



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
NEGATIVE DECLARATION & NOTICE OF DETERMINATION

PLN-2040
06/13/2019

ENVIRONMENTAL DETERMINATION NO. 2020-203-PL

DATE: December 10, 2020

PROJECT/ENTITLEMENT: Nipomo 101, LLC Parcel Map and Conditional Use Permit; SUB2020-00010

APPLICANT NAME: Nipomo 101, LLC

Email: sobeldevelopment@earthlink.net

ADDRESS: 9454 Wilshire Blvd., #210, Beverly Hills, CA 90212

CONTACT PERSON: Brad Sobel

Telephone: (310) 277-4697

PROPOSED USES/INTENT: A request by Nipomo 101, LLC for: (1) a Vesting Tentative Parcel Map (CO 20-0016) to subdivide an existing +/- 5.47 acre parcel into four parcels ranging in size from 0.75 acres to 2.1 acres each for the purpose of sale and/or development; and (2) a Conditional Use Permit (SUB2020-00010) to construct four retail buildings ranging in size from 2,756 square feet to 18,800 square feet each, one building on each resulting parcel. Parcel 1 will contain a farm supply/hardware store, Parcel 2 will contain an auto parts store, Parcel 3 will contain either a 2,756 square foot fast food restaurant (Option "A") or 8,000 square foot retail store (Option "B"), and Parcel 4 will contain a grocery store. The project is also requesting a 50-foot tall freeway identification sign which includes 394 square feet of signage to be located along South Frontage Road.

The project includes an adjustment to the fencing standards contained in Section 22.10.080 of the Land Use Ordinance to allow a sound wall of 12.5 feet along the western property line. The applicant is also requesting a modification to the sign standards contained in Section 22.22.060 of the Land Use Ordinance to allow approximately 180 square feet of additional sign area above what is allowed.

The project includes off-site road improvements to South Frontage Road and Hill Street. The project will result in the disturbance of the entire +/- 5.47-acre parcel. The proposed project is within the Commercial Retail land use category.

LOCATION: The project is located at 170 South Frontage Road, approximately 560 feet south of the South Frontage Road/West Tefft Street intersection, within the community of Nipomo. The site is in the South County sub area of the South County planning area.

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

STATE CLEARINGHOUSE REVIEW: YES ☒ NO ☐

OTHER POTENTIAL PERMITTING AGENCIES: Regional Water Quality Control Board

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

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 4:30 p.m. December 17, 2020
30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination**State Clearinghouse No.** _____

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

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

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

Stephanie Fuhs (sfuhs@co.slo.ca.us)

County of San Luis Obispo

Signature Project Manager Name**Date****Public Agency**



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
Initial Study – Environmental Checklist

PLN-2039
04/2019

Project Title & No. **Nipomo 101, LLC Parcel Map and Conditional Use Permit**
ED2020-203-PL (SUB2020-00010/CO20-0016)

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Stephanie Fuhs

Prepared by (Print)

Signature

Date

Kate Shea

Reviewed by (Print)

Signature

Kate Shea, Supervising
Planner

Date

Initial Study – Environmental Checklist

Project Environmental Analysis

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

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

A. Project

DESCRIPTION: A request by Nipomo 101, LLC for: (1) a Vesting Tentative Parcel Map (CO 20-0016) to subdivide an existing +/- 5.47 acre parcel into four parcels ranging in size from 0.75 acres to 2.1 acres each for the purpose of sale and/or development; and (2) a Conditional Use Permit (SUB2020-00010) to construct four retail buildings ranging in size from 2,756 square feet to 18,800 square feet each, one building on each resulting parcel. Parcel 1 will contain a farm supply/hardware store, Parcel 2 will contain an auto parts store, Parcel 3 will contain either a 2,756 square foot fast food restaurant (Option "A") or 8,000 square foot retail store (Option "B"), and Parcel 4 will contain a grocery store. The project is also requesting a 50-foot tall freeway identification sign which includes 394 square feet of signage to be located along South Frontage Road.

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ASSESSOR PARCEL NUMBER(S): 092-576-013

Latitude: 35° 2' 5.1504" N

Longitude: -120° 29' 3.6636" W

SUPERVISORIAL DISTRICT # 4

B. Existing Setting

Plan Area: South County

Sub: South County (Inland)

Comm: Nipomo

Land Use Category: Commercial Retail

Combining Designation: None

Initial Study – Environmental Checklist

Parcel Size: +/- 5.47 acres
Topography: Mostly level to gently sloping
Vegetation: Grasses, shrubs, scattered trees
Existing Uses: Undeveloped

Surrounding Land Use Categories and Uses:

North:	Commercial Retail; Commercial Uses	East:	Residential Multi-Family; Highway 101, residential
South:	Commercial Retail/Residential Multi-Family; undeveloped, residential	West:	Commercial Retail/Residential Multi-Family; undeveloped, residential

C. Environmental Analysis

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

Initial Study – Environmental Checklist

I. AESTHETICS

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

Setting

CEQA establishes that it is the policy of the state to take all action necessary to provide people of the state "with... enjoyment of aesthetic, natural, scenic and historic environmental qualities" (Public Resources Code Section 21001(b)).

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

The County of San Luis Obispo Inland Land Use Ordinance (LUO) establishes regulations for exterior lighting (LUO 22.10.060), height limitations for each land use category (LUO 22.10.090), scenic highway corridor standards (LUO 22.10.095), and other visual resource protection policies. These regulations are intended to help the County achieve its Strategic Growth Principles of preserving scenic natural beauty and fostering distinctive, attractive communities with a strong sense of place as set forth in the County Land Use Element.

Initial Study – Environmental Checklist

The project site is located within the Central Business District of the community of Nipomo and is located adjacent to Highway 101. This portion of Highway 101 is not within the Highway Corridor Combining Designation area primarily because of the urban setting and existing residential and commercial development in the community of Nipomo.

Surrounding commercial development consists of fast-food restaurants, gas stations, and commercial centers containing grocery stores, pharmacies, dine-in restaurants and banks. Within one mile of the site there is existing residential development to the south, east and west. An adjacent property to the west is zoned Commercial Retail but is developed with residential uses.

The topography of the site is mostly level to gently sloping and will be visible from Highway 101. The site is the former location of the Nipomo Recreation Center that burned down several years ago and has remained vacant ever since. The proposed project will be visually similar to existing commercial development along this portion of the highway.

Discussion

(a) *Have a substantial adverse effect on a scenic vista?*

The project is not located within an identified scenic vista, visually sensitive area, scenic corridor, or an area of high scenic quality. While the project site is visible from Highway 101, it is located within an urbanized area with existing commercial and residential development. Therefore, the project would not have a substantial adverse effect on a scenic vista and *no impacts would occur*.

(b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The project is not located within the viewshed of a designated or eligible state scenic highway and implementation of the project would not result in damage to scenic resources within the viewshed of a state scenic highway. Therefore, *no impacts would occur*.

(c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The project is located in an urbanized area and would be consistent with applicable plans and policies related to visual resources and aesthetic quality, including those included in the applicable area plan identified in Section B, above. Therefore, *no impacts would occur*.

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

The project does not propose the use or installation of highly reflective materials that would create a substantial source of glare. The project would generally be consistent with the level of existing development in the project vicinity and does not propose the installation or use of outdoor lighting that would differ substantially from other proximate development. The site is located adjacent to a property that is zoned Commercial Retail to the west but is developed with residential uses. Any proposed lighting along the western property line will need to be sited appropriately in order to not adversely impact the neighboring residential uses. Section 22.10.060 of the Land Use Ordinance contains standards for exterior lighting including shielding, height limits and ensuring that lighting is

Initial Study – Environmental Checklist

directed onto the project site and does not encroach on adjacent properties. Incorporation of these ordinance standards will make the project's lighting impacts *less than significant*.

Conclusion

The project is not located within view of a scenic vista and would not result in a substantial change to scenic resources in the area. The project would be consistent with existing policies and standards in the County LUO and COSE related to the protection of scenic resources. Potential impacts to aesthetic resources would be less than significant and no mitigation measures are necessary with the incorporation of the LUO exterior lighting standards. The project will be conditioned to comply with these standards.

Mitigation

No mitigation measures are considered necessary.

II. AGRICULTURE AND FORESTRY RESOURCES

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

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

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

Land Use Category: Commercial Retail

Historic/Existing Commercial Crops: None

State Classification: Farmland of Statewide Importance

In Agricultural Preserve? Yes, Nipomo Mesa Agricultural Preserve

Under Williamson Act contract? No

Based on the California Department of Conservation Farmland Mapping and Monitoring Program and the San Luis Obispo County Important Farmland Map (DOC 2019), the entire project site contains Farmland of Statewide Importance. The project site is located within the urban area of Nipomo on an approximately 5.5-acre parcel surrounded by a mix commercial and residential development.

The soil type and characteristics of the project area include:

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

According to Public Resources Code Section 12220(g), forest land is defined as land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland.

Discussion

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

The proposed project will result in the permanent conversion of approximately 5.5 acres of land. The project site is within the Commercial Retail land use category and within the Nipomo Mesa

Initial Study – Environmental Checklist

Agricultural Preserve Area. Many properties throughout the County are within agricultural preserves but are not under Williamson Act (land conservation contracts) to protect agricultural operations. The project site is within an urbanized area with the nearest agricultural operation located over 0.25 mile south of the project site.

Although development of the project will result in the permanent loss of important farmland, the soils are not considered prime when irrigated or non-irrigated and this impact is considered less than significant because:

- The project site is in the urban area of Nipomo surrounded by commercial and residential development, and
- There are no ongoing agricultural operations on the project site or in the immediate vicinity.

Therefore, *no significant impacts to agricultural resources would occur and no mitigation measures are necessary.*

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

The project site does not include land within the Agriculture land use designation or land subject to a Williamson Act contract. Therefore, the project would not result in a conflict with existing zoning for agricultural use or a Williamson Act contract and *no impacts would occur.*

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

The project site does not include land use designations or zoning for forest land or timberland; *no impacts would occur.*

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

The project site does not support forest land or timberland and would not result in the loss or conversion of these lands to non-forest use; *no impacts would occur.*

(e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The project is not located in close proximity to farmland or forest land and the nature of the project would not conflict with existing agricultural uses. The project would not increase demand on agricultural water supplies or facilities and would not affect proximate agricultural support facilities. Therefore, the project would not result in changes in the existing environment that could result in the conversion of Farmland to non-agricultural uses or forest land to non-forest uses. *No impacts would occur.*

Conclusion

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

Initial Study – Environmental Checklist

Mitigation

No mitigation measures are necessary.

