

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services Agency	(2) MEETING DATE 11/6/2012	(3) CONTACT/PHONE Elizabeth Kavanaugh 781-4089	
(4) SUBJECT Request to certify the Nipomo Community Park Master Plan Final Program Environmental Impact Report in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and adopt the Nipomo Community Park Master Plan. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Certify the Nipomo Community Park Master Plan Final Program Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and, 2. Adopt the Nipomo Community Park Master Plan.			
(6) FUNDING SOURCE(S) Parks Public Facilities Fees; Quimby Act Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation { <b>X</b> } Hearing (Time Est. <u>45 mins</u> ) { } Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS { <b>X</b> } Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required { <b>X</b> } N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: <u>Sept. 9, 2003 and April 21, 2009</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Vincent Morici			
(18) SUPERVISOR DISTRICT(S) District 4 -			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency / Elizabeth Kavanaugh  
781-4089

DATE: 11/6/2012

SUBJECT: Request to certify the Nipomo Community Park Master Plan Final Program Environmental Impact Report in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and adopt the Nipomo Community Park Master Plan. District 4.

## **RECOMMENDATION**

It is recommended that the Board:

1. Certify the Nipomo Community Park Master Plan Final Program Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; and,
2. Adopt the Nipomo Community Park Master Plan.

## **DISCUSSION**

Nipomo Community Park is a 137-acre park in which 15-acres are currently developed with recreation facilities. The community has expressed the need to have additional recreation facilities at the park to serve all generations, but especially to meet the needs of youth. In an effort to plan for these needs, County Parks initiated a Nipomo Community Park Master Plan (NCPMP) project in 2002. Subsequently, County Parks initiated a related environmental review process, a Final Program Environmental Impact report (FPEIR).

### History of Nipomo Community Park Master Plan Process

As noted in the attached project timeline (Exhibit G), the NCPMP process started in 2002 with assembling a team of consultants to conduct the site analysis and public outreach. In 2004, County Parks sent out a community survey to approximately 3,000 citizens to measure their park and recreation needs and wants. Additional surveys were taken at the park site and four public workshops were held in Nipomo to gather information regarding park and recreation needs and wants. On July 12, 2004, County Parks staff and the Nipomo Community Advisory Council (NCAC) held a noticed public meeting to obtain input on the three Concept Plans. Over 100 citizens attended the meeting, and diverse viewpoints were expressed, including a majority of citizens requesting additional development within the park. The NCAC recommended that the County move forward with the more intense Concept Plan

On March 24, 2005, the NCAC held a special meeting to respond to the project's environmental document (i.e., the California Environmental Quality Act initial study). County Parks staff did not attend this meeting, and the County's noticing list was not used. At the March meeting, the NCAC objected to the designs being analyzed in the project's environmental document and proposed a "rural friendly" design alternative. In 2006, County staff coordinated with the South County Advisory Council (SCAC, previously identified as the NCAC) and held two public meetings, in Nipomo, to obtain input on the draft environmental document (initial study). A majority of public comments included requests that the park remain rural with new recreation largely located elsewhere.

On March 22, 2007, County staff presented the project to the County Parks and Recreation Commission for input. Numerous members of the public attended this meeting and expressed various views regarding future park development. The Parks and Recreation Commission directed staff to complete the environmental review for the more intense Concept

## Plans.

In 2009, the related Environmental Impact Report (EIR) was started with a public scoping meeting in Nipomo. In February 2012, the Draft EIR was released with another public meeting held on March 8, 2012 at Nipomo High School. Comments were received and responded to in the Final EIR. The Final Program Environmental Impact Report (FPEIR) was released in August 2012. On August 23, 2012, the Park and Recreation Commission held a noticed and public meeting where they recommended the Board of Supervisors approve the proposed NCPMP and certify the related FPEIR.

Following the Parks and Recreation Commission meeting, it was brought to the attention of staff that several comments and responses had been omitted from the FPEIR. The omitted comments and responses to those comments have since been added to the FPEIR, sent to the commenters, and made available through the County website. No new issues were raised in those comments that had not already been addressed in the FPEIR or in responses to other comments.

