



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

PLANNING COMMISSION

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

MEETING DATE November 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT SLO Investments LLC	FILE NO. SUB2004-00091 Tract 2312
SUBJECT A request for a third time extension by SLO Investments LLC for Vesting Tentative Tract Map 2312 and Conditional Use Permit to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space in two phases of development. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The division will create an on-site road (Frontage Road). The proposed project is within the Commercial Retail land use category and is located between Hill Street and Grande Avenue, west of Highway 101 in the community of Nipomo. The site is in the South County (Inland) Sub-area in the South County Planning Area.			
RECOMMENDED ACTION Approve the third time extension request for Vesting Tentative Tract Map 2312 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued and adopted for Tract 2312.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-579-005, 006, 007, 008 and 009	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.98.070 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.108.040 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.108.040.C.1 – Commercial Retail, Central Business District.			
LAND USE ORDINANCE STANDARDS: Ch. 22.10 – Development Standards (Lighting, fencing, screening, density, setbacks); Ch. 22.16 – Landscaping; Ch. 22.18 – Parking; Sec. 22.22.090 – Commercial Retail Subdivision Design			
EXISTING USES: Vacant			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / gym, parking lot West: Commercial Retail / residence South: Residential Multi-Family / residences East: South Frontage Road, Highway 101			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit were originally referred to Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Cal Trans			
TOPOGRAPHY: Nearly level to gently sloping		VEGETATION: Grasses, forbs	
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	

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

TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2312 and Conditional Use Permit were approved by the Planning Commission on July 28, 2005 and were set to expire on July 28, 2016. On June 13, 2016, the applicant requested the **third one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2312 and Conditional Use Permit is a request by SLO Investments LLC for Vesting Tentative Tract Map 2312 and Conditional Use Permit to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space in two phases of development. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The division will create an on-site road (Frontage Road).

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was July 28, 2007. The Planning Commission approved a first one year time extension request on September 13, 2007 and the new expiration date was July 28, 2008. The Planning Commission approved a second one year time extension request on August 28, 2008 and the new expiration date was July 28, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **third discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract 2312 and Conditional Use Permit were extended to July 28, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2312 and Conditional Use Permit were extended to July 28, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2312 and Conditional Use Permit were extended to July 28, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2312 and Conditional Use Permit were extended to July 28, 2016.

Staff Determination and Recommendation

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

After review of the vesting tentative map, staff recommends to the Planning Commission that the **third one year time extension** be granted to July 28, 2017 subject to the conditions of approval set by the Planning Commission on July 28, 2005 in accordance with Resolution No. 2005-028 and Resolution No. 2005-029 and Revised Notice of Final Action dated June 26, 2009.

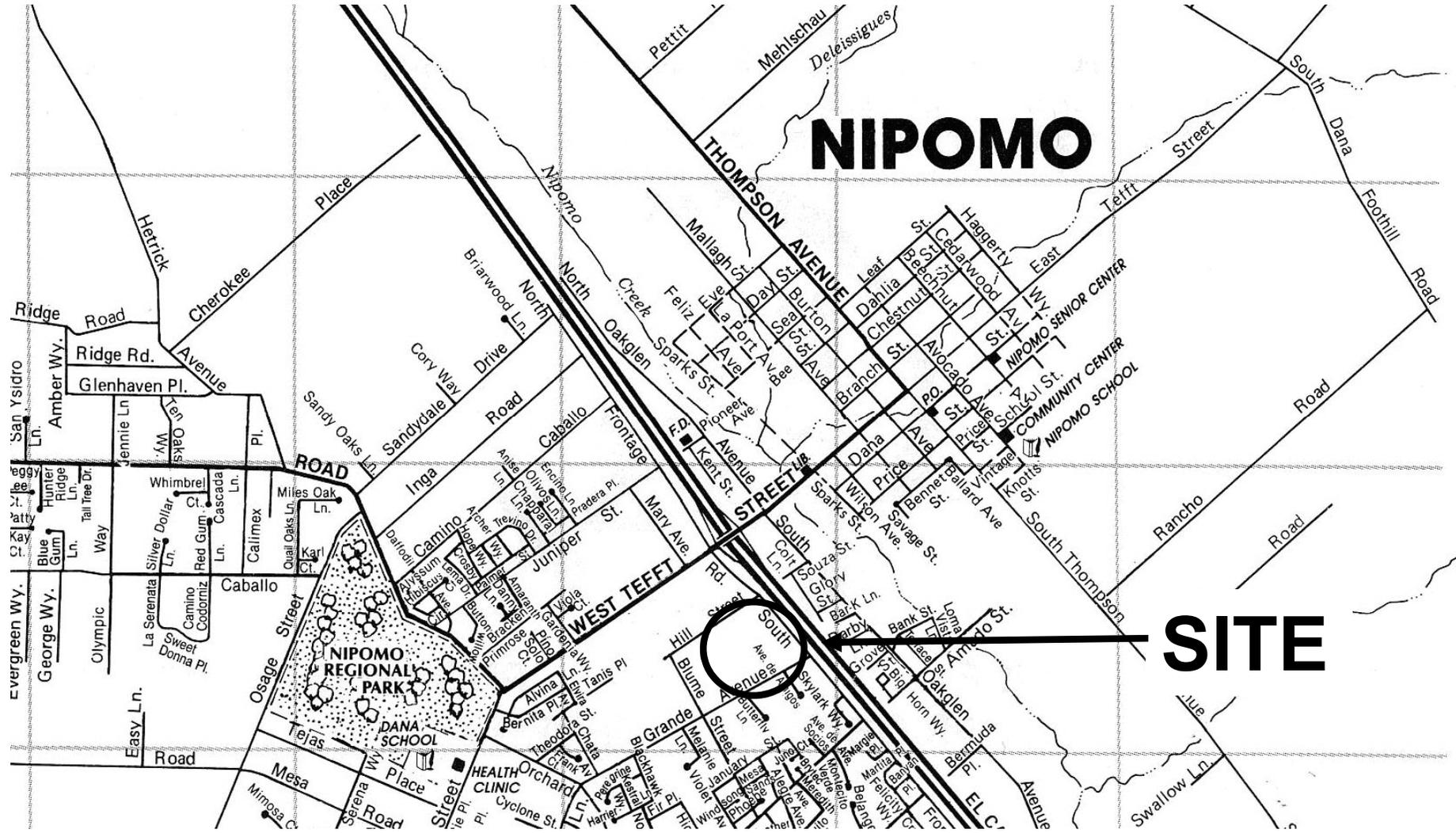
ATTACHMENTS

- Attachment 1 - Project Graphics
- Attachment 2 - Planning Commission Resolution 2005-028
- Attachment 3 - Planning Commission Resolution 2005-029
- Attachment 4 - Revised Notice of Final Action, June 26, 2009

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.

NIPOMO

SITE



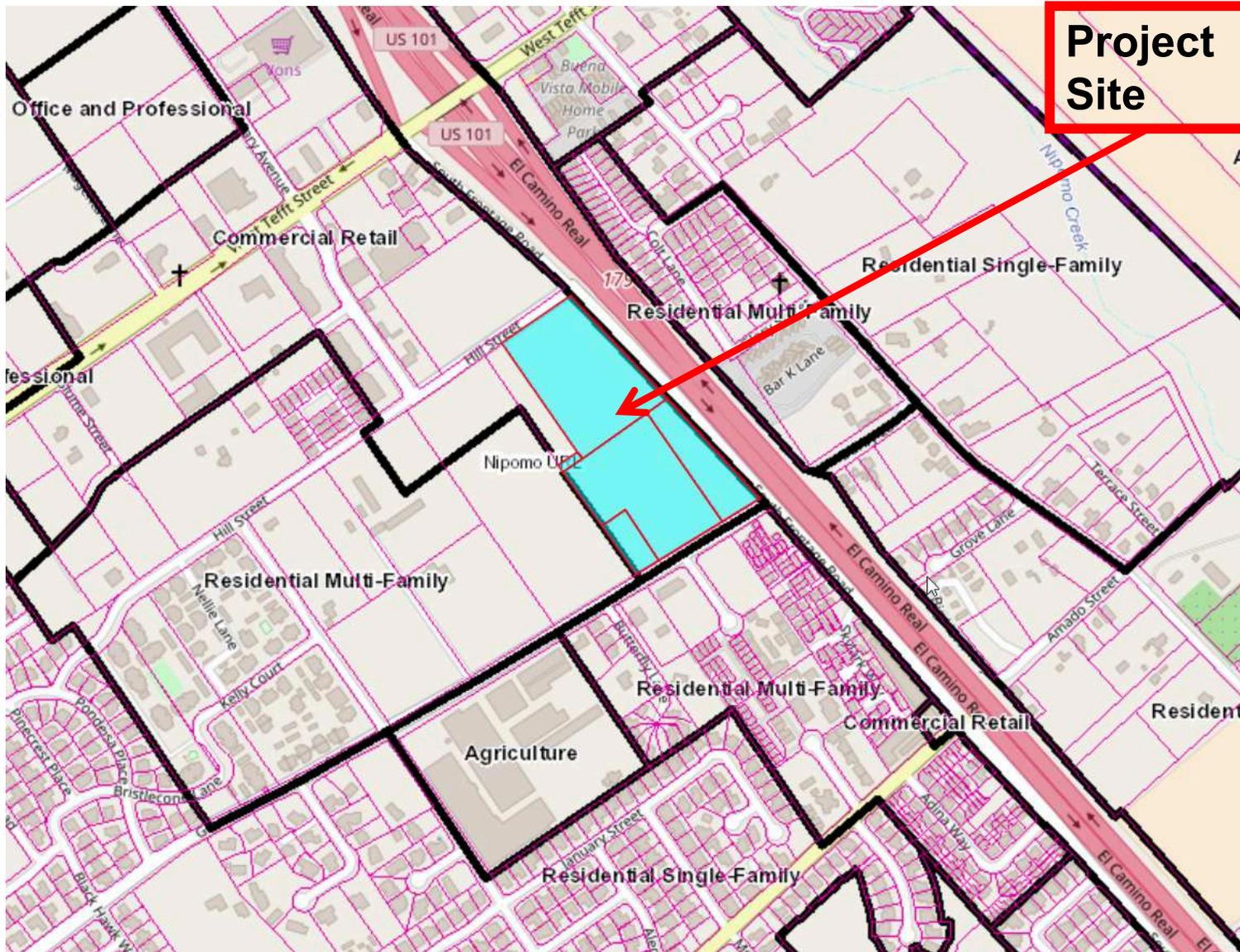
PROJECT

Tract Map 2312 and Conditional Use Permit
SLO Investments LLC SUB2004-00091



EXHIBIT

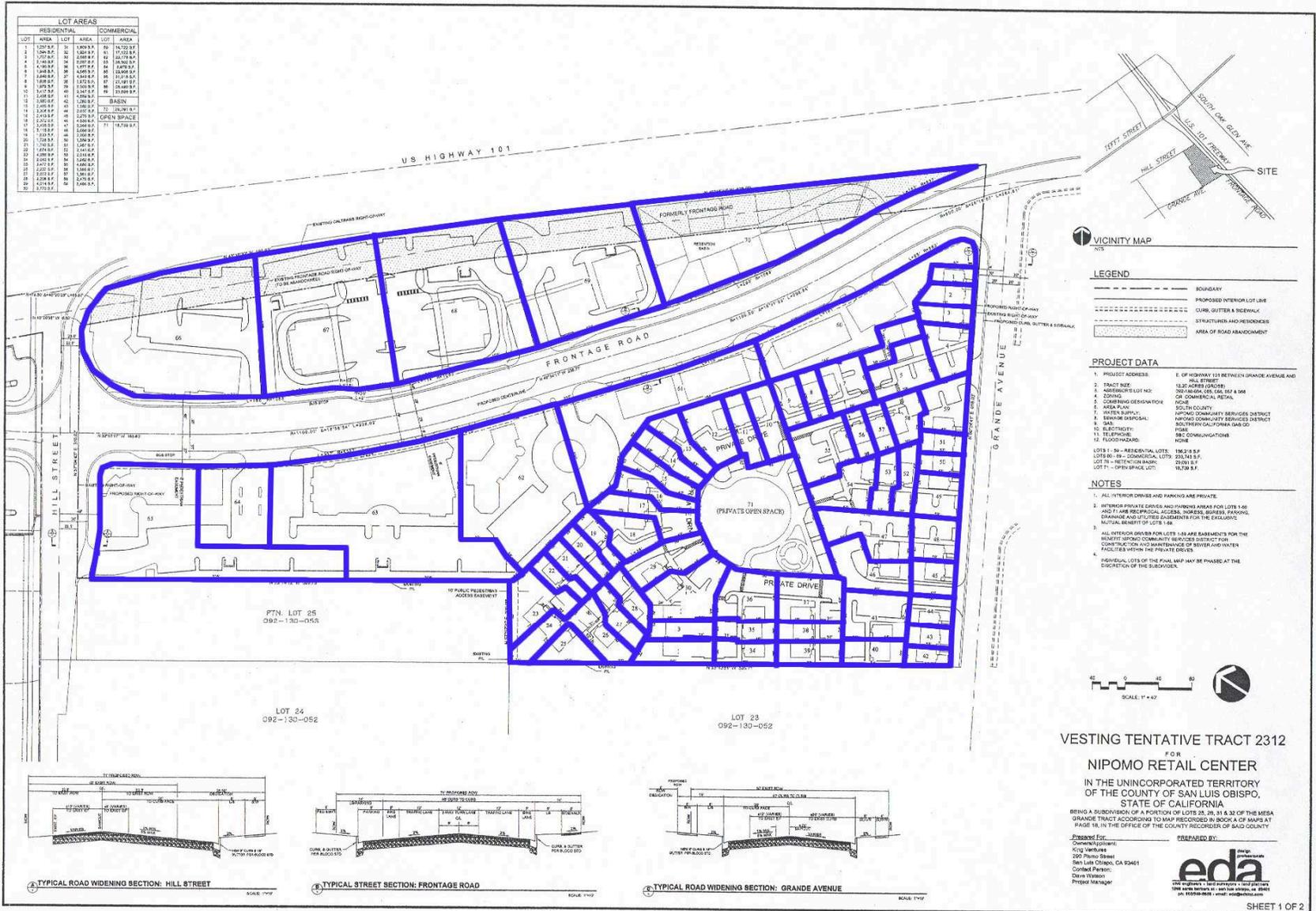
Vicinity Map



PROJECT
Tract 2312 and Conditional Use Permit
SLO Investments LLC SUB2004-00091



EXHIBIT
Land Use Category Map



Page 3 of 3

ATTACHMENT 1

PROJECT
 Tract Map 2312 and Conditional Use Permit
 SLO Investments LLC SUB2004-00091



EXHIBIT
 Tentative Tract Map

VESTING TENTATIVE TRACT 2312
 FOR
 NIPOMO RETAIL CENTER
 IN THE UNINCORPORATED TERRITORY
 OF THE COUNTY OF SAN LUIS OBISPO,
 STATE OF CALIFORNIA

PREPARED FOR:
 King Ventures
 100 Fresno Street
 San Luis Obispo, CA 93401
 Contact Person:
 David Winkler
 Project Manager

PREPARED BY:

 eda
 1000 Highway 101, Suite 100, San Luis Obispo, CA 93401
 PH: (805) 785-1000 | FAX: (805) 785-1001

SHEET 1 OF 2

ATTACHMENT 2

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, July 28, 2005

PRESENT: Commissioners Eugene Mehlschau, Penny Rappa, Chairman Bob Roos

ABSENT: Commissioner Sarah Christie

RESOLUTION NO. 2005-028
RESOLUTION RELATIVE TO THE GRANTING
A RECONSIDERATION OF A VESTING TENTATIVE TRACT MAP

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 28th day of July, 2005, grant a Reconsideration of Vesting Tentative Tract Map (TRACT 2312) to NIPOMO RETAIL LLC to allow subdivision of an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout. The division will create an on-site road (Frontage Road). The proposed project is within the Commercial Retail land use category and is located between Hill Street and Grande Avenue, west of Highway 101 in the community of Nipomo, in the South County (Inland) planning area. COUNTY FILE NO: SUB2004-00091 / TRACT 2312. APN's: 092-130-054, -055, -057, -058. Supervisorial District: 4.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibit A.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

Tentative Map

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

EXHIBIT B

CONDITIONS OF APPROVAL FOR TR 2312

Approved Project

1. Reconsideration of approved Vesting Tentative Tract Map 2312 to approve a new tentative tract map to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Frontage Road constructed to an A-2 section within a minimum 50 foot dedicated right-of-way. On-street parking shall not be permitted on Frontage Road. A transit "turn-out" shall be provided on each side of Frontage Road, in a location to be approved by the Regional Transit Authority.
 - b. Hill Street and Grande Avenue widened to complete an A-2 section fronting the property, with detached sidewalks and a minimum 8-foot width parkway.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes, the additional right-of-way needed along Hill Street and Grande Avenue, to contain the road improvements shown on the Tentative Map.
 - b. A 20 foot radius property line return at the intersection of all streets
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).

- c. Water plan (County Health).
 - d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
8. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. 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 or soil binders 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.
9. **Prior to construction 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.
10. **Prior to issuance of construction permits**, the applicant shall include the following elements in the final design of the project:
 - a. Provide on-site bicycle parking as close as practical to door openings at all buildings. One bicycle parking space for every 10 car parking spaces is considered appropriate.
 - b. Provide on-site banking (ATM) and postal services.
 - c. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
 - d. Shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
 - e. Street lighting plan showing all proposed parking lot and street lights. All lights shall be shielded so that no direct light nor reflected light is visible off-site.
11. **Prior to approval of subdivision improvements plans or grading permits**, the applicant shall submit an archaeological monitoring plan, for review and approval by the Environmental Coordinator. The desired monitoring effort would be considered a low to moderate level.
12. **Prior to issuance of construction permits**, the applicant shall submit an air quality mitigation plan to the Department of Planning and Building and APCD. The plan shall show how all applicable standard and discretionary measures listed in the APCD letter dated September 23, 2004 have been fulfilled.

Drainage

13. Submit complete drainage calculations to the Department of Public Works for review and approval.
14. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
15. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

Utilities

Planning Commission
Tract 2312 / Nipomo Center LLC

16. Electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.
18. Gas lines shall be installed.

Design

19. The lots shall be numbered in sequence.
20. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

21. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

22. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

23. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

24. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Additional Map Sheet

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The

additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- b. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
 - i. Reduce the amount of disturbed area where possible.
 - ii. 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;
 - iii. All dirt stock-pile areas should be sprayed daily as needed;
 - iv. 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;
 - v. 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;
 - vi. 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;
 - vii. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - ix. 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.
 - x. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - xi. 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.
- c. **Prior to issuance of construction permits**, the applicant shall include the following elements in the final design of the project:
 - i. Provide on-site bicycle parking as close as practical to door openings at all buildings. One bicycle parking space for every 10 car parking spaces is considered appropriate.
 - ii. Provide on-site banking (ATM) and postal services.
 - iii. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
 - iv. Shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.

- v. Street lighting plan showing all proposed parking lot and street lights. All lights shall be shielded so that no direct light nor reflected light is visible off-site.
- d. **Prior to construction 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.
- e. To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
- f. **Prior to issuance of building permits, in the instance wood burning stoves are proposed**, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - i. All EPA-Certified Phase II wood burning devices;
 - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iv. Pellet-fueled woodheaters, and;
 - v. Dedicated gas-fired fireplaces.
- g. **Prior to issuance of construction permits**, the applicant shall submit an air quality mitigation plan to the Department of Planning and Building and APCD. The plan shall show how all applicable standard and discretionary measures listed in the APCD letter dated September 23, 2004 have been fulfilled.
- h. **Prior to approval of grading permits**, the applicant shall submit an archaeological monitoring plan, for review and approval by the Environmental Coordinator. The desired monitoring effort would be considered a low to moderate level.
- i. **During construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor earth disturbing activities on the subject property in compliance with an approved monitoring plan. If any archaeological resources are found during monitoring work shall stop within 150 feet of the resource until such time as the resource can be evaluated by an archaeologist. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

- j. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - ii. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- k. **At the time of application for construction permits**, the applicant shall show the following on the project plans. Prior to final inspection, the applicant shall provide certification to the county, from an engineer qualified in noise analysis, that the project incorporates the following for all office and residential buildings:
 - i. The structure is provided with air conditioning or mechanical ventilation.
 - ii. All exterior doors are solid core with perimeter weather stripping and threshold seals.
 - iii. All fresh air inlets or exhaust vents located on the Highway 101 side of the structure incorporate sound attenuation and noise baffling.
 - iv. Glass in both windows and doors in all rooms on the Highway 101 side of the structure does not exceed 20% of the floor area of the room.
 - v. Exterior walls consist of stucco or brick veneer, or wood siding with a ½" minimum thickness fiberboard (i.e. soundboard) underlayer is used.
- l. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the structure with the windows and doors closed (when buildout of Highway 101 is considered). In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

Covenants, Conditions and Restrictions

- 26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. On-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of common areas.
 - c. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - d. **During construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor earth disturbing activities on

the subject property. If any archaeological resources are found during monitoring work shall stop within 150 feet of the resource until such time as the resource can be evaluated by an archaeologist. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

- e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - ii. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

- m. **At the time of application for construction permits**, the applicant shall show the following on the project plans. Prior to final inspection, the applicant shall provide certification to the county, from an engineer qualified in noise analysis, that the project incorporates the following for all office and residential buildings:
 - i. The structure is provided with air conditioning or mechanical ventilation.
 - ii. All exterior doors are solid core with perimeter weather stripping and threshold seals. All fresh air inlets or exhaust vents located on the Highway 101 side of the structure incorporate sound attenuation and noise baffling.
 - iii. Glass in both windows and doors in all rooms on the Highway 101 side of the structure does not exceed 20% of the floor area of the room.
 - iv. Exterior walls consist of stucco or brick veneer, or wood siding with a ½" minimum thickness fiberboard (i.e. soundboard) underlayer is used.

- n. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the structure with the windows and doors closed (when buildout of Highway 101 is considered). In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

Miscellaneous

- 27. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

28. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
29. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
30. Twenty-one (21) of the residential units shall be retained as affordable ownership units for low and very low income households, pursuant to LUO Section 22.12.070. Prior to recordation of the final map, the subdivider shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel. Any exceptions allowed by LUO 22.12.070A(4) and/or LUO 22.12.070D(3) shall apply to ownership units at the time of sale of the unit.,

ATTACHMENT 3

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, July 28, 2005

PRESENT: Commissioners Eugene Mehlschau, Penny Rappa, Chairman Bob Roos

ABSENT: Commissioner Sarah Christie

RESOLUTION NO. 2005-029
RESOLUTION RELATIVE TO THE GRANTING
A RECONSIDERATION OF A CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 28th day of July, 2005, grant a Reconsideration of Vesting Tentative Tract Map (TRACT 2312) to NIPOMO RETAIL LLC to allow subdivision of an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout. The division will create an on-site road (Frontage Road). The proposed project is within the Commercial Retail land use category and is located between Hill Street and Grande Avenue, west of Highway 101 in the community of Nipomo, in the South County (Inland) planning area. COUNTY FILE NO: SUB2004-00091 / TRACT 2312. APN's: 092-130-054, -055, -057, -058. Supervisorial District: 4.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

FINDINGS - EXHIBIT A

Conditional Use Permit SUB2004-00091 (Nipomo Center, LLC)

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the commercial, office, and residential development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because commercial, office, and residential development is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on South Frontage Road, Hill Street, and Grande Avenue, which are collector roads constructed to a level able to handle any additional traffic associated with the project

Residential in Commercial Retail or Office and Professional land use categories

- G. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because the residential development is subordinate to the primary commercial and office use.
- H. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the use will contribute to and enhance the community shopping and office opportunities of the community.

EXHIBIT B - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2004-00091 (Nipomo Center, LLC)

Approved Development

1. This approval authorizes
 - a. a reconsideration of approved Vesting Tentative Tract Map 2312 to approve a new tentative tract map to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout. The division will create an on-site road (Frontage Road).
 - b. maximum height is 45 from average natural grade.

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

Site Development

2. **At the time of application for construction permits**, submit a revised site plan, floor plans, architectural elevations, and landscape plan to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Provision of two-car garages in individual units and appropriate re-design of the site layout to accommodate the garages, **or**;
 - b. Provision of individual storage areas in each unit with an area of at least 64 square feet, **or**;
 - c. Provision of a central storage unit on the site to provide equivalent storage area for all units on the site.

AND

 - d. If two-car garages in individual units are not provided, the applicant shall provide a revised plan showing wood trellis elements over at least 50% of the outdoor parking spaces. Plantings of fast-growing vines shall be provided to cover the wood trellis elements.
3. **At the time of application for construction permits**, submit a revised site plan, floor plans, architectural elevations, and landscape plan to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that

neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 8, 2005.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.
7. At the time of application for construction permits, the applicant shall submit a comprehensive sign plan for the project to the Department of Planning and Building and Department of Public Works for review and approval. The sign plan will need to ensure placement of all signs provides for adequate sight distance for all driveways.

Conditions to be completed prior to issuance of a construction permit

Fees

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

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

8. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
9. **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.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

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

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

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

STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created 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 Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

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

Staff report prepared by Brian Pedrotti
and reviewed by Kami Griffin

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING



VICTOR HOLANDA, AICP
DIRECTOR

June 26, 2009

Nipomo Center LLC
285 Bridge Street
San Luis Obispo, Ca. 93401

REVISED NOTICE OF FINAL ACTION

SUBJECT: PLANNING COMMISSION APPROVAL RESOLUTIONS
NIPOMO CENTER LLC.
County File No.: SUB2004-00091 / TRACT 2312

At the meeting of July 28, 2005, the County Planning Commission approved your application and adopted two official resolutions. A copy of the revised Findings and Conditions are enclosed for your records. The conditions of approval must be carried out as set forth in these documents.

If you disagree with this action, pursuant to County Real Property Division Ordinance Section 21.04.020, and 22, and County Land Use Ordinance Section 22.70.050, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing, to the Department of Planning and Building. The appeal fee is \$604.00 and must accompany your appeal form. We will only accept the original appeal form with an original signature, a FAX will not be accepted.

If you have any questions regarding this matter, please contact me at (805) 781-5612.

Sincerely,

RAMONA HEDGES, SECRETARY
COUNTY PLANNING COMMISSION

ATTACHMENT 4
FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted.

Tentative Map

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

ATTACHMENT 4
EXHIBIT B

CONDITIONS OF APPROVAL FOR TR 2312

Approved Project

1. Reconsideration of approved Vesting Tentative Tract Map 2312 to approve a new tentative tract map to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Frontage Road constructed to an A-2 section within a minimum 50 foot dedicated right-of-way. On-street parking shall not be permitted on Frontage Road. A transit "turn-out" shall be provided on each side of Frontage Road, in a location to be approved by the Regional Transit Authority.
 - b. Hill Street and Grande Avenue widened to complete an A-2 section fronting the property, with detached sidewalks and a minimum 8-foot width parkway.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes, the additional right-of-way needed along Hill Street and Grande Avenue, to contain the road improvements shown on the Tentative Map.
 - b. A 20 foot radius property line return at the intersection of all streets
4. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).

ATTACHMENT 4

- d. Sewer plan (County Health).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
8. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
- a. Reduce the amount of disturbed area where possible.
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. 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 or soil binders 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.

ATTACHMENT 4

9. **Prior to construction 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.
10. **Prior to issuance of construction permits**, the applicant shall include the following elements in the final design of the project:
 - a. Provide on-site bicycle parking as close as practical to door openings at all buildings. One bicycle parking space for every 10 car parking spaces is considered appropriate.
 - b. Provide on-site banking (ATM) and postal services.
 - c. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
 - d. Shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
 - e. Street lighting plan showing all proposed parking lot and street lights. All lights shall be shielded so that no direct light nor reflected light is visible off-site.
11. **Prior to approval of subdivision improvements plans or grading permits**, the applicant shall submit an archaeological monitoring plan, for review and approval by the Environmental Coordinator. The desired monitoring effort would be considered a low to moderate level.
12. **Prior to issuance of construction permits**, the applicant shall submit an air quality mitigation plan to the Department of Planning and Building and APCD. The plan shall show how all applicable standard and discretionary measures listed in the APCD letter dated September 23, 2004 have been fulfilled.

Drainage

13. Submit complete drainage calculations to the Department of Public Works for review and approval.
14. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
15. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

Utilities

16. Electric and telephone lines shall be installed underground.
17. Cable T.V. conduits shall be installed in the street.

18. Gas lines shall be installed.

Design

19. The lots shall be numbered in sequence.
20. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Vector Control and Solid Waste

21. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

22. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

23. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

24. **Prior to filing the final parcel or tract map**, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Additional Map Sheet

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.

ATTACHMENT 4

- b. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to site disturbance.
- i. Reduce the amount of disturbed area where possible.
 - ii. 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;
 - iii. All dirt stock-pile areas should be sprayed daily as needed;
 - iv. 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;
 - v. 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;
 - vi. 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;
 - vii. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - ix. 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.
 - x. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - xi. 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.
- c. **Prior to issuance of construction permits**, the applicant shall include the following elements in the final design of the project:
- i. Provide on-site bicycle parking as close as practical to door openings at all buildings. One bicycle parking space for every 10 car parking spaces is considered appropriate.
 - ii. Provide on-site banking (ATM) and postal services.
 - iii. Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
 - iv. Shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
 - v. Street lighting plan showing all proposed parking lot and street lights. All lights shall be shielded so that no direct light nor reflected light is visible off-site.
- d. **Prior to construction 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

ATTACHMENT 4

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.

- e. To avoid incompatibilities with residential uses (complaints from odors and/or dust), no nail salons, dry-cleaners, coffee roasters, furniture refurbishing/refinishing or similar uses may occur in buildings with residential units.
- f. **Prior to issuance of building permits, in the instance wood burning stoves are proposed**, the applicant shall submit building plans showing the use of APCD-approved wood burning devices limited to the following:
 - i. All EPA-Certified Phase II wood burning devices;
 - ii. Catalytic wood burning devices that emit less than or equal to 4.1 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iii. Non-catalytic wood burning devices that limit less than or equal to 7.5 grams per hour of particulate matter that are not EPA-Certified but have been verified by a nationally-recognized testing lab;
 - iv. Pellet-fueled woodheaters, and;
 - v. Dedicated gas-fired fireplaces.
- g. **Prior to issuance of construction permits**, the applicant shall submit an air quality mitigation plan to the Department of Planning and Building and APCD. The plan shall show how all applicable standard and discretionary measures listed in the APCD letter dated September 23, 2004 have been fulfilled.
- h. **Prior to approval of grading permits**, the applicant shall submit an archaeological monitoring plan, for review and approval by the Environmental Coordinator. The desired monitoring effort would be considered a low to moderate level.
- i. **During construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor earth disturbing activities on the subject property in compliance with an approved monitoring plan. If any archaeological resources are found during monitoring work shall stop within 150 feet of the resource until such time as the resource can be evaluated by an archaeologist. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
- j. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.

ATTACHMENT 4

- ii. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- k. **At the time of application for construction permits**, the applicant shall show the following on the project plans. Prior to final inspection, the applicant shall provide certification to the county, from an engineer qualified in noise analysis, that the project incorporates the following for all office and residential buildings:
 - i. The structure is provided with air conditioning or mechanical ventilation.
 - ii. All exterior doors are solid core with perimeter weather stripping and threshold seals.
 - iii. All fresh air inlets or exhaust vents located on the Highway 101 side of the structure incorporate sound attenuation and noise baffling.
 - iv. Glass in both windows and doors in all rooms on the Highway 101 side of the structure does not exceed 20% of the floor area of the room.
 - v. Exterior walls consist of stucco or brick veneer, or wood siding with a ½" minimum thickness fiberboard (i.e. soundboard) underlayer is used.
- l. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the structure with the windows and doors closed (when buildout of Highway 101 is considered). In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

Covenants, Conditions and Restrictions

26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. On-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of common areas.
 - c. Maintenance of all local streets within the subdivision until acceptance by a public agency.
 - d. **During construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor earth disturbing activities on the subject property. If any archaeological resources are found during monitoring work shall stop within 150 feet of the resource until such time as the resource can be evaluated by an archaeologist. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection, whichever occurs first, the consulting archaeologist shall submit a letter to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

ATTACHMENT 4

- e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - i. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - ii. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

- m. **At the time of application for construction permits**, the applicant shall show the following on the project plans. Prior to final inspection, the applicant shall provide certification to the county, from an engineer qualified in noise analysis, that the project incorporates the following for all office and residential buildings:
 - i. The structure is provided with air conditioning or mechanical ventilation.
 - ii. All exterior doors are solid core with perimeter weather stripping and threshold seals. All fresh air inlets or exhaust vents located on the Highway 101 side of the structure incorporate sound attenuation and noise baffling.
 - iii. Glass in both windows and doors in all rooms on the Highway 101 side of the structure does not exceed 20% of the floor area of the room.
 - iv. Exterior walls consist of stucco or brick veneer, or wood siding with a ½" minimum thickness fiberboard (i.e. soundboard) underlayer is used.

- n. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the structure with the windows and doors closed (when buildout of Highway 101 is considered). In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

Miscellaneous

- 27. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

- 28. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.

- 29. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

- 30. Twenty-one (21) of the residential units shall be retained as affordable ownership units for low and very low income **moderate income** households, pursuant to LUO Section 22.12.070. Prior to recordation of the final map, the subdivider shall enter into a

ATTACHMENT 4

recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel. Any exceptions allowed by LUO 22.12.070A(4) and/or LUO 22.12.070D(3) shall apply to ownership units at the time of sale of the unit.

**ATTACHMENT 4
FINDINGS - EXHIBIT A**

Conditional Use Permit SUB2004-00091 (Nipomo Center, LLC)

Environmental Determination

- A. The Environmental Coordinator finds that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Negative Declaration was adopted

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the commercial, office, and residential development does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because commercial, office, and residential development is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on South Frontage Road, Hill Street, and Grande Avenue, which are collector roads constructed to a level able to handle any additional traffic associated with the project

Residential in Commercial Retail or Office and Professional land use categories

- G. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because the residential development is subordinate to the primary commercial and office use.
- H. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the use will contribute to and enhance the community shopping and office opportunities of the community.

ATTACHMENT 4
EXHIBIT B - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2004-00091 (Nipomo Center, LLC)

Approved Development

1. This approval authorizes
 - a. a reconsideration of approved Vesting Tentative Tract Map 2312 to approve a new tentative tract map to subdivide an existing 10.98 acre parcel into 59 residential parcels ranging in size from 0.03 to 0.12 acres, 10 commercial parcels ranging in size from 0.21 to 0.84 acres, each for the purpose of sale and/or development. The proposal includes 59 duplex, triplex, and fourplex residential units, and 75,868 square feet of commercial space. The project includes one 0.67 acre parcel for a drainage basin, and one 0.43 acre parcel for open space. The project includes off-site road improvements to Hill Street, and Grande Avenue. The proposed project will result in the disturbance of the entire 10.98-acre parcel. The purpose of the reconsideration is to modify the approved commercial uses and the lot layout. The division will create an on-site road (Frontage Road).
 - b. maximum height is 45 from average natural grade.

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

Site Development

2. **At the time of application for construction permits**, submit a revised site plan, floor plans, architectural elevations, and landscape plan to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Provision of two-car garages in individual units and appropriate re-design of the site layout to accommodate the garages, **or**;
 - b. Provision of individual storage areas in each unit with an area of at least 64 square feet, **or**;
 - c. Provision of a central storage unit on the site to provide equivalent storage area for all units on the site.

AND

 - d. If two-car garages in individual units are not provided, the applicant shall provide a revised plan showing wood trellis elements over at least 50% of the outdoor parking spaces. Plantings of fast-growing vines shall be provided to cover the wood trellis elements.
3. **At the time of application for construction permits**, submit a revised site plan, floor plans, architectural elevations, and landscape plan to the Department of Planning and Building for review and approval. The revised plans shall indicate the following and development shall be consistent with this revised and approved plan:
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 8, 2005.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Nipomo Community Services District stating they are willing and able to service the property.
7. At the time of application for construction permits, the applicant shall submit a comprehensive sign plan for the project to the Department of Planning and Building and Department of Public Works for review and approval. The sign plan will need to ensure placement of all signs provides for adequate sight distance for all driveways.

Conditions to be completed prior to issuance of a construction permit

Fees

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

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

8. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
9. **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.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

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

ATTACHMENT 4

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

ATTACHMENT 4

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created 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 Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

ATTACHMENT 4

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

Staff report prepared by Brian Pedrotti
and reviewed by Kami Griffin



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

PLANNING COMMISSION

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

MEETING DATE November 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Craig H. Mally	FILE NO. SUB2006-00067 Tract 2652
SUBJECT A request for a second time extension by Craig H. Mally for Vesting Tentative Tract Map 2652 and Conditional Use Permit to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development. The Conditional Use Permit includes a mixed use development for: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo, in the Commercial Retail land use category. The site is in the South County (Inland) Sub-area in the South County Planning Area.			
RECOMMENDED ACTION Approve the second time extension request for Vesting Tentative Tract Map 2652 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on August 20, 2005 for this project. The Negative Declaration was approved by the Planning Commission on October 13, 2005.			
LAND USE CATEGORY Commercial Retail, Office/Professional	COMBINING DESIGNATION Central Business District	ASSESSOR PARCEL NUMBER 092-572-015, 025, 045, 057 and 058	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Sec. 22.98.070 – South County Areawide Standards. Circulation, transit-oriented development. Sec. 22.108.040 – Nipomo Urban Area Standards, communitywide. Connection to sewer. Sec. 22.108.040.C.1 – Commercial Retail, Central Business District.			
LAND USE ORDINANCE STANDARDS: Ch. 22.10–Development Standards (Lighting, fencing, screening, density, setbacks); Ch. 22.16– Landscaping; Ch. 22.18 – Parking; Sec. 22.22.090 – Commercial Retail and Office/Professional Subdivision Design			
EXISTING USES: Residences, sheds, detention basin			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail / storage facility West: Commercial Retail / RSF/ residences, undeveloped South: Commercial Retail / shopping center, post office East: Commercial Retail/shopping center, Hwy 101			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit was originally referred to Nipomo Community Advisory Group, Public Works, Environmental Health, CDF, Nipomo Community Services District, APCD, Parks and Recreation, Cal Trans, RWQCB			
TOPOGRAPHY: Gently to moderately sloping		VEGETATION: Grasses, forbs, oaks, eucalyptus	
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	

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

TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2652 and Conditional Use Permit were approved by the Planning Commission on November 9, 2006 and are set to expire on November 9, 2016. On October 3, 2016, the applicant requested the **second one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2652 and Conditional Use Permit is a request by Craig H. Mally to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development. The Conditional Use Permit includes a mixed use development for: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins. This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was November 9, 2008. The Planning Commission approved a first one year time extension request on December 11, 2008 and the new expiration date was November 9, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **second discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract 2652 and Conditional Use Permit were extended to November 9, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2652 and Conditional Use Permit were extended to November 9, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2652 and Conditional Use Permit were extended to November 9, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2652 and Conditional Use Permit were extended to November 9, 2016.

Staff Determination and Recommendation

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

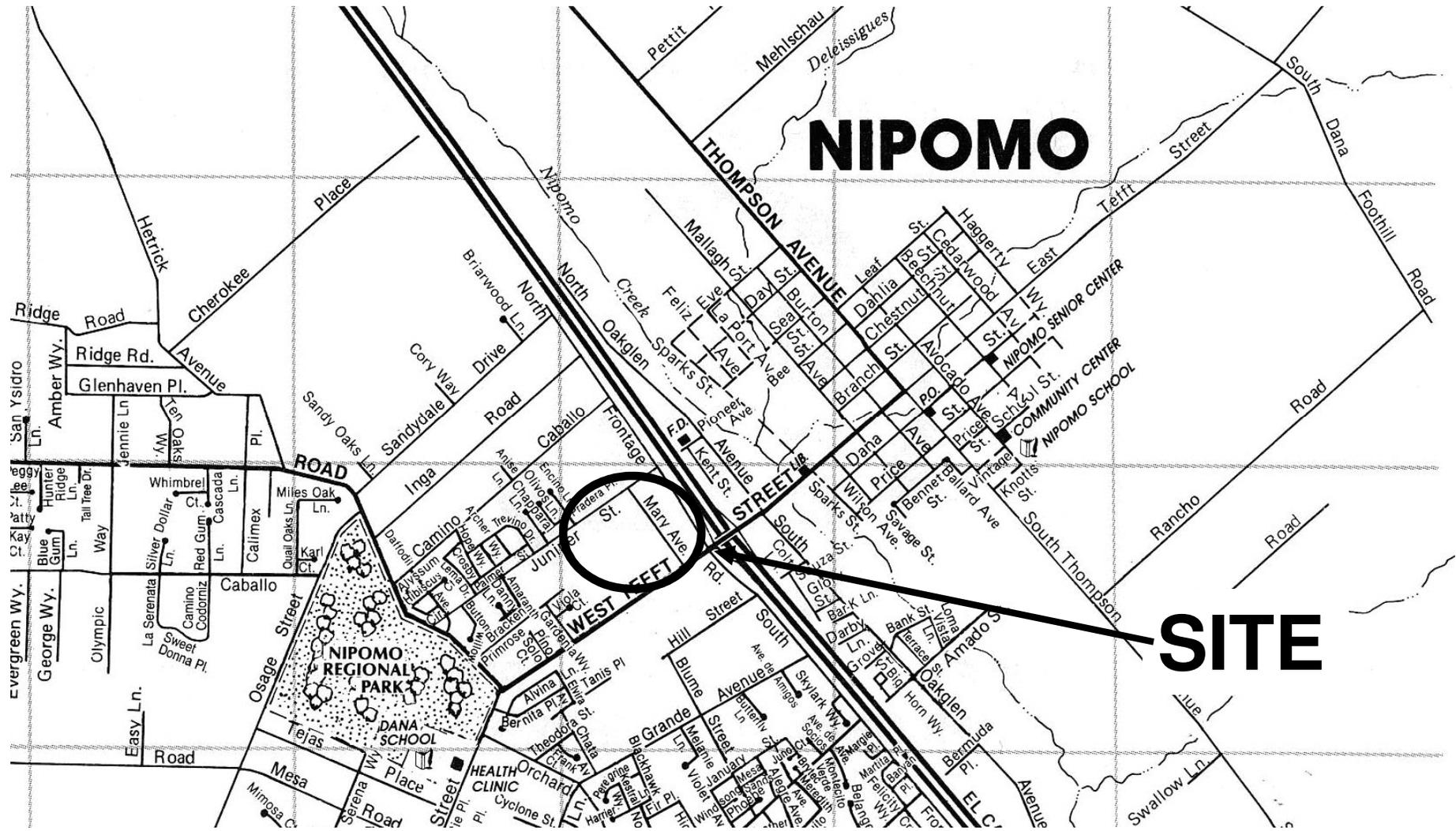
After review of the vesting tentative map, staff recommends to the Planning Commission that the **second one year time extension** be granted to November 9, 2017 subject to the conditions of approval set by the Planning Commission on November 9, 2006 in accordance with Resolution No. 2006-048.