III. AIR QUALITY

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

*Setting**Regulatory Agencies and Standards*

San Luis Obispo County is part of the South Central Coast Air Basin, (SCCAB) which also includes Santa Barbara and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD). Each of these jurisdictions develops rules, regulations, and policies to attain the goals or directives imposed upon them through legislation. The California ARB is the agency responsible for coordination and oversight of state and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA) of 1988. The State Department of Public Health established California Ambient Air Quality Standards (CAAQS) in 1962 to define the maximum amount of a pollutant (averaged over a specified period of time) that can be present without any harmful effects on people or the environment. The California ARB adopted the CAAQS developed by the Department of Public Health in 1969, which had established CAAQS for 10 criteria pollutants: particulate matter (PM₁₀ and PM_{2.5}), ozone (O₃), nitrogen dioxide (NO₂), sulfate, carbon monoxide (CO), sulfur dioxide (SO₂), visibility reducing particles, lead (Pb), hydrogen sulfide (H₂S), and vinyl chloride.

The Federal Clean Air Act (FCAA) later required the U.S. EPA to establish National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment, and also set deadlines for their attainment. The U.S. EPA has established NAAQS for six criteria pollutants (all of which are also regulated by CAAQS): CO, lead, NO₂, ozone, PM₁₀ and PM_{2.5}, and SO₂.

Initial Study – Environmental Checklist

California law continues to mandate compliance with CAAQS, which are often more stringent than national standards. However, California law does not require that CAAQS be met by specified dates as is the case with NAAQS. Rather, it requires incremental progress toward attainment. The SLOAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions within the County are maintained.

SLOAPCD Thresholds

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

The SLOAPCD has established thresholds for both short-term construction emissions and long-term operational emissions. Use of heavy equipment and earth moving operations during project construction can generate fugitive dust and engine combustion emissions that may have substantial temporary impacts on local air quality and climate change. Combustion emissions, such as nitrogen oxides (NO_x), reactive organic gases (ROG), greenhouse gases (GHG) and diesel particulate matter (DPM), are most significant when using large, diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators and other heavy equipment. SLOAPCD has established thresholds of significance for each of these contaminants.

The project will result in disturbance of the entire +/- 5.47-acre parcel.

Operational impacts are focused primarily on the indirect emissions (i.e., motor vehicles) associated with residential, commercial and industrial development. Certain types of project can also include components that generate direct emissions, such as power plants, gasoline stations, dry cleaners, and refineries (source emissions).

General screening criteria is used by the SLOAPCD to determine the type and scope of air quality assessment required for a particular project (Table 1-1 in the SLOAPCD's CEQA Air Quality Handbook). These criteria are based on project size in an urban setting and are designed to identify those projects with the potential to exceed the SLOAPCD's significance thresholds. A more refined analysis of air quality impacts specific to a given project is necessary for projects that exceed the screening criteria below or are within ten percent (10%) of exceeding the screening criteria.

Air Quality Monitoring

The County's air quality is measured by a total of 10 ambient air quality monitoring stations, and pollutant levels are measured continuously and averaged each hour, 24 hours a day. The significance of a given pollutant can be evaluated by comparing its atmospheric concentration to state and federal air quality standards. These standards represent allowable atmospheric containment concentrations at which the public health and welfare are protected and include a factor of safety. The SLOAPCD prepares an Annual Air Quality Report detailing information on air quality monitoring and pollutant trends in the County. The most recent Annual Air Quality Report can be found here: <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/2017aqrt-FINAL2.pdf>.

In the County of San Luis Obispo, ozone and fine particulates (particulate matter of 10 microns in diameter or smaller; PM₁₀) are the pollutants of main concern, since exceedances of state health-based standards for these pollutants are experienced in some areas of the county. Under federal standards, the county has non-attainment status for ozone in eastern San Luis Obispo County.

Initial Study – Environmental Checklist

San Luis Obispo County Clean Air Plan

The SLOAPCD's San Luis Obispo County 2001 Clean Air Plan (CAP) is a comprehensive planning document intended to evaluate long-term emissions and cumulative effects and provide guidance to the SLOAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM₁₀. The CAP presents a detailed description of the sources and pollutants which impact the jurisdiction's attainment of state standards, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

Naturally Occurring Asbestos

Naturally Occurring Asbestos (NOA) is identified as a toxic air contaminant by the California Air Resources Board (CARB). Serpentine and other ultramafic rocks are fairly common throughout the County and may contain NOA. If these areas are disturbed during construction, NOA-containing particles can be released into the air and have an adverse impact on local air quality and human health.

The site is not within an area that the SLOAPCD has identified as having the potential for Naturally Occurring Asbestos (NOA).

Sensitive Receptors

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

The project site is located in an area that contains a mix of commercial and residential uses. The closest residence is located on the neighboring property to the west and there are several residential developments within 1,000 feet of the project site. The referral response from the SLOAPCD recommends mitigation measures for both the construction phase and operational phase of the project. They are detailed below and in the mitigation summary table at the end of the checklist.

Initial Study – Environmental Checklist

Discussion

Conflict with or obstruct implementation of the applicable air quality plan?

As proposed, the project will result in the disturbance of approximately 5.5 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The SLOAPCD evaluated the construction phase impacts of the project using the most recent CalEEMod computer model and found that the project will be below the general thresholds triggering construction-related mitigation. However, cumulative impacts from fugitive dust and idling emissions require mitigation measures to reduce these impacts to an insignificant level.

From an operational standpoint, based on Table 1-1 of the CEQA Air Quality Handbook (2012), the project will result in approximately 27.9 lbs./day of pollutants, which is above the threshold of 25lbs./day warranting mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan and would therefore not conflict with or obstruct the implementation of the applicable air quality plan. *Impacts to the County's air quality plan are considered less than significant with mitigation incorporated.*

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

Construction Impacts

The County is currently designated as non-attainment for ozone and PM₁₀ under state ambient air quality standards. Construction of the project would result in emissions of ozone precursors including reactive organic gasses (ROG) and nitrous oxides (NO_x) and fugitive dust emissions (PM₁₀). The SLOAPCD evaluated the construction phase impacts of the project using the most recent CalEEMod computer model and found that the project will be below the general thresholds triggering construction-related mitigation. However, cumulative impacts from fugitive dust and idling emissions require mitigation measures to reduce these impacts to an insignificant level.

For projects involving construction and/or grading activities, the LUO requires that all surfaces and materials shall be managed to ensure that fugitive dust emissions are adequately controlled to below the 20% opacity limit and to ensure dust is not emitted offsite. The LUO includes a list of primary fugitive dust control measures required for all projects involving grading or site disturbance. The LUO also includes an expanded list of fugitive dust control measures for projects requiring site disturbance of greater than four acres or which are located within 1,000 feet of any sensitive receptor location. All applicable fugitive dust control measures are required to be shown on grading and building plans and monitored by a designated monitor to minimize dust complaints, reduce visible emissions below the 20% opacity limit, and to prevent transport of dust offsite (LUO Section 22.52.160.C).

The California Code of Regulations (Section 2485 of Title 13) also prohibits idling in excess of 5 minutes from any diesel-fueled commercial motor vehicles with gross vehicular weight ratings of 10,000 pounds or more or that must be licensed for operation on highways.

Based on the volume of proposed grading, area of project site disturbance, estimated duration of the construction period, and the SLOAPCD's screening construction emission rates identified above, the project would not result in the emission of criteria pollutants that would exceed construction-related thresholds established by the SLOAPCD with mitigation measures for dust control and idling

Initial Study – Environmental Checklist

limitations. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment, and impacts would be *less than significant with mitigation measures incorporated*.

Operational Impacts

The SLOAPCD's CEQA Air Quality Handbook provides operational screening criteria to identify projects with the potential to exceed SLOAPCD operational significance thresholds (refer to Table 1-1 of the CEQA Handbook). Based on Table 1-1 of the CEQA Handbook, the project will result in operational emissions that would exceed SLOAPCD thresholds. The SLOAPCD referral recommends the applicant implement four on-site mitigation measures to reduce the operational emissions impact to a level of insignificance. *These measures are outlined below and in the mitigation summary table at the end of the checklist and reduce impacts to a level of insignificance with mitigation measures incorporated.*

(b) *Expose sensitive receptors to substantial pollutant concentrations?*

As stated above, the project has the potential to generate construction-related and operational phase emissions in close proximity to sensitive receptors. *Mitigation measures for fugitive dust control, idling limitations and operation phase impacts are proposed and will reduce impacts to a level of insignificance with mitigation measures incorporated.*

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

Construction could generate odors from heavy diesel machinery, equipment, and/or materials. The generation of odors during the construction period would be temporary, would be consistent with odors commonly associated with construction, and would dissipate within a short distance from the active work area. No long-term operational odors would be generated by the project. Therefore, potential odor-related impacts would be *less than significant*.

Conclusion

While the project is below construction phase thresholds warranting mitigation, dust control measures and idling limitations are recommended during construction in order to reduce cumulative impacts associated with this project. Operational phase mitigation measures are also included to address exceedance of the SLOAPCD's daily operational emission thresholds. These measures are discussed below.

Mitigation

- AQ-1. The following mitigation measures shall be implemented to significantly reduce fugitive dust emissions, to manage fugitive dust emissions such that they do not exceed the SLOAPCD 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance impacts. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the subdivision improvement plans and grading and building plans:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks, SLOAPCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required

Initial Study – Environmental Checklist

whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an SLOAPCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions:

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>

- c. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved in the 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 shall be sown with fast germinating, non-invasive 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 binders 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 speeds for all construction vehicles shall not exceed 15 mph on an 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 the top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
- j. "Track out" is defined as soil or sand that adheres to or agglomerates on the exterior surface of motor vehicles or other equipment (including tires) that may then fall onto the highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent "track out", designate access point and require all employees, subcontractors and others to use them. Install and operate a "track out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The "track out prevention device" can be any device or combination of devices that are effective in preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved road accumulates tracked out soils, the track out prevention device may need to be modified;
- k. Sweep streets at the end of the day if visible soil matter is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All of these fugitive dust mitigation measures shall be shown on subdivision improvement plans, grading and building plans; and,

Initial Study – Environmental Checklist

- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition [(805) 781-5912].
- n. Provide training to all site workers regarding dust control policies and practices and maintain records of training.
- o. Take additional measures as needed to ensure dust from the project is not impacting areas outside the project boundary.

AQ-2. The following idling requirements for diesel powered construction activity in close proximity to the sensitive receptor (adjacent residences) shall be included on the subdivision improvement plans and construction plans for the commercial buildings and carried out during construction activities:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
- Use of alternative fueled equipment is recommended.
- Signs that specify the no idling areas must be posted and enforced at the site.

AQ-3. Construction Phase Requirements. If any portable equipment, 50 horsepower (hp) or greater, will be used during construction activities, a California statewide portable equipment registration (issued by the California Air Resources Board) or an SLOAPCD permit may be required.

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines; and
- Tub grinders.