### Nipomo Community Park Existing Uses

The project site includes the 137-acre Nipomo Community Park bounded by Pomeroy Road and West Tefft Street; and, the 22-acre trail and open space area located on the northwest corner of Mesa Road and Osage Road (Mesa Meadows). No improvements are proposed within the Mesa Meadows open space area. Currently, approximately 15-acres of the 137 acres (11%) are developed with recreation facilities including:

- Playgrounds
- Dog Park
- Group Picnic Areas
- Sports Fields (turf)
- Tennis Courts
- Trails/Walkways (paved/unpaved)
- Shuffle Board Courts
- Open Play Area (Turf)
- Drainage Basins
- Library Building
- Parking and Roads
- Two Host Sites
- Pre-School
- Restrooms/Maintenance Buildings

### Proposed Nipomo Community Park Master Plan Amenities

The attached proposed NCPMP includes the above listed uses and proposes approximately 27.5-acres of additional recreational uses and supporting infrastructure all within the 137-acre park parcel. The proposed recreational facilities include:

- Amphitheater
- Basketball Courts
- Playgrounds
- Community Center
- Dog Park
- Handball Courts
- Horseshoe Pits
- Skate Park
- Sports Fields (turf)
- Tennis Courts
- Trails/Walkways (paved/ unpaved)
- Osage Street walkway (paved)
- Open Play Area (Turf)
- Drainage Basins
- Expanded Library Building
- Parking
- Restroom/Maintenance Buildings
- Swimming Pool/Deck

The proposed NCPMP clusters most of these new uses near the center of the park, leaving the skate park/swimming pool, amphitheater and Nipomo Library expansion in the east side of the park, near Tefft Street and Dana Elementary School. If the NCPMP is implemented, the total developed area, including the existing developed 15-acres, is approximately 42.5 acres or 31% of the 137 acre park. This would leave approximately 94.5 acres of undeveloped open space and trails within the park site.

### Nipomo Community Park - Alternative Master Plans A and B

The NCPMP planning process and environmental review document has considered two additional options. Both of these options were drawn from the public outreach process for the NCPMP. The two alternative plans have been reviewed for their environmental impacts. Having these two alternative master plans in hand, allows decision makers the opportunity to select the most desired Master Plan and/or desired elements of the Master Plan with the understanding of how it will meet the future recreational demands and address environmental impacts.

### Alternative A

Alternative A expresses the interest of some County Parks workshop attendees to include recreational features of the NCPMP but relocate some of the facilities. It includes approximately 26.8 acres of new recreation facilities and supporting infrastructure within the 137-acre park. Alternative A has the same proposed uses as the NCPMP.

The main differences of Alternative A are:

- The community center is reduced to less than half the size of the community center proposed in the NCPMP.
- The community center is located along Tefft Street, near Dana Elementary School, where the skate park/pool is proposed in the NCPMP.
- The skate park/pool is clustered in the center of the park with the other proposed recreational facilities.
- The handball courts are not included as proposed in the NCPMP.

The total area of development if Alternative A is implemented, including the existing 15-acres, is approximately 41.8-acres or 30.5% of the 137 acre park. There would remain 95-acres of undeveloped open space and trails within the park site.

#### Alternative B

Alternative B expresses the interest of those that attended the South County Advisory Committee workshop. It does not include many of the major recreational facilities identified as desirable in the community workshops and surveys that were part of the public outreach phase of the NCPMP planning process. This group of citizens were concerned that the NCPMP was too development intensive. This group requested a more "rural park" limiting development to approximately 8-acres of new recreation facilities and supporting infrastructure proposed within the 137-acre park. Alternative B includes an amphitheater and gazebo, basketball courts, playgrounds, horseshoe pits, tennis courts, trails/walkways, Osage Street walkway, open play area, library expansion, and restrooms/maintenance buildings consistent with the other two plans.

The main differences between Alternative B, and the NCPMP and Alternative A are:

- It includes a volleyball court which is not included in the NCPMP or Alternative A.
- No community center
- No additional dog park
- No additional group picnic areas
- No handball courts
- No swimming pool
- No skate park
- No additional sports fields

The total area of development, if Alternative B is implemented, including the existing 15-acres, is approximately 23-acres or approximately 17% of the total 137 acres. Approximately 114-acres of undeveloped open space would remain within the park site.

#### Final Program Environmental Impact Report

The NCPMP is a plan for phased construction of recreation facilities within the next 20 years. A program EIR was determined to be the appropriate level of environmental analyses because the document provides a framework for future, more detailed environmental analyses, on a set of individual and related actions that can be characterized as a project. As described in the California Environmental Quality (CEQA), a program level document can be incorporated into future project level documents to provide a basis for determining if a project has any significant environmental effects. For example, at this time, County Parks does not know exactly what the community center will look like. This will depend on when, where and how much money is available to build it. We do know the community requested size, form and use of the building, but the architectural details have not been designed at this time. The program EIR allows for a review of the impacts of the community center based on the size, location and use of the building without having to design the exact façade. In the case of the community center, the program EIR calls out mitigation for its impacts, including step foundations, landscaping, and compliance with the West Tefft Corridor Design Plan. These mitigations will be carried over into the design of the Community Center.