ATTACHMENTS

- Attachment 1 - Project Graphics
- Attachment 2 - Planning Commission Resolution 2006-048
- Attachment 3 - Department of Planning and Building letter to George Newman dated February 4, 2009.

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.

NIPOMO



SITE

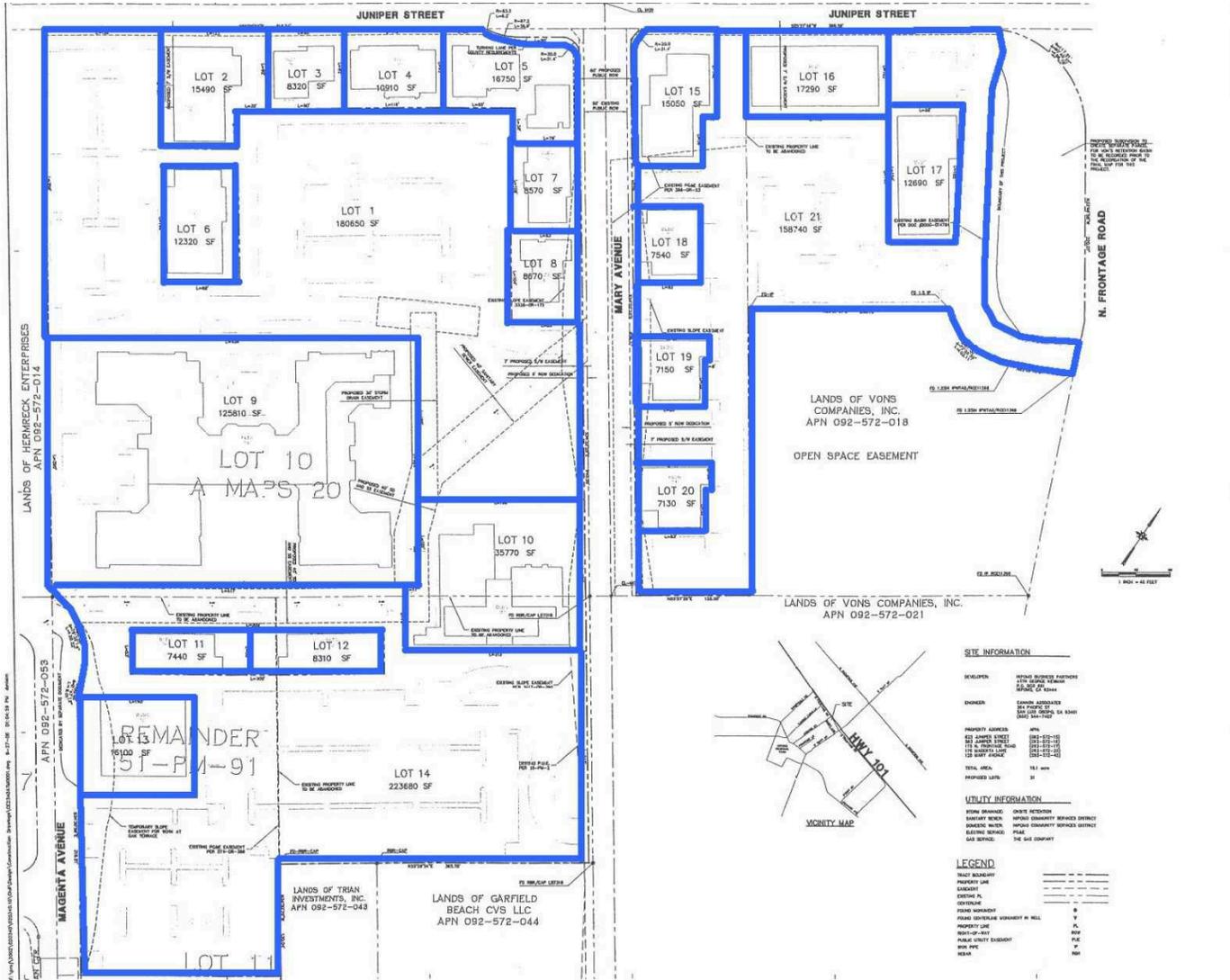
PROJECT

Tract Map 2652 and Conditional Use Permit
Mally SUB2006-00067



EXHIBIT

Vicinity Map



SITE INFORMATION

DEVELOPER	TRIAN INVESTMENTS, INC.
OWNER	LANDS OF VONS COMPANIES, INC.
PROJECT ADDRESS	421 JAMES STREET
CITY	SAN LUIS OBISPO, CA 94901
TOTAL AREA	161.00 AC.
PROPOSED LOTS	21

UTILITY INFORMATION

SEWER DRAINAGE	CITY OF SAN LUIS OBISPO
WATER SUPPLY	CITY OF SAN LUIS OBISPO
ELECTRIC SERVICE	PACIFIC GAS AND ELECTRIC COMPANY
TELEPHONE SERVICE	AT&T

LEGEND

TRACT BOUNDARY	---
PROPOSED LOT	---
EXISTING LOT	---
PROPOSED EASEMENT	---
EXISTING EASEMENT	---
PROPOSED RIGHT-OF-WAY	---
EXISTING RIGHT-OF-WAY	---
PROPOSED HIGHWAY	---
EXISTING HIGHWAY	---

PROJECT
 Tract Map 2652 and Conditional Use Permit
 Mally SUB2006-00067



EXHIBIT
 Tentative Tract Map

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, November 9, 2006

PRESENT: Commissioners Sarah Christie, Bruce Gibson, Bob Roos, Penny Rappa and
Chairperson Gene Mehlschau

ABSENT: None

RESOLUTION NO. 2006-048
RESOLUTION RELATIVE TO THE GRANTING
OF A RECONSIDERATION OF VESTING TENTATIVE TRACT MAP
/CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 9th day of November 2006, grant a Reconsideration of Vesting Tentative Tract Map/Conditional Use Permit to **GEORGE NEWMAN, LAND DEVELOPMENT, LLC** to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development and a Conditional Use Permit for a mixed use development including: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo, in the Commercial Retail land use category. The site is in the South County (Inland) planning area. County File No: SUB2006-00067/TRACT 2652. Assessor Parcel Number: 092-572-015, 016, 017, 025 & 045. Supervisorial District: 4.

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

ATTACHMENT 2

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B and D.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 9th day of November 2006, does hereby grant the aforesaid Permit, Tract 2652/SUB2006-00067.

An approved or conditionally approved tentative tract map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative tract map shall terminate all proceedings, and no tract map of all or any portion of the real property included within such tentative tract shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative map, the Planning Commission may extend or conditionally extend the time at which such map expires for a period of periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance (Section 21.06.010).

Timelines for the Conditional Use Permit/Development Plan run concurrent with the timeline for the Tentative Map.

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

AYES: Commissioners Roos, Rappa, Christie, Gibson and Chairperson Mehlschau

NOES: None

ABSENT: None

the foregoing resolution is hereby adopted.

s/s Gene Mehlschau
Chairman of the Planning Commission

ATTEST:

/s/ Eleanor Porter
Secretary, Planning Commission

FINDINGS - EXHIBIT A

Environmental Determination

- A. This project is found to be consistent with the previously approved Mitigated Negative Declaration for Tentative Tract Map and Conditional Use Permit SUB2003-00314 / TR 2652 (ED 04-309).

Tentative Map

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

EXHIBIT B

CONDITIONS OF APPROVAL FOR RECONSIDERATION OF TR 2652

Approved Project

1. Reconsideration of a Vesting Tentative Tract Map / Conditional Use Permit to subdivide five parcels totaling 19.1 acres into 21 lots ranging from 0.16 to 5.13 acres each for the purpose of development and a Conditional Use Permit for a mixed use development including: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings. The proposed project includes improvements to Mary Avenue, Magenta Avenue, and Juniper Street, the construction of 747 parking spaces, and the construction of multiple underground stormwater retention basins.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Magenta Avenue constructed to a minimum 2/3 A-2 road section within a minimum 50 foot dedicated right-of-way fronting the property and construct an A-6b knuckle at the intersection with Primrose Lane.
 - b. Mary Avenue widened to a 46-foot minimum road section between Tefft Street and Juniper Street to provide two 5-foot bike lanes, two 12-foot travel lanes, and one 12-foot center left turn lane. Mary Avenue shall be widened to a 58-foot minimum road section at its intersections with Tefft Street and Juniper Street to provide an additional 12-foot right turn lane at each location. The length of the right turn lane shall be coordinated with the County Traffic Engineer.
 - c. Tefft Street widened to provide a westbound 12-foot right turn lane onto Mary Avenue. The length of the right turn lane shall be coordinated with the County Traffic Engineer.
 - d. Juniper Street widened to complete the project side of an A-3bII section (without parking), with additional widening to provide an eastbound 12-foot right turn lane onto Mary Avenue (the length of the right turn lane shall be coordinated with the County Traffic Engineer).
 - e. A minimum 4-foot wide asphalt pedestrian walkway meeting ADA requirements shall be constructed within the North Frontage Road right-of-way to connect the new sidewalk improvements on Juniper Street southerly to the existing asphalt pedestrian trail.
 - f. The applicant shall coordinate all design work at the intersection of Tefft Street and Mary Avenue with Resolution 2006-305 which describes the extension of Mary Avenue south of Tefft Street to Hill Street.
 - g. Right turn lanes south bound Mary Avenue at Tefft Street and west bound Tefft Street at Mary Avenue shall be eligible for credit against the road improvement fee if approved by the Board of Supervisors through future update of the Circulation Study.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes additional right-of-way necessary along Magenta Avenue, Mary Avenue and Juniper Street to be described as width needed to contain the improvements.
 - b. A minimum 20 foot radius property line return at the intersection all streets.

4. A private easement be reserved on the map for access to lots not fronting a public road.
5. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

6. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (NCSD).
 - d. Sewer plan (NCSD).
 - e. Grading and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - g. Street light installations at the intersection of Mary Avenue and Juniper Street.
7. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
8. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

9. Submit complete drainage calculations to the Department of Public Works for review and approval.
10. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
11. If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
 - a. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
12. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

13. Electric and telephone lines shall be installed underground.
14. Cable T.V. conduits shall be installed in the street.
15. Gas lines shall be installed.

Design

16. The lots shall be numbered in sequence.

Vector Control and Solid Waste

17. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

18. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Affordable Housing Fee

19. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Quimby Fee

20. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Other

21. **Prior to final map recordation**, the applicant shall submit a revised landscape plan incorporating the use of native, drought-tolerant, fast-growing, evergreen shrubs and trees to be planted along the outside of the noise wall.
22. **Prior to recordation of the final map**, landscape plans shall show the location of replacement oak trees. The average distance between plantings shall be no closer than 20 feet and placed in locations that will ensure long-term success and avoid competition with other landscape elements/plantings. These plans shall be approved by the County Planning Department.

23. **Prior to recordation of the final map**, the applicant shall submit a monitoring plan prepared by a subsurface qualified archaeologist, for the review and approval of the Environmental Coordinator. The monitoring plan shall apply to both tract improvements and individual lot development. The monitoring plan shall include:
- a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
24. **Prior to recordation of the final map**, the applicant shall submit a final "will-serve" letter from the Nipomo Community Services District to the Environmental Health Division.

Additional Map Sheet

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. **Prior to issuance of construction permits**, the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.
 - b. **Prior to issuance of construction permits**, the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.
 - c. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
 - d. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.
 - i. Reduce the amount of disturbed area where possible.
 - ii. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - iii. All dirt stock-pile areas shall be sprayed daily as needed.
 - iv. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.

- vi. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - vii. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - ix. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - x. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - xi. Streets shall be swept 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.
- e. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:
- i. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
 - ii. All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
 - iii. The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
 - iv. Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.
- f. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
- g. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine if naturally occurring asbestos is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

- h. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
- i. **Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
- i. Portable generators
 - ii. IC engines
 - iii. Unconfirmed abrasive blasting operations
 - iv. Concrete batch plants
 - v. Rock and pavement crushing
 - vi. Tub grinders
 - vii. Trommel screens
- j. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans, where feasible:
- i. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
 - ii. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
 - iii. Provide preferential carpool and vanpool parking.
 - iv. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
 - v. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
 - vi. Increased street tree planting.
 - vii. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
 - viii. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
 - ix. Provide on-site banking (ATM) and postal services.
 - x. Provide an on-site child care facility.
 - xi. Increase number of bicycle routes/lanes.
 - xii. Provide on-site housing for employees.
 - xiii. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.
 - xiv. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
 - xv. Provide pedestrian signalization and signage to improve pedestrian safety.
- k. **Prior to and issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project, where feasible:
- i. Employ or appoint an Employee Transportation Coordinator.
 - ii. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-

2277.

- iii. Provide for shuttle/mini bus service.
 - iv. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
 - v. Implement compressed work schedules.
 - vi. Implement telecommuting program.
 - vii. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
 - viii. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
 - ix. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
 - x. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e. school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
 - xi. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.
- i. Prior to issuance of grading and construction permits, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans, where feasible:**
- i. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
 - ii. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
 - iii. Use built-in energy efficient appliances, where applicable.
 - iv. Use double-paned windows.
 - v. Use low energy parking lot and street lights (i.e. sodium).
 - vi. Use energy efficient interior lighting.
 - vii. Use low energy traffic signals (i.e. light emitting diode).
 - viii. Install door sweeps and weather stripping if more efficient doors and windows are not available.
 - ix. Install high efficiency or gas space heating
- m. Prior to final inspection, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be 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, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).**
- n. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). 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.
- o. Prior application for construction permits**, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.
 - p. Prior to commencement of any tree removal**, 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 (optional - the CDFG and) 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.
 - q. During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
 - r. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
 - s. Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).
 - t. Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
 - u. Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.

- v. The following uses shall not be permitted in the same building as residential quarters: nail salons; dry-cleaners; coffee roasters; furniture refurbishing/refinishing; or, any type of spray paint operations.
- w. The following uses shall be reviewed and approved by the APCD prior to issuance of use permit: food and beverage preparation; dry cleaners; generators; boilers; sterilization unit(s) using ethylene oxide and incinerator(s); and, IC engines.

Covenants, Conditions and Restrictions

- 26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of drainage basin landscaping.
 - b. Maintenance of common areas.
 - c. Maintenance of all local streets within the project.
 - d. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 28. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 29. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 30. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 31. Prior to recordation of final map, work with the Regional Transit Authority (RTA) to provide a bus stop or in-lieu fee as determined by the RTA and the Director of Planning and Building.
- 32. All required Traffic Impact Fees shall be paid prior to Map recordation.

FINDINGS - EXHIBIT C

Environmental Determination

- A. This project is found to be consistent with the previously approved Mitigated Negative Declaration for Tentative Tract Map and Conditional Use Permit SUB2003-00314 / TR 2652 (ED 04-309).

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Juniper Street and Mary Avenue, collector roads constructed to a level able to handle any additional traffic associated with the project

Residential in Commercial Retail or Office and Professional land use categories

- G. The proposed use will not significantly reduce the community inventory of office / commercial property available to satisfy the commercial needs of the population envisioned by the Land Use Element of the General Plan, because the residential development is subordinate to the primary commercial and office use.
- H. The proposed use will not impede the continuing orderly development of community shopping areas with commercial and office uses, because the proposed mixed use project will contribute to and enhance the community shopping and office opportunities of the community.

Adjustments

- I. The modified height of 55 feet will not exceed the lifesaving equipment capabilities of the California Department of Forestry, because 1) the proposed tower is appropriately incorporated into the project and will enhance the architectural design of the structures; 2) the design of the buildings includes multiple building levels that allow for roof and tower access and all portions of structures can be reached with 16-feet of vertical reach.

EXHIBIT D - CONDITIONS OF APPROVAL

Conditional Use Permit SUB2006-00067 (Landev LLC)

Approved Development

1. This approval authorizes
 - a. A mixed use development including: a three-story, 128,162-square foot assisted living/memory support facility; a 19,850-square foot themed restaurant and conference facility; and, 120,728 square feet of retail, office, and professional buildings.
 - b. maximum height is 55 from average natural grade.
2. Proposed specific uses of the structures shall be subject to review and approval of the change in building occupancy by the Building Division of the Department of Planning and Building prior to issuance of a business license. Proposed uses shall also be subject to the review and approval of the Department of Planning and Building to determine conformity with applicable planning area standard, Land Use Ordinance requirements, and conditions of this approval.

Site Development

3. **At the time of application for construction permits**, submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Magenta Avenue constructed to a minimum 2/3 A-2 road section within a minimum 50 foot dedicated right-of-way fronting the property and construct an A-6b knuckle at the intersection with Primrose Lane.
 - b. Mary Avenue widened to a 46-foot minimum road section between Tefft Street and Juniper Street to provide two 5-foot bike lanes, two 12-foot travel lanes, and one 12-foot center left turn lane. Mary Avenue shall be widened to a 58-foot minimum road section at its intersections with Tefft Street and Juniper Street to provide an additional 12-foot right turn lane at each location. The length of the right turn lane shall be coordinated with the County Traffic Engineer.
 - c. Tefft Street widened to provide a westbound 12-foot right turn lane onto Mary Avenue. The length of the right turn lane shall be coordinated with the County Traffic Engineer.
 - d. Juniper Street widened to complete the project side of an A-3b11 section (without parking), with additional widening to provide an eastbound 12-foot right turn lane onto Mary Avenue (the length of the right turn lane shall be coordinated with the County Traffic Engineer), and provide an A-6b knuckle at its' intersection with North Frontage Road.
 - e. A minimum 4-foot wide asphalt pedestrian walkway meeting ADA requirements shall be constructed within the North Frontage Road right-of-way to connect the new sidewalk improvements on Juniper Street southerly to the existing asphalt pedestrian trail.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that

neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated June 27, 2004.

Services

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

Grading, Drainage, Sedimentation and Erosion Control

7. **At the time of application for construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. The plan shall contain, at a minimum:
 - a. Complete drainage calculations for county Public Works review and approval.
 - b. Retention of drainage in an on-site basin designed in accordance with county standards and approved by the county Public Works.
 - c. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
 - d. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
 - e. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
 - f. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.

Conditions to be completed prior to issuance of a construction permit

8. **Prior to issuance of construction permits**, the applicant shall submit a design plan for the noise wall demonstrating the use of visual articulation design elements, dark and muted-colored materials to minimize the visual obtrusiveness of the wall.
9. **Prior to issuance of construction permits**, the applicant shall submit a final color and materials board including the use of muted exterior and roof colors.
10. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to issuance of grading and construction permits.
 - a. Reduce the amount of disturbed area where possible.

- b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
 - b. All dirt stock-pile areas shall be sprayed daily as needed.
 - c. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
 - d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established.
 - e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
 - f. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - h. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
 - i. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto streets, or trucks and equipment shall be washed off before leaving the site.
 - j. Streets shall be swept 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.
11. **Prior to issuance of construction permits**, the following notes shall be shown on grading and building plans for implementation during grading and construction activities:
 - a. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.
 - b. All off-road and portable diesel powered equipment, including but not limited to, bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units shall be fueled exclusively with California Air Resources Board (CARB) motor vehicle diesel fuel.
 - c. The use of diesel construction equipment meeting the CARB's 1996 certification standard for off-road heavy-duty diesel engines shall be maximized to the extent feasible.
 - d. Diesel oxidation catalysts (DOC), catalyst diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit device shall be installed on the two pieces of equipment projected to generate the most emissions. Prior to the start of the project the project applicants shall submit an equipment list and retrofit proposal to the APCD for approval prior to the installation of the filters. The filter shall be installed prior to the start of the project.
12. **Prior to issuance of demolition permits**, the applicant shall contact the APCD and comply with the requirements listed in the National Emission Standard for Hazardous Air Pollutants (NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified asbestos containing material (ASM).
13. **Prior to issuance of grading and construction permits**, the applicant shall submit the results of a geologic evaluation conducted to determine of naturally occurring asbestos

is present within the area proposed for disturbance. If naturally occurring asbestos is not present, an exemption request shall be filed with the APCD. If naturally occurring asbestos is present, the applicant shall comply with all requirements outlined in the Asbestos Air Toxics Control Measure (ATCM). Compliance may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for APCD approval.

14. **In the event no technically feasible alternatives are available other than developmental burning**, the applicant shall contact the APCD and California Department of Forestry to obtain a burn permit and comply with permit requirements.
15. **Prior to issuance of grading and construction permits**, the applicant shall contact APCD District Engineer David Dixon at (805) 781-5912 to determine if California statewide portable equipment registration (issued by the California Air Resources Board) or APCD District permit is required for use of portable equipment during grading and construction activities. The following list is provided by the APCD as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive:
 - a. Portable generators
 - b. IC engines
 - c. Unconfirmed abrasive blasting operations
 - d. Concrete batch plants
 - e. Rock and pavement crushing
 - f. Tub grinders
 - g. Trommel screens
16. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
 - a. Provide on-site bicycle parking. One bicycle parking space for every ten car parking spaces is considered appropriate.
 - b. Provide on-site eating, refrigeration and food vending facilities to reduce lunchtime trips.
 - c. Provide preferential carpool and vanpool parking.
 - d. Provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
 - e. Increase building energy efficiency rating by 10 percent above what is required by Title 24 requirements. This can be accomplished in a number of ways, such as increasing attic, wall, or floor insulation.
 - f. Increased street tree planting.
 - g. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.
 - h. Install an electrical vehicle charging station with both conductive and inductive charging capabilities.
 - i. Provide on-site banking (ATM) and postal services.
 - j. Provide an on-site child care facility.
 - k. Increase number of bicycle routes/lanes.
 - l. Provide on-site housing for employees.
 - m. If the project is located on an established transit route, improve public transit accessibility by providing transit turnouts with direct pedestrian access to project or improve transit stop amenities.
 - n. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
 - o. Provide pedestrian signalization and signage to improve pedestrian safety.

17. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project, where feasible:
 - a. Employ or appoint an Employee Transportation Coordinator.
 - b. Implement a Transportation Choices Program. The applicant should work with the Transportation Choices Coalition partners for free consulting services on how to start and maintain a program. Contact SLO Regional Rideshare at 541-2277.
 - c. Provide for shuttle/mini bus service.
 - d. Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc.
 - e. Implement compressed work schedules.
 - f. Implement telecommuting program.
 - g. Implement a lunchtime shuttle to reduce single occupant vehicle trips.
 - h. Participate in an employee "flash-pass" program, which provides free travel on transit buses.
 - i. Include teleconferencing capabilities, such as web cams or satellite linkage, which will allow employees to attend meetings remotely without requiring them to travel out of the area.
 - j. Replace diesel fleet vehicles with cleaner fueled low emission vehicles (i.e school buses, transit buses, on- and off- road heavy duty vehicles, lighter duty trucks and passenger vehicles).
 - k. Retrofit existing equipment to reduce emissions using methods such as particulate filters, oxidation catalysts, or other approved technologies.

18. **Prior to issuance of grading and construction permits**, the following measures shall be shown on an additional map sheet and incorporated into applicable construction plans where feasible:
 - a. Plant shade trees along the southern exposures of buildings to reduce summer cooling needs.
 - b. Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
 - c. Use built-in energy efficient appliances, where applicable.
 - d. Use double-paned windows.
 - e. Use low energy parking lot and street lights (i.e. sodium).
 - f. Use energy efficient interior lighting.
 - g. Use low energy traffic signals (i.e. light emitting diode).
 - h. Install door sweeps and weather stripping if more efficient doors and windows are not available.
 - i. Install high efficiency or gas space heating

19. **Prior application for construction permits**, a cost estimate for a oak tree planting plan, installation of new trees, and maintenance of new trees for a period of seven years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant.

20. **Prior to commencement of any tree removal**, 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 (optional - the CDFG and) 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.

21. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist, approved by the Environmental Coordinator, to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigations as required by the Environmental Coordinator.
22. **Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection**, as applicable, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
23. **Prior to issuance of grading permits for tract improvements**, the applicant shall submit a copy of the approved Stormwater Pollution Prevention Plan (SWPPP).
24. **Prior to issuance of building permits**, construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.
25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
26. **Prior to issuance of construction permits**, if grading is to occur between October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
27. **Prior to issuance of construction permits for the restaurants**, the applicant shall submit the construction plans to the County Environmental Health Department for review and approval.

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

28. **Prior to final inspection**, the applicant shall implement the approved landscape plan and color and materials board.
29. **Prior to final inspection**, the applicant shall replace, in kind at a 4:1 ratio three coast live oak trees removed as a result of the development of the project, for a total of 12 replacement trees. No more than three coast live oak trees shall be 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, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

30. Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines). 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.
31. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
32. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.
33. **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.
34. **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.

Grading, Drainage, Sedimentation and Erosion Control

35. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices.

Fencing

36. **Prior to occupancy or final inspection**, provide a final fencing plan for the site.
37. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter). **Prior to permit issuance**, the measure(s) to be used shall be shown on all applicable plumbing plans.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

February 4, 2009

George Newman
PO Box 691
Nipomo, CA 93444

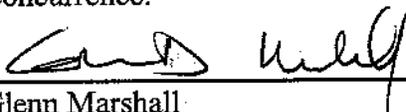
SUBJECT: Substantial Conformity for Tract 2652 – Timing of traffic impact fee payment

We have reviewed the tentative map / land use permit and the environmental determination approved for the above-referenced project and have determined that the proposed changes are in substantial conformity:

Change condition #32 of the approved Tentative Tract Map to allow payment of traffic impact fees to occur prior to building permit issuance instead of prior to recordation of the final map. New condition #32 would read as follows:

All required Traffic Impact Fees shall be paid prior to ~~Map recordation~~ issuance of building permits.

Concurrence:


Glenn Marshall
Public Works


Supervising / Principal Planner
Department of Planning & Building

- v. The following uses shall not be permitted in the same building as residential quarters: nail salons; dry-cleaners; coffee roasters; furniture refurbishing/refinishing; or, any type of spray paint operations.
- w. The following uses shall be reviewed and approved by the APCD prior to issuance of use permit: food and beverage preparation; dry cleaners; generators; boilers; sterilization unit(s) using ethylene oxide and incinerator(s); and, IC engines.

Covenants, Conditions and Restrictions

- 26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of drainage basin landscaping.
 - b. Maintenance of common areas.
 - c. Maintenance of all local streets within the project.
 - d. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 28. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 29. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 30. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.
- 31. Prior to recordation of final map, work with the Regional Transit Authority (RTA) to provide a bus stop or in-lieu fee as determined by the RTA and the Director of Planning and Building.
- 32. All required Traffic Impact Fees shall be paid prior to Map recordation.



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

PLANNING COMMISSION

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

MEETING DATE November 10, 2016	CONTACT/PHONE Jo Manson 781-4660/jmanson@co.slo.ca.us	APPLICANT Randall McNamee	FILE NO. SUB2004-00300 Tract 2711
SUBJECT A request for a first time extension by Randall McNamee for Vesting Tentative Tract Map (Tract 2711) and a Conditional Use Permit to subdivide an existing 34.19 acre parcel into four clustered parcels of 2.5 acres each, and one open space parcel of 24.19 acres for the purpose of sale and/or development. The project will result in the disturbance of approximately 60,000 square feet of a 34.19 acre parcel. The division will create one on-site road. The proposed project is located at 3862 Highway 41 East, approximately 2 miles east of the community of Atascadero. The site is in the El Pomar/Estrella Sub-area in the North County Planning Area.			
RECOMMENDED ACTION Approve the first time extension request for Vesting Tentative Tract Map 2711 and Conditional Use Permit.			
ENVIRONMENTAL DETERMINATION A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on July 12, 2007 for this project. The Negative Declaration was approved by the Planning Commission on October 29, 2007.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 034-461-002	SUPERVISOR DISTRICT(S) 5
PLANNING AREA STANDARDS: None			
LAND USE ORDINANCE STANDARDS: Ch. 22.10, 22.18, 22.22, 22.24			
EXISTING USES: Residential			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture / undeveloped East: Agriculture / residential South: Residential Rural / residential West: Residential Rural / residential			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: Tentative vesting tract map and conditional use permit were originally referred to Public Works, Environmental Health, Agricultural Commissioner, County Parks, Air Pollution Control District, California Department of Transportation, Regional Water Quality Control Board, Atascadero Mutual Water			
TOPOGRAPHY: Moderately sloping to steeply sloping		VEGETATION: Grasses, scattered oaks	
PROPOSED SERVICES: Water supply: On site well Sewage Disposal: Individual septic system Fire Protection: Cal Fire		ACCEPTANCE DATE: N/A	

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

TIME EXTENSION REQUEST/PROJECT DESCRIPTION

Vesting Tentative Tract Map 2711 and Conditional Use Permit were approved by the Planning Commission on October 29, 2007 and are set to expire on October 29, 2016. On October 4, 2016, the applicant requested the **first one year time extension and paid the extension application fee**. If a time extension request is submitted on or before the expiration date, it remains valid until acted on by the decision making body. (A time extension for a tentative map also extends the life of the related conditional use permit if it is required as a part of the subdivision process).

Vesting Tentative Tract Map 2711 and Conditional Use Permit is a request by Randall McNamee to subdivide an existing 34.19 acre parcel into four clustered parcels of 2.5 acres each, and one open space parcel of 24.19 acres for the purpose of sale and/or development. One Transfer of Development credit will be used for this tract. The project will result in the disturbance of approximately 60,000 square feet of a 34.19 acre parcel. The division will create one on-site road.

This vesting tentative map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for vesting tentative maps are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

DISCUSSION

The Subdivision Map Act & Real Property Division Ordinance

The Subdivision Map Act provides that a conditionally approved vesting tentative map shall expire twenty-four (24) months after its conditional approval. The original expiration date was October 29, 2009. With recent amendments, the Subdivision Map Act now allows up to six (6) one year discretionary time extensions (without legislative time extensions). The applicant must request each of the *discretionary* time extensions. This request is the applicant's **first discretionary one year time extension request**.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract 2711 and Conditional Use Permit were extended to October 29, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2711 and Conditional Use Permit were extended to October 29, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2711 and Conditional Use Permit were extended to October 29, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2711 and Conditional Use Permit were extended to October 29, 2016.

Staff Determination and Recommendation

This time extension request has been reviewed by staff. It complies with The Subdivision Map Act and Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances.

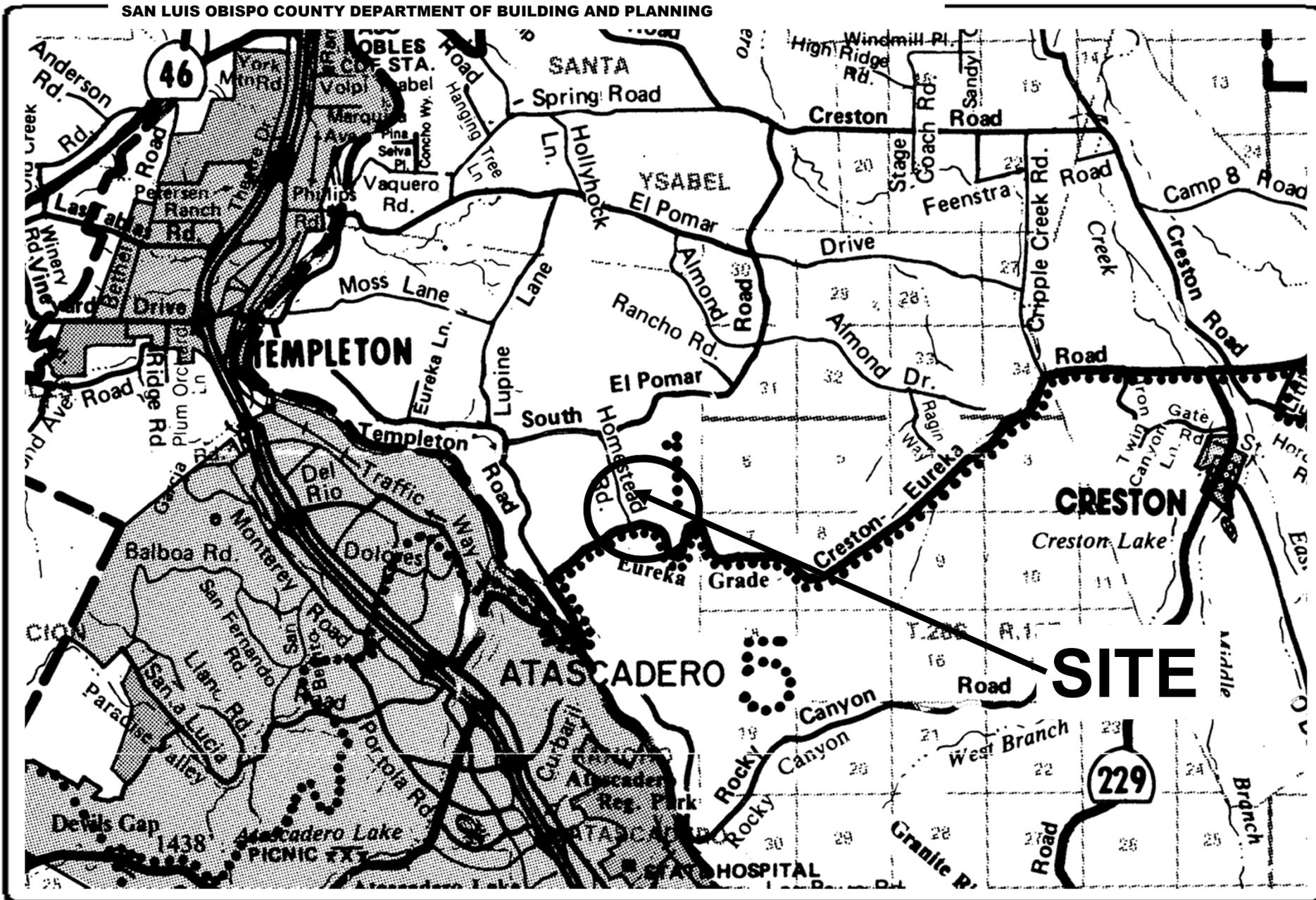
After review of the vesting tentative map, staff recommends to the Planning Commission that the **first one year time extension** be granted to October 29, 2017 subject to the conditions of approval set by the Planning Commission on October 29, 2007 in accordance with Resolution No. 2007-039.

ATTACHMENTS

Attachment 1 - Project Graphics

Attachment 2 - Planning Commission Resolution 2007-039

Staff report prepared by Jo Manson and reviewed by Terry Wahler, Senior Planner.