AQ-4. At the time of application for subdivision improvement plans and/or construction permits, the following shall be added to the construction plans: Effective February 25, 2000, the SLOAPCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.

AQ-5. Operational Phase Requirements. If certain equipment and operations will occur during the operational phase of the project, permits may be required.

Initial Study – Environmental Checklist

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Dry cleaning;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

AQ-6. To help reduce the emissions impact of diesel vehicles that will access the facility, the applicant shall implement SB2485 of Title 13 the California Code of Regulations. In addition, because the project is within 1,000 feet of sensitive receptors (residences), the applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors.

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
- Use of alternative fueled equipment is recommended.
- Signs that specify the no idling areas must be postponed and enforced at the site.

AQ-7. To address the project's daily operational exceedance of the SLOAPCD's thresholds, the applicant shall implement four on-site operational phase mitigation measures as outlined in Chapter 3 (Table 3-5: Mitigation Measures) of the SLOAPCD's CEQA Handbook. **At the time of application for subdivision improvement plans and construction permits**, the applicant shall provide a SLOAPCD-approved summary of the mitigation measures the project will include to satisfy the need for four on-site mitigation measures.

IV. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

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

*Setting**Federal and State Endangered Species Acts*

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter

Initial Study – Environmental Checklist

part of the 1800s. The MBTA is enforced by the U.S. Fish and Wildlife Service (USFWS), and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies and are required to be evaluated under CEQA.

Clean Water Act and State Porter Cologne Water Quality Control Act

The U.S. Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. These waters include wetland and non-wetland water bodies that meet specific criteria. USACE jurisdiction regulates almost all work in, over, and under waters listed as “navigable waters of the U.S.” that results in a discharge of dredged or fill material within USACE regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act (CWA). Under Section 404, USACE regulates traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent non-navigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries.

The State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State. Based on the U.S. Fish and Wildlife Service National Wetlands Inventory, the project site does not support wetlands, riparian or deep-water habitats (USFWS 2019).

Conservation and Open Space Element

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

The project site does not contain any Sensitive Resource Areas and the nearest blue-line creek (Nipomo Creek) is located over 1,300 feet from the property on the east side of the 101 freeway. The property is currently undeveloped but was the previous site of the Nipomo Recreation Center that burned down several years ago. On-site vegetation includes grasses, shrubs, ornamentals and scattered oak trees. Tree canopy is less than 10 percent of the overall site.

Discussion

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

Based on existing site conditions, lack of suitable habitat and being located within an urbanized area that is mostly developed, the project site does not have the potential to support any candidate, sensitive, or special status species identified in local or regional plans, policies, or regulations, or by

Initial Study – Environmental Checklist

the California Department of Fish and Game or U.S. Fish and Wildlife Service. Therefore, the project does not have the potential to result in impacts to special-status species and *no impacts would occur*.

- (b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

There are no mapped blue line creeks and no riparian vegetation or other sensitive natural communities within or immediately adjacent to the proposed areas of disturbance. Therefore, the project would not result in impacts to riparian habitat or other sensitive natural communities and *no impacts would occur*.

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

The project site does not support state or federal wetlands or other jurisdictional areas. Therefore, the project would not result in an adverse effect on state or federally protected wetlands and *no impacts would occur*.

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

Development could potentially affect nesting birds that may be present seasonally in the oak trees which will be removed as part of the proposed project. Preconstruction surveys will be required if construction will occur during the nesting season (February 1st – September 1st) to ensure if any active nest sites of protected bird species are onsite, appropriate buffers are enforced to avoid direct impacts to nests, eggs, and/or young. *Impacts will be less than significant with proposed mitigation.*

- (e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The project would not adversely affect sensitive habitats or resources identified in the COSE. The County does have a policy to protect oak woodlands and heritage oaks and requires that oak trees removed be replanted at a 4:1 ratio. The project will be removing seven coast live oak trees as part of the proposed project. The project is not located within an SRA designated for protection of unique or sensitive endangered vegetation or habitat resources. The proposed area of disturbance does support several large, mature coast live oak trees that are protected by local policies and plans. Replanting coast live oaks trees at a 4:1 ratio will reduce the impacts to a level of insignificance.

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

The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not within areas identified as critical habitat or within the County's San Joaquin Kit Fox standard mitigation ratio area (County of San Luis Obispo 2007). Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts would occur*.

Initial Study – Environmental Checklist

Conclusion

Mitigation measures are proposed to address potential impacts to biological resources including tree replacement for the removal of coast live oak trees and nesting bird surveys prior to any site disturbance and/or development on the proposed parcels. Incorporation of these measures will reduce impacts to a level of insignificance.

Mitigation

- BIO-1. The applicant shall avoid removal of vegetation or any other ground disturbance between February 1st and September 1st to avoid impacts to native breeding and nesting birds. If construction activities during this period cannot be avoided, a county-approved biologist shall survey all breeding and nesting habitat on the site and adjacent sites for breeding and/or nesting birds no more than two weeks prior to construction or site disturbance activities. Results of the surveys shall be submitted to the County for concurrence with the report. If nesting and/or breeding birds are found, appropriate mitigation measures, including recommended buffers, shall be developed and submitted for review and approval by the County, in consultation with the California Department of Fish and Wildlife (CDFW) and the applicant shall adhere to these measures during all construction activities on the site.
- BIO-2. **At the time of application for subdivision improvement plans**, the applicant shall show the number of coast live oak trees to be removed as part of the project. All coast live oak trees to be removed shall be replaced at a 4:1 ratio. All coast live oak trees to be impacted will be replaced at a 2:1 ratio.
- BIO-3. The following planting and maintenance measures will be shown on the subdivision improvement plans and implemented to improve successful establishment:
1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);
 2. Regular mulching and weeding (minimum of once early fall and once early spring) of at least a three-foot radius out from plant; herbicides should be avoided;
 3. 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;
 4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);
 5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.);
 6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).

Initial Study – Environmental Checklist

V. CULTURAL RESOURCES

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

Setting

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

As defined by CEQA, a historical resource includes:

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

The County of San Luis Obispo LUO Historic Site (H) combining designation is applied to areas of the county to recognize the importance of archeological and historic sites and/or structures important to local, state, or national history. Standards are included regarding minimum parcel size and permit processing requirements for parcels with an established structure and Historic Site combining designation. For example, all new structures and uses within an H combining designation require Minor Use Permit approval, and applications for such projects are required to include a description of measures proposed to protect the historic resource identified by the Land Use Element (LUO 22.14.080).

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

Initial Study – Environmental Checklist

The COSE identifies and maps anticipated culturally sensitive areas and historic resources within the county and establishes goals, policies, and implementation strategies to identify and protect areas, sites, and buildings having architectural, historical, Native American, or cultural significance. Based on the COSE, the project is not located in a designated Archaeological Sensitive Area or Historic Site.

Discussion

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

The project site does not contain, nor is it located near, any historic resources identified in the National Register of Historic Places or California Register of Historic Resources. The project site does not contain a site under the Historic Site (H) combining designation and does not contain other structures of historic age (50 years or older) that could be potentially significant as a historical resource. Therefore, the project would not result in an adverse change in the significance of a historical resources and *no impacts would occur*.

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

There have been two archaeological surveys, one peer review and Phase II testing done on the project site (Phase 1 Archaeological Inventory Survey of 6 Acres, Hill and Frontage Road, CRMS: Stevens, 2004; Archaeological Test Excavations (Phase II) of a Possible Portion of CA-SLO-808 for the Nipomo Commons Project, Cogstone; Van Wyke, 2005; Peer Review and Recommendations for the Nipomo 101 Project, Applied Earthworks, Inc., February 5, 2020; Cultural Resource Assessment for the Nipomo 101 Project, Applied Earthworks, Inc., June 2020, Subsurface Testing Results for the Nipomo 101 Project, Applied Earthworks, September 8, 2020).

The previous archaeological studies and testing have shown that it is likely to be part of CA-SLO-808, but that most of the resources on the subject property have been disturbed or removed by previous development. The most recent assessment recommends that no further testing be done at this time, but a comprehensive monitoring plan with data recovery be approved and incorporated into the improvement plans for the project. This approach assumes the resources on the project site are eligible to be designated as a historic resource and have the potential to provide significant data. The archaeologist stated that the northwestern portion of the parcel that has not been disturbed previously has the greatest potential to have significant intact resources, but those resources are buried and can only be uncovered through grading and site disturbance.

The most recent cultural resource and geoarchaeological study was completed August 2020 and included a member of the yak titu yak tilhini (YTT) tribe during all field activities which included a pedestrian surface survey, geoarchaeological hand augering and subsurface excavations. No resources were found during the pedestrian survey or hand augering. Backhoe trenching found sparse, scattered cultural materials. No additional archaeological excavations are recommended. Preparation and implementation of a Cultural Resources Monitoring Plan (CRMP) is recommended in addition to archaeological and Native American monitoring. The CRMP will include a pre-construction pedestrian survey of the areas of the site currently occupied by transient camps once all materials have been removed, cultural resource awareness training for all construction personnel, comprehensive monitoring by archaeological and Native American monitors and assessment and mitigation of any intact and significant cultural resources that may be encountered during construction.

Initial Study – Environmental Checklist

Formal tribal consultation was requested by the yak titu yak tilhini (YTT) tribe on February 25, 2020. All of the archaeological studies were forwarded to the tribal representative as they were available. Following review of the most recent study from August 2020, formal consultation was completed on September 13, 2020 with an email from the tribal representative with the requirement for Native American monitoring during construction.

Inclusion of mitigation measures requiring preparation, approval and implementation of a CRMP and archaeological and Native American monitoring will reduce the project's impacts to a level of insignificance.

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

Based on existing conditions, buried human remains are not expected to be present in the site area. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 and LUO 22.10.040 (Archaeological Resources) require that no further disturbances shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. With adherence to State Health and Safety Code Section 7050.5 and County LUO, impacts related to the unanticipated disturbance of archaeological resources and human remains would be reduced to less than significant; therefore, potential impacts would be *less than significant*.

Conclusion

The project site, while mostly disturbed by previous development, still has areas of the site with the potential to contain undisturbed cultural resources. Based on several previous archaeological studies and review by Native American tribal members, preparation, approval and implementation of a CRMP and archaeological and Native American monitoring will reduce the project's impacts to a level of insignificance.

Mitigation

CR-1. **Prior to approval of subdivision improvement plans and/or issuance of construction permits,** the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

- a. List of personnel involved in the monitoring activities;
- b. Inclusion of involvement of the Native American community;
- c. Pre-construction pedestrian survey in areas of the transient camps once the related materials have been removed;
- d. Description of how the monitoring shall occur;
- e. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
- f. Description of what resources are expected to be encountered;
- g. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
- h. Description of procedures for halting work on the site and notification procedures; and

Initial Study – Environmental Checklist

- i. Description of monitoring reporting procedures.

