improvement Standards. All driveway / street approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

TC-9 **Prior to issuance of construction or grading permits,** all driveway / street approaches to be constructed on County roads by the applicant or project related roads constructed by the applicant to be accepted for County maintenance shall require an encroachment permit. All driveway / street approaches shall be constructed in accordance with County Public Improvement Standards **prior to final inspection of the structures associated with said phase.**

Water

W-1 **At the time of application for a construction permit,** applicable construction plans will show the use of all feasible indoor water conservation measures, including but not necessarily limited to:

a. low water-use toilets (max. 1.28 gpf), showerheads (max. 1.5 gpm), and faucets;
b. automatic shut-off devices for bathroom and kitchen faucets;
c. point-of–use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen (when 20 feet or more from water heater).

Landscape plans will be prepared that include, but are not necessarily limited to, the following outdoor conservation measures:

d. plants grouped into "hydrozones" with similar water needs;
e. low water-use plant materials;
f. non-native, invasive, drought tolerant, and turf grass landscaping shall be prohibited on the entire site;
g. soil moisture sensors, and drip irrigation systems.

All measures list above shall be completed prior to final inspection or occupancy, whichever occurs first.

W-2 At the time of application for a construction permit, the applicant shall pay a supplemental water development fee for dwelling unit equivalent as required by County Ordinance.

W-3 At the time of application for a construction permit, if the County's supplemental water fee is not adopted, the applicant shall either:

1. Pay the Nipomo Community Services District supplemental water fee to the District based on the current fee schedule at the time of payment; or

2. Enter into an agreement with the County that the applicant will provide retrofitting within the Nipomo Water Conservation Area boundary to off-set the additional water usage generated by new development on the parcels. Evidence of retrofitting and the estimated amount of water saved through retrofits will be required **prior to construction permit issuance**; and

3. Water meters shall be shown on the plans and installed for each individual industrial unit including separate meters for the individual caretaker units.

Land Use

LU-1 Prior to application for construction / grading permits for any phase of the project, the applicant shall contact and schedule a meeting with the building division, project planner, and the public works department to discuss the phasing plan. The discussion shall address concerns related to drainage during the phasing of the project and other improvements required by this approval.