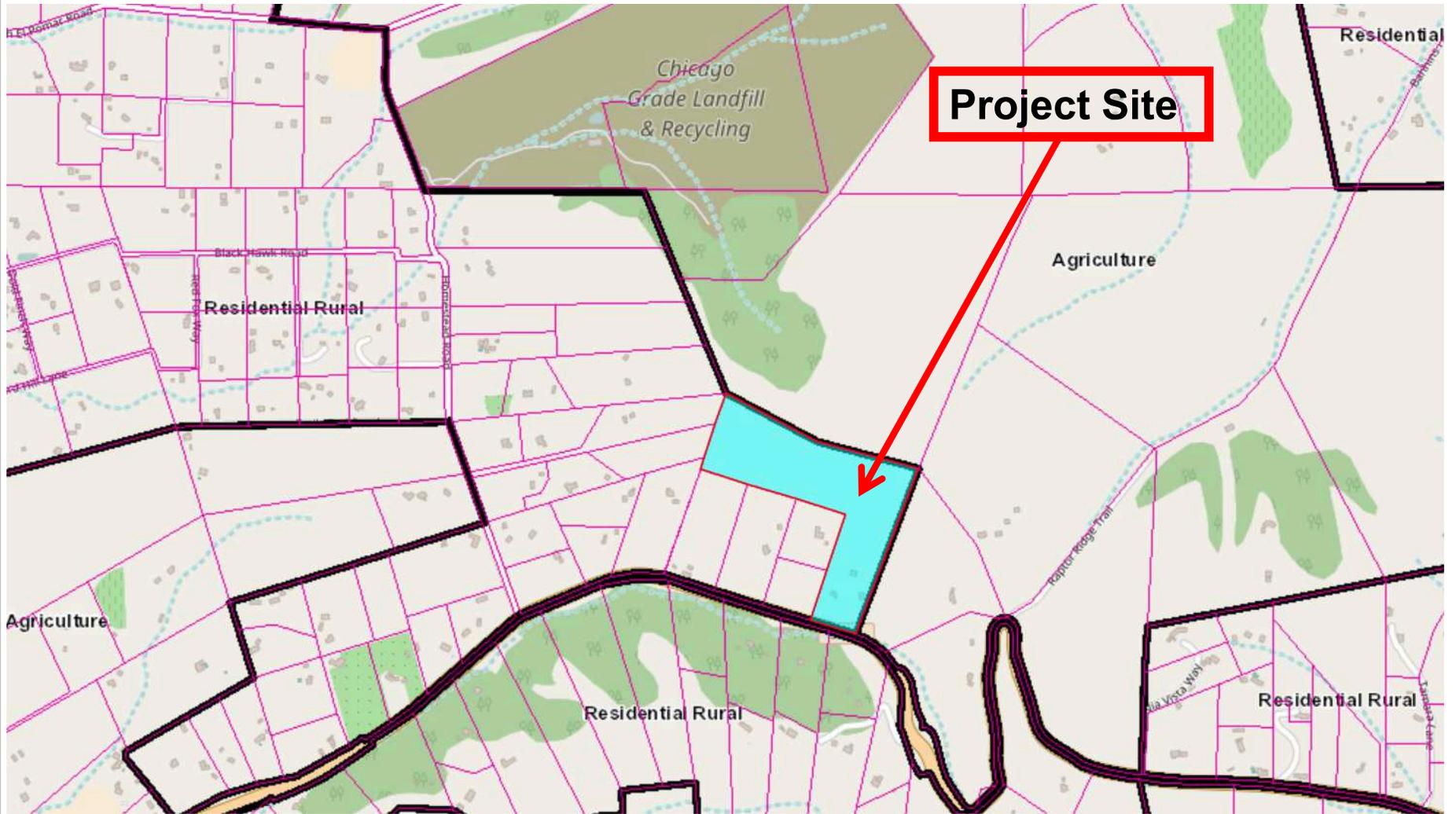
PROJECT

Tract Map 2711 and Conditional Use Permit
McNamee SUB2004-00300



EXHIBIT

Vicinity Map

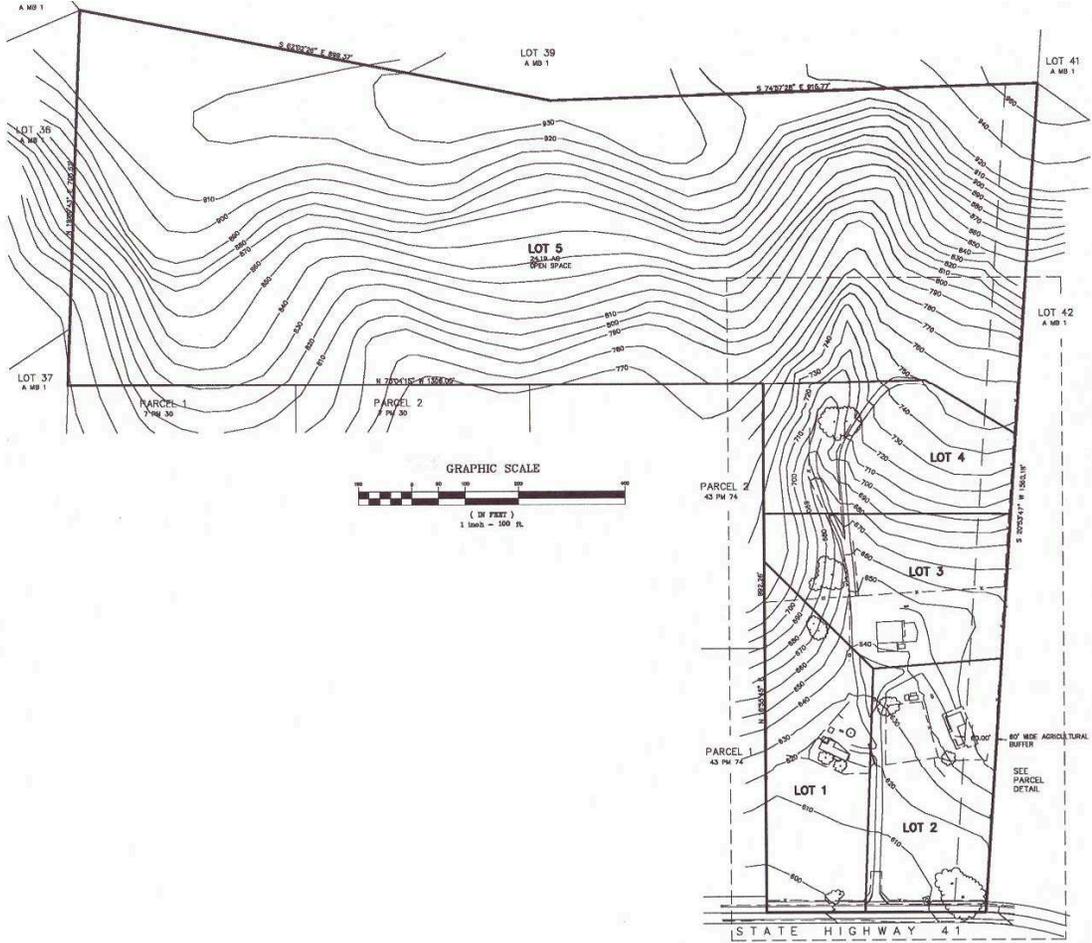
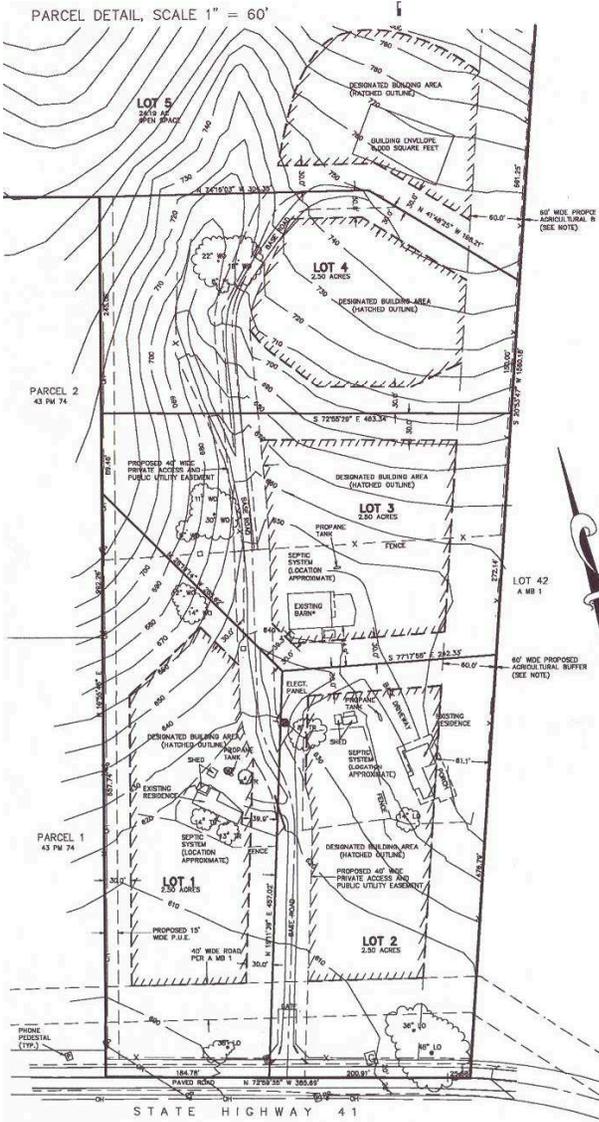


PROJECT
Tract 2711 and Conditional Use Permit
McNamee SUB2004-00300



EXHIBIT
Land Use Category Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Tract Map 2711 and Conditional Use Permit
McNamee SUB2004-00300



EXHIBIT

Tentative Tract Map

COUNTY PLANNING COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Monday, October 29, 2007

PRESENT: Commissioners Gene Mehlschau, Bob Roos, Anne Wyatt and Chairperson Penny Rappa

ABSENT: Commissioner Sarah Christie

RESOLUTION NO. 2007-039
RESOLUTION RELATIVE TO THE GRANTING
OF A VESTING TENTATIVE TRACT MAP/CONDITIONAL USE PERMIT

WHEREAS, the County Planning Commission of the County of San Luis Obispo, State of California, did, on the 29th day of October, 2007, grant a Vesting Tentative Tract Map (using the Transfer of Development Credits) /Conditional Use Permit to RANDY MCNAMEE to subdivide an existing 34.19 acre parcel into five clustered parcels, including one open space parcel of 24.19 acres and four parcels of 2.5 acres each for the purpose of sale and/or development. One Transfer of Development credit will be used for this tract. The project will result in the disturbance of approximately 60,000 square feet of a 34.19 acre parcel. The division will create one on-site road. The proposed project is within the Residential Rural land use category and is located at 3862 Highway 41 East, approximately 2 miles east of the community of Atascadero, in the El Pomar/Estrella planning area. Assessor Parcel Number:034-461-002. County File No: SUB2004-00300.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this Permit based on the Findings listed in Exhibit A.

WHEREAS, The Planning Commission, after considering the facts relating to said application, approves this permit subject to the Conditions listed in Exhibit B.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the County of San Luis Obispo, State of California, in a regular meeting assembled on the 29th day of October, 2007, does hereby grant the aforesaid Permit, SUB2004-00300/TR 2711.

An approved or conditionally approved tentative tract map shall expire twenty-four months after its approval or conditional approval. The expiration of the approved or conditionally approved tentative tract map shall terminate all proceedings, and no tract map of all or any portion of the real property included within such tentative tract shall be filed without first processing a new tentative map. Upon application of the divider filed with the Department of Planning and Building prior to the expiration of the approved or conditionally approved tentative map, the Planning Commission may extend or conditionally extend the time at which such map expires for a period of periods not exceeding a total of five years pursuant to the provisions of Sections 66412.3, 66473 and 66474 of the Subdivision Map Act and Section 21.48.080 of the Real Property Division Ordinance (Section 21.06.010).

On motion of Commissioner Mehlschau, seconded by Chairperson Rappa, and on the following roll call vote, to-wit:

AYES: Commissioners Mehlschau, Chairperson Rappa, Commissioner Roos

NOES: Commissioner Wyatt

ABSENT: Commissioner Christie

the foregoing resolution is hereby adopted.

/s/ Penny Rappa
Chairman of the Planning Commission

ATTEST:

/s/ Ramona Hedges
Secretary, Planning Commission

FINDINGS - EXHIBIT A
Vesting Tentative Tract Map (SUB2004-00300/TR2711); McNamee

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 12, 2007 for this project. Mitigation measures are proposed to address aesthetics, agriculture, geology, public services, recreation, and land use and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner of a Cluster Division within the Residential Rural land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels are clustered within the area of the site that is the least steep.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support five single family residences and five secondary residences while providing for 70.8 percent or 24 acres of open space area.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because mitigation measures have been derived to reduce impacts associated with this project to a level that is not significant.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.
- J. This site qualifies as a TDC Receiver site as follows: 1) the project is recommended for a mitigated negative declaration; (2) the site is not within agricultural preserve; (3) the site is within five miles of an urban reserve line (Atascadero urban reserve line); (4) the applicant has designated building sites and an access drive where the foot prints of development is located on less than 30 percent slopes; (5) the footprint of development is outside of SRA, FH, GSA, Earthquake Fault Zone and Very High Fire Hazard Area,

because none of the site is located within these areas; (6) the footprint of the development is outside of a Significant Biological, Geographical or Riparian Habitat as defined by the Natural Area Plan (appendix B of the Ag and Open Space Element of the general plan) because none of the site is located within these areas and (7) the development complies with all development standards, water, sewage, disposal and access standards and all land division standards as set forth in Titles 19, 21, and 22.

CONDITIONS - EXHIBIT B
Vesting Tentative Tract Map (SUB2004-00300/TR2711); McNamee

Approved Project

1. This approval authorizes:

- a. Vesting Tentative Tract Map (Tract 2711) using the Transfer of Development Credits program to subdivide an existing 34.19 acre parcel into five clustered parcels, of 2.5 acres each and an one open space parcel of 24.19 acres.
- b. A 6,000 square foot building envelope on the open space parcel.

Access and Improvements

2. A private easement shall be reserved on the map for access to lots 1-5. All access other than the one existing driveway is denied from Highway 41.
3. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

4. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Drainage

5. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

Utilities

6. Electric and telephone lines shall be installed underground.
7. Cable T.V. conduits shall be installed in the street.
8. Gas lines shall be installed.

Design

9. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

10. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final tract map.

Parks and Recreation (Quimby) Fees

11. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational

purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

12. Prior to filing the final tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

13. An open space easement shall be recorded for the open space parcel. This includes a 6,000 square foot building envelope. All structures shall be located in the 6,000 square foot building envelope except agricultural accessory structures. The open space parcel is to be held in single ownership, in common by the Homeowner's Association, or transferred to a public trust or conservancy agency approved by the Department of Planning and Building. The open space parcel is to be maintained as such in perpetuity.

Mitigations

14. **Prior to recordation of the final map**, the applicant shall demolish or enter into a performance agreement and bond for removal of the existing barn located on proposed lot three to bring lot three into conformance with Land Use Ordinance standards.
15. **Prior to recordation of the final map**, the applicant shall provide evidence to the Planning and Building Department that this subdivision will adversely impact water supplies or quality for adjacent agricultural uses.

Additional Map Sheet

16. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from Highway 41. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.
 - b. **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including

vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, gray, slate blue, or brown colors for the roof structures.

- c. **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 Highway 41. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented **prior to final inspection or occupancy, whichever occurs first**.
- d. **Prior to transfer of the parcels created by this subdivision**, the applicant shall disclose to prospective buyers, of all parcels created by this proposal, the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm ordinance currently in effect at the time said deed(s) are recorded.
- e. An agricultural buffer prohibiting residential structures, consisting of 60 feet over lots two, three, four and five measured from the eastern property line, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production. Such a determination shall be made in consultation with the Agricultural Department.
- e. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer consisting of 60 feet over lots two, three, four and five measured from the eastern property line on the project plans.
- f. **At the time of application for construction permits**, the applicant shall clearly delineate drainage control devices at the toe of the slope above proposed lot 5, as recommended in the geological report.
- g. Structure proposed on all lots shall be designed to resist ground shaking as outlined in the Uniform Building Code, as recommended in the geological report.
- h. A seepage pit system shall be used as an alternative to a conventional septic leach filed system due to the steep slope surrounding the building envelopes. The seepage pit system shall be designed by a civil engineer or licensed professional familiar with this type of disposal system, as recommended in the geological report. The seepage pits must meet basin plan requirements.
- i. That approval of the final map of the this subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site.

Covenants, Conditions and Restrictions

17. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Maintenance of all local streets/easements within the subdivision until acceptance by a public agency.
 - b. Notification to prospective buyers that an additional map sheet was recorded with the final tract map. The restrictions, conditions and standards set forth in the

additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained in the additional map sheet.

Miscellaneous

18. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

19. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

FINDINGS – EXHIBIT C
Conditional Use Permit (SUB2004-00300/TR2711); McNamee

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 12, 2007 for this project. Mitigation measures are proposed to address aesthetics, agriculture, geology, public services, recreation, and land use and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed land division and subsequent residences will have a similar density as the surrounding area.
- 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.

EXHIBIT D - CONDITIONS OF APPROVAL
Conditional Use Permit (SUB2004-00300/TR2711); McNamee

Approved Development

1. This approval authorizes
 - a. A cluster subdivision of an existing 34.19 acre parcel into four clusters parcels of 2.5 acres each and one open space parcel of 24.19 acres.

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

2. An open space easement is recorded for the open space parcel. This includes a 6,000 square foot building envelope. All structures shall be located in the 6,000 square foot building envelope except agricultural accessory structures. The open space parcel is to be held in single ownership, in common by the Homeowner's Association, or transferred to a public trust or conservancy agency approved by the Department of Planning and Building. The open space parcel is to be maintained as such in perpetuity.
3. An agricultural buffer prohibiting residential structures, consisting of 60 feet over lots two, three, four and five measured from the eastern property line, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision if future development precludes commercial agricultural production. Such a determination shall be made in consultation with the Agricultural Department.
4. **At the time of application for construction permits**, the applicant shall submit a site plan, architectural elevations to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings AND a landscape plan to the Department of Planning and Building for review and approval. These plans shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. **At the time of application for construction permits**, the applicant shall clearly delineate on the project plans the location and visual treatment of any new water tank(s). All water tanks shall be located in the least visually prominent location feasible when viewed from Highway 41. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.
 - b. **At the time of application for construction permits**, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, gray, slate blue, or brown colors for the roof structures.

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

Fire Safety

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

Services

7. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
8. **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.

Conditions to be completed prior to issuance of a construction permit

9. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
10. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.

Conditions to be completed prior to occupancy or final building inspection

11. **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.
12. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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

13. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
14. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS**

1. Each parcel shall have its own private well(s) for a domestic water supply approved by Environmental Health Services, except as set forth in 2d.
2. Operable water facilities shall exist prior to the filing of the final subdivision map. Evidence of adequate and potable water, shall be submitted to Environmental Health Services including the following:
 - A. Well Completion Report- The well log generated by the driller at the time the well is constructed.
 - B. Water Quality- A complete chemical analysis, to include general mineral, general physical and inorganics, shall be submitted for evaluation for each of the wells developed. Site evaluations may trigger additional testing requirements by Environmental Health Services. (Within last 5 years)
 - C. Production- On individual private wells, a minimum of a four hour pump test with draw down and recovery data by a **licensed** and **bonded** well driller or pump testing company, shall be submitted for review and approval for each well proposed for the subdivision. (Within last 5 years)
 - D. Shared Well System- The applicant shall contact Environmental Health Services for assistance in properly designing a shared water well system. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department) shall be provided to this office prior to finaling the map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.
6. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.
7. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning Department for review and approval **prior to the issuance of a building permit**. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

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



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

PLANNING COMMISSION

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

MEETING DATE November 10, 2016	CONTACT/PHONE Airlin M. Singewald, Senior Planner (805) 781-5198	APPLICANT Chicago Grade Landfill and Recycling, LLC	FILE NO. DRC2003-00026
<p>SUBJECT Request by Chicago Grade Landfill and Recycling, LLC for a modification of an existing Conditional Use Permit in order to gain additional, short-term capacity in a portion of the Chicago Grade Landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 of the land fill and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007 with the County's approval of a Conditional Use Permit (DRC2003-00026). These actions would expand the solid waste footprint by approximately 0.67 acres and would create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1,386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated. The proposed project is within the Agriculture land use category and is located at 2290 Homestead Road in the Atascadero-Templeton Planning Area approximately two miles west of the City of Atascadero.</p>			
<p>RECOMMENDED ACTION Staff recommends the Planning Commission take the following actions in this order:</p> <ol style="list-style-type: none"> 1. Approve the Addendum to the previously certified EIR including any attachments as complete and adequate in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et.seq. 2. Approve the amended Conditional Use Permit (DRC2003-00026) based on the Findings in Exhibit A and Conditions of Approval in Exhibit B. 			
<p>ENVIRONMENTAL DETERMINATION The Environmental Coordinator is recommending the proposed project be found consistent with the previously certified Final Environmental Impact Report (FEIR) per State CEQA Guidelines (Section 15164(a) and Section 15162). An Addendum EIR was prepared and circulated for this item. The Addendum EIR identified all potentially significant impacts and mitigation measures related to the proposed project for the following topic areas: aesthetics; agricultural resources; air quality/greenhouse gas emissions; biological resources; cultural resources; geology and soils; hazards and hazardous materials; water, noise, public services/utilities and transportation/circulation. Mitigation measures are proposed to address potentially significant impacts in the areas of aesthetics, noise and public services/utilities and are included as conditions of approval (see Exhibit B). No significant, unavoidable impacts were identified.</p>			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 034-212-005 and 034-212-006	SUPERVISOR DISTRICT(S) 5
<p>PLANNING AREA STANDARDS: None applicable.</p>			

<p>EXISTING USES: Existing landfill including a solid waste disposal area, hazardous waste transfer facility, recycled materials area, office/maintenance building, scale house, entry area and on-site roadways (see subsection titled "Current Landfill Operations").</p>	
<p>SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/open space, South El Pomar Road South: Rural Residential and Agriculture/ rural residences, agriculture, Highway 41, open space East: Agriculture/ rural residences, agriculture, open space West: Rural Residential/ rural residences, Homestead Road, open space</p>	
<p>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The Proposed Project was referred to: County Department of Public Works, County Air Pollution Control District, County Integrated Waste Management Agency and CalRecycle.</p>	
<p>TOPOGRAPHY: Gently sloping to very steep slopes (0% to 40% or greater). Site elevations range between 1,000 and 1,500 feet above mean sea level.</p>	<p>VEGETATION: Native trees and shrubs including coast live oak, toyon, chemise and sage as well as non-native annual grassland and forbs</p>
<p>PROPOSED SERVICES: Water: On-site wells Sewage Disposal: On-site septic Fire Protection: Cal Fire</p>	<p>ACCEPTANCE DATE: June 16, 2016</p>

SUMMARY

Ongoing operations of the existing Chicago Grade Landfill within landfill modules 3 and 4 are currently reaching capacity. Once capacity is reached within these modules, the entire 38.44 acre waste disposal area covered by the original 1970 California Solid Waste Facilities Permit will have also reached capacity. Although the 2007 Conditional Use Permit (DRC2003-00026) issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to the unexpected increase in solid waste volume received at the landfill. The Chicago Grade Landfill has experienced a significant increase in solid waste volume due to several factors including the increase of rates at other landfills serving the Central Coast and the overall economic recovery. This circumstance has generated the need for the currently proposed vertical expansion.

The currently proposed vertical expansion is intended to gain additional, short-term capacity in module 3 and a portion of module 4 of the Chicago Grade Landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 and (2) allow site preparation (i.e. placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007. These actions will be implemented through a modification of the approved Conditional Use Permit (DRC2003-00026) including modified conditions of approval.

The currently proposed vertical expansion would expand the solid waste footprint by approximately 0.67 acres and would create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical

expansion to elevation 1386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated. Once these modules reach capacity within the proposed vertical expansion to the 1386 foot elevation, solid waste operations will then shift to module 6. This will activate the conditions of approval associated with the 2007 County approval (DRC2003-00026) for landfill expansion into modules 6 and 7. With approval of the currently proposed vertical expansion, this transfer of waste operations from the 38.44 acre disposal area to modules 6 and 7 is anticipated to occur in 2017 or 2018.

This Staff Report is organized as follows:

- The **Background Information** section provides a description of the current operations of the Chicago Grade Landfill as well as the 2007 County approval of the landfill expansion (DRC2003-00026).
- The **Project Description** section provides an overview of the currently-proposed vertical expansion.
- The **Environmental Determination** section provides an overview of the Addendum EIR prepared for the proposed project as well as any potentially significant environmental impacts and mitigation measures identified in the Addendum EIR.
- The **Key Environmental Issues** section provides a summary of any significant environmental issues.
- The **Ordinance Compliance/Land Use Consistency** identifies applicable County ordinances and discusses how the proposed project is consistent with the ordinance requirements listed.
- The **Community Advisory Group Comments** section provides the results of the review of the proposed project by the Templeton Area Advisory Group.
- The **Agency Review** section summarizes the local and State agencies that have provided comments on the project.

BACKGROUND INFORMATION

Current Landfill Operations

The Chicago Grade Landfill began operations in 1970. Since that time, the facility has served self-hauled public and commercial customers and transfer trailers. The facility's service area has historically extended from northern Santa Barbara County to southern Monterey County, including all of San Luis Obispo County. Between 1970 and 2015, approximately 4,270,959 cubic yards of solid waste have been placed in the landfill. This total includes both solid waste and daily cover. The annual average tonnage of waste delivered to the landfill has varied over time. From 1976 to 1986, the annual tonnage delivered generally increased from about 10,000 tons to about 38,000 tons per year in 1986. From 1986 to 1994, annual tonnage volumes decreased from 38,000 tons in 1986 to a low of 10,000 tons in 1994. Since 1994, annual tonnage has steadily increased. In 2003, the landfill handled 83,393 tons of waste. By 2010, the landfill handled 59,199 tons of solid waste with additional tonnage being recycled. Since 2010, the landfill has handled an increase of solid waste volumes to 93,483 tons of solid waste in 2015 (not including recycled tonnage). This increase in solid waste volume is due to several

factors, including the increase of rates at other landfills serving the Central Coast and the overall economic recovery. See Table 1 (page 21) of the Addendum EIR for a graph indicating the annual waste tonnage received at the landfill since 1976.

The number of vehicles entering and leaving the site generally mirrors the historic trends in solid waste disposal. From 1976 to 1986, the number of annual vehicle trips increased from approximately 38,000 vehicle trips to a high of about 86,000 in 1986. Vehicle trips declined to about 28,000 in 1994. By 2003, annual vehicle trip totals had increased to approximately 49,592 annual trips. By 2005, the annual vehicle trips totaled 55,179 trips and 39,582 annual trips in 2010. By 2015, annual vehicle trips totaled approximately 49,100 vehicle trips. Of these totals, commercial haulers accounted for 7,868 vehicle trips while public vehicle traffic accounted for 41,232 vehicle trips. The waste disposal area is currently divided into modules 1 through 5.

Solid Waste Facility Permits

The Chicago Grade Landfill is classified by the Central Coast Regional Water Quality Control Board (CCRWQCB) as a Class III landfill approved for discharge of non-hazardous solid waste. The landfill is operated by Chicago Grade Landfill, Inc. under a California Solid Waste Facilities Permit (SWFP). The current SWFP was issued by CalRecycle in 2012. The Chicago Grade Landfill has a total permitted acreage of 188 acres of which 76.4 acres can be used for disposal activities. Solid waste is currently placed within a 38.44 acre waste disposal area that is within the 76.4 acre permitted area. The waste disposal area is currently divided into modules 1 through 5.

In addition to the existing SWFP permit, the Chicago Grade Landfill holds three permits from the San Luis Obispo County Air Pollution Control District (SLOAPCD). These permits include: Permit to Operate No. 547-1 for the landfill gas flare; Permit to Operate No. 648-2 for the tire shredder and Permit to Operate No. 548-2 for an on-site bifuel generator. The CCRWQCB also has discretionary review authority for landfill operations through its Waste Discharge Requirements.

Facilities and Structures

Ancillary facilities at the Chicago Grade Landfill include administrative offices, yard waste drop off area, maintenance facilities, environmental monitoring and control facilities, a wood waste grinder and a scale-house structure. Wastewater is disposed through an on-site septic system. Non-potable water is provided by on-site wells. The water is piped to four interconnected 10,000-gallon storage tanks.

Waste Disposal Process

Customers enter the landfill via Homestead Road and stop at the landfill scale-house. At the scale-house, loads are weighed and inspected for potential hazardous content and geographic location of origin. Random load checks and segregation of recyclables occur at the disposal areas. Waste compaction activities generally begin an hour after the gate opens and continue throughout the day. Soil or an alternative daily cover is transported to the disposal area on an intermittent basis. Metal, wood, tires and household hazardous waste pulled from the waste stream are temporarily stockpiled near the disposal area and are hauled to the materials storage areas. On-site roads are watered with non-potable water and/or leachate as required for dust control. Concurrent

with these activities, workers may be grading new modules or placing liners on modules already excavated.

As of January 2016, the landfill capacity (including the expansion area that was approved in 2007) is approximately 3,005,888 tons or 4,268,361 cubic yards of solid waste. The landfill currently accepts up to 500 tons of solid waste per day. If this rate continues, approximately 170,000 tons of solid waste would be added to the landfill each year. The facility currently accepts commercial and self-hauled household waste, yard (green) waste, and construction demolition waste, as well as solid waste in compactor trucks, roll-off boxes, and transfer trailers. Waste tires are recycled both on-site and off-site while segregated metals are generally hauled off-site. Wood/green waste is generally shredded or ground on-site and then shipped off-site. Tire chips may be used on-site for cover or may be hauled off-site. Municipal sewage sludge is accepted on a case-by-case basis. Recycle bins are used by the public on a voluntary basis.

The landfill is not permitted to accept hazardous waste, however, the County Integrated Waste Management Authority (IWMA) accepts household hazardous waste such as paint, oil, cleaning products, etc. at its Permanent Household Hazardous Waste Facility (PHHWF), which is located within the landfill property boundary

Solid waste is currently being placed in modules 3 and 4. There is a borrow pit in the modules 3 and 4 from which soil is excavated to provide daily cover for the disposal waste. Under the applicant's current operating plans, a portion of the borrow materials needed for daily cover for permitted modules 3 and 4 would be excavated from an area located outside the permitted disposal footprint. As a result of current landfill operations, modules 3 and 4 are reaching their capacity. Once capacity is reached within these modules, the entire 38.44 acre waste disposal area covered by the original 1970 permit will have also reached capacity. Although the 2007 Conditional Use Permit issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to logistical and site preparation requirements.

Up to 240 vehicles per day enter the landfill facility each weekday, not including employees and maintenance vehicles. This equates to a total of 480 daily vehicle trips into and out of the facility. On weekends, a daily maximum of 280 vehicles enter the facility, not including employees and maintenance vehicle trips. This equates to 560 total vehicle trips in and out of the facility. The vehicles include both commercial and private haul vehicles.

Chicago Grade Landfill is open to the public from 7:30 a.m. to 3:00 p.m. Monday through Saturday, and 9:00 a.m. to 3:00 p.m. on Sundays. At approximately 3:00 p.m., the last public and commercial customers are allowed to enter the facility and the entry gates are closed. Shortly thereafter, final waste compacting activities begin followed by placement of cover. Between 7:00 a.m. and 5:30 p.m., transfer trailers may deposit waste concurrent with daily cover and compacting efforts. The daily waste area is compacted and covered between 5:00 p.m. and 6:00 p.m.

Environmental Controls/Monitoring Systems

The Chicago Grade Landfill currently implements environmental controls and monitoring systems to prevent potential adverse environmental impacts on groundwater and

surface water quality, soils, air quality, and public health and safety from leachate, landfill methane gas, and soil erosion.

Leachate Control - Leachate control systems are regulated by CalRecycle. Leachate is contaminated liquid created when moisture percolates through a mass of solid waste. As moisture percolates through the waste, it picks up pollutants contained in the waste. Leachate that has percolated to the bottom of a landfill module is prevented from percolating through the soil below the module by a liner system. Liner systems typically consist of geotextiles and/or plastics that overlie a layer of compacted clay along the bottom and sides of a landfill. Liners are designed to prevent liquids (leachate) from leaving the landfill and impacting off-site groundwater resources.

Leachate that is contained above the liner is collected via a series of pipes that direct the leachate into an on-site storage tank. When the tank is full, the leachate is transferred to an on-site water truck and may be applied on-site for dust control. Leachate may only be applied for dust control on waste modules that are underlain by an approved liner system, which prevents percolation of leachate into soil or groundwater. The leachate is applied at locations and during times when it would be least likely to come into contact with members of the public. Leachate that cannot be utilized on site is delivered to the local wastewater treatment plant.

Storm Water and Sediment Control - A storm water collection and sedimentation control system is currently in place at the site. A series of corrugated metal pipes have been installed at the base of the existing landfill modules and within other portions of the site to collect storm water runoff. Runoff is directed to one of two existing sediment basins. Within these basins, particulates and other materials contained in the runoff settle out of the water and the remaining water is discharged to the existing intermittent stream channel that traverses a portion of the site. The landfill operator currently implements a range of measures to reduce erosion potential. These include placement of sludge on slopes, hydroseeding and slope revegetation, and placement of wood chips on soil.

Groundwater Monitoring - The Chicago Grade Landfill currently utilizes a series of wells to monitor groundwater quality and detect any contaminants that may have leaked into the groundwater system. There are three existing monitoring wells on site.

Landfill Gas System - Landfill gas (LFG) is typically created in a closed landfill module as a by-product of the decomposition of solid waste, especially organic wastes. LFG is typically highly flammable and explosive. The existing gas collection system consists of a series of vertical and horizontal collection pipes installed in the landfill. The pipes collect and direct LFG to an existing, approved and permitted landfill gas flaring unit where the gas is burned off. Gas monitoring wells are installed at the periphery of the permitted landfill footprint to detect potential migration of LFG to areas outside of the landfill modules.

2007 County Approval

The County of San Luis Obispo Board of Supervisors on February 27, 2007 approved an expansion of the landfill to include modules 6 and 7, which were previously outside the 1970 landfill boundary. The County approved a Conditional Use Permit (DRC2003-

00026) that expanded the permitted solid waste disposal area from 38.44 acres to 76.40 acres, an increase of 37.96 acres. The expansion area proposed at that time involved the addition of modules 6 and 7 with a specific elevation limitation of 1,360 feet applicable to all landfill operations in the existing landfill as well as future disposal modules. The approved State Solid Waste Facilities Permit issued by CalRecycle also includes a 1,360 elevation limitation. The approved Conditional Use Permit also identified a specific point, that being when a liner is placed beyond the original 1970 solid waste disposal area boundaries, where the conditions of approval within the 2007 Conditional Use Permit take effect.

Module 6 contains 24.8 acres while module 7 comprises 12.6 acres. The approved Conditional Use Permit creates capacity for disposal of an additional 3,098,775 tons of solid waste in these modules. At a projected two percent annual growth in demand for disposal capacity, the service life of the landfill would be extended to the year 2039. Module 6 would be constructed and filled first with module 7 to follow. Module 6 is anticipated to have a service life of approximately 15 years while module 7 would have an additional 14 years of service life under the currently-approved Conditional Use Permit. The new modules would include a liner system, leachate collection system, storm drainage collection and treatment system, a groundwater monitoring system and a methane gas collection system consistent with existing improvements installed in the previously-permitted modules 2, 3, and 4. As a result of the applicant's proposal to lower the permitted maximum height of landfill operations from an elevation of 1,400 feet to 1,360 feet, module 5 was eliminated from the long-range landfill operating plans. The approved Conditional Use Permit also: 1) allowed the placement of fill material along the northern boundary of module 6 and the northeastern boundary of modules 6 and 7 to provide a better visual screen of landfill operations from off-site vantage points, and 2) created an additional 100-foot wide buffer at the periphery of the expansion area into modules 6 and 7. In combination with the existing 500-foot buffer, a total buffer of 600 feet between modules 6 and 7 and the nearest existing residences would be created.

Approval of the Conditional Use Permit did not result in any changes to the prior landfill operations consistent with the State permit. No changes to the daily peak and annual volumes of accepted solid waste would result. The peak daily number of vehicle trips entering and exiting the landfill, those being 480 total vehicle trips on weekdays and 560 total vehicle trips on weekends, remained unchanged.

PROJECT DESCRIPTION

Project Characteristics

Ongoing operations of the existing Chicago Grade Landfill within landfill modules 3 and 4 are currently reaching capacity. Once capacity is reached within these modules, the entire 38.44 acre waste disposal area covered by the original 1970 California Solid Waste Facilities Permit will have also reached capacity. Although the 2007 Conditional Use Permit (DRC2003-00026) issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to the unexpected increase in solid waste volume received at the landfill. The Chicago Grade Landfill has experienced a significant increase in solid waste volume due to several factors including the increase of rates at other landfills serving the Central Coast and the overall economic recovery. This

circumstance has generated the need for the currently proposed project vertical expansion.

The currently proposed vertical expansion is intended to gain additional, short-term capacity in module 3 and a portion of module 4 of the Chicago Grade Landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007. These actions will be implemented through a modification of the approved Conditional Use Permit (DRC2003-00026) including modified conditions of approval.

The currently proposed vertical expansion will expand the solid waste footprint by approximately 0.67 acres and would create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated.

Once these modules reach capacity within the proposed vertical expansion to the 1,386 foot elevation, solid waste operations will then shift to module 6. This will result in the implementation of the conditions of approval associated with the 2007 County approval (DRC2003-00026) for landfill expansion into modules 6 and 7. With approval of the currently proposed vertical expansion, this transfer of waste operations from the 38.44 acre disposal area to modules 6 and 7 is anticipated to occur in 2017 or 2018.

The currently proposed vertical expansion will not result in any increase in customer traffic to and from the landfill. A maximum of 240 vehicles on weekdays and 280 vehicles on weekends currently enter and depart the landfill each day. Similarly, the proposed project will not result in any change in the annual waste tonnage inflow or in the hours of landfill operations.

These proposed actions are necessary due to logistical and site preparation requirements. Approval of the proposed vertical expansion will delay access into module 6 for an additional year in order to complete final site preparation. This delay will allow adequate time to prepare module 6 for future (2017 or 2018) expansion of landfill operations.

Project Objectives

The basic objective of the currently proposed project is to provide additional landfill capacity in module 3 and a portion of module 4 of the landfill in order to allow adequate time to prepare modules 6 and 7 of the landfill for future expansion of landfill operations. In so doing, the currently proposed project will also achieve the following objectives: 1) increase the ability of the Chicago Grade Landfill to serve increasing demands for solid waste disposal in San Luis Obispo County; 2) allow landfill operations to continue within module 3 and a portion of module 4 thereby insuring the uninterrupted provision of solid waste disposal services and 3) increase short-term landfill capacity without changing the landfill operations, creating the need for additional on-site infrastructure facilities or generating any additional significant environmental impacts.

Project Timing

As previously noted, the currently proposed project will provide adequate time to prepare landfill module 6 for expansion of future landfill operations. Introduction of additional solid waste into module 3 and a portion of module 4 up to an elevation of 1,386 feet will proceed immediately upon approval of the proposed actions by the County of San Luis Obispo and the State of California (see below, Required Approvals and Applicable Regulations). Future expansion into module 6 is anticipated to occur in the year 2017 or 2018.

Required Approvals and Applicable Regulations

The currently proposed vertical expansion will be implemented through the modification of the previously approved (2007) Conditional Use Permit (DRC2003-00026) with conditions of approval (see Exhibit B). In order to approve the currently proposed vertical expansion, the County of San Luis Obispo will also be required to find that the project is consistent with the previously certified Final EIR.

Acting as the Lead Agency, several agencies are involved in the consideration of the currently proposed project. These agencies include the County Building and Planning Department, as well as the Environmental Health Division of the County Health Department, the County Public Works Department and the County Air Pollution Control District. Other involved agencies include: the Central California Regional Water Quality Control Board, the County of San Luis Obispo Integrated Waste Management Authority and CalRecycle.

Several State regulations from the California Code of Regulations are applicable to the currently proposed project. These regulations include, but may not be limited to:

Title 27, Subchapter 2, Article 3, Section 21190(b).

The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubs or low maintenance ground cover.

Title 27, Subchapter 2, Article 3, Section 21090(a)(3)(A) 1.

Closed landfills shall be provided with an uppermost cover layer consisting of erosion resistance via a vegetative layer consisting of not less than one foot of soil.

Title 27, Subchapter 2, Article 3 Section 20190(a)(4)(D).

The landfill will provide a final layer of erosion-resistant vegetation. In order to insure adequate maintenance for this vegetative cover, a plan shall be developed which addresses plant fertilization, irrigation, elimination of species that violate the rooting depth limit, replanting and irrigation system maintenance.

Consistency with Local and Regional Plans

The local and regional plans that include the project site or issues relating to the currently proposed project include the following: San Luis Obispo County General Plan and Land Use Ordinance; CalRecycle policies; Regional Water Quality Control Board policies; the Clean Air Plan; the Regional Transportation Plan and the North County Area Plan/South El Pomar-Estrella subarea.

The 2007 landfill expansion was determined to be consistent with the above noted local and regional plans. The proposed vertical expansion is also consistent with these plans.

ENVIRONMENTAL DETERMINATION

An Addendum Environmental Impact Report (or “Addendum EIR”) has been prepared to introduce technical changes and additions to the Final Environmental Impact Report (“Final EIR”) for the Chicago Grade Landfill Expansion Development Permit (State Clearinghouse No. 20044071092). The Final EIR was certified by the County of San Luis Obispo Board of Supervisors on February 27, 2007. The Addendum EIR determined that the proposed vertical expansion would not result in any new or significantly increased environmental impacts that were not previously analyzed in the Final EIR.

The previously certified Final EIR (ED03-438) was based upon a Conditional Use Permit (DRC2003-00026) that allowed an expansion of the disposal area of the Chicago Grade Landfill from 38.44 acres to 76.40 acres, an increase of 37.96 acres. The approval created capacity for disposal of approximately 3,098,775 additional tons of waste. This expansion of the disposal area extended the service life of the landfill to the year 2039.

The currently proposed project increases the currently permitted maximum height of solid waste from elevation 1360 to elevation 1386 over an area of approximately four acres and allowing site preparation, that being placement of a soil liner within areas outside the original landfill boundary established in 1970 but not into the expanded solid waste disposal area that was approved in 2007. The currently proposed project would expand the solid waste footprint by approximately 0.67 acres and would create approximately 166,500 cubic yards of additional solid waste storage or approximately eight additional months of solid waste storage operations at this location. These actions will be implemented through a modification of the approved Conditional Use Permit (DRC2003-00026) including modified conditions of approval.

The Addendum EIR has been prepared in accordance with procedures adopted by the County of San Luis Obispo as Lead Agency relative to the California Environmental Quality Act as well as the CEQA Guidelines (Section 15120 et. seq.). According to the CEQA Guidelines (Section 15162(a)), an Addendum EIR can be prepared when “minor technical changes or additions to a previously certified EIR are necessary, if no substantial changes to the proposed project or to circumstances surrounding the project occur and if there are no new or more severe project impacts or significantly different mitigation measures or project alternatives from those in the previously certified Final EIR”. Section 15164 of the CEQA Guidelines specifically states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary.

- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary.
- (c) An addendum need not be circulated for public review but can be included in or attached to the Final EIR or adopted negative declaration.
- (d) The decision making body shall consider the Addendum with the Final EIR or adopted Negative Declaration prior to making a decision on the project.

The Addendum EIR focuses its analysis on the impacts and mitigation measures associated with the currently proposed project. This Addendum EIR focused its analysis of project impacts and mitigations to those associated with the currently proposed vertical expansion thereby not involving or affecting the previously certified Final Environmental Impact Report for the Chicago Grade Landfill Expansion. The Addendum EIR, when approved, becomes part of and an attachment to the previously-certified Final EIR for the overall Chicago Grade Landfill Expansion.

The Addendum EIR begins with Section I. Introduction and Purpose which provides an introductory discussion of the purpose and scope of the document. Section II. Addendum EIR Summary summarizes the impacts associated with the currently proposed project and any required mitigation measures as they pertain specifically to the currently proposed project. Section III. Existing Setting and Landfill Operations provides background relative to the existing environmental conditions both within and in the area adjacent to the existing landfill as well as the current operations of the Chicago Grade Landfill. Section IV. Project Description identifies and describes in detail the proposed project which involves the increase in the permitted maximum height of solid waste and the placement of a soil liner within areas outside the original landfill boundary.

Section V. Environmental Analysis of the Addendum EIR analyzes the proposed project in relation to the following environmental issues in order to determine whether there are any additional significant impacts or revised mitigation measures associated with the currently proposed project that were not addressed within the Chicago Grade Landfill Expansion Development Permit Final Environmental Report. These environmental issues include aesthetics, agricultural resources, air quality/greenhouse gas emissions, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water, noise, public services/utilities, and transportation/circulation. The issues of land use and planning, population and housing and recreation were determined to be not relevant to both the previously-approved project as well as the current proposal. Section VI. References cites the various documents which were used during the preparation of the Addendum EIR.

The Addendum EIR is intended to provide the County of San Luis Obispo, as Lead Agency, with a document that will identify potentially significant environmental impacts, if any, and/or mitigation measures associated with the currently proposed project within the topic areas noted above which were not fully analyzed in the previously certified Final EIR. Data from the previously certified Final EIR will also serve as an environmental baseline for the consideration of the impacts and mitigations associated with the currently proposed project.

The impacts associated with the currently proposed project do not significantly differ from nor do they exceed the impacts identified in the previously certified (2007) Final EIR (ED03-438) which addressed the 37.96 acre expansion of the Chicago Grade Landfill.

The mitigation measures assigned to the current project proposal are similar to and do not exceed those mitigation measures associated with the County's approval of CUP 2003-00026. These mitigation measures have been revised in order to more accurately apply to the current project proposal.

All residual impacts associated with the current project proposal are identified as either Class II impacts (potentially significant impacts which have been reduced to a level of insignificance or avoided entirely with the implementation of proposed mitigation measures) or Class III impacts (impacts which are found to be insignificant).