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

- CR-2. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- CR-3. **Upon completion of all monitoring/mitigation activities**, and prior to final acceptance of subdivision public improvements or prior to occupancy or final inspection (whichever occurs first) (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.

VI. ENERGY

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

Setting

Pacific Gas & Electric Company (PG&E) is the primary electricity provider for urban and rural communities within the County of San Luis Obispo. Approximately 33% of electricity provided by PG&E is sourced from renewable resources and an additional 45% is sourced from greenhouse gas-free resources (PG&E 2017).

PG&E offers two programs through which consumers may purchase electricity from renewable sources: the Solar Choice program and the Regional Renewable Choice program. Under the Solar Choice program, a

Initial Study – Environmental Checklist

customer remains on their existing electric rate plan and pays a modest additional fee on a per kWh basis for clean solar power. The fee depends on the type of service, rate plan and enrollment level. Customers may choose to have 50% or 100% of their monthly electricity usage to be generated via solar projects. The Regional Renewable Choice program enables customers to subscribe to renewable energy from a specific community-based project within PG&E's service territory. The Regional Renewable Choice program allows a customer to purchase between 25% and 100% of their annual usage from renewable sources.

SoCalGas is the primary provider of natural gas for urban and rural communities with the County of San Luis Obispo. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030 ([Sempra 2019](#)).

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

In 2010, the EWP established a goal to reduce community-wide greenhouse gas emissions to 15% below 2006 baseline levels by 2020. Two of the six community-wide goals identified to accomplish this were to "[a]ddress future energy needs through increased conservation and efficiency in all sectors" and "[i]ncrease the production of renewable energy from small-scale and commercial-scale renewable energy installations to account for 10% of local energy use by 2020." In addition, the County has published an EnergyWise Plan 2016 Update to summarize progress toward implementing measures established in the EWP and outline overall trends in energy use and emissions since the baseline year of the EWP inventory (2006).

The goals and policies in the COSE and EWP address the 2005 GHG emissions reduction targets for California (Executive Order S-03-05) issued by California's Governor in 2005. The targets include:

- By 2010 reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80% below 1990 levels.

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

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

Initial Study – Environmental Checklist

Energy Use By Commercial Businesses

The total energy demand associated with commercial businesses depends on the type of business (e.g., retail, service, restaurant), the size and type of buildings which in turn reflects the customer base and the area to be served, the number of employees, customers and deliveries attracted to the project site, and its location.

All of these businesses are subject to the CBC and *2019 Building Energy Efficiency Standards*. However, neighborhood-serving retail businesses tend to require minor to moderate amounts of power while regional commercial centers with large buildings, larger lighted parking lots and a wider range of business types may have a higher overall demand for energy per square foot which may result in wasteful or inefficient energy use. In recent years, larger commercial buildings have incorporated measures that promote the conservation of energy resources such as the use of high-efficiency lighting or by incorporating rooftop solar arrays.

Discussion

- (a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- (b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Construction-related Impacts. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be temporary in nature and would be typical of other similar construction activities in the County. State and federal regulations in place require fuel-efficient equipment and vehicles and prohibit wasteful activities, such as diesel idling. Construction contractors, in an effort to ensure cost efficiency, would not be expected to engage in wasteful or unnecessary energy and fuel practices. Energy consumption during construction would not conflict with a state or local plan for renewable energy and would not be wasteful, unnecessary, or inefficient, and therefore would be less than significant.

Operational Impacts

Electricity and Natural Gas. A commercial project would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during operation if it utilizes significantly more energy (>20%) than a generic commercial building of the same size. Based on the California Energy Commission Report prepared by Itron, Inc, (March 2006), the average usage of electricity and natural gas for all commercial buildings in a survey of California businesses is 21.25 kWh/sf annually (13.63 kWh from electricity and 7.62 kWh from natural gas).

According to the application materials, the proposed project would include 45,054 square feet of retail and 2,756 square feet of restaurant floor space under Option "A" and 53,054 square feet of retail under Option "B". Applying the use factors for restaurants and retail derived by the California Energy Commission, the project would consume about 1,922,113 kWh/yr of electricity and natural gas (Table 1 – Option "A") which is 89% more than a typical commercial building or project of comparable floor area. Under Table 1 – Option "B", the project would consume approximately 1,593,368 kWh/yr of electricity and natural gas which is 41% more than a typical commercial building or project of comparable floor area. This amount of energy use would potentially be wasteful and inefficient and would require mitigation.

Initial Study – Environmental Checklist

Table 1 -- Project's Projected Equivalent Operational Energy Use (Option "A")

Project Component	Size (sf)	Usage Rate (kWh/sf/year) ¹	Projected Energy Use (kWh/ year)
Generic Commercial Building	47,810	21.25 ¹	1,015,963
Small Office (< 30,000 sq.ft.)		19.25	
Large Office (>30,000 sq.ft.)		30.53	
Restaurants	2,756	163.26	449,945
Small Retail (< 5,000 sq.ft.)		27.54	
Mid-Size Retail (5,001 – 25,000 sq.ft.)		19.05	
Large Retail (25,001 – 100,000 sq.ft.)	26,254	15.15	397,748
Regional Retail (>100,000 sq.ft.)		22.10	
Food Store	18,800	57.15	1,074,420
Health Care		63.86	
Lodging		36.97	
Total, All Project Components:	--	--	1,922,113
Percent In Excess of Generic Commercial Building			89%

1. Electricity + natural gas converted to kilowatt-hours per square foot per year.
2. Source: Itron, Inc, March 2006; US Energy Information Administration, 2012 Commercial Buildings Energy Consumption Survey

Table 1 -- Project's Projected Equivalent Operational Energy Use (Option "B")

Project Component	Size (sf)	Usage Rate (kWh/sf/year) ¹	Projected Energy Use (kWh/ year)
Generic Commercial Building	53,054	21.25 ¹	1,127,398
Small Office (< 30,000 sq.ft.)		19.25	
Large Office (>30,000 sq.ft.)		30.53	
Restaurants		163.26	
Small Retail (< 5,000 sq.ft.)		27.54	
Mid-Size Retail (5,001 – 25,000 sq.ft.)		19.05	
Large Retail (25,001 – 100,000 sq.ft.)	34,254	15.15	518,948
Regional Retail (>100,000 sq.ft.)		22.10	
Food Store	18,800	57.15	1,074,420
Health Care		63.86	
Lodging		36.97	
Total, All Project Components:	--	--	1,593,368
Percent In Excess of Generic Commercial Building			41%

1. Electricity + natural gas converted to kilowatt-hours per square foot per year.
2. Source: Itron, Inc, March 2006; US Energy Information Administration, 2012 Commercial Buildings Energy Consumption Survey

Initial Study – Environmental Checklist

Fuel Use. Ongoing operation of the project will result in fuel use associated with employee motor vehicle trips and deliveries. For purposes of determining whether operational fuel use would be wasteful and inefficient and cumulatively considerable, project-related fuel use will be compared with the total fuel use from motor vehicles in San Luis Obispo County using the following assumptions:

- Daily vehicle miles travelled in San Luis Obispo County in 2020 (estimate from 2014 Regional Transportation Plan): 7,998,615.
- 172 million gallons of fuel consumed per year / 365 days = 471,232 gallons of fuel use per day
- 471,232 gallons of gasoline and diesel fuel consumed per day / 7,998,615 miles travelled per day = 0.058 gallons of fuel consumed per day per mile travelled
- Average Daily Trips (ADT) for Project x 14.7 miles = Daily Vehicle Miles Travelled (VMT)
- Daily VMT x gallons per mile travelled = Daily gallons of fuel use
- 2,769 Average Daily Trips for operations for 365 days

Table 2 provides a summary of total sales of gasoline and diesel fuel in San Luis Obispo County in 2018.

Table 2 -- State and County Fuel Consumption in 2018

Fuel	Statewide	San Luis Obispo County
Gasoline	13,475 million gallons	150 million gallons (or, about 410,958 gallons per day)
Diesel	1,602 million gallons	22 million gallons

Source: California Energy Commission

Operational Fuel Use

2,769 ADT x 14.7 miles = 40,704.3 VMT per day

40,704 VMT x 365 days = 14,857,069.5 total VMT per year

14,857,069.5 VMT per year x 0.058 gallons consumed per mile travelled = 861,710 gallons per year

Total fuel use associated with operation of the project would be less than 1% of the total daily fuel consumed in the County in 2018. Accordingly, fuel consumption associated with the project would not be wasteful, inefficient or unnecessary.

Greenhouse Gases. Energy inefficiency contributes to higher greenhouse gas (GHG) emissions and by nature is in conflict with state and local plans for renewable energy or energy efficiency, including the policies of the COSE, the EWP goals, and the 2001 SLOAPCD CAP. (Additional background information on GHG Emissions is in Section VIII.) The US Environmental Protection Agency (EPA) Greenhouse Gas Equivalencies Calculator can be used to determine GHG emission intensities from a range of typical commercial businesses (Table 2).

Based on this information, project GHG emissions would exceed the SLOAPCD's Bright Line Threshold of 1,150 MTCO₂e. To mitigate this potential operational impact, the project will be required to implement a package of measures that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized typical commercial building (1,219,155kWh/year for Option A or 1,352,878 kWh/year For Option B) and offset GHG emissions to

Initial Study – Environmental Checklist

achieve the 1,150 MTCO₂e Bright Line Threshold. Mitigation Measures ENG-1 through ENG-2 would reduce the project's environmental impact from wasteful and inefficient energy use to *less than significant with mitigation*.

Table 2 -- Projected Operational GHG Emissions (CO₂e) – Option A

Project Component	Size (sf)	Rate (MT/CO ₂ e/Year/sf)	Projected GHG Emissions (MT/CO ₂ e/year)
Small Office (< 30,000 sq.ft.)		0.014 ¹	0 ²
Large Office (>30,000 sq.ft.)		0.022	
Restaurants	2,756	0.115	317
Small Retail (< 5,000 sq.ft.)		0.19	
Mid-Size Retail (5,0001 – 25,000 sq.ft.)		0.13	
Large Retail (25,001 – 100,000 sq.ft.)	26,254	0.011	289
Regional Retail (>100,000 sq.ft.)		0.016	
Food Store	18,800	0.04	752
Health Care		0.045	
Lodging		0.026	
TOTAL		-	1,358

Notes:

1. Source: US EPA
2. Includes GHG emissions associated with energy use and fuel consumption.

Table 3 -- Projected Operational GHG Emissions (CO₂e) – Option B

Project Component	Size (sf)	Rate (MT/CO ₂ e/Year/sf)	Projected GHG Emissions (MT/CO ₂ e/year)
Small Office (< 30,000 sq.ft.)		0.014 ¹	
Large Office (>30,000 sq.ft.)		0.022	
Restaurants		0.115	
Small Retail (< 5,000 sq.ft.)		0.19	
Mid-Size Retail (5,0001 – 25,000 sq.ft.)		0.13	
Large Retail (25,001 – 100,000 sq.ft.)	34,254	0.011	377
Regional Retail (>100,000 sq.ft.)		0.016	
Food Store	18,800	0.04	752
Health Care		0.045	
Lodging		0.026	
TOTAL		-	1,129

Initial Study – Environmental Checklist

Notes:

1. Source: US EPA
2. Includes GHG emissions associated with energy use and fuel consumption.

Conclusion

The project will be constructed with fixtures and equipment that meets current building codes for energy conservation and efficiency. However, combined energy and fuel use is projected to be more than 20% of the energy usage associated with a typical building of comparable floor area.