The NCPMP planning process and the FPEIR environmental review document considered two other options noted above as Alternatives A and B. Both of these options were drawn from the public outreach process noted previously. Both alternative plans have been reviewed for their environmental impacts. Having these two alternative Master Plans reviewed, allows decision makers the opportunity to select the most desired Master Plan and/or desired elements of the Master Plan with the understanding of how it will meet the future recreational demands and address environmental impacts.

### Public Agency and Public Contacts

Per compliance with State CEQA Guidelines, during the environmental determination process, an effort was made to contact various federal, state, regional, and local governmental agencies and other interested parties to solicit comments and inform the public of the proposed project. This included the distribution of the Notice of Preparation (NOP) on November 17 2009. The close of the NOP review period was December 23, 2009. Agencies, organizations, and interested parties had the opportunity to comment during the 45-day public review period on the Draft EIR that closed on April 30, 2012. Responses to comments were included in the Final Program EIR that was released in August 2012. After release of the FPEIR, it was brought to staffs' attention that several comments had been omitted. On September 27, 2012 the County's responses to these comments were incorporated into the FPEIR and distributed to commenters. The FPEIR was updated on the Planning Department's website and at all libraries, meeting the requirements of California Environmental Quality Act. No new issues were raised by these comments and no changes were made to the conclusion of the FPEIR.

### Potential Levels of Environmental Impacts

In an EIR there are three potential levels of impacts created by a project. They are:

- Class I- significant unavoidable, adverse impact: Significant impacts that cannot be fully and effectively mitigated. No measures could be taken to avoid or reduce these adverse effects to insignificant or negligible levels.
- Class II- Significant, but mitigable impacts: These impacts are potentially similar in significance to those of Class I, but can be reduced or avoided by the implementation of mitigation measures described in the EIR.
- Class III- Less than significant impacts: Mitigation measures may still be required for these impacts as long as there is rough proportionality between the environmental impacts caused by the project and the mitigation measures imposed on the project.

The NCPMP has no Class I impacts.

Several Class II impacts were identified that required mitigation including: protecting the night sky from light pollution through lighting design; design standards for the community center; dust control; energy efficient construction, and erosion control measures during construction. Pre-construction biological surveys, planting of new oak trees and conservation of oak woodlands would offset biological impacts of the proposed park facility improvements. A former dump site is located within the Nipomo Community Park site which requires further testing prior to the facility design process. Setbacks from neighboring residential uses are recommended as mitigation for noise impacts along with including noise attenuating features in future buildings within the park. Impacts to water resources for the 10-acre of sports fields and other new uses would be mitigated by reducing current irrigation demand through best management practices for water savings, and incorporation of possible use of reclaimed water in the future.

### Alternative Analysis

CEQA requires that an EIR review alternatives to a project that may have decreased environmental impacts. Alternatives A and B, presented in the NCPMP were reviewed in the EIR along with a "No Project" alternative. Alternative Master Plan B was identified as the environmentally superior alternative. However, Alternative B does not provide the level and variety of recreation facilities that the community desires, as identified in the surveys and community meetings, and thus was determined to not fully meet the project objectives and would no longer be considered the Environmentally Superior Alternative. When considering fully meeting the project objectives of providing a variety of recreation facilities for the community of Nipomo, the proposed Master Plan or Alternative A would be the Environmentally Superior Alternative.

### Areas of Controversy

#### Open Space verses Recreation Facilities

The main area of controversy around the NCPMP is open space verses developed recreation uses for Nipomo Community Park. The proposed Master Plan would provide a total of 42.5 developed acres or 31% of the 137-acre park site. County Parks has determined that this level of development in Nipomo is appropriate to serve Nipomo's growing population. Throughout the planning process for NCPMP, County Parks has heard community concerns for preserving as much open space as possible. However, community input was much stronger in expressing the need for additional recreational opportunities for Nipomo's growing population – especially for the children of Nipomo. This desire has been noted with an understanding that the proposed Master Plan would preserve approximately 94.5 acres or 69% of the park

as open space that is much like the Nipomo before development of the community. Many have commented that development of the additional 27.5-acres of recreational facilities as proposed, over the next 20 years, will leave most of the park site in open space and trails providing a balance of recreation facilities and open space.