KEY ENVIRONMENTAL ISSUES

As noted above, an Addendum Environmental Impact Report (or "Addendum EIR") was prepared to address a full range of environmental issues associated with the currently-proposed project. These environmental issues include aesthetics, agricultural resources, air quality/greenhouse gas emissions, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water, noise, public services/utilities, and transportation/circulation. The issues of land use and planning, population and housing and recreation were determined to be not relevant to the current proposal. The potential impacts of the proposed project within each environmental issue were identified and discussed. Impacts in all of the environmental issue areas with three exception were determined to be insignificant (Class III Impact). The issues of aesthetics, noise and public services/utilities were identified as potentially significant. In all three instances, implementation of proposed mitigation measures would reduce each potential impact to a less than significant level or be avoided entirely (Class II Impact). These three impacts and their respective mitigation measures are summarized below.

Aesthetics

Impact - The visual character of the currently proposed vertical expansion area would change marginally as a result of the currently proposed project. The approximately four acre area is currently composed of a roughly level, manufactured terrace, with a manufactured 2:1 fill slope below it on the north and west sides, and a 2:1 cut slope face behind and above it on the east. The ridge behind it extends to an elevation of approximately 1,400 feet. The vertical expansion area does not currently have any significant native vegetation and is used as a staging area for sorting green waste. Under existing approvals, fill would be placed to elevate the existing bench to 1,360 feet; under the requested vertical expansion, fill would be placed to elevate the bench to 1,386 feet. The 2:1 fill slope face along the north and west margins of the vertical expansion area would be carried up to the ultimate elevation of 1,386 feet. The ridge behind the area would remain higher than the fill surface. There are no unique visual features within the currently proposed expansion area that would be impacted by project activities. The fill slope would be distinguishable from adjacent natural areas due to the lighter color of the fill soil until revegetation occurs. Revegetation will serve to visually blend the currently proposed expansion area with the surrounding landscape. The following mitigation measure would reduce this impact to a less than significant level.

Mitigation Measure - The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the currently proposed vertical expansion area for review and enforcement by the LEA/EA and the Lead Agency. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. The revegetation plan shall also be prepared using species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related Title 27 erosion control standards and is subject to review and approval by the County Planning and Building Department.

Noise

Impact - The currently proposed project results in potentially significant noise impacts due to the stockpiling of solid waste to an elevation of 1,386 feet. This potentially significant impact is similar to but does not exceed the potential noise impacts associated with the previously approved project. Implementation of the following mitigation measure would reduce this potential impact to a less than significant level.

Mitigation Measure - To reduce potential noise impacts on off-site residences, the applicant shall implement one of the two following mitigation options:

- (a) Limit the hours of operation for material recycling grinding equipment to the hours of 7 a.m. to 6 p.m. and provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the landfill manager for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved noise complaints can be reported; or
- (b) Place fill in the low points of surrounding ridges. The environmental monitor shall monitor compliance quarterly.

Public Services/Utilities

Impact - The currently proposed project results in potentially significant solid waste impacts due to the litter nuisance along roadways adjacent to the landfill. This potentially significant impact is similar to but does not exceed the potential solid waste impacts associated with the previously approved project. Implementation of the following mitigation measure would reduce this potential impact to a less than significant level.

Mitigation Measure - The applicant shall prepare a litter control plan for review and approval by the County Public Works Department and the County Public Health Department which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control program and upon initial commencement of the project, conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:

- (a) Issue a written “one-time” warning and provide education material to the driver of any vehicle with an uncovered load;
- (b) Post signage at the landfill entrance and/or scale house stating this policy;

- (c) Provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance; and
- (d) Provide all residents living within 500 feet of all road segments that are located within a 1/4 mile radius of the landfill boundary with a contact number for the on-site landfill manager for which complaints can be reported regarding trash on these roadways. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item “d” of this mitigation with corrective action to be taken by that agency for violations of this mitigation measure.

The plan must be reviewed and approved by the County Public Works Department and the County Public Health Department prior to exceeding the currently permitted solid waste elevation of 1,360 feet in module 3 and a portion of module 4 or prior to placement of a soil liner within areas outside the original landfill boundary established in 1970.

All residual impacts associated with the current project proposal are identified as either Class II impacts (potentially significant impacts which have been reduced to a level of insignificance or avoided entirely with the implementation of proposed mitigation measures) or Class III impacts (impacts which are found to be insignificant).

Comments on Addendum EIR

The Addendum EIR was circulated for public review and comment on September 14, 2016. The Department received two responses, one from the applicant and one from CalRecycle. These comments are summarized below along with staff's responses:

- Mike Hoover, On-site Landfill Manager (September 30, 2016) - Comments included additional information concerning a recently approved (February, 2016) amendment to the Williamson Act Contract, annual vehicle trip totals and several of the proposed mitigation measures. All applicable revisions have been reflected in this staff report as well as the Addendum EIR.
- CalRecycle (September 28, 2016) – Made corrections to specific acreage totals and other details associated with the proposed vertical expansion. All applicable revisions to the project description have been reflected in this Staff Report as well as the Addendum EIR.

ORDINANCE COMPLIANCE/LAND USE CONSISTENCY

Existing Land Uses

The proposed project involves a request by Chicago Grade Landfill and Recycling, LLC for a modification of an existing Conditional Use Permit in order gain additional, short-term capacity in a portion of the Chicago Grade Landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360

foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 of the land fill and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007 with the County's approval of a Conditional Use Permit (DRC2003-00026). These actions would expand the solid waste footprint by approximately 0.67 acres and would create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1,386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated. The proposed project is within the Agriculture land use category and is located at 2290 Homestead Road in the Atascadero-Templeton area approximately two miles west of the City of Atascadero. No lands within the proposed expansion area are designated Farmland of Statewide Importance.

Ordinance Compliance

The previously approved Conditional Use Permit (DRC2003-00026) evaluated the following local and regional plans in order to determine the proposed project's compliance: San Luis Obispo County General Plan and Land Use Ordinance; CalRecycle policies; Regional Water Quality Control Board policies; the Clean Air Plan; the Regional Transportation Plan and the North County Area Plan-El Pomar-Estrella Sub-area. The previously approved (2007) landfill expansion and the currently proposed vertical expansion conform with these local and regional plans.

It should be noted that the current proposal represents a very small part, approximately four acres of the currently permitted 76.4 acre landfill area. While amending the prior approval, the proposed project is consistent and complies with these ordinances and standards.

COMMUNITY ADVISORY GROUP COMMENTS

The Templeton Area Advisory Group (TAAG) reviewed the proposed project at their October 20, 2016 meeting and recommended approval.

AGENCY REVIEW

The following agencies provided comments on the proposed project:

- The County Department of Public Works (Glen Marshall; October 5, 2016) – The project is located in the Paso Robles Groundwater Basin and must follow the adopted water conservation requirements of the Paso Robles Groundwater Basin Plan. The proposed project is located outside the MS-4 boundary and does not meet the criteria for Storm Water Management. Two recommended conditions of approval were also provided.
- San Luis Obispo County Air Pollution Control District (Melissa Guise; October 11, 2016) – no comments regarding the proposed vertical expansion.
- CalRecycle – See comments above on Addendum EIR.

Conditions of Approval applied to the current project are listed in Exhibit B of this Staff Report. Conditions of Approval carried forward from the previously approved project are listed in Exhibit C of this Staff Report.

STAFF RECOMMENDATION

Staff recommends the Planning Commission take the following actions in this order:

1. Approve the Addendum to the previously certified EIR including any attachments as complete and adequate in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et.seq.
2. Approve the amended Conditional Use Permit (DRC2003-00026) based on the Findings in Exhibit A and Conditions of Approval in Exhibit B.

ATTACHMENTS/EXHIBITS

Attachment 1: Exhibit A – Findings

Attachment 2: Exhibit B – Conditions of Approval

Attachment 3: Exhibit C – February 7, 2007 Findings and Conditions

Attachment 4: Exhibit D – Project Graphics

Attachment 5: Exhibit E – Agency Referral Responses

Attachment 6: Exhibit F – Addendum EIR

Attachment 7: Exhibit G – Comments on Addendum EIR

Exhibit A – Findings
Conditional Use Permit DRC2003-00026
November 10, 2016 CUP Amendment

California Environmental Quality Act

- A. The currently proposed project is consistent with the previously certified 2007 Final Environmental Impact Report (FEIR) for the Chicago Grade Landfill Expansion Development Permit (DRC2003-00026) because no substantial changes are proposed in the current project which will require major revisions to the previously certified FEIR, no substantial changes occur with respect to the circumstances under which the current project is undertaken which will require major revisions to the previously certified FEIR and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified. Pursuant to the State CEQA Guidelines (Sec. 15164(a), Sec. 15162), an Addendum to the previously certified 2007 Final Environmental Impact Report (FEIR) for the Chicago Grade Landfill Expansion Development Permit was prepared for the currently proposed project.

Conditional Use Permit

- B. As conditioned, the proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the proposed project or 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 proposed use or be detrimental or injurious to property or improvements in the vicinity of the proposed use.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development.
- 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.
- G. The proposed project is consistent with the previously adopted findings for DRC2003-00026.

**Exhibit B – Conditions of Approval
Conditional Use Permit DRC2003-00026
November 10, 2016 CUP Amendment**

Conditional Use Permit Amendment

1. This approval authorizes an amendment to previously approved Conditional Use Permit DRC2003-00026 in order to gain additional, short-term capacity in a portion of the Chicago Grade Landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 of the land fill and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007 with the County's approval of a Conditional Use Permit (DRC2003-00026). These actions would expand the solid waste footprint by approximately 0.67 acres and would create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1,386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated.

The following conditions apply to the proposed vertical expansion authorized by this Conditional Use Permit amendment. The applicant shall implement these conditions prior to exceeding the currently permitted solid waste elevation of 1,360 feet in module 3 and a portion of module 4 or prior to placement of a soil liner within areas outside the original landfill boundary established in 1970. Additional work or expansion authorized by the original Conditional Use Permit DRC2003-00026 shall be subject to the conditions of approval for that permit.

Addendum EIR Mitigation Measures

2. The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the currently proposed vertical expansion area for review and enforcement by the LEA/EA and the Lead Agency. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. The revegetation plan shall also be prepared using species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related Title 27 erosion control standards and is subject to review and approval by the County Planning and Building Department.
3. To reduce potential noise impacts on off-site residences, the applicant shall implement one of the two following mitigation options:
 - a. Limit the hours of operation for material recycling grinding equipment to the hours of 7 a.m. to 6 p.m. and provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the landfill manager for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a

Attachment 2 - Conditions of Approval

- second contact number shall also be provided for the environmental monitor for which unresolved noise complaints can be reported; or
- b. Place fill in the low points of surrounding ridges. The environmental monitor shall monitor compliance quarterly.
4. The applicant shall prepare a litter control plan for review and approval by the County Public Works Department and the County Public Health Department which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control program and upon initial commencement of the project, conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:
- a. Issue a written “one-time” warning and provide education material to the driver of any vehicle with an uncovered load;
 - b. Post signage at the landfill entrance and/or scale house stating this policy;
 - c. Provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance; and
 - d. Provide all residents living within 500 feet of all road segments that are located within a 1/4 mile radius of the landfill boundary with a contact number for the on-site landfill manager for which complaints can be reported regarding trash on these roadways. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item “d” of this mitigation with corrective action to be taken by that agency for violations of this mitigation measure.

The plan must be reviewed and approved by the County Public Works Department and the County Public Health Department prior to exceeding the currently permitted solid waste elevation of 1,360 feet in module 3 and a portion of module 4 or prior to placement of a soil liner within areas outside the original landfill boundary established in 1970.

Public Works

5. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
6. **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 landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Attachment 3 - Original Findings and Conditions

FINDINGS - EXHIBIT A

Environmental Determination:

- A. Certify the proposed Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
- B. Approve the Mitigation Monitoring Program for the proposed project.
- C. Adopt the Findings of Fact of the proposed Final Environmental Impact Report which finds that there is evidence that the project may have a potentially significant effect on the environment and therefore an Environmental Impact Report was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) Mitigation measures were identified to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water, noise, public services, traffic and circulation and agricultural resources which, when implemented, reduce all project impacts to an insignificant level.
- D. The proposed project is consistent with the San Luis Obispo County General Plan because:
 1. the proposed project is identified as an "S-1" special use in Table "O" of the "Framework For Planning" of the Land Use Element which requires the review and approval of a Development Plan and the applicant has applied for the required type of land use permit;
 2. the proposed project is not located on an active fault as identified in the Seismic Safety Element of the General Plan;
 3. the proposed project will not generate a level of noise as identified in the Safety Element of the General Plan that is incompatible with surrounding uses;
 4. the proposed project will not cause a reduction, as identified in the Conservation Element of the General Plan, in the amount of water available to agricultural uses and
 5. the proposed project is required to monitor groundwater for hazardous substances pursuant to Title 27, of the California Code of Regulations and as required by the Conservation Element of the General Plan.
- E. As conditioned, the proposed project satisfies all applicable provisions of Title 22 of the County Code because:
 1. the proposed project is considered through a Development Plan application as required by Land Use Ordinance Section 22.02.034;
 2. the proposed project is conditioned to submit a grading and revegetation plan for proposed ridge line fill areas to the County for review and approval pursuant to the provisions of the County Land Use Ordinance;
 3. the proposed project is conditioned to implement construction Best Available Control Technologies for equipment used in operations and haul road paving pursuant to San Luis Obispo Air Pollution Control District requirements;
 4. the proposed project is conditioned to prepare and implement a plan for construction phase PM₁₀ emissions reduction and utilize Best Available Control Technologies on equipment used to construct new modules pursuant to San Luis Obispo Air Pollution Control District requirements;

Attachment 3 - Original Findings and Conditions

5. the proposed project is conditioned to conform to erosion control requirements pursuant to the provisions of the County Land Use Ordinance;
 6. the proposed project is conditioned to conform with erosion control requirements of the Regional Water Quality Control Board and the California Integrated Waste Management Board as defined in Title 27 of the California Code of Regulations;
 7. the proposed project is conditioned to submit an erosion control and revegetation plan to the County for proposed ridgeline fill areas pursuant to the provisions of the County Land Use Ordinance;
 8. the proposed project is conditioned to conform with landfill liner and leachate control requirements of the Regional Water Quality Control Board and the California Integrated Waste Management Board as defined in Title 27 of the California Code of Regulations;
 9. the proposed project is conditioned to submit a Fire Safety Plan to the California Department of Forests/County Fire Department for review and approval pursuant to the provision of the County Land Use Ordinance and
 10. all required mitigation measures are recommended to be included in applicable regulation agency permits.
- F. 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:
1. aesthetics impacts will be minimized through the provision as conditioned of ridgeline fill areas north and northeast of the proposed ridgeline fill area in order to screen views of the landfill expansion area from outside vantage points;
 2. as conditioned, air pollutant emissions from construction equipment operations and haul road paving as well as from construction of new modules have been minimized to the maximum extent feasible;
 3. as conditioned, areas within the proposed ridgeline fill area will be surveyed for special status species and protected trees in order to minimize the loss of habitat and oak trees;
 4. as conditioned, the required erosion control plan will include measures to minimize the potential introduction or spread of invasive species
 5. as conditioned, project construction could be halted and proper notification would be given if cultural resources or human remains are uncovered;
 6. as conditioned, landfill employees will be trained to identify archaeological resources and to implement measures if resources are uncovered;
 7. as conditioned, the proposed project must conform with erosion control requirements of the County, the Regional Water Quality Control Board and the California Integrated Waste Management Board including preparation of erosion control plans for proposed ridgeline fill areas;
 8. as conditioned, the proposed project must conform with landfill liner and leachate control requirements of the Regional water Quality Control Board and the California Integrated Waste Management Board in order to minimize groundwater quality impacts;
 9. noise impacts upon surrounding area will be reduced through the provision as conditioned of ridgeline fill areas north and east of the proposed landfill expansion area;

Attachment 3 - Original Findings and Conditions

10. as conditioned, the proposed project must prepare and implement a fire safety plan in order to reduce potential fire hazards;
 11. as conditioned, the proposed project must prepare and implement a litter control plan that includes a range of actions to reduce accidental or intentional littering of roadways;
 12. as conditioned, the proposed project must prepare and implement a plan for reconfiguring the landfill entrance to the specifications of the County Public Works Department in order to substantially reduce turning movement conflicts at this location and
 13. as conditioned, the project applicant must file a Notice of Partial Non-Renewal prior to the alteration of any land currently within the Williamson Act contract.
- G. The proposed project or use will be inconsistent with the character of the immediate neighborhood nor contrary to its orderly development because:
1. aesthetics impacts will be minimized through the provision as conditioned of ridgeline fill areas north and northeast of the proposed ridgeline fill area in order to screen views of the landfill expansion area from outside vantage points;
 2. as conditioned, air pollutant emissions from construction equipment operations and haul road paving as well as from construction of new modules have been minimized to the maximum extent feasible;
 3. as conditioned, areas within the proposed ridgeline fill area will be surveyed for special status species and protected trees in order to minimize the loss of habitat and oak trees;
 4. as conditioned, the required erosion control plan will include measures to minimize the potential introduction or spread of invasive species;
 5. as conditioned, project construction could be halted and proper notification would be given if cultural resources or human remains are uncovered;
 6. as conditioned, landfill employees will be trained to identify archaeological resources and to implement measures if resources are uncovered;
 7. as conditioned, the proposed project must conform with erosion control requirements of the County, the Regional Water Quality Control Board and the California Integrated Waste Management Board including preparation of erosion control plans for proposed ridgeline fill areas;
 8. as conditioned, the proposed project must conform with landfill liner and leachate control requirements of the Regional water Quality Control Board and the California Integrated Waste Management Board in order to minimize groundwater quality impacts;
 9. noise impacts upon surrounding area will be reduced through the provision as conditioned of ridgeline fill areas north and east of the proposed landfill expansion area;
 10. as conditioned, the proposed project must prepare and implement a fire safety plan in order to reduce potential fire hazards;
 11. as conditioned, the proposed project must prepare and implement a litter control plan that includes a range of actions to reduce accidental or intentional littering of roadways;
 12. as conditioned, the proposed project must prepare and implement a plan for reconfiguring the landfill entrance to the specifications of the County Public Works Department in order to substantially reduce turning movement conflicts at this location and
 13. as conditioned, the project applicant must file a Notice of Partial Non-Renewal prior to the alteration of any land currently within the Williamson Act contract.

Attachment 3 - Original Findings and Conditions

- H. 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:
1. The proposed project does not involve any changes to the existing landfill operations, i.e. no change in currently permitted daily peak/annual waste tonnage or currently permitted peak daily trips. As such, the proposed project will not generate additional traffic volumes onto local roadways beyond those associated with the current landfill operations.
 2. as conditioned, the proposed project must prepare and implement a plan for reconfiguring the landfill entrance to the specifications of the County Public Works Department in order to substantially reduce turning movement conflicts at this location.

**CHICAGO GRADE LANDFILL
CONDITIONS OF APPROVAL – EXHIBIT B**

Approval Project

1. A Development Plan to allow expansion of the permitted disposal area footprint for the Chicago Grade Landfill from 38.44 acres to 82.74 acres, an increase of 44.30 acres. The expansion would involve construction of two new landfill modules that together would provide capacity for disposal of approximately 3,098,775 additional tons of waste with a maximum height of 1304 feet above mean sea level. At a projected two percent annual growth in demand for disposal capacity, the service life of the landfill would be extended by approximately 29 years to the year 2045. In addition, the applicant is requesting that the current permitted facility boundary be expanded to include the entire 189-acre parcel owned by the applicant. In order to reduce visibility of the landfill, the applicant is requesting the permitted maximum height of the landfill be reduced from 1,400 to 1,360 feet above mean sea level and that fill material be placed in two low points along ridgelines defining the northern site boundary. The applicant is also proposing creation of an additional 100 foot buffer at the periphery of the proposed expansion area in addition to the existing 500 foot buffer in this area. No changes in the currently permitted daily peak/annual waste tonnage or the currently permitted peak daily vehicle trips are proposed.

Condition Compliance/ Mitigation Monitoring

2. The applicant shall provide funding for the County of San Luis Obispo to retain an environmental monitor to ensure compliance with those certain County Conditions of Approval and EIR mitigation measures designated in this condition. The monitor shall assist the County in condition compliance and mitigation monitoring for conditions 3, 4, 8, 9, 12, 14, 16 and 17 under the supervision of the County Department of Planning and Building. The monitor will prepare a working monitoring plan applicable to the County-approved environmental mitigation measures/ conditions of approval designated for monitoring by the County Department of Planning and Building and the environmental monitor. This plan will include (1) goals, responsibilities, authorities, and procedures for verifying compliance with environmental mitigations; (2) lines of communication and reporting methods; (3) quarterly reporting of compliance with the designated mitigation measures /conditions of approval; and (4) action to be taken in the event of non-compliance. The environmental monitor shall be under contract to the County of San Luis Obispo. Costs of the monitor and any county administrative fees, shall be paid for by the applicant.

Attachment 3 - Original Findings and Conditions

3. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur. Grading activities shall be subject to quarterly monitoring by the environmental monitor funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred in prior years in order to assist this monitoring.

The following conditions of approval must be satisfied upon Project Commencement, which shall be defined as the occurrence of the first of the following activities: (a) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations" as shown on Exhibit A (Final EIR, page 5-73); or (b) placement of waste material outside the area of "Ongoing Waste Disposal and Recycling Operations" as shown on Exhibit A (Final EIR, page 5-73).

4. The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the proposed ridge fill, for review and enforcement by the LEA/EA and RWQCB. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. A revegetation plan shall also be prepared using plant species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related Title 27 erosion-control standards and is subject to approval by the County Department of Planning and Building.
5. The applicant shall install a total of three (3) Diesel oxidation Catalysts or other SLOAPCD approved best available control technology devices on the equipment that will be use to operate and construct the new landfill modules. The applicant shall demonstrate to the satisfaction of the SLOAPCD that such devices will be installed. The applicant shall contact the SLOAPCD to coordinate the implementation of this mitigation.
6. The applicant shall pave the currently unpaved portion of the on-site haul road to a point as close as possible to the working area of modules 6 and 7.
7. The applicant shall prepare a map of the segment of the haul road to be paved and present the map to the SLOAPCD for review and approval.
7. The operator shall apply any of the following (or combination thereof) of: application of water to unpaved roads and customer unloading areas and annual vegetation of disturbed soil areas that will not be further disturbed for at least 6 months, to prevent air borne dust transport from the landfill property following Project Commencement. In the event of complaints or SLOAPCD/LEA/EA observations of dust transport from the property, the following compliance verification shall apply:

Attachment 3 - Original Findings and Conditions

- a. The SLOAPCD shall collect grab samples of ambient air at the landfill property line; at least one grab sample shall be collected during working hours and one grab sample shall be collected during the same 24-hour period, outside of operational hours. The 24-hour average concentration of PM10 shall be computed from the grab samples and compared to the CAAQS 24-hour average (150.0 micrograms/cubic meter); and,
 - b. If the concentration of PM10 in ambient air along the landfill property line (measured as above) exceeds the CAAQS, additional measures including but not limited to those listed above plus application of approved soil binders shall be required; and compliance sampling shall be repeated following the modified PM10 control procedures to verify compliance with the CAAQS standard.
8. A qualified biologist shall survey areas within the footprint of the proposed ridge fill locations, access roads, and staging areas that may be affected by vehicles or heavy equipment during the placement of the proposed ridge fill for special status species and protected trees. If special status species or protected trees are located during the survey: 1) the ridge fill and access roads or staging areas must be redesigned to avoid the species and/or habitat and protected trees, or 2) the applicant will follow the required County, CDFG, or USFWS mitigation as appropriate for impacts to special status species and protected trees. Consultation with CDFG or USFWS may be required. Results of the survey, proposed mitigation measures and proposed mitigation implementation actions must be reviewed and approved by the County Planning and Building Department.
9. In order to prevent the spread of invasive non-native species, the following shall be included in the erosion control and revegetation plans
- a. An eradication plan for plants listed in the *Exotic Pest Plants of Greatest Ecological Concern in California* (CalPPC October 1999) and currently growing on the project site;
 - b. Use of plants listed in the County brochure *Exotic Pest Plants of Greatest Ecological Concern in California* shall be prohibited; and
 - c. Plant materials used in landscaping, erosion control or habitat restoration shall consist of appropriate native California plants or cattle forage as identified by a qualified biologist.
10. The project applicant shall prepare an erosion control plan prepared by a registered engineer or engineering geologist that meets requirements of RWQCB Order R3-2004-0002. Since the proposed project would disturb

Attachment 3 - Original Findings and Conditions

an area greater than one acre, the erosion control plan must be part of a Storm Water Pollution Prevention Plan as required for compliance with NPDES Storm Water Discharge General Permits. The erosion control must be reviewed and approved by RWQCB and CIWMB.

11. The applicant shall prepare an erosion control plan to be implemented at the proposed ridge fill locations. The plan must be consistent with related Erosion and Sedimentation Control Plan standards contained in Title 27 and Waste Discharge Order R3-2004-0003 and those portions of the LUO specified below:

Indigenous or site adapted species shall be used for revegetation to increase the probability for success;

Seedbeds shall be prepared to control unwanted vegetation and provide rapid infiltration (e.g., loose, irregular surface);

Any broadcast seeds shall be planted at an appropriate depth to ensure their success. Larger seeds shall be planted deeper, smaller seeds shallower;

Revegetation and /or seeding shall occur when moisture and temperature conditions are the most favorable to provide the longest possible period for germination and early growth;

Seedlings shall be protected from grazing for at least two growing seasons;

Contour furrows or trenches shall be constructed to break slope length and provide depression storage for surface runoff, and hold water in place until it infiltrates the soil to assist with vegetation establishment. Pitting may also be used to create depressions for establishing clustered vegetation; and

Any channelization that occurs due to surface waters cutting vertical paths into the slope shall be repaired to prevent gullies and further erosion.

12. To reduce potential noise impacts on off-site residences located north and east of the expansion area, the applicant shall implement one of the two following mitigation options:

- a. limit the hours of operation for material recycling and grinding equipment to the daytime hours of 7a.m. to 6 p.m. Provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact

Attachment 3 - Original Findings and Conditions

number for the onsite landfill manager, for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a second contact number shall also be provided for the local monitor for which unresolved noise complaints can be reported; or

- b. place fill in the low points of surrounding ridges as proposed by the applicant. Fill must be placed at a higher elevation than waste within the expansion area at all times. The environmental monitor shall monitor compliance quarterly.

13. The applicant shall prepare a fire safety plan consistent with LUO Section 22.05.082. The plan must be prepared and approved by the California Department of Forestry/County Fire Department.

14. The applicant shall prepare a litter control plan, which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control plan and upon initial commencement of the project, conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:

- a. Issue a written "one-time" warning and provide educational material to the driver of any vehicle with an uncovered load;
- b. Post signage at the landfill entrance and/or scale house stating this policy; and
- c. Provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance; and
- d. Provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the onsite landfill manager, for which complaints can be reported regarding trash on these roadways. In the event that corrective action is inadequate, a second contact number shall also be provided for the local monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item "d" of this mitigation with corrective action to be taken by that agency for violations of the mitigation.

Attachment 3 - Original Findings and Conditions

15. In the event that the current configuration of the landfill entrance does not comply with County requirements as determined by the County Public Works Department, the applicant shall prepare a landfill entrance reconfiguration plan detailing the improvements necessary to address the safety issues at the existing entrance. The improvement plan shall be prepared to County specifications, which include the following:

- Driveway shall meet Homestead Road at a 90-degree angle;
- Driveway throat shall extend 50 feet into the site, measured from the edge of Homestead road, before making any turns;
- Driveway corners shall have radii to accommodate California Design Vehicle, with no need to cross into an opposing lane on Homestead Road;
- Driveway location shall comply with County Standard A-11 for sight distance; and
- Driveway construction shall comply with county Standard B-2-2.

The following conditions of approval must be satisfied during project construction:

16. If archaeological resources or human remains are unearthed during activities within modules 6 and 7, work shall be halted within 50 meters (165 feet) of the find until it can be investigated by a qualified professional archaeologist. In the event that human remains are unearthed or otherwise discovered, the County Coroner must be contacted to the finds can be properly identified and evaluated. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.
17. The landfill operator shall train all landfill employees on the appropriate procedures to follow when/if archaeological resources are unearthed within the proposed expansion area. Each employee shall be trained: (a) at least once per year and (b) within the first two weeks of accepting employment at the landfill. Each employee shall sign a form that identifies the trainer, date of training and that training was completed. The form shall be kept on file for the duration of each employee's employment at the landfill. All existing employees shall be trained prior to issuance of a revised SWFP. The forms shall be subject to inspection by the Department of Building and Planning.

Attachment 3 - Original Findings and Conditions

The following condition of approval must be satisfied ten years prior to commencement of the proposed project.

18. The landowner shall file a Notice of Partial Non-renewal with the County of San Luis Obispo for that portion of the parcel under Williamson Act contract that would be converted from an agricultural use to landfill use, with follow up contract amendment applications to add land being required only if the land remaining under contract, excluded from the nonrenewal, would no longer meet the eligibility requirements in the Rules of Procedure. Further, excavation and grading would be allowed on the nonrenewal portion during the nonrenewal period as long as liners and waste are not installed and placed there. The request for partial non-renewal shall be subject to County review and approval.

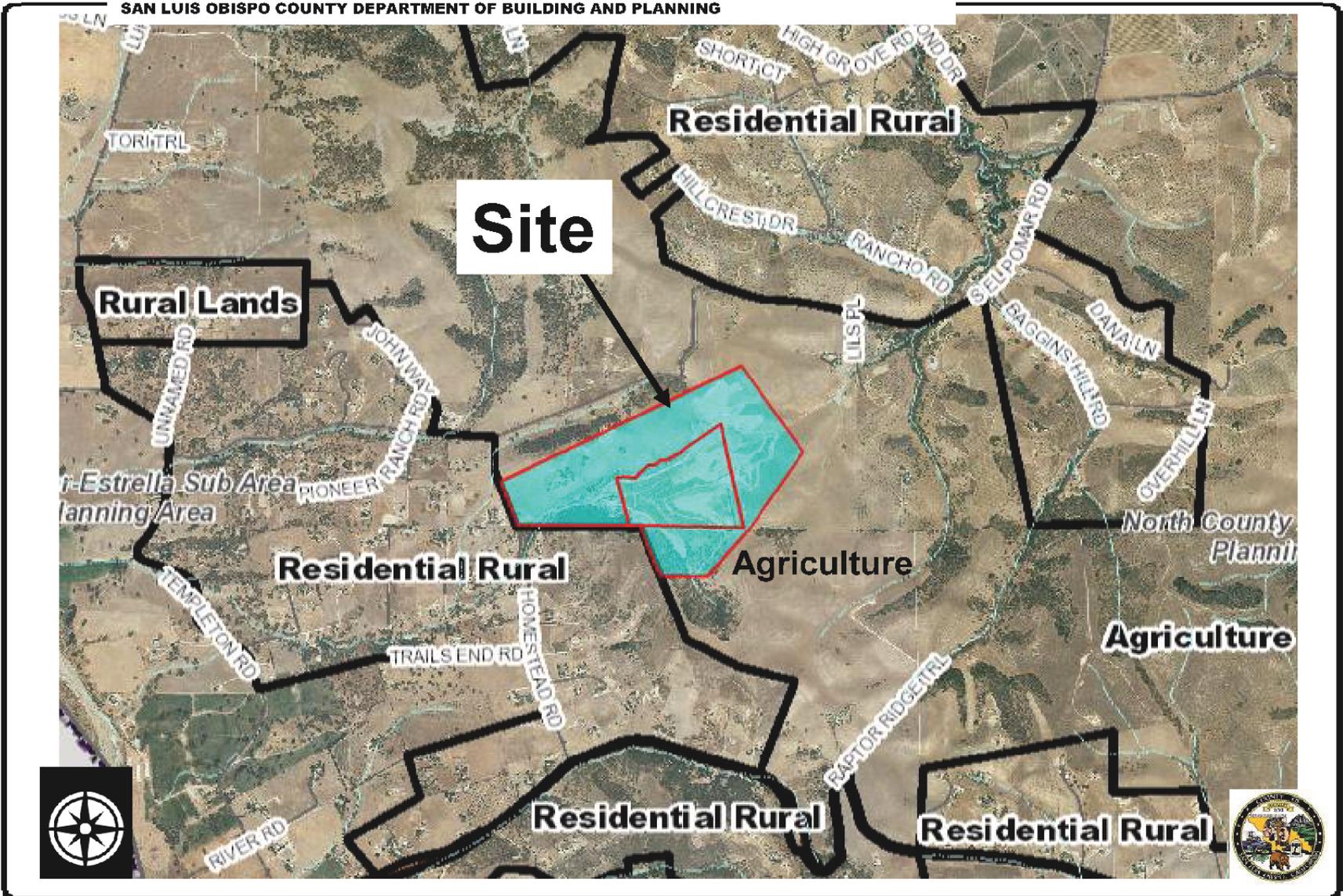
Indemnification

19. The applicant shall as a condition of approval of this conditional use 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 conditional use permit or the manner in which the County is interpreting or enforcing the conditions of this conditional use permit, or any other action by a third party relating to approval or implementation of this conditional use permit. The applicant shall reimburse the County for any court costs 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.



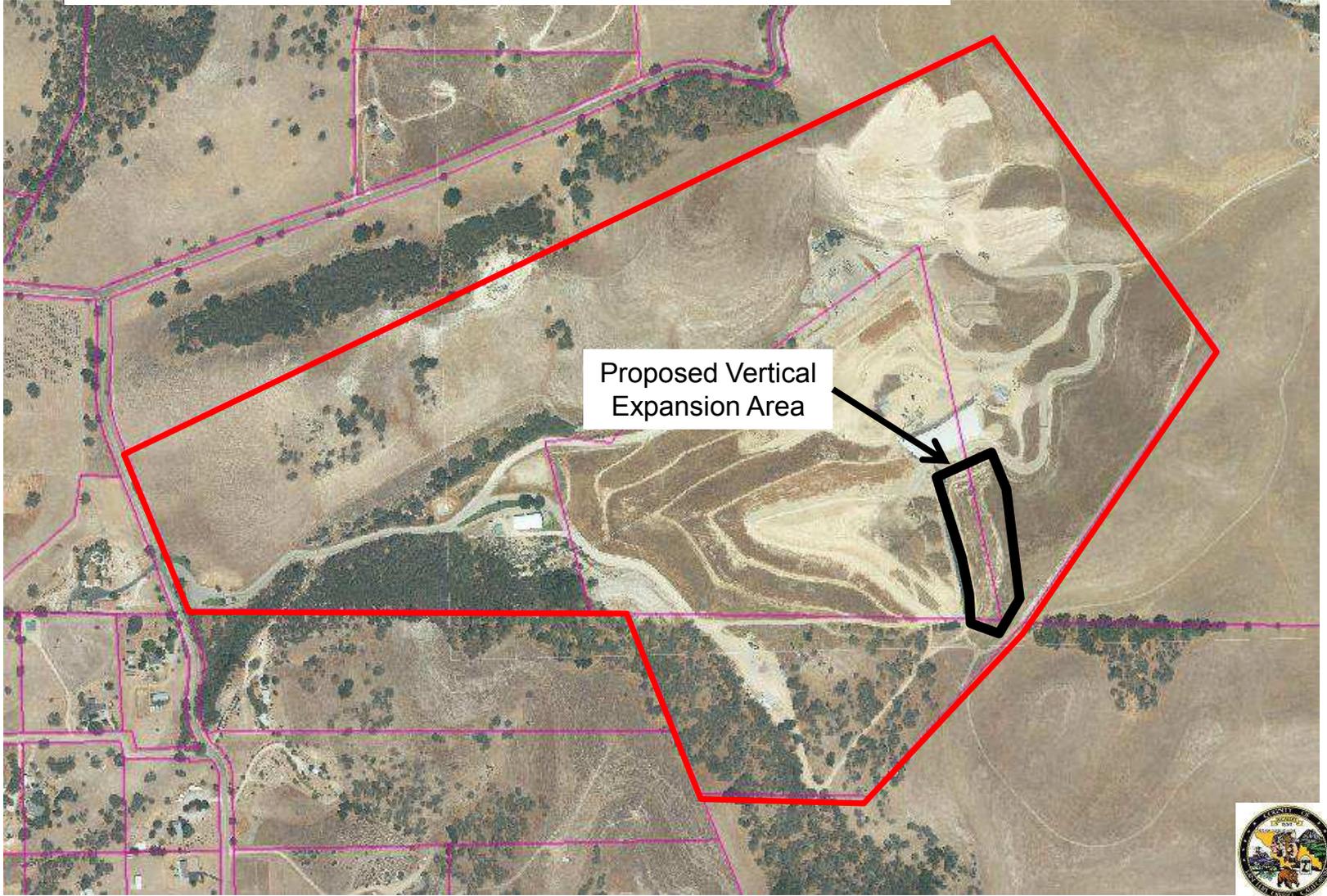
PROJECT
Conditional Use Permit DRC2003-00026
Chicago Grade Landfill

EXHIBIT
Vicinity Map



PROJECT
 Conditional Use Permit DRC2003-00026
 Chicago Grade Landfill

EXHIBIT
 Land Use Category Map



PROJECT
Conditional Use Permit DRC2003-00026
Chicago Grade Landfill

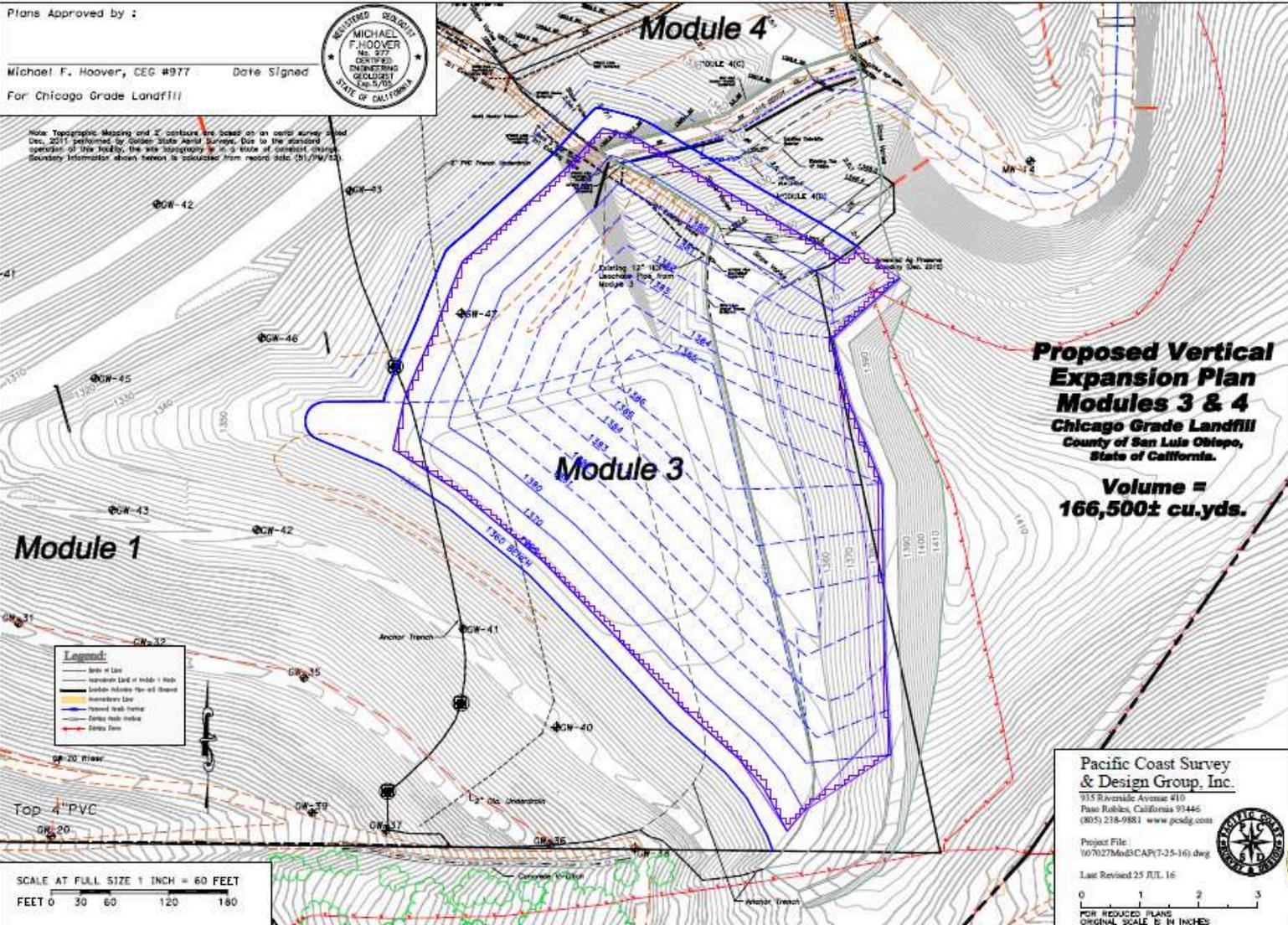
EXHIBIT
Aerial Photograph

Plans Approved by :

Michael F. Hoover, CEG #977 Date Signed
 For Chicago Grade Landfill



Note: Topographic Mapping and X contours are based on an aerial survey dated Dec. 2011 performed by Pacific Coast Survey. Due to the standard operation of this facility, the site topography is in a state of constant change. Boundary information shown herein is calculated from record data (5/17/9/12).