Compliance with the provisions of Code of Regulations together with recommended mitigation measures ENG-1, and ENG-2 will reduce potential impacts to less than significant

Mitigation

ENG-1. **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan may include the on-site operational phase measures as required by mitigation measure AQ-7, and shall include the following:

- a. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with the project (lighting, heating, cooling, cooking, etc.) and for all proposed commercial use types (if more than one). The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
- b. A program (if required based upon the energy demand prepared in the above measure ENG-1.a.) for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction would mean that the proposed project shall not exceed 1,219,155 kWh/year for Option A or 1,352,878 kWh/year For Option B. Such a program (or programs) may include, but is not limited to, the following:
 - i. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - ii. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 1. Participating in an annual energy audit.
 2. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 3. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.

Initial Study – Environmental Checklist

4. Implementing automated lighting systems.
5. Utilizing natural light when possible.
6. Utilizing an efficient circulation system.
7. Ensuring that energy use is below or in-line with industry benchmarks.
8. Implementing phase-out plans for the replacement of inefficient equipment.
9. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency.

- iii. Construction of a qualified renewable energy source such as solar photovoltaics as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- iv. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2. **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- a. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - v. American Carbon Registry;
 - vi. Climate Action Reserve;
 - vii. Verified Carbon Standard.
 - viii. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- b. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
- c. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

Initial Study – Environmental Checklist

VII. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Initial Study – Environmental Checklist

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

Setting

The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) is a California state law that was developed to regulate development near active faults and mitigate the surface fault rupture potential and other hazards. The Alquist-Priolo Act identifies active earthquake fault zones and restricts the construction of habitable structures over known active or potentially active faults. San Luis Obispo County is located in a geologically complex and seismically active region. The Safety Element of the County of San Luis Obispo General Plan identifies three active faults that traverse through the County and that are currently zoned under the Alquist-Priolo Act: the San Andreas, the Hosgri-San Simeon, and the Los Osos. The San Andreas Fault zone is located along the eastern border of San Luis Obispo County and has a length of over 600 miles. The Hosgri-San Simeon fault system generally consists of two fault zones: the Hosgri fault zone that is mapped off of the San Luis Obispo County coast; and the San Simeon fault zone, which appears to be associated with the Hosgri, and comes onshore near San Simeon Point. Lastly, the Los Osos Fault zone has been mapped generally in an east/west orientation along the northern flank of the Irish Hills.

The County Safety Element also identifies 17 other faults that are considered potentially active or have uncertain fault activity in the County. The Safety Element establishes policies that require new development to be located away from active and potentially active faults. The element also requires that the County enforce applicable building codes relating to seismic design of structures and require design professionals to evaluate the potential for liquefaction or seismic settlement to impact structures in accordance with the Uniform Building Code. A capable fault is located approximately 0.3 mile east of the project site.

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

Liquefaction is the sudden loss of soil strength due to a rapid increase in soil pore water pressures resulting from groundshaking during an earthquake. Liquefaction potential increases with earthquake magnitude and groundshaking duration. Low-lying areas adjacent to creeks, rivers, beaches, and estuaries underlain by unconsolidated alluvial soil are most likely to be vulnerable to liquefaction. The CBC requires the assessment of liquefaction in the design of all structures. Per the County's Land Use View Mapping Application, the project is located in an area with moderate potential for liquefaction to occur.

Landslides and slope instability can occur as a result of wet weather, weak soils, improper grading, improper drainage, steep slopes, adverse geologic structure, earthquakes, or a combination of these factors. Despite current codes and policies that discourage development in areas of known landslide activity or high risk of landslide, there is a considerable amount of development that is impacted by landslide activity in the County each year. The County Safety Element identifies several policies to reduce risk from landslides and slope instability. These policies include the requirement for slope stability evaluations for development in areas of

Initial Study – Environmental Checklist

moderate or high landslide risk, and restrictions on new development in areas of known landslide activity unless development plans indicate that the hazard can be reduced to a less than significant level prior to beginning development. Per the County's Land Use View Mapping Application, the project is located in an area with moderate potential for landslides.

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

As stated in Section II. Agriculture and Forestry Resources above, the soil underlying the project is:

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

Discussion

(a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

(a-i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Based on the California Department of Conservation Earthquake Zone Map, the project site is not located within a mapped Alquist-Priolo earthquake hazard zone (CGS 2018). Based on the County Safety Element Fault Hazards Map, the project site is located within 1 mile of a potentially capable fault. So long as the future buildings on the site are built in accordance with the California building Code, impacts are expected to be less than significant.

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

Based on the County Safety Element Fault Hazards Map, the project site is not located within 1 mile of a known active or potentially active fault. However, San Luis Obispo County is located in a seismically active region and there is always a potential for seismic ground shaking. The project would be required to comply with the California Building Code (CBC) and other applicable standards to ensure the effects of a potential seismic event would be minimized through compliance with current engineering practices and techniques. The project does not include unique components that would be particularly sensitive to seismic ground shaking or result in an increased risk of injury or damage as a result of ground shaking. Implementation of the project would not expose people or structures to significant increased risks associated with seismic ground shaking; therefore, impacts would be *less than significant*.

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

Based on the County Safety Element Liquefaction Hazards Map, the project site is located in an area with low potential for liquefaction. In addition, the project would be required to comply with CBC

Initial Study – Environmental Checklist

seismic requirements to address the site's potential for seismic-related ground failure including liquefaction; therefore, the potential impacts would be *less than significant*.

(a-iv) *Landslides?*

The project site mostly level to gently sloping and based on the County Safety Element Landslide Hazards Map is located in an area with moderate potential for landslide risk. Therefore, the project would not result in significant adverse effects associated with landslides and impacts would be *less than significant*.

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

Construction of the proposed project will result in disturbance of topsoil. A sedimentation and erosion control plan is required for all construction and grading projects (LUO Section 22.52.120) to minimize potential impacts related to erosion and sedimentation, and includes requirements for specific erosion control materials, setbacks from creeks, and siltation. Upon implementation of the above control measures, as recommended by the county, *impacts related to soil erosion and sedimentation would be reduced to less than significant*.

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

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

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

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

Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site is not located within an area known to contain expansive soils as defined in the Uniform Building Code. In addition, all future development would be required to comply with the most recent CBC requirements, which have been developed to properly safeguard structures and occupants from land stability hazards, such as expansive soils. Therefore, potential impacts related to expansive soil would be *less than significant*.

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

The proposed project does not propose the installation of new septic tanks or other on-site wastewater disposal systems; therefore, *no impacts would occur*.

Initial Study – Environmental Checklist

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

No known paleontological resources are known to exist in the project area and the project site does not contain any unique geologic features. The project does not include substantial grading or earthwork that would disturb the underlying geologic formation in which paleontological resources may occur. Therefore, potential impacts on paleontological resources would be *less than significant*.

Conclusion

The project site is not within the GSA combining designation or an area of high risk of landslide, liquefaction, subsidence, or other unstable geologic conditions. The project would be required to comply with CBC and standard LUO requirements which have been developed to properly safeguard against seismic and geologic hazards. Therefore, potential impacts related to geology and soils would be less than significant and no mitigation measures are necessary.

Mitigation

No mitigation measures are necessary.

Sources

See Exhibit A.

VIII. GREENHOUSE GAS EMISSIONS

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

Setting

Greenhouse gases (GHG) are any gases that absorb infrared radiation in the atmosphere, and are different from the criteria pollutants discussed in Section III, Air Quality, above. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated gases. These are most commonly emitted through the burning of fossil fuels (oil, natural gas, and coal), agricultural practices, decay of organic waste in landfills, and a variety of other chemical reactions and industrial processes (e.g., the manufacturing of cement).

Carbon dioxide is the most abundant GHG and is estimated to represent approximately 80-90% of the principal GHGs that are currently affecting the earth's climate. According to the ARB, transportation (vehicle exhaust) and electricity generation are the main sources of GHGs in the state.

Initial Study – Environmental Checklist

In March 2012, the SLOAPCD approved thresholds for Greenhouse Gas (GHG) emission impacts, and these thresholds have been incorporated into the CEQA Air Quality Handbook. The Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) is the most applicable GHG threshold for most projects. Table 1-1 in the SLOAPCD CEQA Air Quality Handbook provides a list of general land uses and the estimated sizes or capacity of those uses expected to exceed the GHG Bright Line Threshold of 1,150 Metric Tons of carbon dioxide per year (MT CO₂/yr). Projects that exceed the criteria or are within ten percent of exceeding the criteria presented in Table 1-1 are required to conduct a more detailed analysis of air quality impacts.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

In October 2008, ARB published its *Climate Change Proposed Scoping Plan*, which is the State's plan to achieve GHG reductions in California required by Assembly Bill (AB) 32. This initial Scoping Plan contained the main strategies to be implemented in order to achieve the target emission levels identified in AB 32. The Scoping Plan included ARB-recommended GHG reductions for each emissions sector of the state's GHG inventory. The largest proposed GHG reduction recommendations were associated with improving emissions standards for light-duty vehicles, implementing the Low Carbon Fuel Standard program, implementation of energy efficiency measures in buildings and appliances, the widespread development of combined heat and power systems, and developing a renewable portfolio standard for electricity production.

Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the State's GHG reduction goals and require ARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. The initial Scoping Plan was first approved by ARB on December 11, 2008 and is updated every five years. The first update of the Scoping Plan was approved by the ARB on May 22, 2014, which looked past 2020 to set mid-term goals (2030-2035) toward reaching the 2050 goals. The most recent update released by ARB is the 2017 Climate Change Scoping Plan, which was released in November 2017. The 2017 Climate Change Scoping Plan incorporates strategies for achieving the 2030 GHG-reduction target established in SB 32 and EO S-3-05.