### Community Center

One of the most requested recreational facilities is a Community Center. Of those surveyed, 56% support constructing a community center. A community center provides a place for community members to participate in indoor recreation and attend art, exercise and educational classes. A community center can become the social hub of a community. The community center is the most expensive facility proposed within the NCPMP. Some of the concerns heard regarding the community center include increased traffic and management of the community center. Potential future traffic was studied and a staggered community center schedule will need to be implemented during the peak traffic times of 4:00 to 6:00 pm Monday through Friday to minimize traffic impacts at the Tefft Street and Highway 101 interchange. Management of the future community center has not been determined at this time. At some future date, once funding is obtained to develop the community center, County Parks will seek a management partner and outline the responsibilities of the community center management.

### Skate Park

The proposed skate park has raised concerns about the possible crime this use could bring to the park. As with any use, bringing additional people to an area could increase crime. However, the County Sheriff's Department reviewed the NCPMP and did not raise any concerns about the skate park increasing the communities' crime rate. Inquires of other skate parks within the County has determined that skate parks have not increased crime to the area. In addition, research suggests that skateboarding can help keep teens keep out of trouble. A 2006 study found that skateboarders are less likely to smoke cigarettes, have sex, and skip school (Physical Activity and Sedentary Behavior Patterns are Associated with Selected Adolescent Health Risk Behaviors," *PEDIATRICS*, Vol. 117 No. 4, April 2006). Finally, Nipomo Community Park has a resident park host who can oversee the activity of this area.

### Sports Fields

The NCPMP proposes six multi-use sports fields with lighting. During the public process concerns have been raised about the noise generated by these ball fields to the neighbors along Tejas Place and the loss of the night sky caused by the sport field lighting. A study of lighting impacts has determined that the loss of night sky can be dramatically decreased by types of lights used and pole placement. With regards to noise generated by the sports fields, this was also studied and was determined that if a tournament was going on using all six fields with amplified sound, the ambient noise level would be higher than it is today, but it will not be a substantial increase in noise and it will remain lower than the acceptable noise levels set by the County Noise Element. In addition, Nipomo Community Park has a resident park host who will be available to address neighbor concerns. As with other community parks, if noise levels affect area residents County Parks can monitor uses to ease this concern.

### Implementation of the Master Plan

This is a Master Plan, a 20-year plan to expand recreational opportunities within Nipomo Community Park. Recreational facilities proposed in this plan will be developed as funding opportunities become available. The long life of this plan and the unknown phasing of recreation facilities require an implementation document to ensure mitigations measures and monitoring requirements of the FPEIR are completed with each recreational amenity regardless of when it is developed. Once a Master Plan is adopted by the Board of Supervisors, County Parks' staff will create a Nipomo Community Park Master Plan Implementation Document that will call out each individual recreation component of the approved master plan and every mitigation measure and monitoring requirement from the FPEIR for that component. This implementation document will ensure the expansion of the Nipomo Community Park will not create significant impacts.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

Review of the Environmental Impact Report included: County Air Pollution Control Board, County Agricultural Commission, County Environmental Health, County Planning and Building, County Public Works, County Sherriff, Cal Fire, Department of Fish and Game, Regional Water Quality Control Board, the Nipomo Community Service District, and the San Luis Obispo County Parks and Recreation Commission.

### **FINANCIAL CONSIDERATIONS**

This Master Plan and EIR was funded with Parks Public Facilities Fees and Quimby fees. There is no financial impact

with approving a Master Plan or certifying the associated Final Program Environmental Impact report. No additional costs are incurred through this step in the process.

Future capital improvements for implementation of the Master Plan would likely be funded with various funding sources including Quimby Fees, Parks Public Facilities Fees, and grants over the coming twenty years period. These improvements will require significant funding which may be assembled through combining various grant funds with parks fees and other sources. As new recreational facilities are pursued, staff will also identify funding sources and/or partnerships to provide for ongoing maintenance, operations and eventual repairs for the new facilities.

## **RESULTS**

The Nipomo Community Park Master Plan and related Final Program Environmental Impact Report together will provide a quality long term park planning document that when implemented will assist in providing a safe community, a healthy community, a livable community, a prosperous community, and a well governed community by providing Nipomo citizens a plan for a variety of new recreation facilities in their community.

## **ATTACHMENTS**

1. Exhibit A - CEQA Findings
2. Exhibit B - Master Plan Findings
3. Exhibit C - Vicinity Map
4. Exhibit D - Nipomo Community Park Master Plan
5. Exhibit E - Nipomo Community Park Master Plan Alternative A
6. Exhibit F - Nipomo Community Park Master Plan Alternative B
7. Exhibit G - Project Timeline
8. Exhibit H - Minutes from the Parks and Recreation Commission meeting on August 23, 2012 meeting
9. Exhibit I - Clerk's File EIR Report
10. Exhibit J - Resolution