**Proposed Vertical Expansion Plan
 Modules 3 & 4
 Chicago Grade Landfill
 County of San Luis Obispo,
 State of California.**

**Volume =
 166,500± cu.yds.**

- Legend:**
- Existing Line
 - Proposed Limit of Module 1 Work
 - Existing Module 3 and 4 Proposed Intermediate Line
 - Proposed Grade Surface
 - Existing Module 3 Surface
 - Existing Drive

SCALE AT FULL SIZE 1 INCH = 60 FEET
 FEET 0 30 60 120 180

Pacific Coast Survey & Design Group, Inc.
 915 Riverside Avenue #10
 Paso Robles, California 93446
 (805) 238-9881 www.pcsdgy.com

Project File: 107027Mod3CAP(7-25-16).dwg
 Last Revised 25 JUL 16

0 1 2 3
 PDS REDUCED PLANS
 ORIGINAL SCALE 6 IN INCHES

Attachment 4 - Graphics

Page 4 of 4

PROJECT
 Conditional Use Permit DRC2003-00026
 Chicago Grade Landfill

EXHIBIT
 Proposed Grading Plan



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Wade Horton, Director

County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us



Date: October 5, 2016
To: Airlin Singewald Project Planner
From: Glenn Marshall, Development Services

Subject: Public Works Comments on DRC2003-00026 Chicago Grade Landfill Vertical Expansion, Homestead Rd, Atascadero

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

Public Works Comments:

- A. We have no concerns or comments pertaining to our review of Section K, Transportation and Circulation, of the *Chicago Grade Landfill Proposed Vertical Expansion Addendum EIR*, prepared by Douglas Wood & Associates, dated September 14, 2016.
- B. The project is located within the Paso Robles Groundwater Basin and must follow the adopted water conservation requirements of the Paso Robles Groundwater Basin Plan.
- C. The project is located outside a defined MS-4 boundary, therefore does not meet the applicability criteria for Storm Water Management.

Recommended Project Conditions of Approval:

Access

1. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
2. **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 landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

G:\Development\DEVSERV Referrals\Land Use Permits\Conditional Use Permits\DRC2003-00026 Chicago Grade Landfill\DRC2003-00026 Chicago Grade CUP Homestead Rd Atascadero.doc
UPDATED: October 5, 2016

Attachment 5 - Agency Referral Responses

October 22, 2016

To: Karan Nall, Senior Planner

From: AliceGriselle, Chair
TAAG

Subject: Advisory recommendation from the October 20, 2016 TAAG meeting

DRC2013-00093 PAPICH – Proposed minor use permit to allow the addition of a portable asphalt batch plant on-site. Site location is 425 Volpi Ysabel Rd, Paso Robles. APN: 040-143-020

Recommendation: The TAAG recommends supporting the application with confirmation of traffic impact mitigation at the two 101 freeway intersections, that prescribed noise and light levels are not exceeded, that no odors emanate from the plant, if the plant is no longer used the site should be returned to its original condition, the 2003 conditions should be incorporated in the conditions and, provide adjacent neighbors, including residential to the east, an emergency 24 hour contact number.

DRC2016-00007 BURGETT – Proposed minor use permit for the conversion of 590 FT space for winery, to include barrel storage and fermentation, case goods storage and small tasting room. APN(s): 039-111-002

Recommendation: The applicants stated that there will be no winery events or gatherings at the location except for the possibility of two annual industry events. They noted that the two oak trees at the entrance to the driveway will not be removed. The TAAG recommended support as presented with agreement to maintaining existing lighting and only 2 industry events per year maximum with all parking contained on-site, and retention of the two trees at the driveway entrance and widening the driveway behind the entrance.

DRC2003-00026 CHICAGO GRADE LANDFILL – Proposal to amend conditional use permit to allow for a 26 foot vertical expansion over approximately 4 acres within module 3 and a portion of module 4 of the Chicago Grade Landfill.

Recommendation: The TAAG recommended approval of the amendment of the CUP.

**CHICAGO GRADE LANDFILL
PROPOSED VERTICAL EXPANSION
ADDENDUM EIR
ED 03-438
DRC 2003-00026**

Prepared for:

COUNTY OF SAN LUIS OBISPO
Planning and Building Department
County Government Center
San Luis Obispo, CA 93408

Prepared by:

DOUGLAS WOOD & ASSOCIATES, INC.
1461 Higuera Street
San Luis Obispo, California 93401

October 25, 2016

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I. INTRODUCTION AND PURPOSE

A. Environmental Procedures and Format

This Addendum Environmental Impact Report (or "Addendum EIR") has been prepared to introduce technical changes and additions to the Final Environmental Impact Report ("Final EIR") for the Chicago Grade Landfill Expansion Development Permit (State Clearinghouse No. 20044071092). The Final EIR was certified by the County of San Luis Obispo Board of Supervisors on February 27, 2007.

The previously certified Final EIR (ED03-438) was based upon a Conditional Use Permit (DRC 2003-00026) that allowed an expansion of the disposal area of the Chicago Grade Landfill from 38.44 acres to 76.40 acres, an increase of 37.96 acres. The approval created capacity for disposal of approximately 3,098,775 additional tons of waste. This expansion of the disposal area extended the service life of the landfill to the year 2039.

The currently proposed changes or additions (to be referred to herein as the "currently proposed project" or the "proposed vertical expansion") involve: 1) increasing the currently permitted maximum height of solid waste including final cover material from elevation 1360 to elevation 1386 over an area of approximately four acres and 2) allowing site preparation, that being placement of a soil liner within areas outside the original landfill boundary established in 1970 but not into the expanded solid waste disposal area that was approved in 2007. The currently proposed project will create approximately 166,500 cubic yards of additional solid waste storage or approximately eight additional months of solid waste storage operations at this location. These actions will be implemented through a modification of the approved Conditional Use Permit (DRC 2003-00026) including modified conditions of approval.

This document has been prepared in accordance with procedures adopted by the County of San Luis Obispo as Lead Agency relative to the California Environmental Quality Act as well as the CEQA Guidelines (Section 15120 et. seq.). According to the CEQA Guidelines (Section 15162(a)), An Addendum EIR can be prepared when "minor technical changes or additions to a previously certified EIR are necessary, if no substantial changes to the proposed project or to circumstances surrounding the project occur and if there are no new or more severe project impacts or significantly different mitigation measures or project alternatives from those in the previously certified Final EIR". Section 15164 of the CEQA Guidelines specifically states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additional are necessary.

Attachment 6 - Addendum EIR

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary.

(c) An addendum need not be circulated for public review but can be included in or attached to the Final EIR or adopted negative declaration.

(d) The decision making body shall consider the Addendum with the Final EIR or adopted Negative Declaration prior to making a decision on the project.

The County of San Luis Obispo, as Lead Agency, determined that the currently proposed project required an Addendum EIR since only minor technical changes or additions to the to the previously-certified Final EIR were necessary. No substantial changes to the previously-proposed project or to circumstances surrounding the previously-proposed project occurred. No new or more severe project impacts or significantly different mitigation measures from those in the previously certified Final EIR were identified.

This Addendum EIR will focus on its analysis on the impacts and mitigation measures associated with the currently proposed project. This Addendum EIR will specifically focus its analysis of project impacts and mitigations to those associated with the currently proposed vertical expansion thereby not involving or affecting the previously certified Final Environmental Impact Report for the Chicago Grade Landfill Expansion. However, if this Addendum EIR is accepted by the County of San Luis Obispo, it becomes part of and an attachment to the previously-certified Final EIR for the overall Chicago Grade Landfill Expansion. Data from the previously-certified Final EIR will also serve as an environmental baseline for the consideration of the impacts and mitigations associated with the currently proposed vertical expansion.

This Addendum EIR begins with Section I. Introduction and Purpose which provides an introductory discussion of the purpose and scope of the document. Section II. Addendum EIR Summary summarizes the impacts associated with the currently proposed project and any required mitigation measures as they pertain specifically to the currently proposed project. Section III. Existing Setting and Landfill Operations provides background relative to the existing environmental conditions both within and in the area adjacent to the existing landfill as well as the current operations of the Chicago Grade Landfill. Section IV. Project Description identifies and describes in detail the proposed project which involves the increase in the permitted maximum height of solid waste and the placement of a soil liner within areas outside the original landfill boundary.

Section V. Environmental Analysis of this Addendum EIR will analyze the proposed project in relation to a full range of environmental issues in order to determine whether there are any additional significant impacts or revised mitigation measures associated with the currently proposed project that were not addressed within the

Chicago Grade Landfill Expansion Development Permit Final Environmental Report. This range of environmental issues include aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water, noise, public services/utilities, and transportation/circulation. The issues of land use and planning, population and housing and recreation were determined to be not relevant to both the previously-approved project as well as the current proposal. Section VI. References cites the various documents which were used during the preparation of this Addendum EIR.

This Addendum EIR is intended to provide the County of San Luis Obispo, as Lead Agency, with a document that will identify potentially significant environmental impacts, if any, and/or mitigation measures associated with the currently proposed project within the topic areas noted above which were not fully analyzed in the previously certified Final EIR. Data from the previously certified Final EIR will also serve as an environmental baseline for the consideration of the impacts and mitigations associated with the currently proposed project.

This Addendum EIR will provide a full and fair discussion of the potential environmental impacts of the currently proposed project which involves the increase in the permitted maximum height of solid waste and the placement of a soil liner within areas outside the original landfill boundary at the Chicago Grade Landfill. In preparing this Addendum EIR, the County of San Luis Obispo decision-makers, staff and any involved responsible agencies and members of the public will be fully informed as to the impacts and mitigation measures associated with the proposed project.

Pursuant to the California Public Resources Code 21082.1, the County of San Luis Obispo has independently reviewed and analyzed the information contained in this Addendum Environmental Impact Report prior to its consideration by the County. The conclusions and discussions contained herein reflect the independent judgment of the County as to those issues at the time of publication.

B. CEQA Topics Location

<u>TOPIC</u>	<u>LOCATION</u>
Environmental Procedures and Format	Section I
Addendum EIR Summary	Section II
Existing Setting and Landfill Operations	Section III
Project Description	Section IV
Environmental Analysis	Section V
References	Section VI

II. ADDENDUM EIR SUMMARY

Project Summary

The currently proposed project is intended to gain additional, short-term capacity in module 3 and a portion of module 4 of the landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007 with the County's approval of a Conditional Use Permit (DRC 2003-00026).

These actions create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1,386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated.

Although the 2007 Conditional Use Permit issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to the unexpected increase in solid waste volume received at the landfill. This circumstance has generated the need for the currently proposed project (see Section IV.A., Proposed Project).

Environmental Summary

The impacts associated with the currently proposed project are listed by environmental issue below. These impacts do not significantly differ from nor do they exceed the impacts identified in the previously certified (2007) Final EIR (ED03-438) which addressed the 44.3 acre expansion of the Chicago Grade Landfill.

The mitigation measures assigned to the current project proposal and listed below are similar to and do not exceed those mitigation measures associated with the County's approval of CUP 2003-00026. These mitigation measures have been revised in order to more accurately apply to the current project proposal. Mitigation measures identified in the previously certified Final EIR were incorporated into the previous project as conditions of approval of the Conditional Use Permit (DRC 2003-00026). In order to accommodate the current project, modifications to mitigation measures were necessary.

All residual impacts associated with the current project proposal are identified as either Class II impacts (potentially significant impacts which have been reduced to a level of insignificance or avoided entirely with the implementation of proposed mitigation measures) or Class III impacts (impacts which are found to be insignificant).

A. Aesthetics

Project Impacts

The visual character of the currently proposed vertical expansion area would change marginally as a result of the currently proposed project. The approximately four acre area is currently composed of a roughly level, manufactured terrace, with a manufactured 2:1 fill slope below it on the north and west sides, and a 2:1 cut slope face behind and above it on the east. The ridge behind it extends to an elevation of approximately 1,400 feet. The vertical expansion area does not currently have any significant native vegetation and is used as a staging area for sorting green waste. Under existing approvals, fill would be placed to elevate the existing bench to 1,360 feet; under the requested vertical expansion, fill would be placed to elevate the bench to 1,386 feet. The 2:1 fill slope face along the north and west margins of the vertical expansion area would be carried up to the ultimate elevation of 1,386 feet. The ridge behind the area would remain higher than the fill surface. There are no unique visual features within the currently proposed expansion area that would be impacted by project activities. The fill slope would be distinguishable from adjacent natural areas due to the lighter color of the fill soil until revegetation occurs. Revegetation will serve to visually blend the currently proposed expansion area with the surrounding landscape. The following mitigation measure would reduce this impact to a less than significant level.

Mitigation Measures

Since the currently proposed project results in a change to the visual character of the currently proposed vertical expansion area, Mitigation #1 as provided below applies to the currently proposed project.

1. The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the currently proposed vertical expansion area for review and enforcement by the LEA/EA and the Lead Agency. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. The revegetation plan shall also be prepared using species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related Title 27 erosion control standards and is subject to review and approval by the County Planning and Building Department.

Residual Impacts

All potentially significant adverse aesthetic impacts associated with the currently proposed project can be reduced to a level of insignificance or avoided entirely with the implementation of a revised version of the previously adopted Mitigation Measure #1 noted above (Class II Impact).

B. Agricultural Resources

Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 and therefore does not create a conflict with the existing Williamson Act contract. The currently proposed project does not result in any potentially significant impacts upon agricultural resources.

Mitigation Measures

Given the lack of any potentially significant adverse impacts to agricultural resources, no additional mitigation measures are required.

Residual Impacts

Impacts to agricultural resources associated with the currently proposed project are considered to be insignificant (Class III Impact).

C. Air Quality/Greenhouse Gas Emissions

Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 and does not involve the operation of the LFG flare. Landfill operations within a four acre area are considered to have an insignificant impact upon regional air pollutant generation. The currently proposed project does not result any potentially significant air quality or greenhouse gas (GHG) impacts.

Mitigation Measures

Given the lack of any potentially significant air quality or greenhouse gas (GHG) impacts, no additional mitigation measures are required.

Residual Impacts

Air quality and greenhouse gas (GHG) impacts associated with the currently proposed project are considered to be insignificant (Class III Impact).

D. Biological Resources

Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 which are highly disturbed due to ongoing landfill operations and therefore does not have the potential to remove existing oak trees or established non-native plants. Landfill operations within a four acre area are considered to have an insignificant impact upon downstream water quality. The currently proposed project does not result in any potentially significant impacts upon biological resources.

Mitigation Measures

Given the lack of any potentially significant impacts to biological resources, no additional mitigation measures are required.

Residual Impacts

Impacts to biological resources associated with the currently proposed project are considered to be insignificant (Class III Impact).

E. Cultural Resources

Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 which are highly disturbed due to ongoing landfill operations and therefore does not have the potential to unearth and/or damage cultural resources. The currently proposed project does not result in any potentially significant impacts upon cultural resources.

Mitigation Measures

Given the lack of any potentially significant impacts to cultural resources, no additional mitigation measures are required.

Residual Impacts

Impacts to cultural resources associated with the proposed project are considered to be insignificant (Class III Impact).

F. Geology and Soils

Project Impacts

Landfill operations within a four acre area are considered to represent an insignificant impact upon downstream water quality. The currently proposed project does not result in any potentially significant impacts upon geology and soils.

Mitigation Measures

Given the lack of any potentially significant impacts to geology and soils, no additional mitigation measures are required.

Residual Impacts

Impacts to soils and geology associated with the currently proposed project are considered to be insignificant (Class III Impact).

G. Hazards and Hazardous Materials

Project Impacts

The currently proposed project does not result in any potentially significant impacts due to hazards and hazardous materials.

Mitigation Measures

Given the lack of any potentially significant impacts related to hazards and hazardous materials, no additional mitigation measures are required.

Residual Impacts

Impacts due to hazards and hazardous materials associated with the currently proposed project are considered to be insignificant (Class III Impact).

H. Water

Project Impacts

The currently proposed project does not result in any potentially significant impacts due to the degradation of surface and groundwater quality.

Mitigation Measures

Given the lack of any potentially significant impacts related to water, no additional mitigation measures are required.

Residual Impacts

All potentially adverse water impacts associated with the currently proposed project are insignificant (Class III Impact).

I. Noise

Project Impacts

The currently proposed project results in potentially significant noise impacts due to the stockpiling of solid waste to an elevation of 1,386 feet. This potentially significant impact is similar to but does not exceed the potential noise impacts associated with the previously approved project. Implementation of the following mitigation measure would reduce this potential impact to a less than significant level.

Mitigation Measures

Since the currently proposed project involves landfill activities to an elevation of 1,386 feet, Mitigation #12 as provided below applies to the currently proposed project.

12. To reduce potential noise impacts on off-site residences, the applicant shall implement one of the two following mitigation options:

- a. Limit the hours of operation for material recycling grinding equipment to the hours of 7 a.m. to 6 p.m. and provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the landfill manager for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved noise complaints can be reported; or
- b. Place fill in the low points of surrounding ridges. The environmental monitor shall monitor compliance quarterly.

Residual Impacts

All potentially significant adverse noise impacts associated with the currently proposed project can be reduced to a level of insignificance or avoided entirely with the implementation of a revised version of the previously adopted Mitigation Measure #12 noted above (Class II Impact).

J. Public Services/Utilities

Project Impacts

The currently proposed project results in potentially significant solid waste impacts due to the litter nuisance along roadways adjacent to the landfill. This potentially significant impact is similar to but does not exceed the potential solid waste impacts associated with the previously approved project. Implementation of the following mitigation measure would reduce this potential impact to a less than significant level.

Mitigation Measures

Since the currently proposed project results in an incremental contribution to off-site litter generation and required litter control, Mitigation Measure #14 as provided below applies to the currently proposed project. No additional mitigation measures are required.

14. The applicant shall prepare a litter control plan for review and approval by the County Public Works Department and the County Public Health Department which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control program and upon initial commencement of the project,

conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:

- a. Issue a written "one-time" warning and provide education material to the driver of any vehicle with an uncovered load;
- b. Post signage at the landfill entrance and/or scale house stating this policy;
- c. Provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance; and
- d. Provide all residents living within 500 feet of all road segments that are located within a 1/4 mile radius of the landfill boundary with a contact number for the on-site landfill manager for which complaints can be reported regarding trash on these roadways. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item "d" of this mitigation with corrective action to be taken by that agency for violations of this mitigation measure.

The plan must be reviewed and approved by the County Public Works Department and the County Public Health Department prior to exceeding the currently permitted solid waste elevation of 1,360 feet in module 3 and a portion of module 4 or prior to placement of a soil liner within areas outside the original landfill boundary established in 1970.

Residual Impacts

All potentially significant adverse impacts to public services/utilities associated with the currently proposed project can be reduced to a level of insignificance or avoided entirely with the implementation of a revised version of the previously adopted Mitigation Measure #14 noted above (Class II Impact).

K. Transportation and Circulation

Project Impacts

The currently proposed project does not result in any potentially significant transportation and circulation impacts.

Mitigation Measures

Since the currently proposed project does not generate any additional traffic travelling to and from the landfill, this mitigation measure does not apply to the currently proposed project. No additional mitigation measures are required.

Residual Impacts

All potentially adverse transportation and circulation impacts associated with the proposed project are insignificant (Class III Impact).

III. EXISTING SETTING AND CURRENT LANDFILL OPERATIONS

A. Existing Setting

1. On-Site Conditions

The Chicago Grade Landfill (also referred to as the “landfill”) is located at 2290 Homestead Road in the Atascadero-Templeton area in northern San Luis Obispo County. (See Figure 1, Regional Map). The landfill is east of the City of Atascadero and 22 miles north of the City of San Luis Obispo. U.S Highway 101 is approximately two miles to the west and State Route 41 is approximately one mile to the south of the landfill as shown in Figure 2, Site Vicinity.

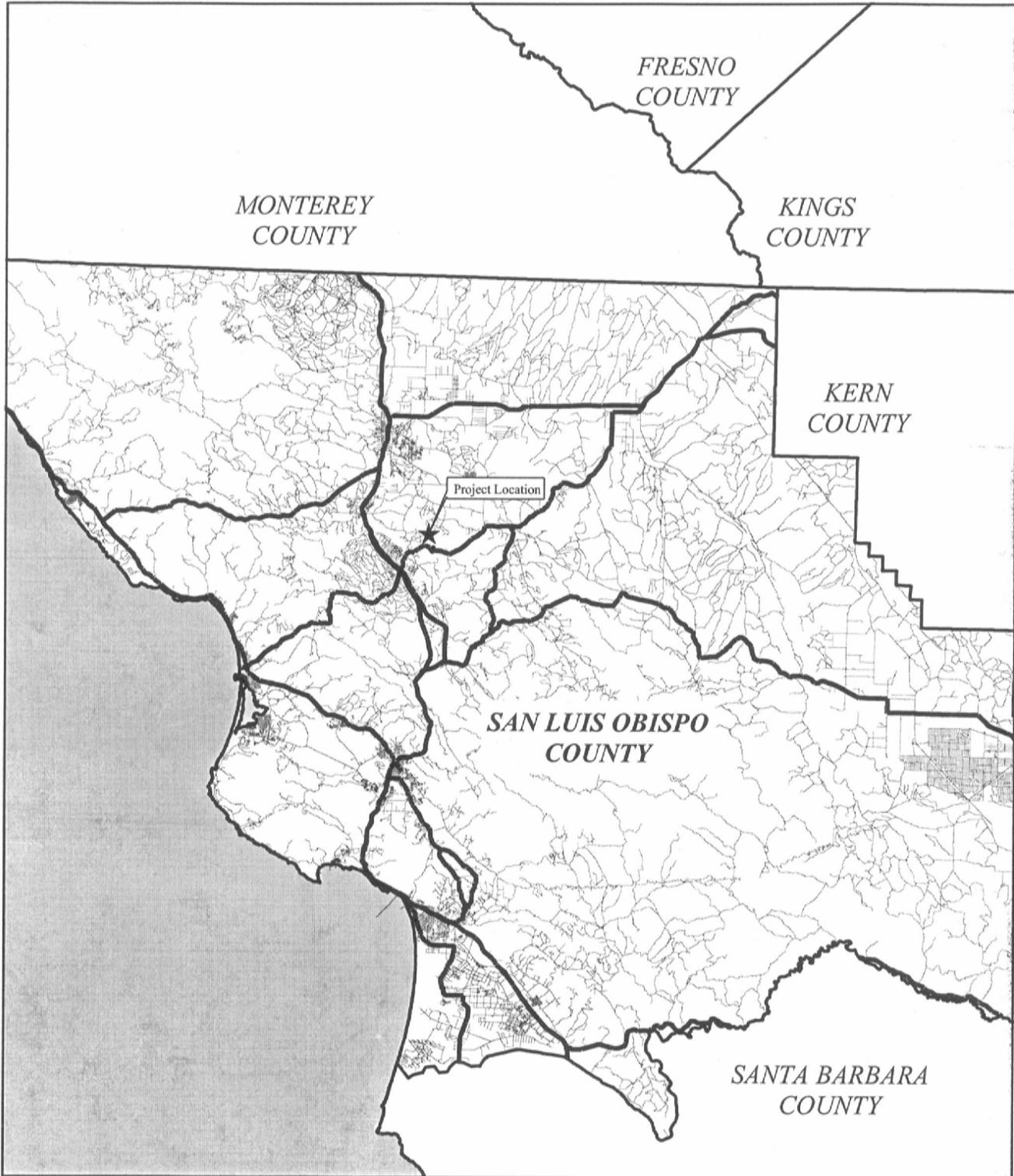
The landfill is situated in a rural hilly area on the east side of the valley formed by the Salinas River. The Salinas River is approximately one and one-half mile to the west. The landfill is situated in a small east-west trending canyon, which merges immediately north of the landfill with a larger east-west trending unnamed canyon. Site elevation ranges between 1,000 and 1,500 feet above mean sea level (MSL). Figure 3, Aerial Photograph, depicts features on the project site and on surrounding properties.

The landfill is located within a 45.4 acre parcel identified as APN 034-212-006. The parcel is owned and operated by Chicago Grade Landfill and Recycling, LLC. Landfill disposal activities are currently permitted only on 76.4 acres. An adjacent 142.6-acre parcel under the same ownership is currently under a Williamson Act contract. The entire landfill facility is 188 acres.

Primary access to the Chicago Grade Landfill is provided via Homestead Road. Homestead Road is a rural, two-lane paved road that extends between State Route 41 on the south and South El Pomar Road on the north. All traffic traveling to and from the landfill uses either State Route 41, a two-lane roadway located to the south, or South El Pomar Road, a two-lane rural County road located to the north. Both roadways lead to Homestead Road and the entrance to the landfill.

San Luis Obispo County is in a Mediterranean climate regime. Average temperatures range from the 70’s during the summer, and the 50’s during the winter. Average annual precipitation is approximately 16 inches. The rainy season usually occurs from November to April.

The principal geologic feature in the vicinity of the landfill is the Rinconada Fault. The Rinconada Fault is located approximately one mile west of the landfill, which is estimated to have a maximum magnitude of 7.3. The Hosgri and San Andreas faults are located 24 miles west and east of the landfill, respectively.



***Chicago Grade Landfill
Proposed Vertical Expansion***



***Chicago Grade Landfill
Proposed Vertical Expansion***

FIGURE 3
Aerial Photograph



Chicago Grade Landfill
Proposed Vertical Expansion

Addendum Environmental Impact Report

Douglas Wood & Associates, Inc.

The landfill is located within the Salinas Hydrologic Unit east of, and approximately 400 feet above, the Salinas River floodplain. Drainage from the landfill and surrounding canyons flows westerly to the Salinas River. The landfill is not located within a flood hazard area.

Topography is relatively level near the landfill entrance on the west with elevations increasing to the east. Figure 4, Site and Surrounding Topography, illustrates general topographic conditions at the landfill and on surrounding properties. The Chicago Grade Landfill property is comprised largely of non-native annual grassland. On-going cattle and horse grazing activities in the area have degraded the biological value of the native grassland. Most of the vegetation consists of non-native annual grasses and forbes.

2. Surrounding Land Uses

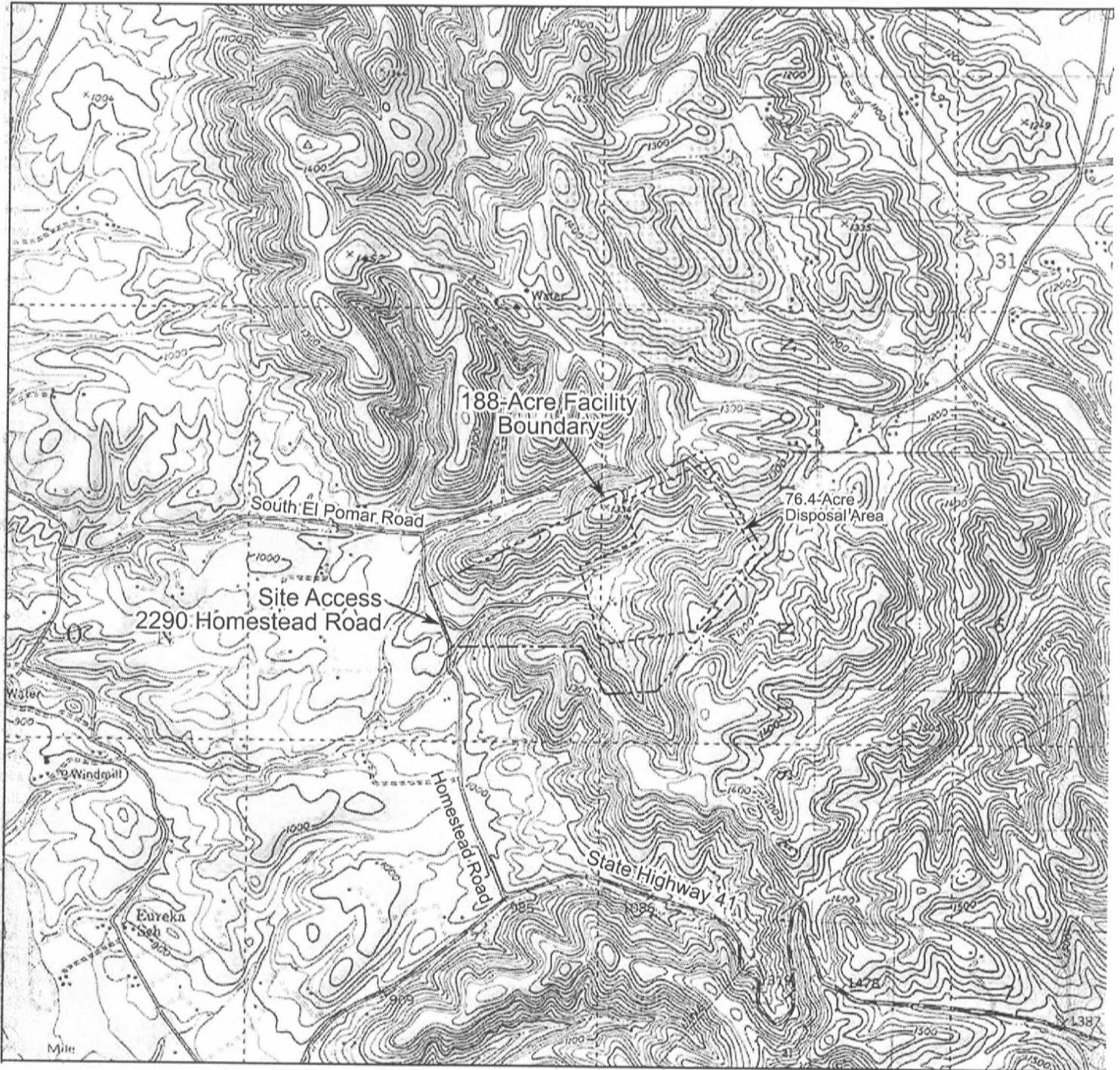
Land uses within a one-quarter mile radius of the landfill consist primarily of low-density rural residential, agricultural (primarily grazing) and undeveloped open space areas. Approximately 11 single-family residences are located along Homestead Road west of the landfill and have direct access to Homestead Road. In addition, a total of approximately 25 homes are located to the west of the landfill along Black Hawk, Red Fox, Bluebird Hill, and Trails End Roads. These homes also have access to Homestead Road. Most of these homes to the west also have access to Templeton Road, which is located to the west, via Bluebird Hill Road. Agricultural and open space uses are generally located to the north of the landfill. Rural density residential uses are located to the south, west, and northeast. Figure 3, Aerial Photograph, illustrates surrounding land uses as well as the County of San Luis Obispo General Plan land use designations that apply to these areas.

A 500-foot buffer has been established within a separate parcel on property also owned by the Chicago Grade Landfill. This buffer area surrounds the existing Chicago Grade Landfill and provides a separation between the landfill operations and surrounding land uses (See Figure 5, Existing Site Plan).

B. Current Landfill Operations

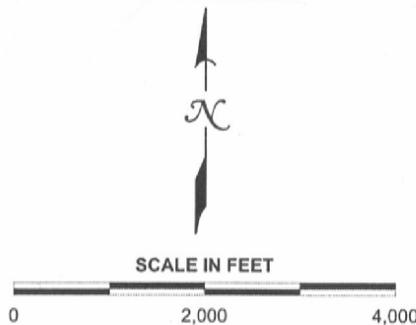
The Chicago Grade Landfill began operations in 1970. Since that time, the facility has served self-hauled public and commercial customers and transfer trailers. The facility's service area has historically extended from northern Santa Barbara County to southern Monterey County, including all of San Luis Obispo County. Between 1970 and 2015, approximately 4,270,959 cubic yards of solid waste have been placed in the landfill. This total includes both solid waste and daily cover. The annual average tonnage of waste delivered to the landfill has varied over time. From 1976 to 1986, the annual tonnage delivered generally increased from about 10,000 tons to about 38,000 tons per year in 1986. From 1986 to 1994, annual

Site and Surrounding Topography



LEGEND

- Approximate Location of 76.4-Acre Disposal Area
- Property Line



**Chicago Grade Landfill
Proposed Vertical Expansion**

tonnage volumes decreased from 38,000 tons in 1986 to a low of 10,000 tons in 1994. Since 1994, annual tonnage has steadily increased. In 2003, the landfill handled 83,393 tons of waste. By 2010, the landfill handled 59,199 tons of solid waste with additional tonnage being recycled. Since 2010, the landfill has handled an increase of solid waste volumes to 93,483 tons of solid waste in 2015 (not including recycled tonnage). This increase in solid waste volume is due to several factors, including the increase of rates at other landfills serving the Central Coast and the overall economic recovery (see Table 1, Total Waste Tons Accepted).

The number of vehicles entering and leaving the site generally mirrors the historic trends in solid waste disposal. From 1976 to 1986, the number of annual vehicle trips increased from approximately 38,000 vehicle trips to a high of about 86,000 in 1986. Vehicle trips declined to about 28,000 in 1994. By 2003, annual vehicle trip totals had increased to approximately 49,592 annual trips. The annual vehicle trips totaled 55,179 trips in 2005 and 39,582 annual trips in 2010. By 2015, annual vehicle trips totaled approximately 49,100 vehicle trips. Of these totals, commercial haulers accounted for 7,868 vehicle trips while public vehicle traffic accounted for 41,232 vehicle trips.

1. Solid Waste Facility Permits

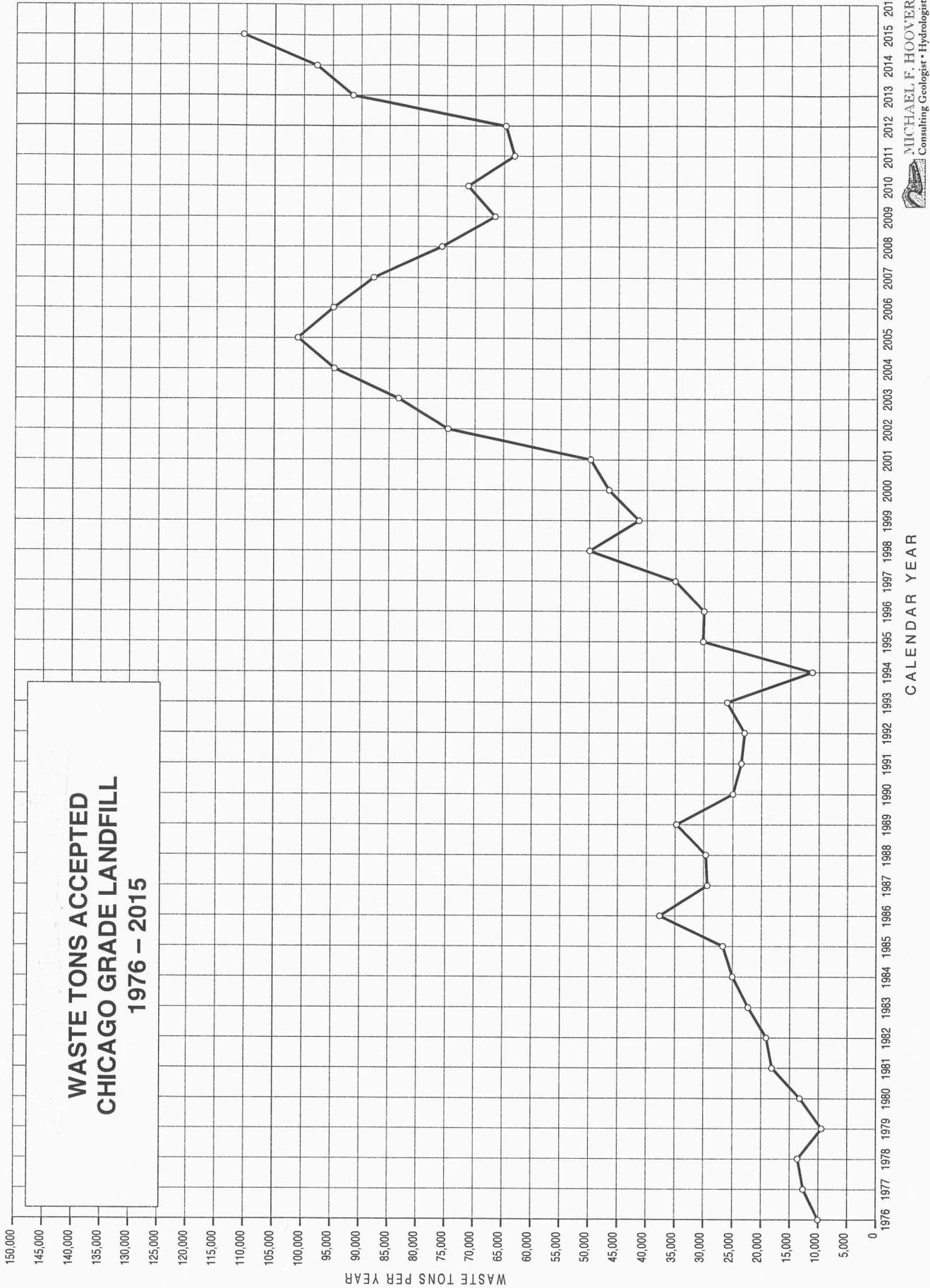
The Chicago Grade Landfill is classified by the Central Coast Regional Water Quality Control Board (CCRWQCB) as a Class III landfill approved for discharge of non-hazardous solid waste. The landfill is operated by Chicago Grade Landfill, Inc. under a California Solid Waste Facilities Permit (SWFP). The current SWFP was issued by CalRecycle in 2012. The Chicago Grade Landfill has a total permitted acreage of 188 acres of which 76.4 acres can be used for disposal activities. Solid waste is currently placed within a 38.44 acre waste disposal area that is within the 76.4 acre permitted area. The waste disposal area is divided into modules 1 through 5. The location of the existing permitted waste disposal area, the location of the existing permitted modules and other site features are shown on Figure 5, Existing Site Plan.

In addition to the existing SWFP permit, the Chicago Grade Landfill holds three permits from the San Luis Obispo County Air Pollution Control District (SLOAPCD). These permits include: Permit to Operate No. 547-1 for the landfill gas flare; Permit to Operate No. 648-2 for the tire shredder and Permit to Operate No. 548-2 for an on-site bio fuel generator. The CCRWQCB also has discretionary review authority for landfill operations through its Waste Discharge Requirements.

2. Facilities and Structures

Ancillary facilities at the Chicago Grade Landfill include administrative offices, yard waste drop off area, maintenance facilities, environmental monitoring and control facilities, a wood waste grinder and a scale-house structure. (See Figure 5, Existing Site Plan.) Wastewater is disposed through an on-site septic system. Non-potable

TABLE 1



MICHAEL F. HOOVER
Consulting Geologist • Hydrologist

FIGURE 1

water is provided by on-site wells. The water is piped to four interconnected 10,000-gallon storage tanks.

3. Waste Disposal Process

Customers enter the landfill via Homestead Road and stop at the landfill scale-house. At the scale-house, loads are weighed and inspected for potential hazardous content and geographic location of origin. Random load checks and segregation of recyclables occur at the disposal areas. Waste compaction activities generally begin an hour after the gate opens and continue throughout the day. Soil or an alternative daily cover is transported to the disposal area on an intermittent basis. Metal, wood, tires and household hazardous waste pulled from the waste stream are temporarily stockpiled near the disposal area and are hauled to the materials storage areas. On-site roads are watered with non-potable water and/or leachate as required for dust control. Concurrent with these activities, workers may be grading new modules or placing liners on modules already excavated.

As of January, 2016, the landfill capacity is approximately 3,005,888 tons or 4,268,361 cubic yards of solid waste. The landfill currently accepts up to 500 tons of solid waste per day. The facility currently accepts commercial and self-hauled household waste, yard (green) waste, and construction demolition waste, as well as solid waste in compactor trucks, roll-off boxes, and transfer trailers. Waste tires are recycled both on-site and off-site while segregated metals are generally hauled off-site. Wood/green waste is generally shredded or ground on-site and then shipped off-site. Tire chips may be used on-site for cover or may be hauled off-site. Municipal sewage sludge is accepted on a case-by-case basis. Recycle bins are used by the public on a voluntary basis.

The landfill is not permitted to accept hazardous waste, however, the County Integrated Waste Management Authority (IWMA) accepts household hazardous wastes such as paint, oil, cleaning products, etc. at its Permanent Household Hazardous Waste Facility (PHHWF), which is located within the landfill property.

Solid waste is currently being placed in modules 3 and 4. There is a borrow pit in the modules 3 and 4 from which soil is excavated to provide daily cover for the disposal waste. Under the applicant's current operating plans, a portion of the borrow materials needed for daily cover for permitted modules 3 and 4 would be excavated from an area located outside the permitted disposal footprint. As a result of current landfill operations, modules 3 and 4 are reaching their capacity. Once capacity is reached within these modules, the entire 38.44 acre waste disposal area covered by the original 1970 permit will have also reached capacity. Although the 2007 Conditional Use Permit issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to the unexpected increase in solid waste volume received at the landfill.

Up to 240 vehicles per day are permitted into the landfill facility each weekday, not including employees and maintenance vehicles. This equates to a total of 480 daily vehicle trips into and out of the facility. On weekends, a daily maximum of 280 vehicles are permitted into the facility, not including employees and maintenance vehicle trips. This equates to 560 total vehicle trips in and out of the facility. The vehicles include both commercial and private haul vehicles.

Chicago Grade Landfill is open to the public from 7:30 a.m. to 3:00 p.m. Monday through Saturday, and 9:00 a.m. to 3:00 p.m. on Sundays. At approximately 3:00 p.m., the last public and commercial customers are allowed to enter the facility and the entry gates are closed. Shortly thereafter, final waste compacting activities begin followed by placement of cover. Between 7:00 a.m. and 5:30 p.m., transfer trailers may deposit waste concurrent with daily cover and compacting efforts. The daily waste area is compacted and covered between 5:00 p.m. and 6:00 p.m.