The County Energy Wise Plan (EWP; 2011) identifies ways in which the community and County government can reduce greenhouse gas emissions from their various sources. Looking at the four key sectors of energy, waste, transportation, and land use, the EWP incorporates best practices to provide a blueprint for achieving greenhouse gas emissions reductions in the unincorporated towns and rural areas of San Luis Obispo County by 15% below the baseline year of 2006 by the year 2020. The EWP includes an Implementation Program that provides a strategy for actions with specific measures and steps to achieve the identified GHG reduction targets including, but not limited to, the following:

- Encourage new development to exceed minimum Cal Green requirements;
- Require a minimum of 75% of nonhazardous construction and demolition debris generated on site to be recycled or salvaged;
- Continue to implement strategic growth strategies that direct the county's future growth into existing communities and to provide complete services to meet local needs;
- Continue to increase the amount of affordable housing in the County, allowing lower-income families to live closer to jobs and activity centers, and providing residents with greater access to transit and alternative modes of transportation;

Initial Study – Environmental Checklist

- Reduce potable water use by 20% in all newly constructed buildings by using the performance methods provided in the California Green Building Code;
- Require use of energy-efficient equipment in all new development;
- Minimize the use of dark materials on roofs by requiring roofs to achieve a minimum solar reflectivity index of 10 for high-slope roofs and 68 for low-slope roofs; and
- Use light-colored aggregate in new road construction and repaving projects adjacent to existing cities.

In 2016 the County published the EnergyWise Plan 2016 Update, which describes the progress made toward implementing measures in the 2011 EWP, overall trends in energy use and emissions since the baseline year of the inventory (2006), and the addition of implementation measures intended to provide a greater understanding of the County's emissions status.

Discussion

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

Based on the calculations and discussion in the Energy section V1. above, the projects GHG emissions are projected to be above the SLOAPCD's Bright Line Threshold of 1,150 MTCO_{2e}. The project will be required to implement mitigation measures ENG-1 and ENG-2 that would reduce or offset the project's energy demand to within 20% of the energy demand of a similarly sized typical commercial building 1,219,155 kWh/year for Option A or 1,352,878 kWh/year For Option B and offset GHG emissions to achieve the 1,150 MTCO_{2e} Bright Line Threshold.

- (b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

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

Conclusion

The project has the potential to generate GHG emissions above existing levels and would exceed applicable GHG thresholds and contribute considerably to cumulatively significant GHG emissions. Compliance with the required mitigation measures ENG-1 and ENG-2 will reduce impacts associated with GHG emissions to less than significant.

Mitigation

Implement ENG-1 and ENG-2.

Initial Study – Environmental Checklist

IX. HAZARDS AND HAZARDOUS MATERIALS

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

Initial Study – Environmental Checklist

Setting

The Hazardous Waste and Substances Site (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. Government Code section 65962.5 requires the California EPA to develop at least annually an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control's (DTSC's) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board's (SWRCB's) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California, such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the "Cortese List" requirements can be located on the CalEPA website: <https://calepa.ca.gov/sitecleanup/corteselist/>. The project site is not within close proximity to any site included on the Cortese List, EnviroStor database, or GeoTracker database.

The California Health and Safety Code provides regulations pertaining to the abatement of fire related hazards and requires that local jurisdictions enforce the California Building Code, which provides standards for fire resistive building and roofing materials, and other fire-related construction methods. The County Safety Element provides a Fire Hazard Zones Map that indicates unincorporated areas in the County within moderate, high, and very high fire hazard severity zones. The project is located within a moderate fire hazard severity zone within a State Responsibility Area and based on the County's response time map, it will take approximately 5 to 10 minutes to respond to a call regarding fire or life safety. For more information about fire-related hazards and risk assessment, see Section XX. Wildfire.

The County also has adopted general emergency plans for multiple potential natural disasters, including the Local Hazard Mitigation Plan, County Emergency Operations Plan, Earthquake Plan, Dam and Levee Failure Plan, Hazardous Materials Response Plan, County Recovery Plan, and the Tsunami Response Plan.

Discussion

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

The project does not propose the routine transport, use or disposal of hazardous substances. Any commonly used hazardous substances within the project site (e.g., cleaners, solvents, oils, paints, etc.) would be transported, stored, and used according to regulatory requirements and existing procedures for the handling of hazardous materials. *No impacts* associated with the routine transport of hazardous materials would occur.

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

The project does not propose the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction of the proposed project is anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, etc. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety

Initial Study – Environmental Checklist

laws for the handling of hazardous materials, including response and clean-up requirements for any minor spills. Therefore, potential impacts would be *less than significant*.

- (c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The project site is not located within 0.25 mile of an existing or proposed school facility; therefore, *no impacts would occur*.

- (d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Based on a search of the California Department of Toxic Substance Control's EnviroStar database, the State Water Resources Control Board's Geotracker database, and CalEPA's Cortese List website, there are no hazardous waste cleanup sites within the project site. Therefore, *no impacts would occur*.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The project site is not located within an airport land use plan or within two miles of a public airport or private airstrip; therefore, *no impacts would occur*.

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

Implementation of the proposed project would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans. No breaks in utility service or road closures would occur as a result of project implementation. Any construction-related detours would include proper signage and notification and would be short-term and limited in nature and duration. Therefore, potential impacts would be *less than significant*.

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

The project is not located within or adjacent to a wildland area. Based on the County Safety Element, the project is located within a high fire hazard severity zone. The project would be required to comply with all applicable fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits; therefore, potential impacts would be *less than significant*.

Initial Study – Environmental Checklist

Conclusion

The project does not propose the routine transport, use, handling, or disposal of hazardous substances. It is not located within proximity to any known contaminated sites and is not within close proximity to populations that could be substantially affected by upset or release of hazardous substances. Project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation or interfere with any adopted emergency response or evacuation plan. Therefore, potential impacts related to hazards and hazardous materials would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

X. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The Central Coast Regional Water Quality Control Board (RWQCB) has established Total Maximum Daily Load (TMDL) thresholds for waterbodies within the County. A TMDL establishes the allowable amount of a particular pollutant a waterbody can receive on a regular basis and still remain at levels that protect beneficial uses designated for that waterbody. A TMDL also establishes proportional responsibility for controlling the pollutant, numeric indicators of water quality, and measures to achieve the allowable amount of pollutant loading. Section 303(d) of the Clean Water Act (CWA) requires states to maintain a list of bodies of water that are designated as “impaired”. A body of water is considered impaired when a particular water quality objective or standard is not being met.

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

The U.S. Army Corps of Engineers (USACE), through Section 404 of the CWA, regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Waters of the U.S. are typically identified by the presence of an ordinary high water mark (OHWM) and connectivity to traditional navigable waters or other jurisdictional features. The State Water Resources Control Board (SWRCB) and nine RWQCBs regulate discharges of fill and dredged material in California, under Section 401 of the CWA and the State Porter-Cologne Water Quality Control Act, through the State Water Quality Certification Program. State Water Quality Certification is necessary for all projects that require a USACE permit, or fall under other federal

Initial Study – Environmental Checklist

jurisdiction, or have the potential to impact waters of the State. Waters of the State are defined by the Porter-Cologne Act as any surface water or groundwater, including saline waters, within the boundaries of the state.

The topography of the project is mostly level to gently sloping. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility and is considered well drained. The project parcel is within the Santa Maria groundwater basin, which is made up of three interconnected sub basins (Tri-Cities, Nipomo Mesa, and Santa Maria).

The Planning and Building Department has released a study (San Luis Obispo County Department of Planning, "Resource Capacity Study – Water Supply in the Nipomo Mesa Area", 2004) concluding the NMWCA portion of the Santa Maria Groundwater Basin is in a state of overdraft. The study recommended a Level of Severity 3 for the basin, and the Board of Supervisors certified the Level of Severity 3 in 2007, and subsequently approved water conservation ordinances for the area.

The NCSD declared a Stage IV water shortage (July 27, 2016) and ceased issuing new intent to serve letters for new development. The NCSD began reissuing intent to serve and will serve letters May 1, 2019 because the supplemental water project will provide adequate water for properties within the NCSD service boundaries. The proposed project obtained an intent-to-serve letter dated December 2, 2019 for water, sewer and solid waste services.

Water for urban uses in the County is obtained from either surface impoundments such as Santa Margarita Lake, Whale Rock, and Lopez reservoirs, or from natural underground basins (aquifers). In October 2015, the County Board of Supervisors adopted a resolution which established the Countywide Water Conservation Program (CWWCP) in response to the declining water levels in the Nipomo Mesa subbasin of the Santa Maria Groundwater Basin, Los Osos Groundwater Basin, and the Paso Robles Groundwater Basin (PRGWB). A key strategy of the CWWCP is to ensure that all new construction or new or expanded agriculture will be required to offset its predicted water use by reducing existing water use on other properties within the same water basin. Each of the three groundwater basin areas have specific policies that apply.

The County LUO dictates which projects are required to prepare a drainage plan, including any project that would, for example, change the runoff volume or velocity leaving any point of the site, result in an impervious surface of more than 20,000 square feet, or involve hillside development on slopes steeper than 10 percent. Preparation of a drainage plan is not required where grading is exclusively for an exempt agricultural structure, crop production, or grazing.

The County LUO also dictates that an erosion and sedimentation control plan is required year-round for all construction and grading permit projects and site disturbance activities of one-half acre or more in geologically unstable areas, on slopes steeper than 30 percent, on highly erodible soils, or within 100 feet of any watercourse.

Per the County's Stormwater Program, the Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. The Construction General Permit requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. There are several types of projects that are exempt from preparing a SWPPP, including routine maintenance to existing developments, emergency construction activities, and projects exempted by the SWRCB or RWQCB. Projects that disturb less than 1.0 acre must implement all

Initial Study – Environmental Checklist

required elements within the site's erosion and sediment control plan as required by the San Luis Obispo County LUO.

For planning purposes, the flood event most often used to delineate areas subject to flooding is the 100-year flood. The County Safety Element establishes policies to reduce flood hazards and reduce flood damage, including but not limited to prohibition of development in areas of high flood hazard potential, discouragement of single road access into remote areas that could be closed during floods, and review of plans for construction in low-lying areas. All development located in a 100-year flood zone is subject to Federal Emergency Management Act (FEMA) regulations. The County Land Use Ordinance designates a Flood Hazard (FH) combining designation for areas of the County that could be subject to inundation by a 100-year flood or within coastal high hazard areas. Development projects within this combining designation are subject to FH permit and processing requirements, including, but not limited to, the preparation of a drainage plan, implementation of additional construction standards, and additional materials storage and processing requirements for substances that could be injurious to human, animal or plant life in the event of flooding. The project site is not located within a Flood Hazard combining designation. The nearest creek (Nipomo Creek) is located approximately 0.25 mile to the east, across Highway 101.

Discussion

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

The project site is not located in close proximity to any mapped creek or surface water bodies that could be adversely affected by project construction or operation. The project site does not contain Waters of the U.S. or the State. Implementation of the project would not substantially change the volume or velocity of runoff leaving any point of the site or result in a significant increase in impervious surface area. The project site is generally flat and does not pose a risk to downslope runoff, sedimentation, erosion, or runoff. The project would not substantially affect surface water or groundwater quality. Therefore, potential impacts would be *less than significant*.