A more detailed landfill schedule is provided in Table 2, Chicago Grade Landfill Hours.

TABLE 2

Chicago Grade Landfill Hours

	Monday Friday	thru	Saturday	Sunday
Open to Public & Commercial Haulers	7:30 a.m. to 3:00 p.m.		7:30 a.m. to 3:00 p.m.	9:00 a.m. to 3:00 p.m.
Facility Waste Staff	7:00 a.m. to 6:00 p.m.		7:00 a.m. to 6:00 p.m.	7:00 a.m. to 6:00 p.m.
Facility Recycle Staff	6:00 a.m. to 6:00 p.m.		6:00 a.m. to 6:00 p.m.	6:00 a.m. to 6:00 p.m.
Transfer Trailers	7:00 a.m. to 5:30 p.m.		7:00 a.m. to 5:30 p.m.	Closed to Transfer Trailers
Household Hazardous Waste Facility	Closed		11:00 a.m. to 3:00 p.m.	Closed

4. Environmental Controls/Monitoring Systems

The Chicago Grade Landfill currently implements environmental controls and monitoring systems to prevent potential adverse environmental impacts on groundwater and surface water quality, soils, air quality, and public health and safety from leachate, landfill methane gas, and soil erosion.

Leachate Control - Leachate control systems are regulated by CalRecycle. Leachate is contaminated liquid created when moisture percolates through a mass of solid waste. As moisture percolates through the waste, it picks up pollutants contained in the waste. Leachate that has percolated to the bottom of a landfill module is prevented from percolating through the soil below the module by a liner system. Liner systems typically consist of geotextiles and/or plastics that overlie a layer of compacted clay along the bottom and sides of a landfill. Liners are designed to prevent liquids (leachate) from leaving the landfill and impacting off-site groundwater resources.

Leachate that is contained above the liner is collected via a series of pipes that direct the leachate into an on-site storage tank. When the tank is full, the leachate is transferred to an on-site water truck and may be applied on-site for dust control. Leachate may only be applied for dust control on waste modules that are underlain by an approved liner system, which prevents percolation of leachate into soil or groundwater. The leachate is applied at locations and during times when it would be least likely to come into contact with members of the public. Leachate that cannot be utilized on site is delivered to the local wastewater treatment plant.

Storm Water and Sediment Control - A storm water collection and sedimentation control system is currently in place at the site. A series of corrugated metal pipes have been installed at the base of the existing landfill modules and within other portions of the site to collect storm water runoff. Runoff is directed to one of two existing sediment basins. Within these basins, particulates and other materials contained in the runoff settle out of the water and the remaining water is discharged to the existing intermittent stream channel that traverses a portion of the site. The landfill operator currently implements a range of measures to reduce erosion potential. These include placement of sludge on slopes, hydroseeding and slope revegetation, and placement of wood chips on soil.

Groundwater Monitoring - The Chicago Grade Landfill currently utilizes a series of wells to monitor groundwater quality and detect any contaminants that may have leaked into the groundwater system. There are three existing monitoring wells on site.

Landfill Gas System - Landfill gas (LFG) is typically created in a closed landfill module as a by-product of the decomposition of solid waste, especially organic wastes. LFG is typically highly flammable and explosive. The existing gas collection system consists of a series of vertical and horizontal collection pipes installed in the landfill. The pipes collect and direct LFG to an existing, approved and permitted landfill gas flaring unit where the gas is burned off. Gas monitoring wells are installed at the periphery of the permitted landfill footprint to detect potential migration of LFG to areas outside of the landfill modules.

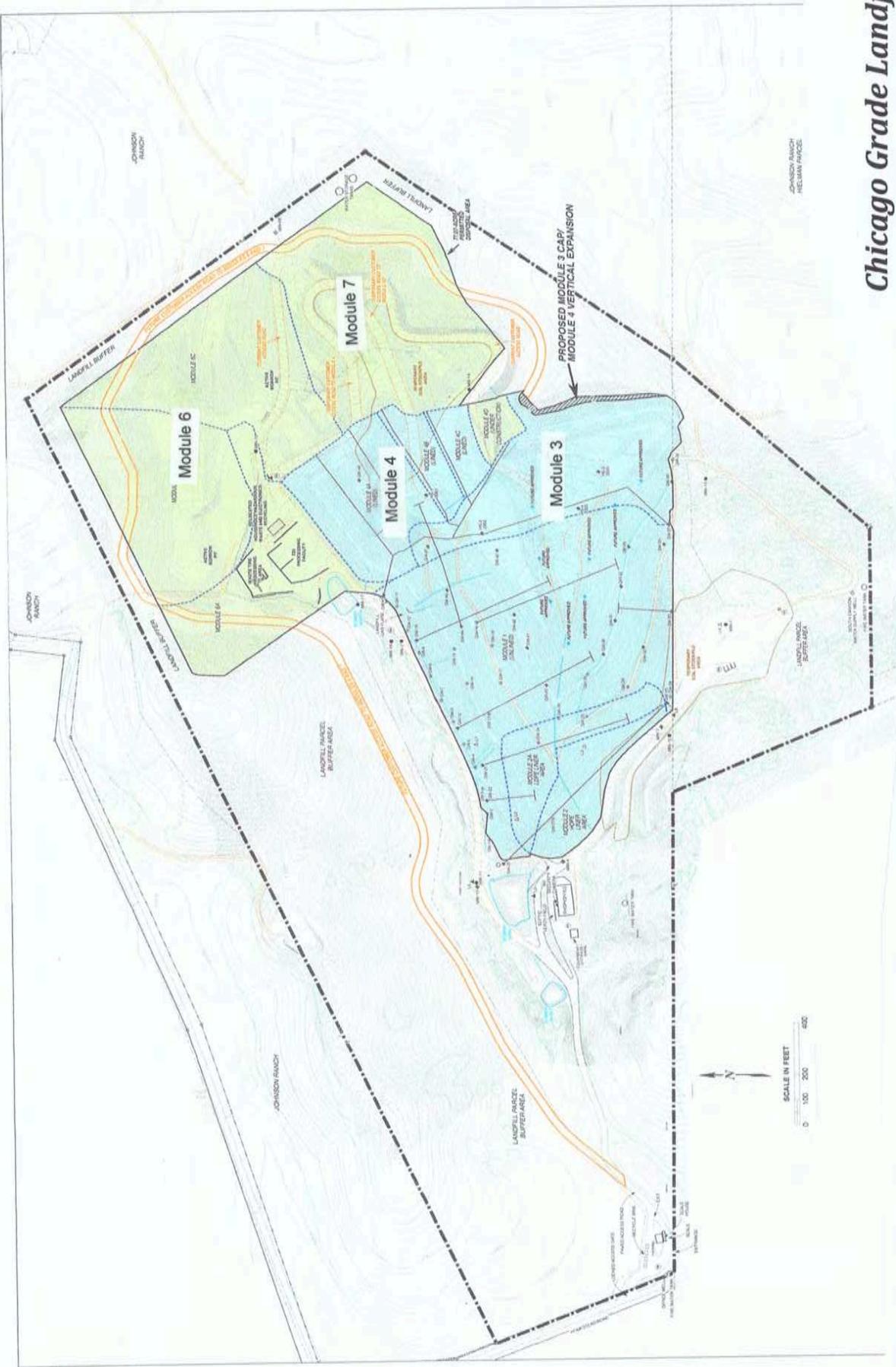
C. 2007 County Approval

The County of San Luis Obispo Board of Supervisors on February 27, 2007 approved an expansion of the landfill to include modules 6 and 7, which were previously outside the 1970 landfill boundary. The County approved a Conditional Use Permit (DRC 2003-00026) that expanded the permitted solid waste disposal area from 38.44 acres to 82.74 acres, an increase of 44.30 acres. The expansion area proposed at that time involved the addition of modules 6 and 7 with a specific elevation limitation of 1,360 feet applicable to all future disposal modules within the landfill. The approved State Solid Waste Facilities Permit issued by the California Integrated Waste Management Board also includes a 1,360 elevation limitation. The approved Conditional Use Permit also identified a specific point, that being when a liner is placed beyond the original 1970 solid waste disposal area boundaries, where the conditions of approval within the 2007 Conditional Use Permit take affect.

Figure 6, Landfill Boundaries and Proposed Expansion Area, indicates the location of the approved expansion area comprised of modules 6 and 7. Module 6 contains 24.8 acres while module 7 comprises 12.6 acres. The approved Conditional Use Permit creates capacity for disposal of an additional 3,098,775 tons of solid waste in these modules. At a projected two percent annual growth in demand for disposal capacity, the service life of the landfill would be extended by approximately 29 years to the year 2045. Module 6 would be constructed and filled first with module 7 to follow. Module 6 is anticipated to have a service life of approximately 15 years while module 7 would have an additional 14 years of service life under the currently-approved Conditional Use Permit. The new modules would include a liner system, leachate collection system, storm drainage collection and treatment system, a groundwater monitoring system and a methane gas collection system consistent with existing improvements installed in the previously-permitted modules 2, 3, and 4. As a result of the applicant's proposal to lower the permitted maximum height of landfill operations from an elevation of 1,400 feet to 1,360 feet, module 5 was eliminated from the long-range landfill operating plans. The approved Conditional Use Permit also: 1) allowed the placement of fill material along the northern boundary of module 6 and the northeastern boundary of modules 6 and 7 to provide a better visual screen of landfill operations from off-site vantage points, and 2) created an additional 100-foot wide buffer at the periphery of the expansion area into modules 6 and 7. In combination with the existing 500-foot buffer, a total buffer of 600 feet between modules 6 and 7 and the nearest existing residences would be created.

Approval of the Conditional Use Permit did not result in any changes to the prior landfill operations consistent with the State permit. No changes to the daily peak and annual volumes of accepted solid waste would result. The peak daily number of vehicle trips into and out of the landfill, those being 480 total vehicle trips on weekdays and 560 total vehicle trips on weekends remained unchanged.

FIGURE 6
Landfill Boundaries and Proposed Expansion Area



Chicago Grade Landfill
Proposed Vertical Expansion
Addendum Environmental Impact Report

IV. PROJECT DESCRIPTION

A. Proposed Project

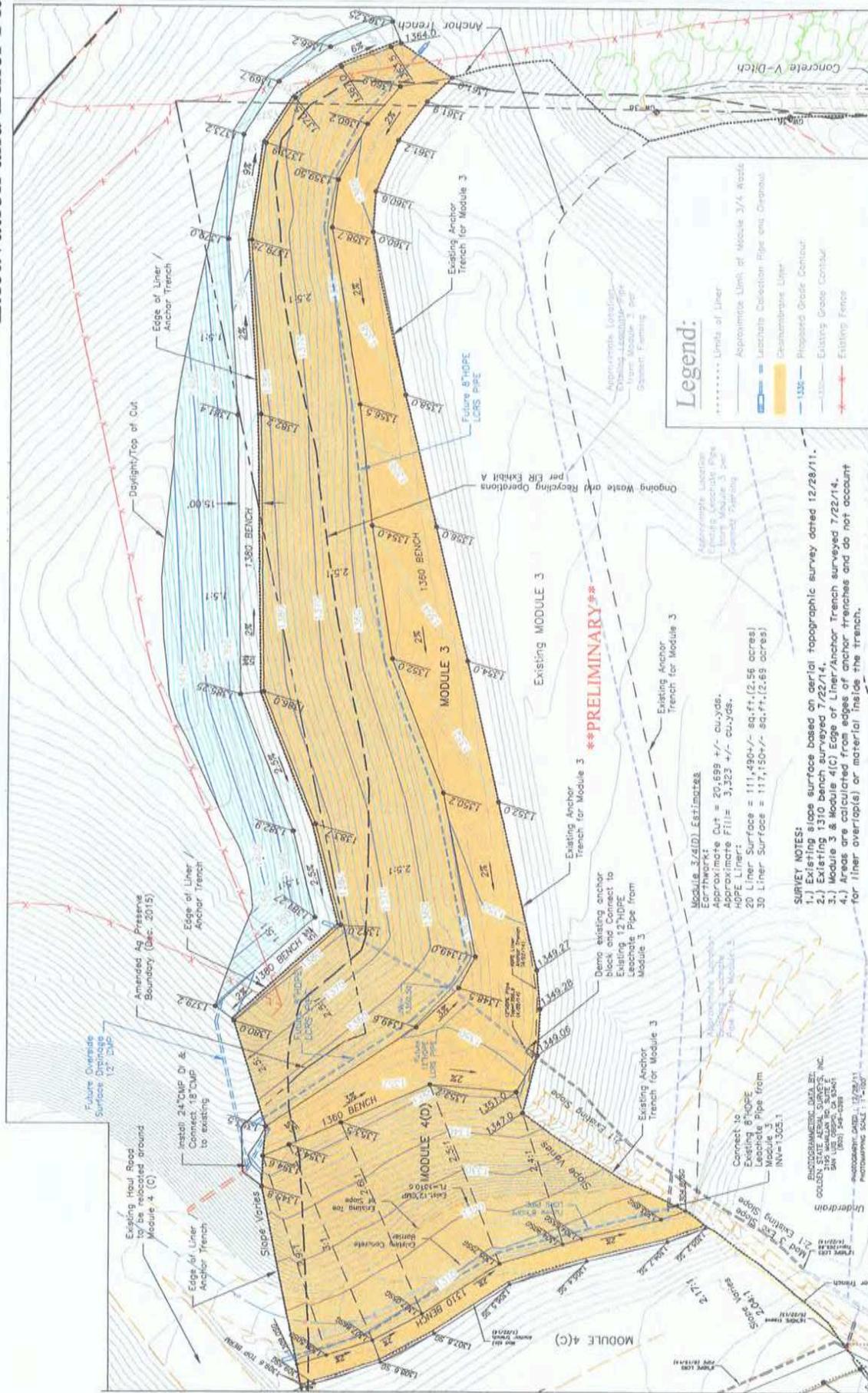
As previously noted, ongoing landfill operations in landfill modules 3 and 4, are currently reaching capacity. Once capacity is reached within these modules, the entire 38.44 acre waste disposal area covered by the original 1970 California Solid Waste Facilities Permit will have also reached capacity. Although the 2007 Conditional Use Permit (DRC 2003-00026) issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to the unexpected increase in solid waste volume received at the landfill. As previously noted, the Chicago Grade Landfill has experienced a significant increase in solid waste volume due to several factors including the increase of rates at other landfills serving the Central Coast and the overall economic recovery (see Table 1, Total Waste Tons Accepted). This circumstance has generated the need for the currently proposed project vertical expansion.

The currently proposed vertical expansion is intended to gain additional, short-term capacity in module 3 and a portion of module 4 of the landfill. This additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007 (See Figure 7, Excavation and Liner Plan). These actions will be implemented through a modification of the approved Conditional Use Permit (DRC 2003-00026) including modified conditions of approval.

The currently proposed vertical expansion will create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated.

Once these modules reach capacity within the proposed vertical expansion to the 1386 foot elevation, solid waste operations will then shift to module 6. This will result in the implementation of the conditions of approval associated with the 2007 County approval (DRC 2003-00026) for landfill expansion into modules 6 and 7. With approval of the currently proposed vertical expansion, this transfer of waste operations from the 38.44 acre disposal area to modules 6 and 7 is anticipated to occur in 2017 or 2018.

FIGURE 7
Excavation and Liner Plan



Chicago Grade Landfill
Proposed Vertical Expansion
Addendum Environmental Impact Report

Douglas Wood & Associates, Inc.

The currently proposed vertical expansion will not result in any increase in customer traffic to and from the landfill. A maximum of 240 vehicles on weekdays and 280 vehicles on weekends currently enter and depart the landfill each day. Similarly, the proposed project will not result in any change in the annual waste tonnage inflow or in the hours of landfill operations.

According to the project applicant, these proposed actions are necessary in order to allow adequate time to prepare module 6 for future (2017 or 2018) expansion of landfill operations. Approval of the proposed vertical expansion will delay access into module 6 for an additional year in order to complete final site preparation.

B. Project Objectives

The basic objective of the currently proposed project is to provide additional landfill capacity in module 3 and a portion of module 4 of the landfill in order to allow adequate time to prepare modules 6 and 7 of the landfill for future expansion of landfill operations. In so doing, the currently proposed project will also achieve the following objectives:

- 1) increase the ability of the Chicago Grade Landfill to serve increasing demands for solid waste disposal in San Luis Obispo County;
- 2) allow landfill operations to continue within module 3 and a portion of module 4 thereby insuring the uninterrupted provision of solid waste disposal services and
- 3) increase short-term landfill capacity without changing the landfill operations, creating the need for additional on-site infrastructure facilities or generating any additional significant environmental impacts.

C. Project Timing

As previously noted, the currently proposed project will provide adequate time to prepare landfill module 6 for expansion of future landfill operations. Introduction of additional solid waste into module 3 and a portion of module 4 up to an elevation of 1,386 feet will proceed immediately upon approval of the proposed actions by the County of San Luis Obispo and the State of California (see Section IV.D., Required Approvals and Applicable Regulations). Future expansion into module 6 is anticipated to occur in the year 2017 or 2018.

D. Required Approvals and Applicable Regulations

The currently proposed vertical expansion will be implemented through the modification of the previously approved (2007) Conditional Use Permit (DRC 2003-00026) with modified conditions of approval. In order to approve the currently proposed vertical expansion, the County of San Luis Obispo will also be required to certify as complete pursuant to the Guidelines for Implementation of the California Environmental Quality Act (Sections 1500 et. seq.) this Addendum EIR.

Acting as the Lead Agency, several County of San Luis Obispo agencies are expected to also be involved in the consideration of the currently proposed project. These agencies include the County Building and Planning Department, as well as the Environmental Health Division of the County Health Department, the County Public Works Department and the County Air Pollution Control District. Other involved agencies include, but may not be limited to, the Central California Regional Water Quality Control Board, the County of San Luis Obispo Integrated Waste Management Authority and CalRecycle.

Several State regulations from the California Code of Regulations are applicable to the Chicago Grade Landfill. These regulations relate to the future closure of the landfill and include:

Title 27, Subchapter 2, Article 3, Section 21190(b).

The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubs or low maintenance ground cover.

Title 27, Subchapter 2, Article 3, Section 21090(a)(3)(A) 1.

Closed landfills shall be provided with an uppermost cover layer consisting of erosion resistance via a vegetative layer consisting of not less than one foot of soil.

Title 27, Subchapter 2, Article 3 Section 20190(a)(4)(D).

The landfill will provide a final layer of erosion-resistant vegetation. In order to insure adequate maintenance for this vegetative cover, a plan shall be developed which addresses plant fertilization, irrigation, elimination of species that violate the rooting depth limit, replanting and irrigation system maintenance.

It should be noted, however, that modules 1 through 4 of the landfill are not required to be closed. In the short term, these modules will have intermediate cover placed over them.

E. Consistency with Local and Regional Plans

CEQA Guidelines Section 15125(d), states that an EIR shall discuss any inconsistencies between the currently proposed project and applicable general plans and regional plans. The local and regional plans that include the project site or issues relating to the currently proposed project include the following: San Luis Obispo County General Plan and Land Use Ordinance; CalRecycle policies; Regional Water Quality Control Board policies; the Clean Air Plan; the Regional Transportation Plan and the North County Area Plan/South El Pomar-Estrella subarea.

The currently proposed vertical expansion is consistent with all of the above noted local and regional plans.

V. ENVIRONMENTAL ANALYSIS

As indicated in Section I. Introduction and Purpose, this Addendum EIR has been prepared to introduce technical changes and additions to the Final Environmental Impact Report for the Chicago Grade Landfill Expansion Development Permit (ED03-438). The Final EIR for the project was certified by the County of San Luis Obispo Board of Supervisors on February 27, 2007. This Addendum EIR addresses changes and additions that were not analyzed in the previously certified Final EIR for the Chicago Grade Landfill Expansion. The currently proposed changes or additions (to be referred to herein as the “currently proposed project” or the “currently proposed vertical expansion”) involve: 1) increasing the currently permitted maximum height of solid waste from elevation 1,360 to elevation 1,386 over an area of approximately four acres, and 2) allowing site preparation, that being placement of a soil liner within areas outside the original landfill boundary established in 1970 but not into the expanded solid waste disposal area that was approved in 2007. These additional actions will create approximately 132,000 cubic yards of additional solid waste storage or approximately eight additional tons of solid waste storage operations at this location.

This Addendum EIR analyzes the impacts of the currently proposed project in terms of the following environmental issues: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, water, noise, public services/utilities, and transportation/circulation. The discussion of each environmental issue within this section adheres to the format noted below:

1. Existing Conditions – The existing environment within and in the vicinity of the project site is discussed from both a local and regional perspective.
2. Project Impacts – The nature and extent of project impacts relative to the issue areas noted above are analyzed in this section. This section will also designate all impacts as significant, potentially significant but mitigable, insignificant or beneficial pursuant to the previously identified thresholds of significance. Two categories of project impacts are summarized within each environmental issue. Impacts that pertain to the previously approved (2007) project are summarized under the heading “Previously Identified Impacts.” The impact assessments of the previously approved project are based upon the County’s CEQA thresholds of significance for each issue. In most cases, these impacts apply to the entire Chicago Grade Landfill area and operations. Any additional impacts associated with the currently proposed project that are in addition to the previously identified project impacts are listed under the heading “Additional Project Impacts.”
3. Mitigation Measures – For many environmental issues, mitigation measures are provided in order to reduce potential environmental impacts to a level of

insignificance. Two categories of mitigation measures are provided in this Addendum EIR for each environmental issue. Mitigation measures that pertain to the previously approved (2007) project are summarized under the heading "Previously Adopted Mitigation Measures." In most cases, these mitigation measures apply to the entire Chicago Grade Landfill area and operations. Any revised mitigation measures associated with the currently proposed project are listed under the heading "Revised Mitigation Measures" and are shown in italics. Mitigation measures identified in the previously certified Final EIR were incorporated into the previous project as conditions of approval of the Conditional Use Permit (DRC 2003-00026). In order to accommodate the current project, modifications to mitigation measures were necessary.

4. Residual Impacts - After evaluation of the identified project impacts and proposed mitigation measures, the residual (or remaining) significant impacts are identified. The residual impacts are classified according to the following criteria:

- Class I Impact - Significant adverse impacts that cannot be mitigated to a level of insignificance.
- Class II Impact - Potentially significant adverse impacts which can be reduced to a level of insignificance or avoided entirely with the implementation of proposed mitigation measures.
- Class III Impact - Adverse impacts which are found not to be significant.
- Class IV Impact - Project impacts which are considered to be positive or of benefit to the site or the adjacent environment.

The following environmental analysis is intended to: 1) identify any additional impacts associated with the currently proposed project; 2) identify any additional measures to mitigate these additional impacts and 3) provide a summary of the impacts and mitigation measures discussed within the previously certified Final EIR for the Chicago Grade Landfill Expansion Development Permit certified in 2007. This information is intended to provide the opportunity to compare project impacts and mitigation measures associated with the previously certified Final EIR as the environmental baseline with the impacts and mitigations associated with the currently proposed project. Having information presented in this manner provides the reader with a clear delineation of the nature and extent of the impacts of the prior approval as compared to the impacts of the currently proposed project.

A. Aesthetics

The following discussion of aesthetic impacts of the currently proposed project is based upon the “Chicago Grade Landfill Vertical Expansion, Visual Impact Assessment” (dated May 23, 2016) prepared by Dudek Associates.

1. Existing Conditions

In accordance with County guidelines, visual impacts of a project are based upon views from public vantage points. The Chicago Grade Landfill is located approximately two miles east of U.S. Highway 101 and approximately one mile north of State Route 41. The landfill is not visible from either of these public roadways. The landfill is one and one-half mile east of the Salinas River and represents a very minor element of the background views or scenic vistas from the areas west of the landfill. The landfill is located within a low rolling hill system characterized by numerous hills, canyons and ridgelines. These topographic features effectively block a large portion of the views from outside the landfill.

The currently proposed vertical expansion area consists of a relatively level bench forward from the placement of solid waste and cover in module 3 and a portion of module 4. There is currently no vegetation within the level bench area. Below the bench area is a 2:1 slope oriented in a west and northwest direction which appears light brown in color due to the lack of a vegetative cover. East of and above the bench area is an upward slope which extends to a ridge at an elevation of 1,410 feet. The face of this ridge was previously graded to a 2:1 slope and currently contains introduced grasses.

Portions of the Chicago Grade Landfill as well as the currently proposed vertical expansion area are visible from public roads in the vicinity of the landfill, including South El Pomar Road and Templeton Road. Views from Homestead Road are obscured by intervening landforms and trees. The visible portions of the currently proposed vertical expansion area currently appear lighter in color than undisturbed area due to ongoing grading activities associated with current landfill operations.

The nearest scenic corridor to the Chicago Grade Landfill is State Highway 41 located approximately one mile to the south. The landfill is not visible from State Route 41 and is not within the scenic corridor of this roadway.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not create an aesthetically incompatible

site open to public view; introduce a use within a scenic view open to public view; change the visual character of an area; create glare or night lighting which may affect surrounding areas or impact unique geological or physical features. However, the approved expansion of landfill activities results in a change in the visual character of the areas proposed for surface grading and excavation activities.

b. Additional Project Impacts

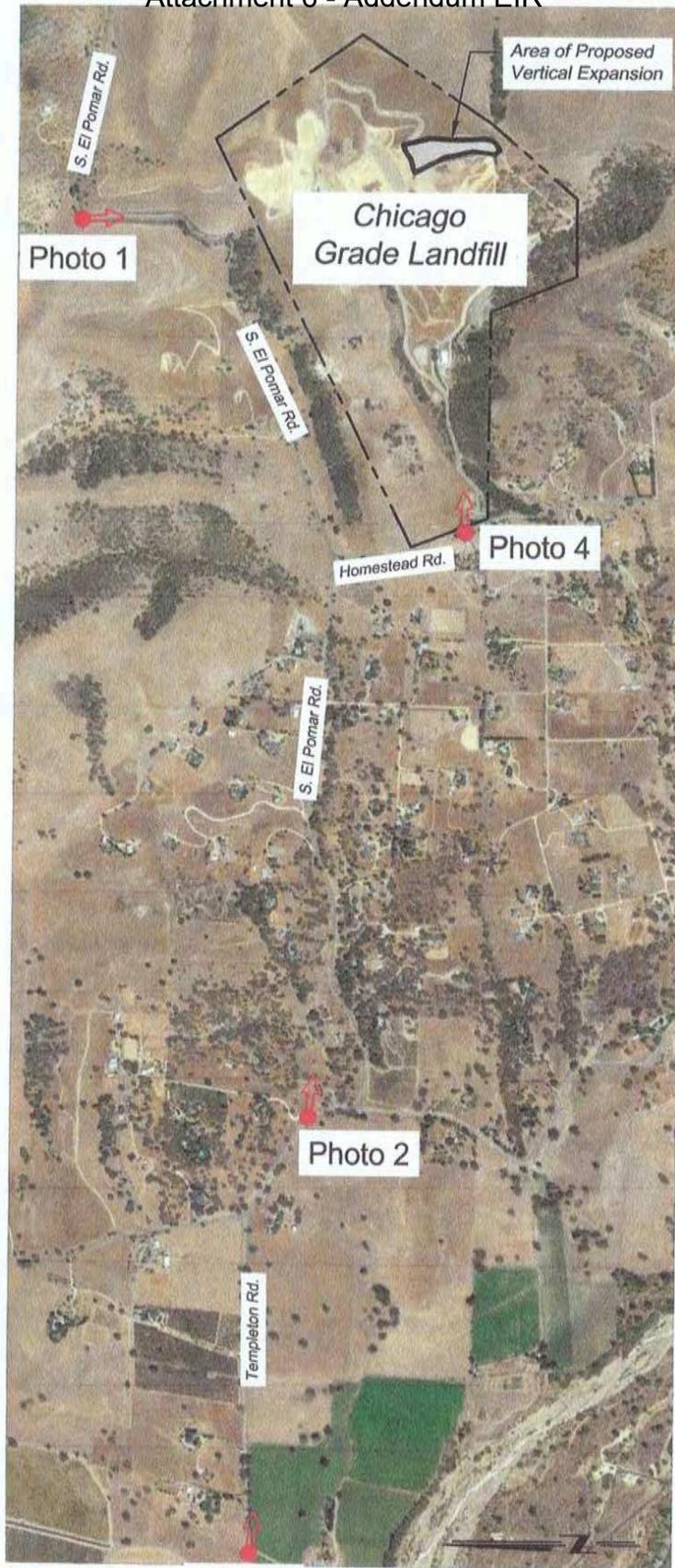
The visual character of the currently proposed vertical expansion area would change marginally as a result of the currently proposed project. The approximately four acre area is currently composed of a roughly level, manufactured terrace, with a manufactured 2:1 fill slope below it on the north and west sides, and a 2:1 cut slope face behind and above it on the east. The ridge behind it extends to an elevation of approximately 1,400 feet. The vertical expansion area does not currently have any significant native vegetation and is used as a staging area for sorting green waste. Under existing approvals, fill would be placed to elevate the existing bench to 1,360 feet; under the requested vertical expansion, fill would be placed to elevate the bench to 1,386 feet. The 2:1 fill slope face along the north and west margins of the vertical expansion area would be carried up to the ultimate elevation of 1,386 feet. The ridge behind the area would remain higher than the fill surface. There are no unique visual features within the currently proposed expansion area that would be impacted by project activities. The fill slope would be distinguishable from adjacent natural areas due to the lighter color of the fill soil until revegetation occurs. Revegetation will serve to visually blend the currently proposed expansion area with the surrounding landscape. The revised Mitigation Measure #1 discussed below under "Revised Mitigation Measures" would reduce this potential impact to a less than significant level.

In order to depict the potential visual impacts of the proposed project, four visual photo simulations were prepared. These simulations illustrate whether or not the proposed vertical expansion area would be visible and whether the proposed vertical expansion would be a dominant or subordinate component of the entire visual field of the observer. Viewpoints were selected where views of the existing permitted landfill area were considered the "worst case" along public roadways closest to the project site. The viewpoints are located on South El Pomar Road, Templeton Road, and Homestead Road and are illustrated in Figure 8, Photo Key Map.

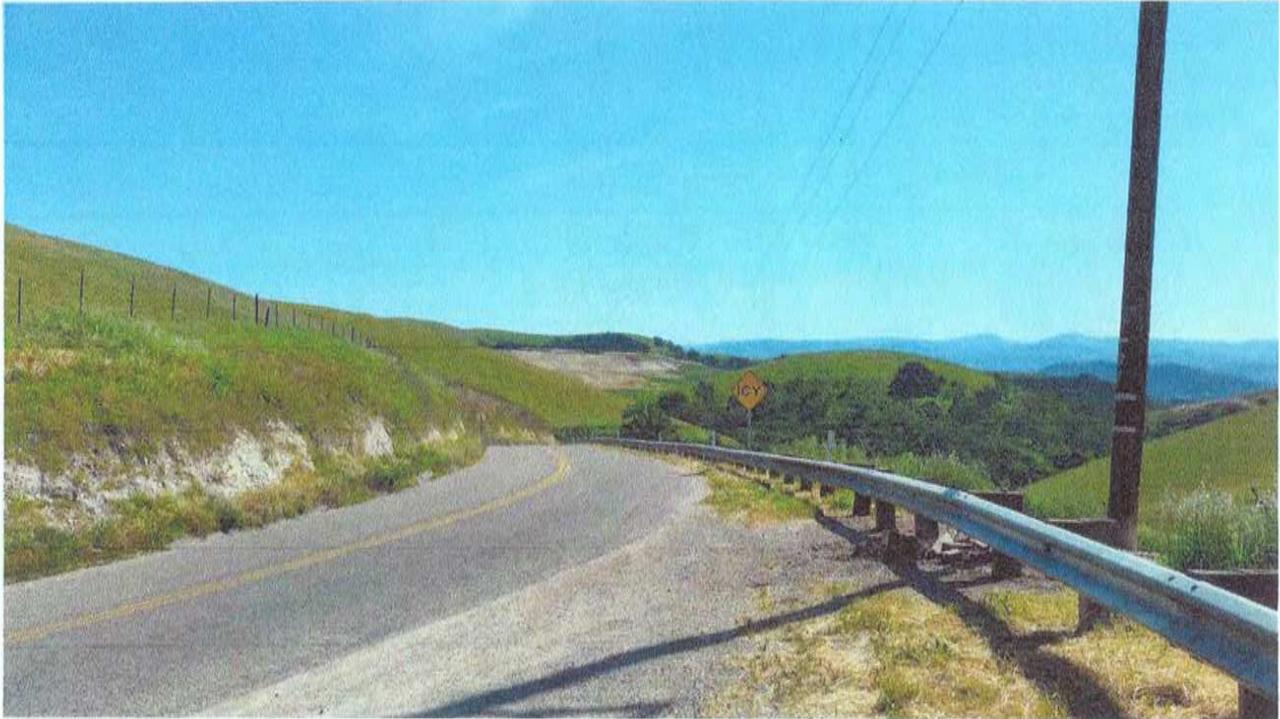
View from South El Pomar Road

Near the intersection of South El Pomar Road and Summit Road, existing permitted landfill operations are visible through a saddle between two hills as shown in the upper photograph of Figure 9A labeled "Existing View". The operations remain visible as one travels southwest along South El Pomar Road until an intervening

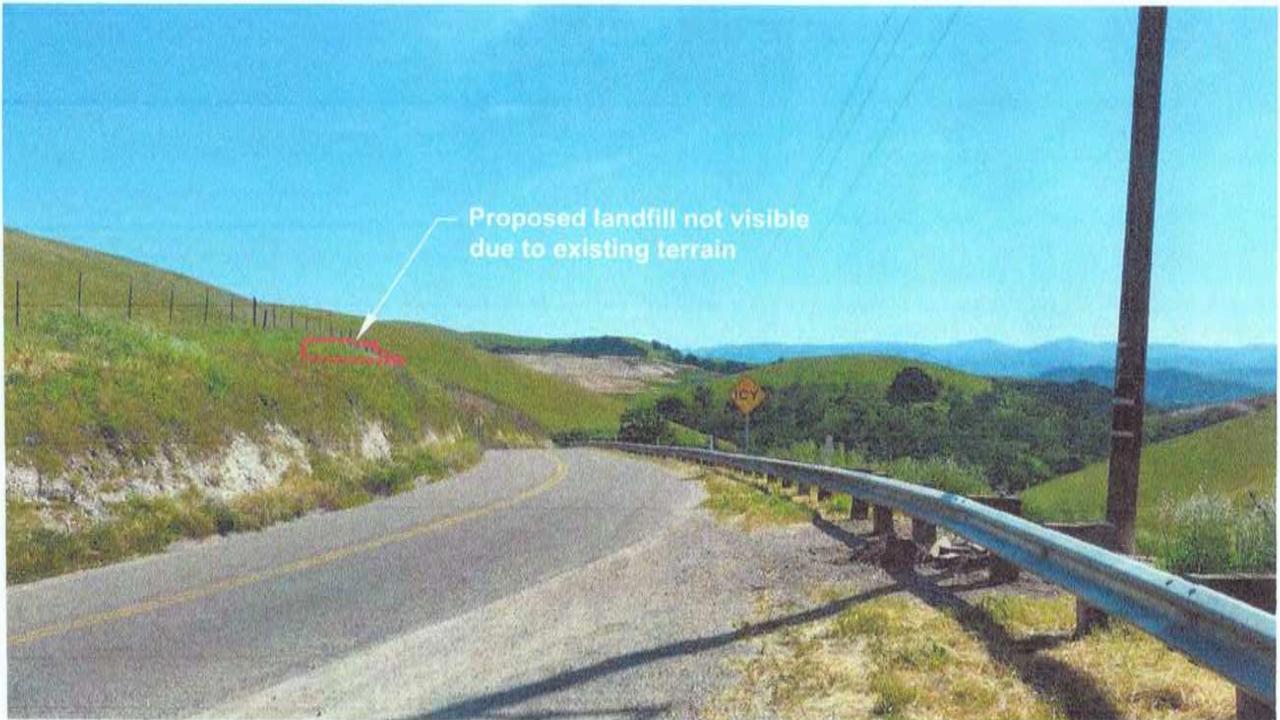
FIGURE 8
Photo Key Map



***Chicago Grade Landfill
Proposed Vertical Expansion***



Existing View



Approved Maximum Elevation 1360

***Chicago Grade Landfill
Proposed Vertical Expansion***

ridge blocks views of the landfill. The visible area of existing landfill operations is denoted by light brown soils, approximately centered in the photo.

The second photograph in Figure 9A depicts fill to the currently approved height of 1,360 feet within the proposed vertical expansion area. The dashed outline of a fill area "behind" the intervening ridge indicates that this element would not be visible in this view shed. Because of an intervening ridge, fill placed up to the approved elevation of 1,360 feet within the proposed vertical expansion area would not be visible to a traveler along South El Pomar Road.

The first photograph in Figure 9B depicts fill to the proposed height of 1,386 feet within the proposed vertical expansion area. Because of the intervening ridge, fill placed up to the proposed elevation of 1,386 feet within the proposed vertical expansion area would still not be visible to a traveler along south El Pomar Road.

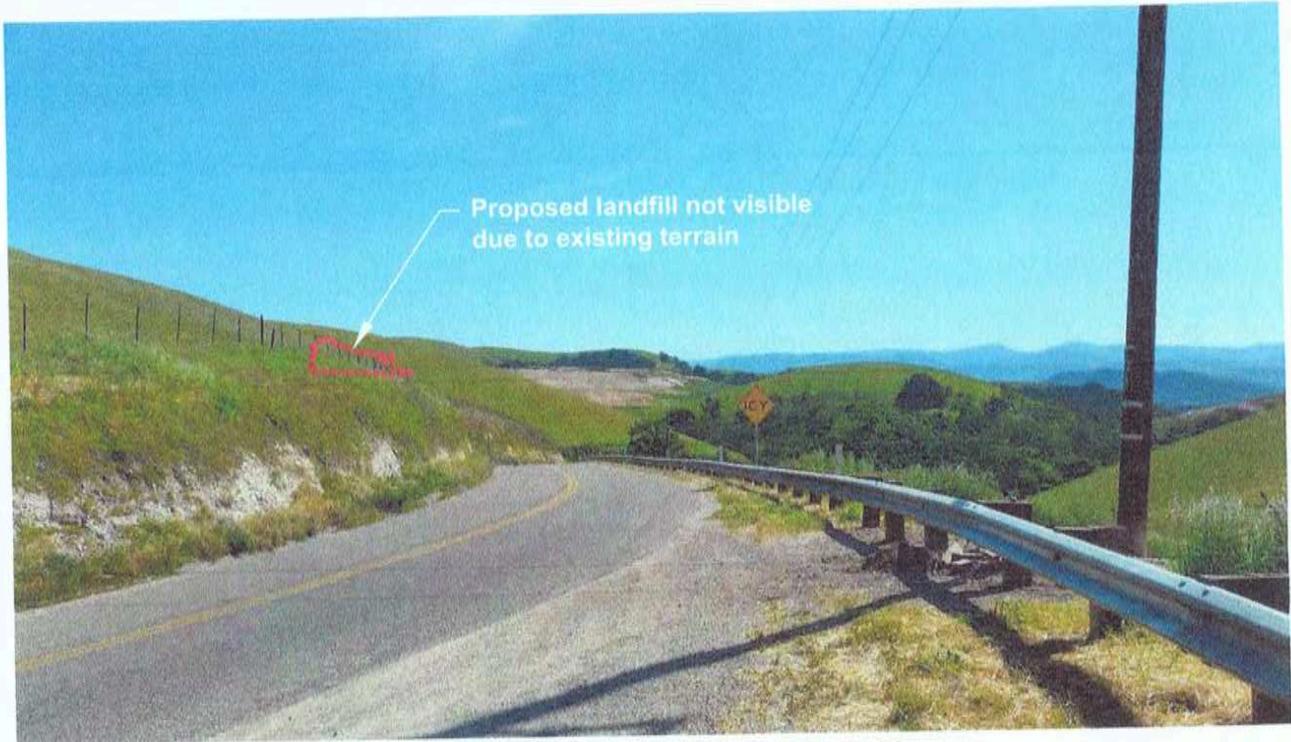
The second photograph in Figure 9B depicts the "mitigated condition". This condition would result from adherence to the following mitigation measure which requires revegetation of all landfill areas as part of final reclamation activities. In this photograph, the previous brown colored slope visible from South El Pomar Road would be covered with introduced grasses and herbs to match the groundcover in adjacent slope areas.

View from 2995 Templeton Road

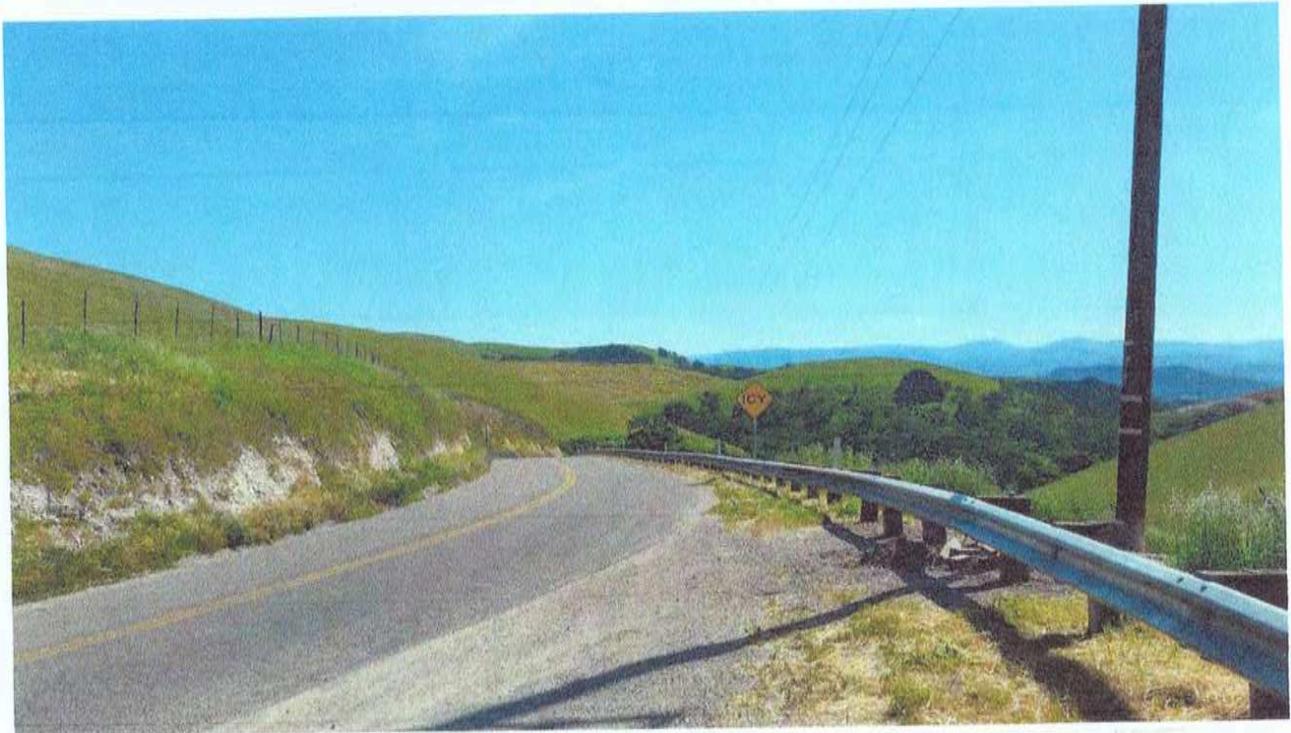
The viewpoint at 2995 Templeton Road is approximately 1.5 miles west of the existing landfill. As shown in the top photograph of Figure 10A, Existing View, existing landfill operations are barely visible on the horizon in the center of the photo. The existing landfill operations appear as a thin buff-colored horizontal stripe, above which is a thinner light green stripe, above which sits a line of clouds. From this vantage point, the existing landfill operations are a subordinate feature in the background, made unobtrusive by trees in the mid-field range of the photograph.

The second photograph in Figure 10A depicts fill to the approved height of 1,360 feet within the proposed vertical expansion area. The green stripe above the fill area is imperceptibly thinner, as compared to the existing view photograph. The average observer would likely not notice the visual alteration of the landfill operations area with fill to the approved elevation of 1,360 as compared to the existing view.

The first photograph in Figure 10B depicts fill to the proposed height of 1,386 feet within the proposed vertical expansion area. In this photograph, the thin green stripe above the existing operations area is replaced with a light brown stripe, depicting the new elevation of fill which replaces the currently vegetated slope face at the upper elevations of the proposed vertical expansion area. The vertical expansion area is a subordinate element in the background from this vantage point.

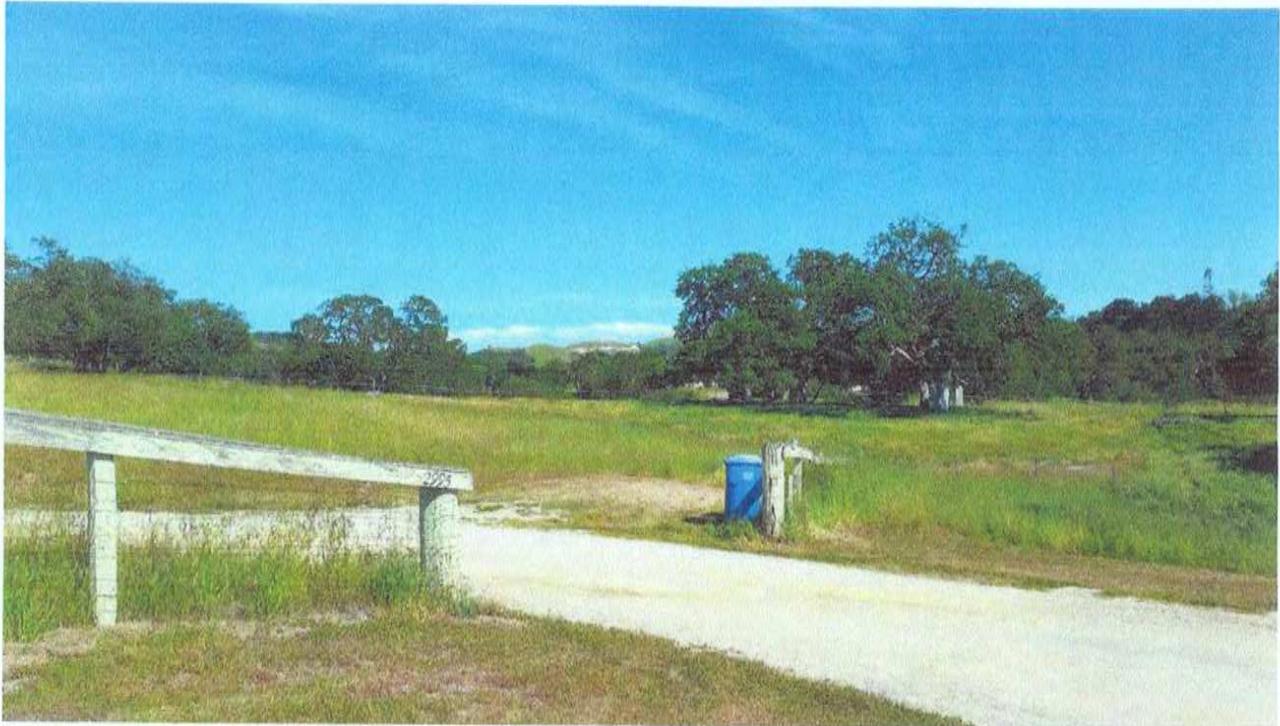


Proposed Maximum Elevation 1386

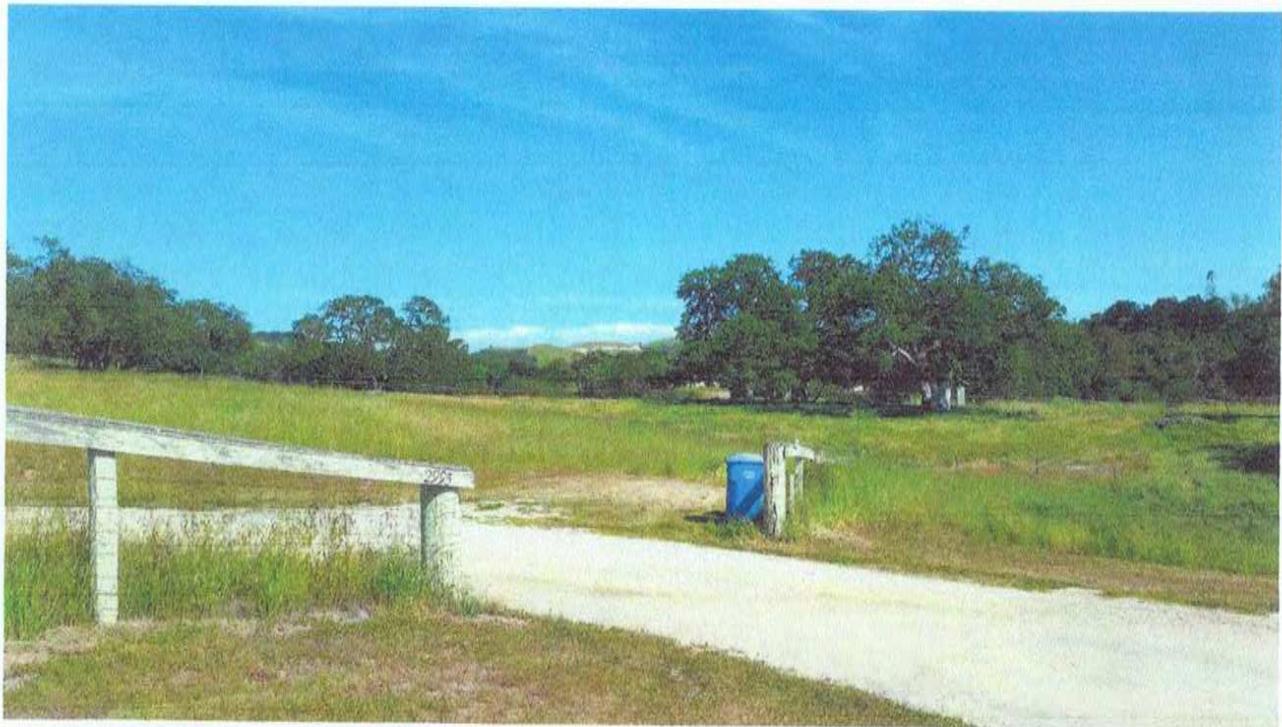


Landfill with Mitigation

***Chicago Grade Landfill
Proposed Vertical Expansion***

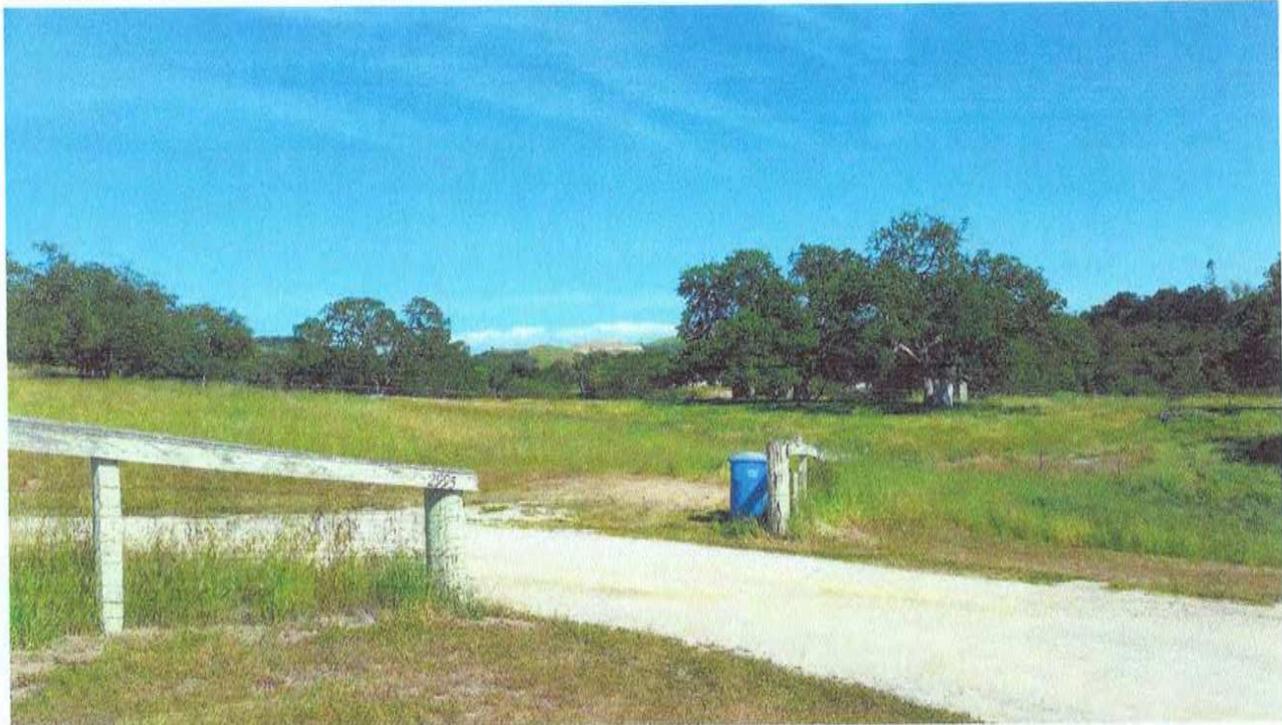


Existing View



Approved Maximum Elevation 1360

***Chicago Grade Landfill
Proposed Vertical Expansion***



Proposed Maximum Elevation 1386



Landfill with Mitigation

***Chicago Grade Landfill
Proposed Vertical Expansion***

The second photograph in Figure 10B depicts the “mitigated condition”. This condition would result from adherence to the following mitigation measure which requires revegetation of all landfill areas as part of final reclamation activities. In this photograph, the previous light brown colored slope visible from 2995 Templeton Road would be covered with introduced grasses and herbs to match the groundcover in adjacent slope areas.

View from 2475 Templeton Road

The viewpoint at 2475 Templeton Road is approximately 2.3 miles west of the existing landfill. As shown in the top photograph of Figure 11A, Existing View, existing landfill operations are a barely distinguishable feature on the horizon, in the center of the photograph. The existing landfill operations appear as a thin buff-colored horizontal stripe, above which appears to be an equally thin stripe of green; the visible landfill area accounts for only 5% to 6% of the total horizon, rendering it a substantially subordinate element not likely to be noticed by the average observer. A grassy ridge and trees in the mid-range dominate the view, with trees along the horizon being a secondary element from this vantage point.

The second photograph in Figure 11A depicts fill to the approved height of 1,360 feet within the proposed vertical expansion area. Alterations to the visible portion of the vertical expansion area of the landfill with fill to the approved elevation of 1,360 would be indistinguishable from the existing view from this vantage point.

The first photograph in Figure 11B depicts fill to the proposed height of 1,386 feet within the proposed vertical expansion area. The thin green stripe above the existing operations area is replaced with a light brown stripe. From this vantage point, an observer may be able to discern the visual alteration of the vertical expansion area, with fill placed to the 1,386 elevation. The visual change to this subordinate visual component on the horizon to a moving traveler would in all likelihood not be noticed, given the dominant near field and mid-field visual components including grassy ridge and trees.

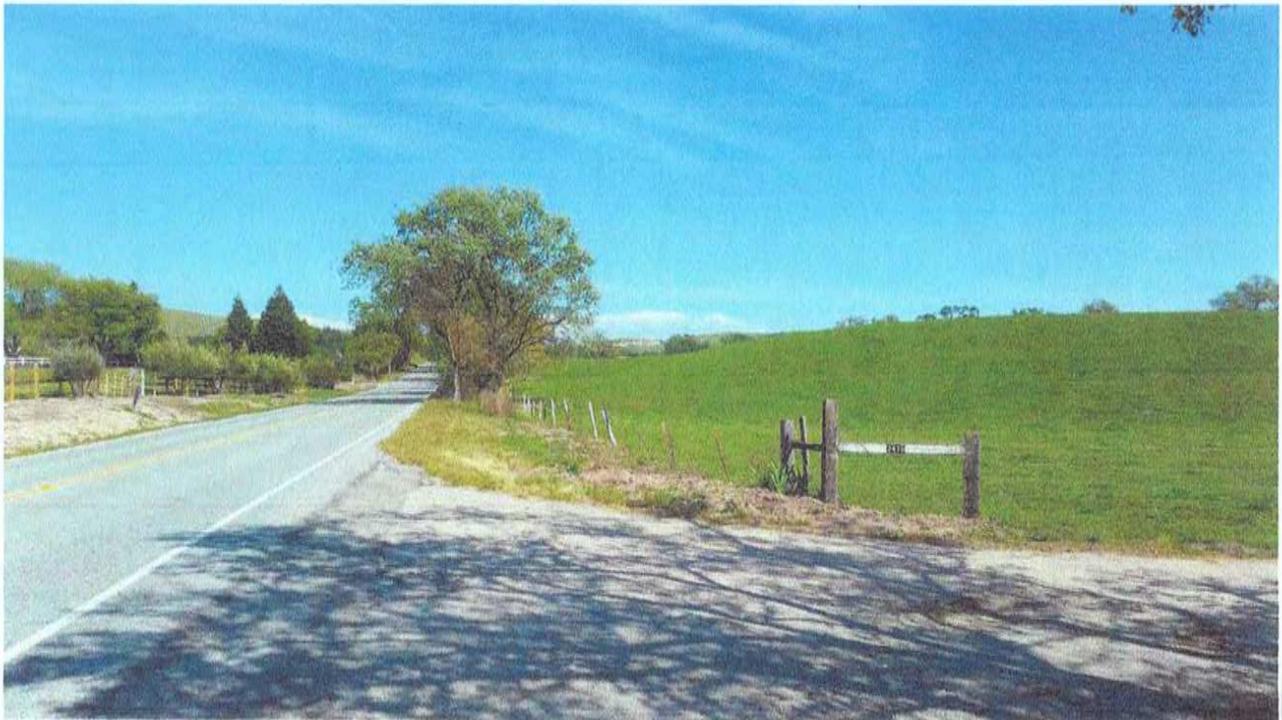
The second photograph in Figure 11B depicts the “mitigated condition”. In this photograph, the previous light brown colored slope barely distinguishable on the horizon from the 1995 Templeton Road vantage point would be covered with introduced grasses and herbs to match the ground cover in adjacent slope areas.

View from Landfill Entrance (Homestead Road)

At the intersection of Homestead Road and the entry to the Chicago Grade Landfill, existing permitted landfill operations are visible through a saddle between two hills as shown in the upper photograph of Figure 12A. The visible area of existing landfill operations is denoted by light brown soils, just to the right of center in the

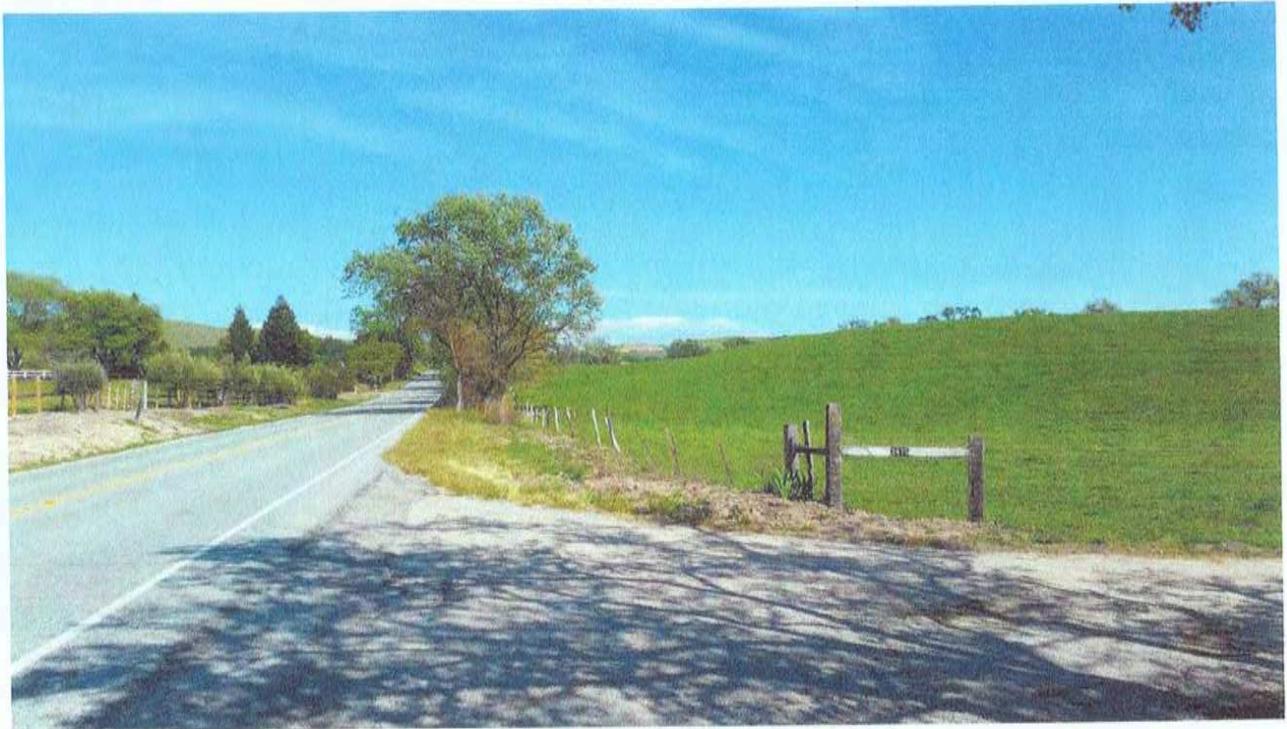


Existing View

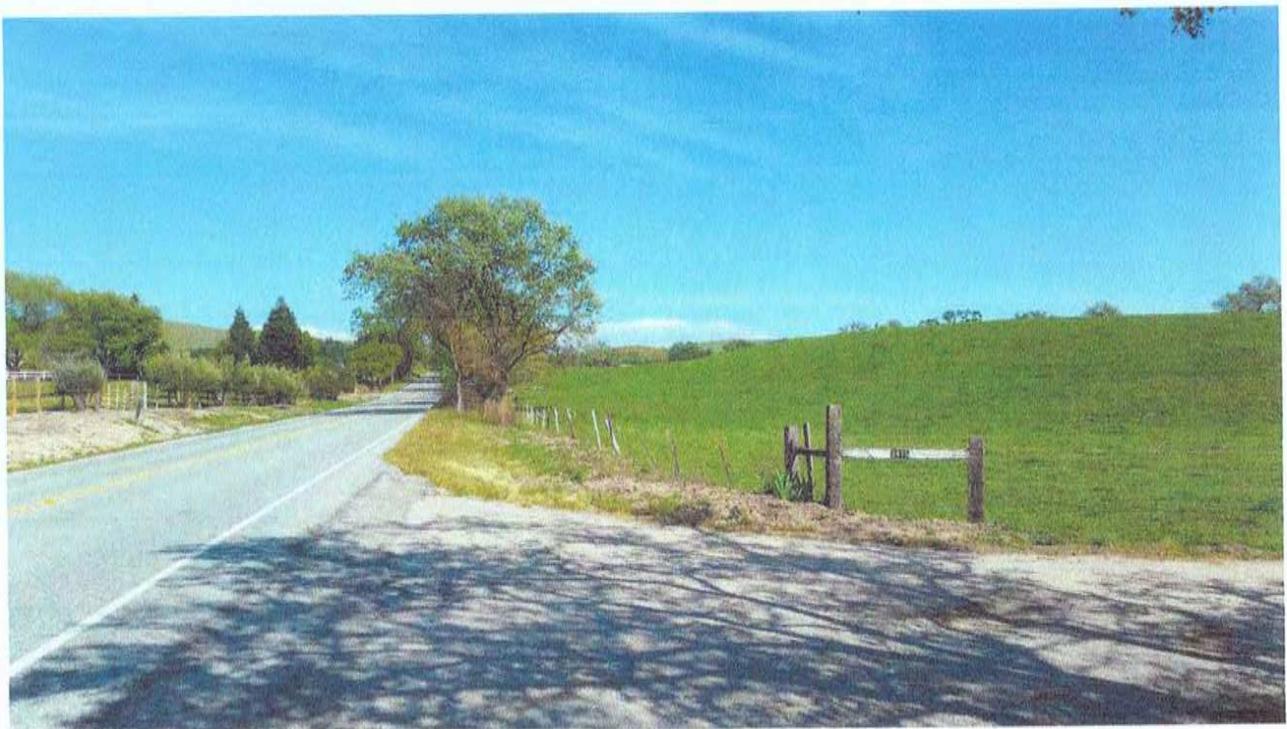


Approved Maximum Elevation 1360

***Chicago Grade Landfill
Proposed Vertical Expansion***



Proposed Maximum Elevation 1386

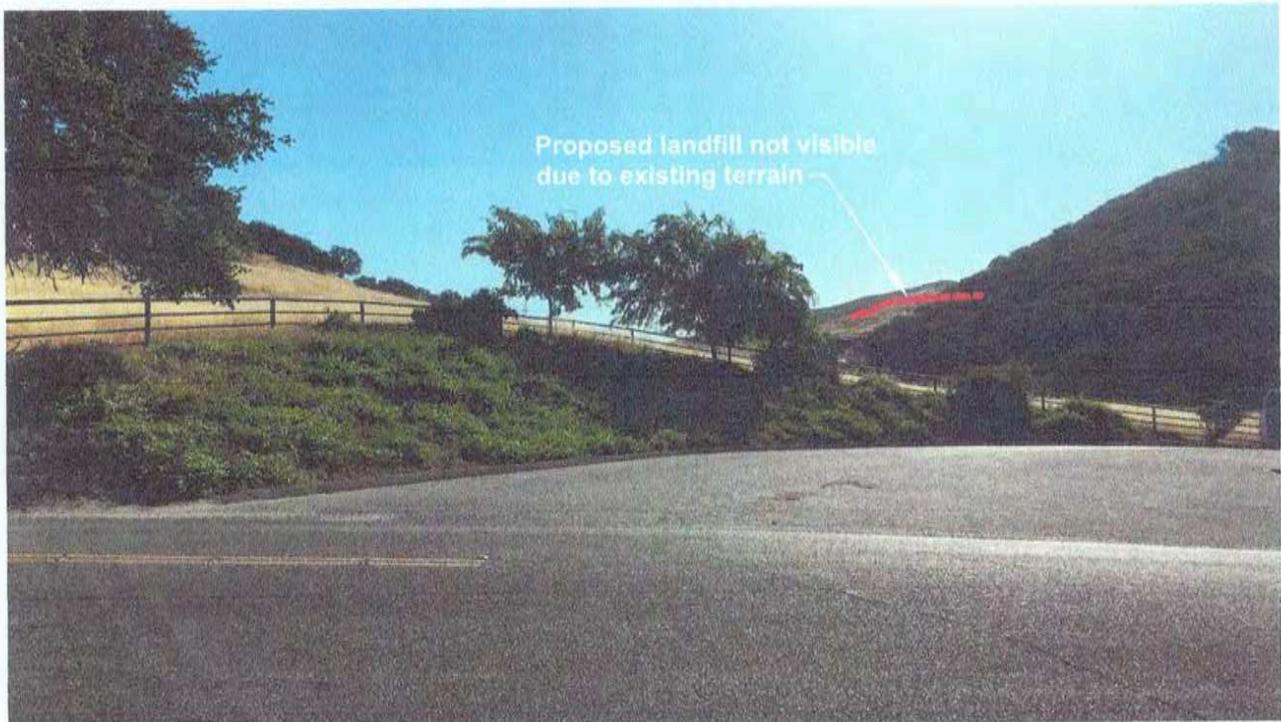


Landfill with Mitigation

*Chicago Grade Landfill
Proposed Vertical Expansion*



Existing View



Approved Maximum Elevation 1360

***Chicago Grade Landfill
Proposed Vertical Expansion***

photograph to the right of the existing trees partially behind the dark green slope on the right.

The second photograph in Figure 12A depicts fill to the approved height of 1,360 feet within the proposed vertical expansion area. The dashed red outline indicates the fill area “behind” the intervening ridge. Because of an intervening ridge, fill placed up to the approved elevation of 1,360 feet within the proposed vertical expansion area would not be visible to a traveler along Homestead Road. The first photograph in Figure 12B depicts fill to the proposed height of 1,386 feet within the proposed vertical expansion area. The dashed red outline of the fill area “behind” the intervening ridge indicates that fill placed up to the proposed elevation of 1,386 feet within the proposed vertical expansion area would still not be visible to a traveler along Homestead Road.

The second photograph in Figure 12B depicts the “mitigated condition”. This condition would result from adherence to the following mitigation measure which requires revegetation of all landfill areas as part of final reclamation. In this photograph, the previous brown colored slope visible from Homestead Road would be covered with introduced grasses and herbs to match the ground cover in adjacent slope areas.

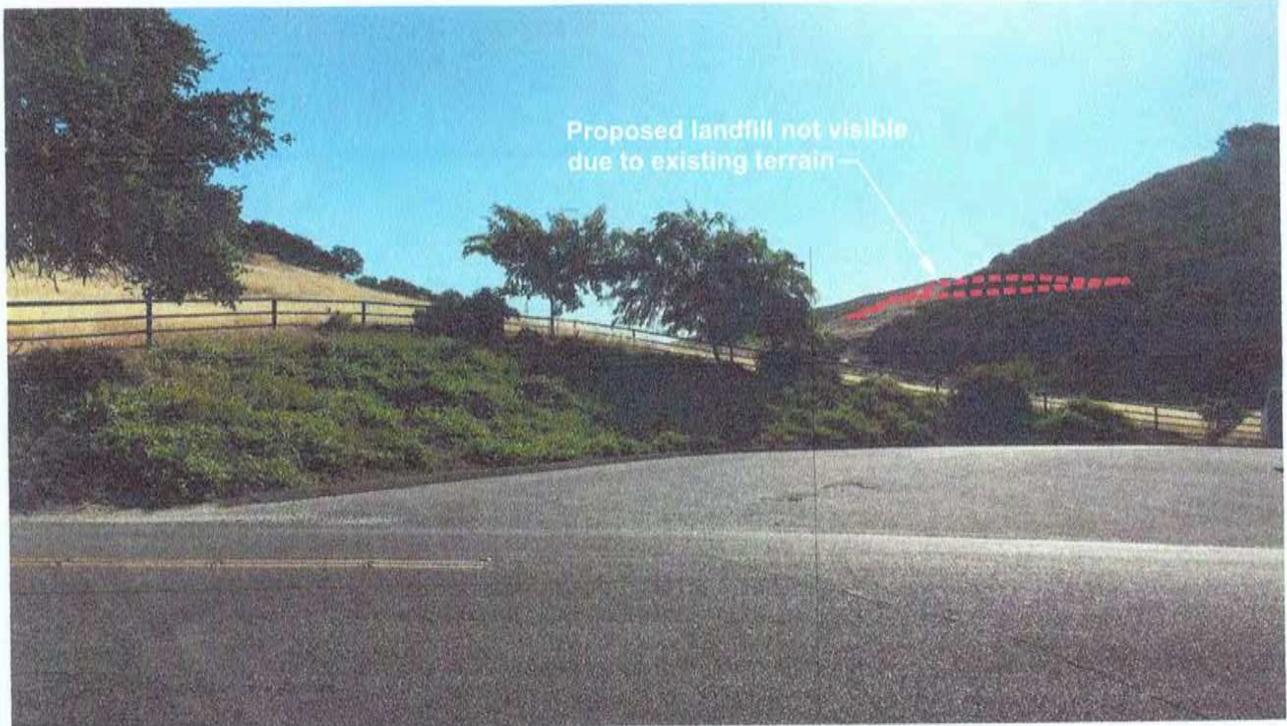
Visibility from Salinas Valley

The proposed vertical expansion area will not be highly visible from public vantage points in the Salinas Valley. Intervening landforms would block most views to the proposed vertical expansion area. In addition, from vantage points located at greater distances in the Salinas Valley, any visible change created by the proposed vertical expansion area would be smaller in scale than from closer locations. Once the expansion area is closed, any change in landform that may be visible from the Salinas Valley would not be obtrusive relative to surrounding topographical features and revegetation should help the expanded vertical fill area better blend with the tone of the surrounding landscape.

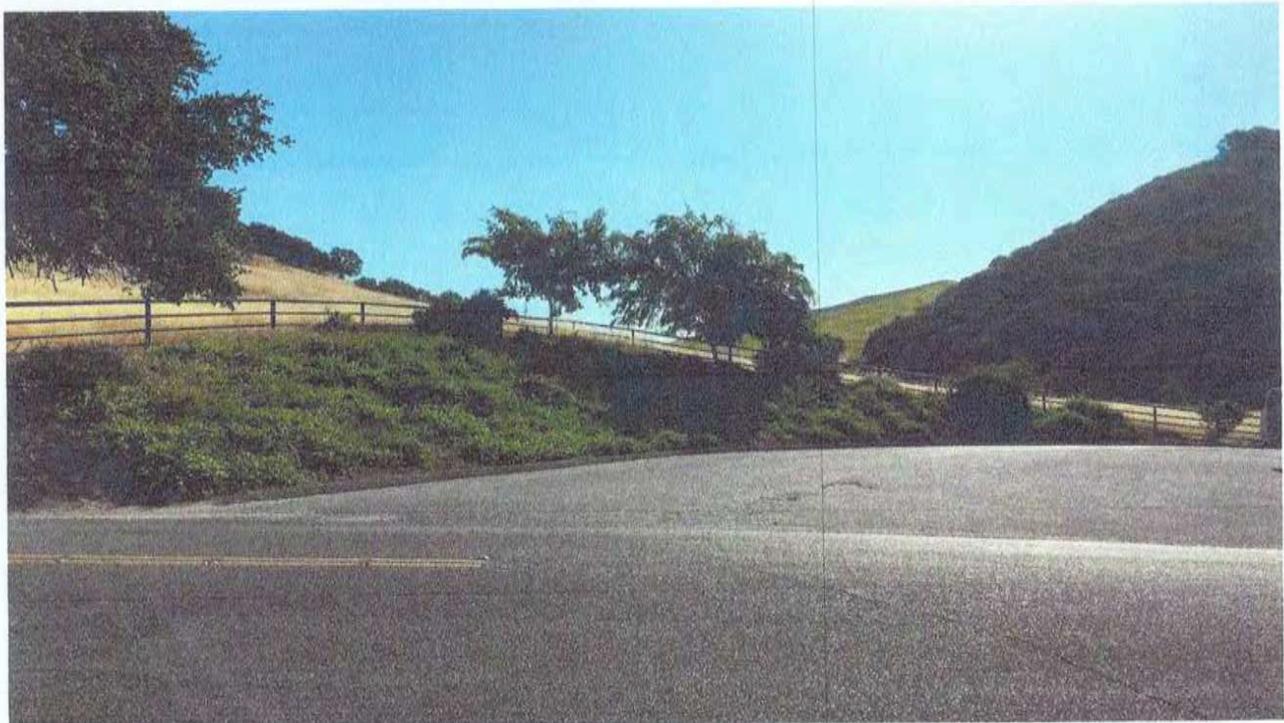
3. Mitigation Measures

a. Previously Adopted Mitigation Measures

1. The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the proposed ridge fill for review and enforcement by the LEA/EA and the RWQCB. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. A revegetation plan shall also be prepared using plant species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related



Proposed Maximum Elevation 1386



Landfill with Mitigation

***Chicago Grade Landfill
Proposed Vertical Expansion***

Title 27 erosion control standards and is subject to review and approval by the County Planning and Building Department.

b. Revised Mitigation Measures

The previously adopted Mitigation Measure #1 noted above applies to the previously approved project but does not directly apply to the currently proposed project. Since the currently proposed project results in a change to the visual character of the currently proposed vertical expansion area, a revised version of Mitigation #1 as provided below applies to the currently proposed project. No additional mitigation measures are required.

Revised Mitigation Measure #1:

The applicant shall prepare a complete engineered grading plan and revegetation plan to State standards for the currently proposed vertical expansion area for review and enforcement by the LEA/EA and the Lead Agency. The grading plan must illustrate how the proposed fill will be contoured to blend in with existing adjacent topographical forms and features. The revegetation plan shall also be prepared using species that are consistent with adjacent grassland and scrub habitat types. The plan must be consistent with related Title 27 erosion control standards and is subject to review and approval by the County Planning and Building Department.

4. Residual Impacts

All potentially significant adverse aesthetic impacts associated with the currently proposed project can be reduced to a level of insignificance or avoided entirely with the implementation of a revised version of the previously adopted Mitigation Measure #1 noted above (Class II Impact).

B. Agricultural Resources

1. Existing Conditions

The Chicago Grade Landfill property is located on parcel 034-212-005 which was once part of the adjacent Johnson Ranch and has been used for limited livestock grazing since the landfill opened in 1970. This parcel is currently within a Williamson Act agricultural preserve. The parcel may be removed from its Williamson Act contract with a Notice of Partial Non-renewal or other special approval from the County.

In February, 2016, the Williamson Act contract was amended by the County Board of Supervisors (Resolution 2016-51) to remove portions of the landfill area including the proposed vertical expansion area from the Williamson Act agricultural parcel. The overall Williamson Act contract expires in February, 2018.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion: did not convert prime farmland, unique farmland or farmland of statewide importance to non-agricultural use; did not conflict with existing zoning for agricultural use and did not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use. The prior project was also found not to have a significant effect on the conversion of prime farmland either directly or indirectly.

However, the approved expansion of landfill activities creates a potential conflict while the parcel is bound under a Williamson Act contract. This conflict represents a potentially significant impact.

b. Additional Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 and therefore does not create a conflict with the existing Williamson Act contract. The currently proposed project does not result in any potentially significant impacts upon agricultural resources.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

2. The landowner shall file a Notice of Partial Non-Renewal with the County of San Luis Obispo for that portion of the parcel under Williamson Act contract that would be converted from an agricultural use. In addition, the landowner shall identify an amount of land equal to that proposed for non-renewal that has been reclaimed to a level deemed acceptable to the County to replace the portion removed from the Williamson Act contract. The replacement land shall be placed under the same Williamson Act contract such that the total land within the existing contract remains constant. No grading or other land disturbance shall be permitted on the land subject to partial non-renewal until the Williamson Act contract is terminated (or approximately 10 years from the date the partial notice of non-renewal is filed with the County). The request for partial non-renewal shall be subject to review and approval by the County Agricultural Preserve Review Committee and the Board of Supervisors.

b. Revised Mitigation Measures

The currently proposed vertical expansion is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7, all of which is surrounded by the existing landfill. As such, the previously adopted Mitigation Measure #2 noted above applies to the previously approved project but does not apply to the current project. Given the lack of any potentially significant adverse impacts to agricultural resources, no revised mitigation measures are required.

4. Residual Impacts

Impacts to agricultural resources associated with the currently proposed project are considered to be insignificant (Class III Impact).

C. Air Quality/Greenhouse Gas Emissions

1. Existing Conditions

The regional climate is characterized as Mediterranean with warm, dry summers and cooler, relatively damp winters. The Templeton area has summer high temperatures averaging approximately 90 degrees and winter low temperatures in the low 20's. The project site is approximately 15 miles from the Pacific Ocean, and located in the Upper Salinas River Valley meteorological region of the County. This region has historically experienced the highest ozone and particulate levels in the County.

Air quality readings in the region tend to vary, due to the effects of coastal winds and warm inland climates on air circulation. The project site is located in the Upper Salinas River Valley, which encompasses the northern one-third of the county, and contains 25 percent of the County's population. The Upper Salinas River Valley is characterized by plains and low rolling hills bound by the Santa Lucia Range in the west, and the Cholame Hills in the east. The nearest air emissions monitoring to the project site is in Atascadero. This station monitors for carbon monoxide and particulates.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion: did not expose sensitive receptors to substantial pollutant concentrations and did not create or subject individuals to objectionable odors.

However, the previously approved expansion of landfill activities results in: the violation of PM₁₀ (particulate matter) emission standards from the extension of project operations in these two new modules; the violation of PM₁₀ emission standards due to the ongoing operation of the LFG flare and the continued generation of construction phase emissions. This latter impact does not violate any emissions standards but does contribute to regional non-attainment of air pollutant standards.

b. Additional Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 and does not involve the operation of the LFG

flare. Landfill operations within a four acre area are considered to have an insignificant impact upon regional air pollutant generation.

Since the prior approval of the 2007 Conditional Use Permit, CEQA requirements have been amended to require an analysis of greenhouse gas (GHG) emissions attributed to the proposed project. In the case of the currently proposed vertical expansion, two potential sources of GHG emissions are: 1) increased motor vehicle use and 2) additional stationary source emissions from the currently proposed vertical expansion. The currently proposed project will not result in any increase in customer traffic to and from the landfill. Similarly, the proposed project will not result in a significant change in the annual waste tonnage inflow or in the hours of landfill operations. Landfill gas (LFG) is typically created in a closed landfill module as a by-product of the decomposition of solid waste, especially organic wastes. The Chicago Grade Landfill is equipped with a gas collection system consisting of a series of vertical and horizontal collection pipes installed in the landfill. The pipes collect and direct LFG to an existing approved and permitted landfill gas flaring unit where the gas is totally burned off. Gas monitoring wells are installed at the periphery of the permitted landfill footprint to detect potential migration of LFG to areas outside of the landfill modules.

Given these circumstances, the currently proposed project does not result any potentially significant air quality or greenhouse gas (GHG) impacts.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

3. The applicant shall install a total of three (3) Diesel Oxidation Catalysts or other SLOAPCD approved best available control technology devices on the equipment that will be used to operate and construct the new landfill modules. The applicant shall demonstrate to the satisfaction of the SLOAPCD that such devices will be installed. The applicant shall contact the SLOAPCD to coordinate the implementation of this mitigation. This mitigation shall be implemented prior to the occurrence of the first of the following activities: (a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations" or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4, or waste to be buried within approximately one acre of module 7 adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading

that has occurred under these exceptions in prior years in order in order to assist this monitoring.

4. The applicant shall pave the currently unpaved portion of the on-site haul road to a point at close as possible to the working area of modules 6 and 7. The applicant shall prepare a map of the segment of the haul road to be paved and present the map to the SLOAPCD for review and approval. The haul road shall be paved prior to the occurrence of the first of the following activities: (a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations"; or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4, or waste to be buried within approximately one acre of module 7 adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred under these exceptions in prior years in order in order to assist this monitoring.