- (b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The project is located within a groundwater basin designated as Level of Severity III per the County's Resource Management System. Water service for the proposed project will be provided by the NCSD. The supplemental water project which brings water from Santa Maria to the Nipomo Mesa provides adequate water to serve properties within the NCSD service boundaries. The proposed project will be required to comply with green-build ordinance standards and any additional water conservation measures included in the NCSD's will serve letter. Adherence with the conditions contained in the preliminary intent-to-serve letter and final will serve letter from the NCSD will ensure a *less than significant impact* on groundwater supplies and groundwater recharge.

- (c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- (c-i) *Result in substantial erosion or siltation on- or off-site?*

The project site is not located in proximity to any surface stream or body of water that would be subject to risk associated with erosion or siltation as the result of project construction or operation. The project will result in greater than one acre of site disturbance and will be required to implement

Initial Study – Environmental Checklist

required elements of the site's erosion and sediment control plan as required by the San Luis Obispo County LUO; therefore, potential impacts related to erosion and siltation would be *less than significant*.

- (cii.) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- (ciii.) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The project has been conditioned to provide final grading, drainage, erosion and sedimentation control plans, and SWPPP for review and approval prior to approval of subdivision improvement plans and/or building permit issuance as required by LUO Section 22.52.100, 110 and 120.

The amount of increased impervious surfaces is not expected to exceed the capacity of stormwater conveyances or increase downslope flooding. Therefore, impacts would be less than significant.

- (civ.) *Impede or redirect flood flows?*

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

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

Based on the County Safety Element, the project site is not located within a 100-year flood zone or within an area that would be inundated if dam failure were to occur. Based on the San Luis Obispo County Tsunami Inundation Maps, the project site is not located in an area with potential for inundation by a tsunami (DOC 2019). The project site is not located within close proximity to a standing body of water with the potential for a seiche to occur. Therefore, the project site has no potential to release pollutants due to project inundation and *no impacts would occur*.

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

The project site is not located in an area with an adopted water quality control plan or sustainable groundwater management plan so *no impacts would occur*.

Conclusion

The project site is not within the 100-year flood zone and does not include existing drainages or other surface waters. The project would not substantially increase impervious surfaces and does not propose alterations to existing water courses or other significant alterations to existing on-site drainage patterns. Therefore, potential impacts related to hydrology and water quality would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

Initial Study – Environmental Checklist

XI. LAND USE AND PLANNING

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

Setting

The LUO was established to guide and manage the future growth in the County in accordance with the General Plan, to regulate land use in a manner that will encourage and support orderly development and beneficial use of lands, to minimize adverse effects on the public resulting from inappropriate creation, location, use or design of buildings or land uses, and to protect and enhance significant natural, historic, archeological, and scenic resources within the county. The LUO is the primary tool used by the County to carry out the goals, objectives, and policies of the County General Plan.

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

The Inland LUE also contains the area plans of each of the four inland planning areas: Carrizo, North County, San Luis Obispo, and South County. The area plans establish policies and programs for land use, circulation, public facilities, services, and resources that apply "areawide", in rural areas, and in unincorporated urban areas within each planning area. Part three of the LUE contains each of the 13 inland community and village plans, which contain goals, policies, programs, and related background information for the County's unincorporated inland urban and village areas. The project is within the South County Sub Area of the South County planning area. The project is subject to the standards contained in the West Tefft Corridor Design Plan.

Initial Study – Environmental Checklist

Discussion

(a) *Physically divide an established community?*

The project does not propose project elements or components that would physically divide the site from surrounding areas and uses. The project would be consistent with the general level of development within the project vicinity and would not create, close, or impede any existing public or private roads, or create any other barriers to movement or accessibility within the community. Therefore, the proposed project would not physically divide an established community and *no impacts would occur*.

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

The project would be consistent with the property's land use designation and the guidelines and policies for development within the applicable area plan, Inland LUO, and the COSE. The project is consistent with existing surrounding developments and does not contain sensitive on-site resources; therefore, the project would not conflict with policies or regulations adopted for the purpose of avoiding or mitigating environmental effects. The project would be consistent with existing land uses and designations for the proposed site and, therefore, would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating environmental effects. *No impacts would occur*.

Conclusion

The project would be consistent with local and regional land use designations, plans, and policies and would not divide an established community. Therefore, potential impacts related to land use and planning would be less than significant and no mitigation measures are necessary.

Mitigation

None necessary.

XII. MINERAL RESOURCES

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

Initial Study – Environmental Checklist

Setting

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires that the State Geologist classify land into mineral resource zones (MRZ) according to the known or inferred mineral potential of the land (Public Resources Code Sections 2710–2796).

The three MRZs used in the SMARA classification-designation process in the San Luis Obispo-Santa Barbara Production-Consumption Region are defined below (California Geological Survey 2011a):

- **MRZ-1:** Areas where available geologic information indicates that little likelihood exists for the presence of significant mineral resources.
- **MRZ-2:** Areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. This zone shall be applied to known mineral deposits or where well-developed lines of reasoning, based upon economic-geologic principles and adequate data, demonstrate that the likelihood for occurrence of significant mineral deposits is high.
- **MRZ-3:** Areas containing known or inferred aggregate resources of undetermined significance.

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

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

The purpose of this combining designation is to protect significant resource extraction and energy production areas identified by the County LUE from encroachment by incompatible land uses that could hinder resource extraction or energy production operations, or land uses that would be adversely affected by extraction or energy production.

Discussion

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

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

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

There are no known or mapped mineral resources in the project area and the likelihood of future mining of important resources within the project area is very low. Therefore, *no impacts would occur*.

Conclusion

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

Initial Study – Environmental Checklist

Mitigation

No mitigation measures are necessary.

XIII. NOISE

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

Setting

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

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

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

Initial Study – Environmental Checklist

- Libraries and museums
- Hotels and motels
- Bed and breakfast facilities
- Outdoor sports and recreation
- Offices

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

The project is not within close proximity of loud noise sources other than Highway 101 on the east side of the project site. The noise contours in the Noise Element show the 70 decibel line covering approximately ¼ of eastern side of the parcel, the 65 decibel line covering the middle half of the parcel and the 60 decibel line covering the remainder of the site. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area for uses allowable in the Commercial Retail land use category. The project site is located directly adjacent to residential uses to the west. Noise generated by the commercial center could cause a negative impact on the surrounding residential uses.

An acoustical analysis was prepared to address potential impacts on the adjacent residential use (WJV Acoustics, Inc., April 6, 2020). The analysis recommended a 12.5-foot sound wall above the elevation of the truck access roadway. The wall would extend along the westerly property line from Hill Street to 20 feet beyond the residential use on the adjacent property (approximately 220 feet). The analysis also concluded that any deliveries and loading activities during nighttime hours (10pm-7am) would exceed the County's noise level standards.

The report was updated on August 26, 2020 to provide additional information based on the proposed fast-food restaurant being operational 24 hours a day, seven days a week. This report concluded that no restrictions on the hours of operation for the fast-food restaurant or auto parts store are necessary to comply with County daytime or nighttime noise standards. No additional mitigation is needed beyond the sound wall and restriction on hours for deliveries and loading activities described above. The restriction on the hours for deliveries will be in effect as long as the adjacent parcel to the west is used for residential purposes.

Discussion

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

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

Initial Study – Environmental Checklist

Table 3. Maximum allowable exterior noise level standards⁽¹⁾

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

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

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

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

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

The project is not within close proximity of loud noise sources other than Highway 101 on the east side of the project site. The noise contours in the Noise Element show the 70-decibel line covering approximately ¼ of eastern side of the parcel, the 65 decibel line covering the middle half of the parcel and the 60 decibel line covering the remainder of the site. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area for uses allowable in the Commercial Service land use category. The project site is located directly adjacent to residential uses to the west. Noise generated by the commercial center could cause a negative impact on the surrounding residential uses.

An acoustical analysis was prepared to address potential impacts on the adjacent residential use (WJV Acoustics, Inc., April 6, 2020). The analysis recommended a 12.5-foot sound wall above the elevation of the truck access roadway. The wall would extend along the westerly property line from Hill Street to 20 feet beyond the residential use on the adjacent property (approximately 220 feet). The analysis also concluded that any deliveries and loading activities during nighttime hours (10pm-7am) would exceed the County's noise level standards. Mitigation for the recommended sound wall and a limitation on delivery and loading activities during daytime hours are included which will reduce the impacts to a level of insignificance. The restriction on the hours for deliveries will be in effect as long as the adjacent parcel to the west is used for residential purposes.

Initial Study – Environmental Checklist

(b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

Operation of the proposed project would not result in groundborne vibration. No construction equipment or methods are proposed that would generate substantial ground vibration. Therefore, *impacts related to temporary or permanent groundborne vibration would be less than significant.*

(c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The project site is not located within or adjacent to an airport land use plan or within 2 miles of a public airport or private airstrip; therefore, *no impact would occur.*

Conclusion

Short-term construction activities would be limited in nature and duration and conducted during daytime periods per County LUO standards. Based on the acoustical analysis prepared for the project, operational activities such as truck deliveries and loading activities would exceed the County's noise standards. To decrease noise impacts to a level of insignificance, a 12.5-foot sound wall along a portion of the westerly property line and limiting delivery and loading times are recommended. The adjacent property to the west currently contains residential uses although it is zoned Commercial Retail. It is reasonably foreseeable that this adjacent property will be converted to commercial use at some point in the future. The mitigation measure regarding delivery and loading times (N-2) includes language that this measure will no longer apply if and when the adjacent property is no longer used for residential purposes.

Mitigation

- N-1. **Prior to issuance of subdivision improvement plans or construction permits**, the applicant shall provide plans for a 12.5-foot sound wall along the westerly property line starting from Hill Street continuing to approximately 20 feet beyond the residential use of the property to the west. The approximate length of the wall will be 220 feet.
- N-2. **Operational standard.** Deliveries and loading activities along the truck access road at the rear of the proposed grocery and farm supply/hardware store will be limited to daytime hours of 7am-10pm. **If the adjacent residential use is discontinued, this standard will no longer apply.**

XIV. POPULATION AND HOUSING

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

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The County of San Luis Obispo General Plan Housing Element recognizes the difficulty for residents to find suitable and affordable housing within San Luis Obispo County. The Housing Element includes an analysis of vacant and underutilized land located in urban areas that is suitable for residential development and considers zoning provisions and development standards to encourage development of these areas. Consistent with State housing element laws, these areas are categorized into potential sites for very low- and low-income households, moderate-income households, and above moderate-income households.

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

The project site is zoned Commercial Retail with currently undeveloped multi-family parcels to the south. The adjacent parcel to the west of the project site is developed with residential uses.