5. The applicant shall prepare a PM₁₀ construction emissions mitigation plan to implement measures to reduce construction phase generation of PM₁₀ during excavation, grading, soil movement, and stockpiling activities. The following measures shall be included in the PM₁₀ construction emissions mitigation plan as required by the SLOAPCD. The applicant's plan must be submitted to the SLOAPCD for review and approval prior to the SLOAPCD approving an extension of Permit 547-2, Landfill Gas Collection and Flaring System for the proposed project.

- 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 (non-potable) water should be used whenever possible;
- c. All dirt stockpiles 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 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 SLOAPCD;
- 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 or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the site;
- i. All trucks hauling soil or other loose material off-site should cover the material or maintain at least two feet of freeboard in accordance with California Vehicle Code (CVC) Section 23114; and
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- k. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

b. Revised Mitigation Measures

The currently proposed vertical expansion is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 all of which is surrounded by the existing landfill and does not involve the operation of the LFG flare. Landfill operations within a four acre area are considered to have an insignificant impact upon regional air pollutant generation, As such, the previously adopted Mitigation Measures #3, #4 and #5 noted above apply to the previously approved project but do not apply to the current project. Given the lack of any potentially significant air quality or greenhouse gas (GHG) impacts, no revised mitigation measures are required.

4. Residual Impacts

Air quality and greenhouse gas (GHG) impacts associated with the currently proposed project are considered to be insignificant (Class III Impact).

D. Biological Resources

1. Existing Conditions

A majority of the Chicago Grade Landfill has been modified to accommodate existing permitted waste disposal facilities. Although oak woodland, coastal scrub and riparian woodland plant communities are present on the landfill property, the entire undeveloped, but highly disturbed areas along the periphery of the landfill are classified as annual grassland. Ongoing cattle and horse grazing activities have provided a continuous disturbance to the vegetation thereby limiting the recolonization of native plants. Disturbed areas that have been affected by previous landfill activities or livestock grazing support a mixture of ruderal (weedy) species, dominated by the non-native annual grasses and forbs. These ruderal areas provide marginal wildlife habitat, but some of the more extensive open areas could support populations of lizards and small mammals, which provide a prey source for raptors, snakes, and other predators. Runoff from the upstream portions of the landfill flows towards the west and is collected in minor drainages within the existing landfill boundary. These drainages have been disturbed by ongoing landfill activities, grazing, and other land uses, however, some oak woodland and riparian vegetation remain. Near the western boundary of the landfill, the lower reach of the intermittent stream contains riparian plants such as willow. Upstream of this area, the number and quality of these plants diminishes. The majority of the vegetation within the remainder of the landfill site consists of blue oak, holly leaf cherry and coast live oak with an understory of annual grasses.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not introduce barriers to the movement of resident fish or wildlife species. However, the approved expansion of landfill activities results in: the potential degradation of surface water quality and wetland /riparian habitat; the loss of habitat and removal of oak trees and the establishment of non-native plants.

b. Additional Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 which are highly disturbed due to ongoing landfill operations and therefore does not have the potential to remove existing oak trees or established non-native plants. Landfill operations within a four acre area are considered to have an insignificant impact upon downstream water quality. The

currently proposed project does not result in any potentially significant impacts upon biological resources.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

6. A qualified biologist shall survey areas within the footprint of the proposed ridge fill locations, access roads, and staging areas that may be affected by vehicles or heavy equipment during the placement of the proposed ridge fill for special status species and protected trees. If special status species or protected trees are located during the survey: 1) the ridge fill and access roads or staging areas must be redesigned to avoid the species and/or habitat and protected trees, or 2) the applicant will follow the required County, CDFG, or USFWS mitigation as appropriate for impacts to special status species and protected trees. Consultation with CDFG or USFWS may be required. Results of the survey, proposed mitigation measures, and proposed mitigation implementation actions must be reviewed and approved by the County Planning and Building Department. The survey and any design measures needed to avoid species and habitat shall be completed prior to the occurrence of the first of the following activities:(a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4 or waste to be buried within approximately one acre of module 7 adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred under these exceptions in prior years in order to assist this monitoring.

7. In order to prevent the spread of invasive non-native species, the following shall be included in the erosion control and revegetation plans:

- a. An eradication plan for plants listed in the *Exotic Pest Plants of Greatest Ecological Concern in California* (CalIPPC October 1999) and currently growing on the project site;
- b. Use of plants listed in the County brochure *Exotic Pest Plants of Greatest Ecological Concern in California* shall be prohibited and
- c. Plant materials used in landscaping, erosion control, or habitat restoration shall consist of appropriate native California plants as identified by a qualified biologist.

b. Revised Mitigation Measures

The previously adopted Mitigation Measures #6 and #7 noted above apply to the previously approved project. Given the lack of significant native vegetation within the highly disturbed proposed vertical expansion area, these mitigation measures do not apply to the currently proposed project. Given the lack of any potentially significant impacts to biological resources, no revised mitigation measures are required.

4. Residual Impacts

Impacts to biological resources associated with the currently proposed project are considered to be insignificant (Class III Impact).

E. Cultural Resources

1. Existing Conditions

The project area has a moderate potential of archaeological sensitivity. The project site is located along a hilltop. Hilltops and major ridgelines can be locations of small sites such as shrines, collecting locations, camps, and trail stops. At the time of early Spanish exploration in this area, several Chumash villages were located within a few miles of the landfill. The nearest Chumash village was Sceele, located several miles to the west along the Salinas River. Previously conducted Phase I archaeological surveys determined that there are no potentially important archaeological or other cultural resources known to exist within the landfill boundaries. The potential for unknown buried cultural resources to exist in the area of the landfill is considered to be moderate. These conclusions were made based upon a records search and walkover surveys.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not disturb any known pre-historic, historic or paleontological resources. However, the approved expansion of landfill activities will result in the disturbance of surface or subsurface soils from grading and excavation activities which could potentially unearth and/or damage cultural resources were they to exist within these areas.

b. Additional Project Impacts

The currently proposed project is confined to module 3 and a portion of module 4 and areas outside modules 6 and 7 which are highly disturbed due to ongoing landfill operations and therefore does not have the potential to unearth and/or damage cultural resources. The currently proposed project does not result in any potentially significant impacts upon cultural resources.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

8. If archaeological resources or human remains are unearthed during activities within modules 6 and 7, work shall be halted within 50 meters (165 feet) of the find until it can be investigated by a qualified professional archaeologist. In the event that human remains are unearthed or otherwise discovered, the County Coroner

must be contacted so the finds can be properly identified and evaluated. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

9. The landfill operator shall train all landfill employees on the appropriate procedures to follow when/if archaeological resources are unearthed within the proposed expansion area. Each employee shall be trained: (a) at least once per year and (b) within the first two weeks of accepting employment at the landfill. Each employee shall sign a form that identifies the trainer, date of training, and that training was completed. The form shall be kept on file for the duration of the each employee's employment at the landfill. All existing employees shall be trained prior to issuance of a revised SWFP. The forms shall be subject to inspection by the Department of Building and Planning.

b. Revised Mitigation Measures

The previously adopted Mitigation Measures #8 and #9 noted above apply to the previously approved project. Since the currently proposed vertical expansion area is highly disturbed, these mitigation measures do not apply to the currently proposed project. Given the lack of any potentially significant impacts to cultural resources, no revised mitigation measures are required.

4. Residual Impacts

Impacts to cultural resources associated with the proposed project are considered to be insignificant (Class III Impact).

F. Geology and Soils

1. Existing Conditions

The Chicago Grade Landfill is located within the La Panza range of hills that border the eastern side of the southern Salinas Valley. The landfill is situated on the westerly slopes of the La Panza Range, and on the east side of a small north-south trending bowl shaped canyon. This canyon merges immediately north of the landfill with a larger east-west trending canyon. A granitic basement rock from the Franciscan Complex is exposed on the La Panza Range, located to the south of the landfill. A relatively thick sequence of sedimentary rocks from the Monterey and Paso Robles formations overlies the basement complex rocks.

Project site soils are comprised primarily of Linne-Calodo Complex. Two other soil types occur on site including Lockwood Shaly Loam and Lockwood-Concepcion Complex. These soils are generally very poor to moderately drained with percolation potential (or permeability) being slow with a moderate to high potential for soil erodibility. The majority of the soil types at the landfill are considered not well drained and have low permeability. Such soils are favorable for use for liners and landfill cover materials as they reduce the potential for rainwater to percolate through solid waste or to percolate through a liner system into the groundwater below. Exposure of these soils to erosion is typically highest when soils are disturbed during and immediately after grading and construction activities take place.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not: result in the exposure to seismic hazards or unstable earth conditions; change rates of soil absorption; locate structures on expansive soils; change drainage patterns and did not involve activities within a 100 year flood zone. However, the approved expansion of landfill activities results in: the potential for substantial erosion and sedimentation into downstream water bodies and the potential degradation of downstream riparian habitats.

b. Additional Project Impacts

Landfill operations within a four acre area are considered to represent an insignificant impact upon downstream water quality. The currently proposed project does not result in any potentially significant impacts upon geology and soils.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

10. The project applicant shall prepare an erosion control plan prepared by a registered engineer that meets both the LUO Section 22.05.034 requirements and requirements of CCRWQCB Order No. 94-80. Since the proposed project would disturb an area greater than one acre, the erosion control plan must be part of a Storm Water Pollution Prevention Plan as required for compliance with NPDES Storm Water Discharge General permits. The erosion control must be reviewed and approved by the County Planning and Building Department prior to the occurrence of the first of the following activities: (a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of fill liner outside the area of "Ongoing Waste Disposal and Recycling Operations" or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4, or waste to be buried within approximately one acre of module 7 adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred under these exceptions in prior years in order to assist this monitoring.

The erosion control plan should include but not be limited to the following best management practices:

- a. Temporary mulching, seeding or other suitable stabilization measures to protect exposed erodible areas during construction;
- b. Earth or paved interceptors and diversions installed at the top of cut or fill slopes where there is a potential for erosive surface runoff;
- c. Erosion and sediment control devices for all grading and filling. Control devices and measures could include, but are not limited to energy absorbing structures or devices to reduce the velocity of runoff water;
- d. Within thirty days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, should be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measures,

including but not limited to those described in USDA Soil Conservation Service Bulletin 347 and

e. Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on the site and on adjoining properties.

11. The applicant shall prepare an erosion control plan to be implemented at the proposed ridge fill locations. The plan must be consistent with related the Erosion and Sedimentation Control Plan standards contained in the LUO. The plan shall be subject to the review and approval of the County Planning and Building Department prior to the occurrence of the first of the following activities: (a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations" or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4, or waste to be buried within approximately one acre of module 7 adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred under these exceptions in prior years in order in order to assist this monitoring.

The erosion control plan shall include, but not be limited to, the following measures: indigenous or site adapted species shall be used for revegetation to increase the probability for success; seedbeds shall be prepared to control unwanted vegetation and provide rapid infiltration (e.g., loose, irregular surface); any broadcast seeds shall be planted at an appropriate depth to ensure their success. Larger seeds shall be planted deeper, smaller seeds shallower; revegetation and/or seeding shall occur when moisture and temperature conditions are most favorable to provide the longest possible period for germination and early growth; seedlings shall be protected from grazing for at least two growing seasons; contour furrows or trenches shall be constructed to break slope length, provide depression storage for surface runoff and hold water in place until it infiltrates the soil to assist with vegetation establishment. Pitting may also be used to create depressions for establishing clustered vegetation and any channelization that occurs due to surface waters cutting vertical paths into the slope shall be repaired to prevent gullies and further severe erosion.

b. Revised Mitigation Measures

The previously adopted Mitigation Measures #10 and #11 noted above apply to the previously approved project. The four acre proposed vertical expansion area, due to

its size and upstream location, represents an insignificant impact to erosion and downstream water quality. Therefore, these mitigation measures do not apply to the currently proposed project. Given the lack of any potentially significant impacts to geology and soils, no revised mitigation measures are required.

4. Residual Impacts

Impacts to soils and geology associated with the currently proposed project are considered to be insignificant (Class III Impact).

G. Hazards and Hazardous Materials

1. Existing Conditions

To prevent groundwater contamination and release of hazardous chemicals from existing landfill operations, the Chicago Grade Landfill currently has environmental monitoring and control systems in place. These systems include a liner, leachate collection and groundwater monitoring. The landfill also utilizes a landfill gas and groundwater monitoring well network.

According to Cal Fire, the landfill is located within a wildland area that may contain substantial forest fire risks and hazards.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not: result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemical, radiation) or exposure of people to hazardous substances; interfere with an emergency response or evacuation plan; expose people to safety risk associated with airport flight pattern; increase fire hazard risk or expose people or structures to high fire hazard conditions or create any other health hazard or potential hazard. However, the landfill is located in a high wildland fire hazard area.

b. Additional Project Impacts

The currently proposed project does not result in any potentially significant impacts due to hazards and hazardous materials.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

As noted in Section J. Public Services/ Utilities, Mitigation Measure #13 will require preparation of a fire safety plan per the requirements of the County Land Use Ordinance that must be approved by Cal Fire. This plan will reduce potential impacts from wildland fire hazards to a less than significant level.

b. Revised Mitigation Measures

The previously adopted Mitigation Measure #13 noted above applies to the previously approved project. Given the isolated location of the currently proposed vertical expansion area which is surrounded by the existing landfill, this mitigation measure does not apply to the currently proposed project. Given the lack of any potentially significant impacts related to hazards and hazardous materials, no revised mitigation measures are required.

4. Residual Impacts

Impacts due to hazards and hazardous materials associated with the currently proposed project are considered to be insignificant (Class III Impact).

H. Water

1. Existing Conditions

Surface runoff from the existing landfill drains towards an unnamed, intermittent creek that traverses the Chicago Grade Landfill property. Surface runoff drains into the creek and eventually through a series of other downstream creeks to the Salinas River. There are no other existing natural surface water features located within the landfill.

Surface water runoff from areas within the area is controlled by a storm water management infrastructure. Drainage terraces and culverts direct storm water runoff away from the active disposal area and toward one of four sediment basins. The sediment basins are designed to control surface water discharge from the site and to prevent sedimentation of downstream surface water bodies or properties. The drainage facilities are designed and sized to carry 100-year storm volumes. The types of soils located within the landfill and their erodability characteristics are discussed in Section F., Geology and Soils. Soils within the landfill have moderate to high erodability. Exposure of soils to erosion is typically highest when soils are disturbed during and immediately after grading and construction activities. During typical landfill operations, soils are constantly being disturbed and exposed through grading, excavations and placement of daily cover.

The Chicago Grade Landfill uses water for dust control and for potable use. Dust suppression activities demand approximately 15,000 gallons per day (gpd) of water. There are three wells on site that provide the source for this water. Groundwater is found in the Paso Robles Formation northeast of the site, which is the main aquifer of the Paso Robles Groundwater Basin.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not: result in any violation of any water quality standards; change the quantity or movement of available surface or groundwater or adversely affect a community water service provider. However, the approved expansion of landfill activities into modules 6 and 7 results in the potential for surface and groundwater quality degradation due to ongoing landfill operations.

b. Additional Project Impacts

The currently proposed project does not result in any potentially significant impacts due to the degradation of surface and groundwater quality.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

As noted in Section F. Geology and Soils, Mitigation Measures #10 and #11 will require preparation of erosion control plans consistent with the requirements of the Erosion and Sedimentation Control Plan standards contained in the County Land Use Ordinance. This plan would reduce the potential impact from degradation of surface and groundwater quality to a less than significant level.

b. Revised Mitigation Measures

The previously adopted Mitigation Measures #10 and #11 noted above apply to the previously approved project. The four acre vertical expansion area will be subject to grading and erosion control measures on a daily basis. These ongoing activities combined with the size and upstream location of the vertical expansion area result in an insignificant contribution to downstream soil erosion. As such these mitigation measures do not apply to the current project. Given the lack of any potentially significant impacts related to water, no revised mitigation measures are required.

4. Residual Impacts

All potentially adverse water impacts associated with the currently proposed project are insignificant (Class III Impact).

I. Noise

1. Existing Conditions

The ongoing existing sources of man made noise in the vicinity of the landfill include landfill operations and traffic on roads, which include refuse trucks and private customers approaching and leaving the landfill. Areas of the landfill where operations generate the greatest noise include the disposable waste area located in module 1 and the recycling area located in the northeast part of the landfill. Noise is also generated on-site from vehicles traveling on internal roads in the landfill. Noise generated on site is not transmitted a significant distance to off-site areas due to surrounding topographic barriers. Noise is also generated off-site from vehicles on the surrounding roadways, especially Homestead Road and South El Pomar Road. Vehicular noise is noticeable at existing residences along or in the vicinity of these roadways. These residences are setback from these roadways from 40 to 200 feet or greater.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not: result in exposure of persons to severe noise or vibration. However, the approved expansion of landfill activities could expose residences located to the north and west of the landfill to noise levels that exceed County standards and result in a substantial permanent increase in ambient noise levels for the adjoining areas above levels existing without the project. Construction and operations activities that occur above elevation 1,250 feet could result in transmission of noise to several of these residences that have the potential to exceed County standards. However, placement of fill within ridgeline depressions would provide topographic noise barriers that would reduce noise transmission to within County standards.

b. Additional Project Impacts

The currently proposed project results in potentially significant noise impacts due to the stockpiling of solid waste to an elevation of 1,386 feet. This potentially significant impact of the currently proposed project is similar to but does not exceed the potential noise impacts associated with the previously approved project. The revised Mitigation Measure #12 discussed below under "Revised Mitigation Measures" would reduce this potential impact to a less than significant level.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

12. To reduce potential noise impacts on off-site residences located north and east of the expansion area, the applicant shall implement one of the two following mitigation options:

a. limit the hours of operation for material recycling grinding equipment to the hours of 7 a.m. to 6 p.m. and provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the landfill manager for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved noise complaints can be reported; or b. place fill in the low points of surrounding ridges as proposed by the applicant. Fill must be placed at a higher elevation than waste within the expansion area at all times. The environmental monitor shall monitor compliance quarterly.

b. Revised Mitigation Measures

The previously adopted Mitigation Measure #12 noted above applies to the previously approved project but does not directly apply to the currently proposed project. Since the currently proposed project involves landfill activities to an elevation of 1,386 feet, a revised version of Mitigation #12 as provided below applies to the currently proposed project. No additional mitigation measures are required.

Revised Mitigation Measure #12:

To reduce potential noise impacts on off-site residences, the applicant shall implement one of the two following mitigation options:

a. Limit the hours of operation for material recycling grinding equipment to the hours of 7 a.m. to 6 p.m. and provide all residents living within 500 feet of all road segments that are located within a ¼ mile radius of the landfill boundary with a contact number for the landfill manager for which complaints can be reported regarding noise. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved noise complaints can be reported; or

b. Place fill in the low points of surrounding ridges. The environmental monitor shall monitor compliance quarterly.

4. Residual Impacts

All potentially significant adverse noise impacts associated with the currently proposed project can be reduced to a level of insignificance or avoided entirely with the implementation of a revised version of the previously adopted Mitigation Measure #12 noted above (Class II Impact).

J. Public Services/ Utilities

1. Existing Conditions

Landfill operations that are of most concern to fire protection services involve the use and storage of flammable materials and the explosion and fire hazard related to the generation, management and flaring of landfill gas. The use of heavy equipment and vehicles in an area of high fire hazard where such use can create sparks that ignite fires is also a source of concern. The landfill currently receives fire protection services from the CDF Meridian Station (Station #30), located at 2510 Ramada Drive in Paso Robles, approximately eight miles north of the landfill. Response time to the site is approximately ten minutes.

According to the CDF, the landfill is located is within a wildland area that may contain substantial forest fire risks and hazards. Fire hydrants are located on site to aid in fire suppression efforts if needed. According to CalFire, the landfill has sufficient on-site water to suppress fires.

Activities associated with the existing landfill operations generally do not require police protection services at a rate or frequency that places undue burden on those services relative to other activities in the rural portions of the County. The San Luis Obispo County Sheriff's Department provides law enforcement services for the landfill and surrounding areas out of its North station located in Templeton at 65 South Main Street, approximately five miles northwest of the project site. If a deputy is located at the station, response time from the station to the landfill would be approximately ten minutes. However, actual response times depend upon the location of the deputy at the time of the call.

Solid waste transported to the landfill by commercial and private haulers can blow out of vehicles resulting in litter along the roadways in route to the landfill, particularly South El Pomar Road and Homestead Road. Prior to processing, solid waste and recycling materials at the landfill may be blown off-site by winds. Where litter falls onto or is blown to roadways or other areas, it can create a public nuisance.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not: result in the need for new or altered public services in the areas of law enforcement, schools, roadways or other public facilities. However, the approved expansion of landfill activities could impact fire protection services and solid waste services relative to nuisance from litter.

b. Additional Project Impacts

The currently proposed project results in potentially significant solid waste impacts due to the litter nuisance along roadways adjacent to the landfill. This potentially significant impact of the currently proposed project is similar to but does not exceed the potential solid waste impacts associated with the previously approved project. The revised Mitigation Measure #14 discussed below under "Revised Mitigation Measures" would reduce this potential impact to a less than significant level.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

13. The applicant shall prepare a fire safety plan consistent with LUO Section 22.05.082. The plan must be prepared and approved by the CDF prior to the occurrence of the first of the following activities: (a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations" or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4 or waste to be buried within approximately one acre of module 7, adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred under these exceptions in prior years in order to assist this monitoring.

14. The applicant shall prepare a litter control plan which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control program and upon initial commencement of the project, conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:

- a. Issue a written "one-time" warning and provide education material to the driver of any vehicle with an uncovered load;
- b. Post signage at the landfill entrance and/or scale house stating this policy;
- c. provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance and
- d. Provide all residents living within 500 feet of all road segments that are located within a 1/4 mile radius of the landfill boundary with a contact number for the on-site landfill manager for which complaints can be reported filed regarding trash on

these roadways. In the event that corrective action is inadequate, a second contact number shall also be provided for the environmental monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item "d" of this mitigation with corrective action to be taken by that agency for violations of this mitigation measure.

b. Revised Mitigation Measures

The previously adopted Mitigation Measures #13 noted above applies to the previously approved project. Given the isolated location of the currently proposed vertical expansion area which is surrounded by the existing landfill, this mitigation measure does not apply to the currently proposed project. The previously adopted Mitigation Measure #14 noted above applies to the previously approved project but does not directly apply to the currently proposed project. Since the currently proposed project results in an incremental contribution to off-site litter generation and required litter control, a revised version of Mitigation Measure #14 as provided below applies to the currently proposed project. No additional mitigation measures are required.

Revised Mitigation Measure #14

14. The applicant shall prepare a litter control plan for review and approval by the County Public Works Department and the County Public Health Department which reduces littering of local roadways resulting from transport of uncovered loads to the landfill and litter blowing off the landfill site. The environmental monitor shall review the litter control program and upon initial commencement of the project, conduct quarterly site visits to verify that it has been implemented. The plan shall include, but not be limited to the following components:

- a. Issue a written "one-time" warning and provide education material to the driver of any vehicle with an uncovered load;*
- b. Post signage at the landfill entrance and/or scale house stating this policy;*
- c. Provide weekly removal of trash and litter on the sections of Homestead Road, South El Pomar Road, El Pomar Road and Templeton Road located within one mile of the landfill entrance; and*
- d. Provide all residents living within 500 feet of all road segments that are located within a 1/4 mile radius of the landfill boundary with a contact number for the on-site landfill manager for which complaints can be reported regarding trash on these roadways. In the event that corrective action is inadequate, a*

second contact number shall also be provided for the environmental monitor for which unresolved litter complaints can be reported.

Implementation of the plan shall be monitored through the contact agency noted in item "d" of this mitigation with corrective action to be taken by that agency for violations of this mitigation measure.

The plan must be reviewed and approved by the County Public Works Department and the County Public Health Department prior to exceeding the currently permitted solid waste elevation of 1,360 feet in module 3 and a portion of module 4 or prior to placement of a soil liner within areas outside the original landfill boundary established in 1970.

4. Residual Impacts

All potentially significant adverse impacts to public services/utilities associated with the currently proposed project can be reduced to a level of insignificance or avoided entirely with the implementation of a revised version of the previously adopted Mitigation Measure #14 noted above (Class II Impact).

K. Transportation and Circulation

1. Existing Conditions

Roadways serving the Chicago Grade Landfill and other adjacent areas include State Route 41, Homestead Road, South El Pomar Road and Templeton Road. State Route 41, a two-lane rural highway, provides access to Homestead Road from the Atascadero area and to areas west of Homestead Road. Homestead Road is a two-lane rural road that extends from State Route 41 on the south to South El Pomar Road on the north. Homestead Road is the primary access roadway to the landfill. Homestead Road also serves the rural residential land uses that border it. There are several low speed horizontal curves as well as several vertical curves with limited sight distance that function as natural constraints to travel speed on this roadway, which is reflected in the 35 mile per hour (MPH) speed limit. South El Pomar Road is a two-lane rural road located approximately one-quarter mile north of the landfill that also provides access to the landfill via Homestead Road. Templeton Road is a two-lane roadway. It generally runs in a northwest/southeast direction and is located one mile to the west of the landfill and provides access to the landfill via South El Pomar Road or via State Route 41 to Homestead Road.

2. Project Impacts

a. Previously Identified Impacts

The previously certified Final EIR for the 2007 Conditional Use Permit determined that the approved landfill expansion did not: increase vehicle trips to the local or area wide circulation system; reduce existing Levels of Service on public roadway(s); create traffic safety concerns in combination with existing and future anticipated development; result in inadequate emergency access; result in inadequate parking capacity; result in inadequate internal traffic circulation; conflict with adopted policies, plans, or programs supporting alternative transportation modes (e.g., pedestrian access, bus turnouts, bicycle racks, etc.) or result in change in air traffic patterns that may result in substantial safety risks. However, the approved expansion of landfill activities could create unsafe conditions on public roadways (e.g., limited access, design features, sight distance or slow vehicles) due to the existing configuration of the landfill entrance.

b. Additional Project Impacts

The currently proposed project does not result in any potentially significant transportation and circulation impacts.

3. Mitigation Measures

a. Previously Adopted Mitigation Measures

15. In the event that the current configuration of the landfill entrance does not comply with County requirements as determined by the County Public Works Department, the applicant shall prepare a landfill entrance reconfiguration plan detailing the improvements necessary to address the safety issues at the existing entrance. The improvement plan shall be prepared to County specifications, which include the following:

- a. Driveway shall meet Homestead Road at a 90 degree angle;
- b. Driveway throat shall extend 50 feet into the site, measured from the edge of Homestead Road, before making any turns;
- c. Driveway corners shall have radii to accommodate California Design Vehicle with no need to cross into an opposing lane on Homestead Road;
- d. Driveway location shall comply with County Standard A-11 for sight distance and
- e. Driveway construction shall comply with County Standard B-2-2.

The plan shall be subject to review and approval by the County Public Works Department prior to the occurrence of the first of the following activities: (a) earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations"; (b) placement of liner outside the area of "Ongoing Waste Disposal and Recycling Operations"; or (c) placement of waste material outside approved modules 1 through 4. The only exceptions to the above are grading for agricultural operations allowed by the County Grading Ordinance, grading required for the acquisition of daily cover for waste burial in modules 1 through 4, or waste to be buried within approximately one acre of module 7 adjacent to the boundary of module 4 which lies within the Area of Ongoing Operations. The applicant shall provide an annual estimate of the anticipated location and volume of grading to occur under the exceptions. Grading activities shall be subject to monthly monitoring funded by the applicant. The applicant shall also provide records that indicate the location and volume of grading that has occurred under these exceptions in prior years in order to assist this monitoring.

b. Revised Mitigation Measures

The previously adopted Mitigation Measure #15 noted above applies to the previously approved project. Since the currently proposed project does not generate any additional traffic travelling to and from the landfill, this mitigation measure does not apply to the currently proposed project. No revised mitigation measures are required.

4. Residual Impacts

All potentially adverse transportation and circulation impacts associated with the proposed project are insignificant (Class III Impact).

VI. REFERENCES

Associated Traffic Engineers. *Traffic Analysis for the Chicago Grade Landfill Project, County of San Luis Obispo*. 2004.

Chicago Grade Landfill and Recycling, Inc. *Various documents containing project information, 2016*.

California Department of Fish and Game, *California Natural Diversity Data Base, Templeton, and Creston Quadrangles*. 2004.

California Native Plant Society *California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California*. 2001.

Dudek, *Chicago Grade Landfill Vertical Expansion, Visual Impact Assessment*, May 23, 2016

EMC Planning Group, *Draft Environmental Impact Report, Chicago Grade Landfill Expansion Development Permit*, July, 2005

EMC Planning Group, *Final Environmental Impact Report, Chicago Grade Landfill Expansion Development Permit*, certified January, 2007

San Luis Obispo County. *North County Area Plan, El Pomar-Estrella Sub Area*. September 2003.

San Luis Obispo County. *North County Area Plan, El Pomar-Estrella Sub Area, Updated Environmental Impact Report*. September 2003.

San Luis Obispo County. Department of Planning and Building, *Land Use Ordinance: Title 22 of the San Luis Obispo County Code*.

San Luis Obispo County Air Pollution Control District. *CEQA Air Quality Guidelines*.

San Luis Obispo County Air Pollution Control District. *2001 Clean Air Plan*.

Spanne, Laurence W., MA. , *Phase I Archaeological Survey Report for Chicago Grade Landfill Project*. Lompoc, California. December 2002.

Attachment 7 - Comments on Addendum EIR



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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P.O. BOX 4025, SACRAMENTO, CALIFORNIA 95812

September 28, 2016

Governor's Office of Planning & Research

SEP 28 2016

STATE CLEARINGHOUSE

Airlin Singewald
County of San Luis Obispo
Department of Planning and Building
County Government Center #310
San Luis Obispo, CA 93408

Subject: SCH No. 2004071092 – Chicago Grade Landfill Proposed Vertical Expansion Addendum EIR, ED 03-438, DRC 2003-00026, SWIS NO. 40-AA-0008, San Luis Obispo County

Dear Mr. Singewald:

Thank you for allowing the Department of Resources Recycling and Recovery (CalRecycle) staff to provide comments on the proposed Vertical Expansion Addendum EIR and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

PROJECT DESCRIPTION

The currently proposed project is intended to gain additional, short-term capacity in module 3 and a portion of module 4 of the landfill. The additional capacity will be created with the following proposed actions: (1) increase the currently approved 1,360 foot elevation limit to a 1,386 foot elevation over approximately four acres within module 3 and a portion of module 4 and (2) allow site preparation (i.e., placement of liner) within areas outside the approved 1970 landfill boundary but not into the modules 6 or 7 that were established in 2007 with the County's approval of a Conditional Use Permit (DRC 2003-00026).

These actions create approximately 166,500 cubic yards of additional waste storage space or eight additional months of storage operations at the landfill. After completion of landfill operations associated with the proposed vertical expansion to elevation 1,386, the four acre area within module 3 and a portion of module 4 will be covered with low permeability clay soils and revegetated.

Although the 2007 Conditional Use Permit issued by the County allows expansion into modules 6 and 7, the landfill operators are not ready to proceed with expansion of landfill operations into these modules due to the unexpected increase in solid waste volume received at the landfill. The circumstance has generated the need for the currently proposed project (see Section IV.A., Proposed Project).

COMMENTS

CalRecycle staff's comments on the proposed project are listed below. Where a specific location in the document is noted for the comment, please ensure the comment is addressed throughout all sections of the Addendum, in addition to the specific location noted.

Comments for the Addendum are summarized in the table below:

Chapter/Section	Page and Location	Comment
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Attachment 7 - Comments on Addendum EIR

Chicago Grade Landfill Proposed Vertical Expansion Addendum EIR;
 ED 03-438, DRC2003-00026, SCH2004071092
 September 28, 2016
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<p>Environmental Procedures and Format</p>	<p>Page 1</p>	<p>"The previously certified EIR (ED03-438) was based upon a Conditional Use Permit (DRC 2003-00026) that allowed an expansion of the disposal areas of the Chicago Grade Landfill from 38.44 acres to 82.74 acres, an increase of 44.3 acres."</p> <p>The current solid waste facility permitted disposal area of Chicago Grade Landfill is 76.4 acres. The proposed disposal footprint is 77.07 acres</p> <p>"This expansion of the disposal area extended the service life of the landfill by approximately 29 years to the year 2045."</p> <p>Currently the estimated closure date for the site is 2042 and it is proposed to be reduced to 2039.</p> <p>The text indicates an increase in the permitted maximum height of solid waste from elevation 1,360 to 1,386 elevation. Based on a final grading plan provided by the operator the increase to 1,386 elevation includes the final cover not the maximum height of solid waste. Please clarify if the 1,386 elevation includes the final cover or the maximum height of solid waste plus the final cover.</p> <p>"...that being placement of a soil liner within areas outside the original landfill boundary established in 1970 but not into the expanded solid waste disposal area that was approved in 2007."</p> <p>The operator has informed CalRecycle staff that in addition to the vertical expansion, a 0.67 acre horizontal expansion is needed. Does the "outside of the approved 1970 landfill boundary" refer to the 0.67 acre horizontal expansion? Please clarify.</p>
<p>Environmental Procedures and Format</p>	<p>Page 1</p>	<p>The addendum needs to clearly state the lead agency's determination on why none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR have occurred.</p>
<p>Existing Setting 1. On-Site Conditions</p>	<p>Page 13</p>	<p>"The landfill is located within a 45.4 acre parcel identified as APN 034-212-006."</p> <p>According the Joint Technical Document and the Solid Waste Facility Permit, the size of the landfill is 188 acres.</p> <p>"Landfill disposal activities are currently permitted only on this 45.4 acre parcel."</p>

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		<p>Currently disposal activity is permitted on 76.4 acres. Please clarify the discrepancies.</p>
<p>Current Landfill Operations</p>	<p>Page 17</p>	<p>“At the end of 2015, approximately 2,921,702 cubic yards of waste have been placed in the landfill since 1970.”</p> <p>On the draft Solid Waste Facility Permit application reviewed by CalRecycle staff, the Site Capacity Used to Date is listed as 4,270,959 cubic yards. (1970-2015). Please clarify the discrepancy.</p>
<p>Solid Waste Facility Permits</p>	<p>Page 20</p>	<p>“The current SWFP was issued by the California Integrated Waste Management Board (CIWMB) in 2012. The facility’s permitted area, the area where landfill operations can take place is 45.4 acres. Solid waste is currently placed within a 38.44 acre waste disposal area that is within the 45.4 acre permitted area.”</p> <p>The SWFP was issued on August 17, 2007. Chicago Grade Landfill has a total permitted acreage of 188 acres, of which 76.4 can be used for disposal activities.</p>
<p>Waste Disposal Process</p>	<p>Page 22</p>	<p>“The current landfill capacity is approximately 3,005,888 tons or 4,268,361 cubic yards of solid waste. The landfill currently accepts up to 500 tons of solid waste per day and is permitted to accept a maximum 100,000 tons of solid waste per year.”</p> <p>Please see comment in the Current Landfill Operations section regarding the site capacity used to date. The facility is permitted to accept up to 500 tons a day of solid waste for disposal and is open approximately 306 days per (Monday thru Saturday, minus 7 holidays). If peak tonnage was hit on all days, the total tonnage per year would be approximately 153,000 tons per year. Is the site limited to 100,000 tons of solid waste per year for disposal?</p> <p>“The landfill accepts hazardous waste, but does not dispose of hazardous waste at the landfill, as disposal of hazardous waste is not permitted.”</p> <p>The site is not permitted to accept hazardous waste. However the site is allowed to accept household hazardous waste such as paint, oil, cleaning products, etc.</p>

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		<p>"Once capacity is reached within these modules, the entire 38.44 acre waste disposal area covered by the original 1970 California Solid Waste Facilities Permit will have also reached capacity."</p> <p>The oldest Solid Waste Facility Permit on record for the Chicago Grade Landfill was approved by the San Luis Obispo County Health Department (Local Enforcement Agency) on May 26, 1978. Please verify the date of the 1970 SWFP.</p>
Waste Disposal Process continued	Page 23	<p>"On weekends, a maximum of 280 vehicles are permitted into the facility each day, not including employees and maintenance vehicle trips. This equates to 560 total vehicle trips in and out of the facility."</p> <p>The 2007 FEIR states that Sunday thru Friday 240 vehicle trips (or 480 daily trips) are allowed at the facility. However, on Saturdays the site is allowed 280 vehicle trips per day (560 daily vehicle trips). For all other days of the week, the totals are 240 vehicles per day (480 daily vehicle trips).</p> <p>"Between 3:00 p.m. and 5:30 p.m., transfer trailers may deposit waste concurrent with daily cover and compacting efforts."</p> <p>Transfer trailers are permitted to deposit waste from 7:00 a.m. to 5:30 p.m.</p>
County Approval	Page 25	<p>"Module 6 contains 23.4 acres while module 7 comprises 20.9 acres."</p> <p>Plate 7 in the draft JTD indicates module 6 will contain 24.8 acres and module 7 will contain 12.6 acres. Please clarify the acreage for modules 6 and 7.</p>
V. Environmental Analysis I. – Noise, 2. Project Impacts, b. Additional Project Impacts	Page 69	<p>Under subpart b Additional Project Impact, it states that "The currently proposed project results in potentially significant noise impacts due to the stockpiling of solid waste to an elevation of 1,386 feet. This potentially significant impact is similar to but does not exceed the potential noise impacts associated with the previously approved project." It is not clear from the statements if this is an existing project impact or an additional project impact. Please clarify.</p>

CONCLUSION

CalRecycle staff thanks the Lead Agency for the opportunity to review and comment on the Addendum and hopes that this comment letter will be useful to the Lead Agency in carrying out their responsibilities in the CEQA process.

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Chicago Grade Landfill Proposed Vertical Expansion Addendum EIR;
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CalRecycle staff requests copies of any subsequent environmental documents, copies of public notices and any Notices of Determination for this proposed project.

If the Addendum is approved during a public hearing, CalRecycle staff requests 10 days advance notice of this hearing. If the document is adopted without a public hearing, CalRecycle staff requests 10 days advance notification of the date of adoption and proposed project approval by the decision making body.

If you have any questions regarding these comments, please contact me at 916.324.3753 or by e-mail at Patrick.Snider@calrecycle.ca.gov.

Sincerely,



Patrick Snider, Environmental Scientist
Permitting & Assistance Branch – South Unit
Waste Permitting, Compliance & Mitigation Division
CalRecycle

cc: Jeff Hackett, Catherine Blair, Jon Whitehill – CalRecycle

Attachment 7 - Comments on Addendum EIR

Attachment 7 - Comments on Addendum EIR

10/25/2016

Comments Regarding ED 03-438 - Airlin Singewald

Comments Regarding ED 03-438

Mike Hoover <mhoover@chicagogradelandfill.com>

Wed 9/28/2016 9:33 AM

To: Airlin Singewald <asingewald@co.slo.ca.us>;

 2 attachments (5 MB)

CA-San Luis Obispo-Document - Year DocID-2016 8293.pdf; CGL BOS Contidtion of Approval.pdf;

Dear Mr. Singewald,

This e-mail provides Chicago Grade's comments to the addendum to ED 03-438.

1. The Addendum should reflect the fact that Chicago Grade Landfill & Recycling amended the Land Conservation Act contract to exclude portions of the expansion area, including the vertical expansion, and that the Williamson Act contract, in total, expires next February. See attached.
2. Public Services/Utilities. The Board of Supervisors understood Chicago Grade's concern regarding policing untarped loads. As a point of fact, it is not illegal to have an untarped load. So how can Chicago Grade impose a fine for something that the CHP cannot impose a fine. Imposing a fine at the scalehouse also puts our scalehouse employee at risk of retaliation. So please have the consultant remove b. and c. on page 10, which is what the BOS did during the hearing on the previous land use permit. The Board decided that provisions e. and f. were sufficient to address litter. We have been removing trash from Homestead Road, Hwy 41 to the bridge and portions of El Pomar for the last 10 years and it seems to be working.
3. On page 20, we believe that annual trips in 2003 were 49,592. The point is still made, however, since vehicle trips were 55,179 in 2005 and less in 2015.
4. On page 30, much of those references are not relevant since Chicago Grade is not closing Modules 1-4, just placing intermediate cover on them.
5. The "Previously Adopted Mitigation Measures" on page 53-55 do not seem to be the same as the ones adopted by the BOS for the previous expansion project, specifically "earth disturbance outside the 45.4 acre area of "Ongoing Waste Disposal and Recycling Operations". Staff needs to make sure that the conditions of approval for the vertical expansion are consistent with the BOS-approved conditions of approval for the previous horizontal expansion to the greatest extent possible, including triggers, thereby avoiding a trip to the BOS on appeal.
6. We have discussed Condition of Approval for the previous expansion with SLOAPCD, expressing our belief that this condition has been superseded by the subsequent ARB off-road diesel regulations. We may have to take that issue up with APCD unless you wish to get them to agree to that now.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

Date: October 28, 2016
To: Planning Commission
From: Brian Pedrotti, Project Manager
Subject: Continued item – San Miguel Community Plan / LRP2010-00016

On October 27, 2016, the Planning Commission conducted the first public hearing for the San Miguel Community Plan Update item. The Commission continued the item to November 10, 2016. The Commission directed staff to research several questions and topics and staff will return information on these items.

The Final Environmental Impact Report was made available to the public and the Planning Commission.

Please bring your staff report packet from the October 27, 2016 hearing.

If you have any questions regarding this matter, please contact Brian Pedrotti at (805) 788-2788.