Discussion

- (a) *Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project does not include the construction of new homes or businesses or the extension or establishment of roads, utilities, or other infrastructure that would induce development and population growth in new areas. The project would not generate a substantial number of new employment opportunities that would encourage population growth in the area. Therefore, the project would not directly or indirectly induce substantial growth and *no impacts would occur*.

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

The project would not displace existing housing or necessitate the construction of replacement housing elsewhere; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

No mitigation measures are necessary.

Initial Study – Environmental Checklist

XV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Fire protection services in unincorporated San Luis Obispo County are provided by the California Department of Forestry and Fire Protection (CAL FIRE), which has been under contract with the County of San Luis Obispo to provide full-service fire protection since 1930. Approximately 180 full-time state employees operate the County Fire Department, supplemented by as many as 100 state seasonal fire fighters, 300 County paid call and reserve fire fighters, and 120 state inmate fire fighters. CAL FIRE responds to emergencies and other requests for assistance, plans for and takes action to prevent emergencies and to reduce their impact, coordinates regional emergency response efforts, and provides public education and training in local communities. CAL FIRE has 24 fire stations located throughout the county. The project would be served by County Fire Station 20 located on Pioneer Circle, approximately 0.5 miles northwest of the project site. The emergency response time is between 5-10 minutes.

Police protection and emergency services in the unincorporated portions of the county are provided by the San Luis Obispo County Sheriff's Office. The Sheriff's Office Patrol Division responds to calls for service, conducts proactive law enforcement activities, and performs initial investigations of crimes. Patrol personnel are deployed from three stations throughout the county, the Coast Station in Los Osos, the North Station in Templeton, and the South Station in Oceano. The nearest sheriff's station is located at 1681 Front Street, Oceano, approximately 12 miles northwest of the project parcel.

Initial Study – Environmental Checklist

San Luis Obispo County has a total of 12 school districts that currently enroll approximately 34,000 students in over 75 schools. The project is located within the Lucia Mar Unified School District, which includes two elementary schools, a middle school and a high school within the Nipomo Mesa area. Based on the County's 2016-2018 Resource Summary Report, schools within the Lucia Mar Unified School District are currently operating at acceptable capacities and levels).

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

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

Discussion

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

Fire protection?

The project would be required to comply with all fire safety rules and regulations including the California Fire Code and Public Resources Code prior to issuance of building permits. Based on the nature of development proposed and the proximity to fire protection services, the project would not result in a significant increase in demand for fire protection services. The project would be served by existing fire protection services and would not result in the need for new or altered fire protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand for fire protection services. Therefore, impacts would be *less than significant*.

Police protection?

The project does not propose a new use or activity that would require additional police services above what is normally provided for similar surrounding land uses. The project would not result in a significant increase in demand for police protection services and would not result in the need for new or altered police protection services or facilities. In addition, the project would be subject to development impact fees to offset the project's contribution to demand on law enforcement services. Therefore, impacts related to police services would be *less than significant*.

Schools?

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

Initial Study – Environmental Checklist

Parks?

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

Other public facilities?

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

Conclusion

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

Mitigation

None necessary.

XVI. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The County of San Luis Obispo Parks and Recreation Element (Recreation Element) establishes goals, policies, and implementation measures for the management, renovation, and expansion of existing, and the development of new, parks and recreation facilities in order to meet existing and projected needs and to assure an equitable distribution of parks throughout the county.

Public facilities fees, Quimby fees, and developer conditions are several ways the County currently funds public parks and recreational facilities. Public facility fees are collected upon construction of new residential units and currently provide funding for new community-serving recreation facilities. Quimby Fees are

Initial Study – Environmental Checklist

collected when new residential lots are created and can be used to expand, acquire, rehabilitate, or develop community-serving parks. Finally, a discretionary permit issued by the County may condition a project to provide land, amenities, or facilities consistent with the Recreation Element.

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

Discussion

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

The project would not result in a substantial growth within the area and would not substantially increase demand on any proximate existing neighborhood or regional park or other recreational facilities. Payment of standard development impact fees would ensure any incremental increase in use of existing parks and recreational facilities would be reduced to *less than significant*.

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

The project does not include the construction of new recreational facilities and would not result in a substantial increase in demand or use of parks and recreational facilities. Implementation of the project would not require the construction or expansion of recreational facilities; therefore, *no impacts would occur*.

Conclusion

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

Mitigation

None necessary.

XVII. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
(a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The County Department of Public Works maintains updated traffic count data for all County-maintained roadways. In addition, Traffic Circulation Studies have been conducted within several community areas using traffic models to reasonably simulate current traffic flow patterns and forecast future travel demands and traffic flow patterns. These community Traffic Circulation Studies include the South County Circulation Study, Los Osos Circulation Study, Templeton Circulation Study, San Miguel Circulation Study, Avila Circulation Study, and North Coast Circulation Study. The California Department of Transportation (Caltrans) maintains annual traffic data on state highways and interchanges within the county. The project site will be accessed by South Frontage Road, an arterial road, and Hill Street, a collector road. According to the traffic report prepared for the project (GHD, July 21, 2020), the Level of Service (LOS) at the South Frontage Road/West Tefft/Southbound Highway 101 intersection is currently operating at a LOS D during AM and PM peak hour, and will remain at a LOS D with the proposed project.

The traffic report estimates that the project will generate 2,769 daily trips total, with 99 am peak hour trips, and 121 pm peak hour trips.

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

The County Department of Public Works establishes bicycle paths and lanes in coordination with the Regional Transportation Plan (RTP), which outlines how the region can establish an extensive bikeway network. County bikeway facilities are funded by state grants, local general funds, and developer contributions. The RTP also establishes goals and recommendations to develop, promote, and invest in the public transit systems, rail systems, air services, harbor improvements, and commodity movements within

Initial Study – Environmental Checklist

the County in order to meet the needs of transit-dependent individuals and encourage the increasing use of alternative modes by all travelers that choose public transportation. Local transit systems are presently in operation in the cities of Morro Bay and San Luis Obispo, and South County services are offered to Grover Beach, Arroyo Grande, Pismo Beach, and Oceano. Dial-a-ride systems provide intra-community transit in Morro Bay, Atascadero, and Los Osos. Inter-urban systems operate between the City of San Luis Obispo and South County, Los Osos, and the North Coast. The Regional Transit Authority (RTA) provides bus service from the community of Orcutt in Santa Barbara County to Paso Robles and Cambria in northern San Luis Obispo County.

The County's Framework for Planning (Inland), includes the Land Use and Circulation Elements of the County's General Plan. The Framework establishes goals and strategies to meet pedestrian circulation needs by providing usable and attractive sidewalks, pathways, and trails to establish maximum access and connectivity between land use designations. The nearest bus stop to the project site is on North Thompson Avenue, approximately 0.9 mile to the northeast. There is a bike lane along South Frontage Road and the project is proposing sidewalks with pedestrian linkages along the southern and eastern property lines leading into the project. Pedestrian linkages are also proposed within the project boundaries between the four businesses.

Discussion

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

The project does not propose the substantial temporary or long-term alteration of any proximate transportation facilities. The County Bikeways Plan designates South Frontage Road as a Class II bike lane. The project will be conditioned to comply with this requirement along the property frontage of South Frontage Road. The project has been designed to include pedestrian linkages both along with exterior property frontages and the interior of the project between the proposed businesses. Cumulative impacts will be addressed through the payment of the adopted South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 121 net new pm peak hour trips as estimated based on the trip generation letter (GHD, July 21, 2020). The project would be consistent with the County Framework for Planning (Inland) and consistent with the projected level of growth and development identified in the 2019 RTP. Therefore, potential impacts would be *less than significant*.

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

The County is currently in the process for establishing thresholds (100 trips will be recommended to the Board of Supervisors at a date TBD) for vehicle miles travelled (VMTs). Since the project will result in over 100 daily trips, it will be subject to VMT review. The traffic report provided a qualitative review based on the *Governor's Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018*. The technical advisory discusses various commercial developments and states that typically retail development "redistributes shopping trips rather than creating new trips", so the best way to analyze the impacts of these types of projects is by estimating the total change in VMT. Because this project is located in an urbanized area and will be providing local serving retail development, trips could be shortened and therefore reduce VMT. For example, the Tractor Supply and O'Reilly Auto Parts stores will provide products and services that residents in Nipomo would have to drive to Santa Maria (9 miles) to the south or Arroyo Grande (5 miles) to the north to obtain. The Grocery Outlet will be located within walking distance to nearby residential

Initial Study – Environmental Checklist

development, thereby reducing VMTs. The technical advisory also states that when proposed retail development decreases VMT, “lead agencies should consider the impact to be less than significant.” The project would be subject to standard development impact fees to offset the relative impacts on surrounding roadways. Therefore, potential impacts would be *less than significant*.

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

The project would not change roadway design and does not include geometric design features that would create new hazards or an incompatible use. Therefore, *no impacts would occur*.

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

The project would not result in road closures during short-term construction activities or long-term operations. Individual access to adjacent properties would be maintained during construction activities and throughout the project area. Project implementation would not affect long-term access through the project area and sufficient alternative access exists to accommodate regional trips. Therefore, the project would not adversely affect existing emergency access and *no impacts would occur*.

Conclusion

The project would not alter existing transportation facilities or result in the generation of substantial additional trips or vehicle miles traveled. Payment of standard development fees, payment of the adopted South County Area 1 Road Improvement Fee and compliance with existing regulations would ensure potential impacts were reduced to less than significant. Therefore, potential impacts related to transportation would be less than significant and no mitigation measures beyond ordinance requirements are necessary.

Mitigation

No mitigation measures beyond ordinance requirements are necessary.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

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

- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of California Public Resources Code Section 5020.1.
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and

Initial Study – Environmental Checklist

available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

Four tribes were notified on February 25, 2020 as part of the AB52 process (Northern Chumash Tribal Council, Salinan Tribe, Xolon-Salinan, and yak tityu-tityu – Northern Chumash).

Formal tribal consultation was requested by the yak titu titu yak tilhini (YTT) tribe on February 25, 2020. All of the archaeological studies were forwarded to the tribal representative as they were available. Following review of the most recent study from August 2020, formal consultation was completed on September 13, 2020 with an email from the tribal representative with the requirement for Native American monitoring during construction.

Inclusion of mitigation measures requiring preparation, approval and implementation of a CRMP and archaeological and Native American monitoring will reduce the project's impacts to a level of less than significant.

Discussion

(a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

(a-i) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

There have been two archaeological surveys, one peer review and Phase II testing done on the project site (Phase 1 Archaeological Inventory Survey of 6 Acres, Hill and Frontage Road, CRMS: Stevens, 2004; Archaeological Test Excavations (Phase II) of a Possible Portion of CA-SLO-808 for the Nipomo Commons Project, Cogstone; Van Wyke, 2005; Peer Review and Recommendations for the Nipomo 101 Project, Applied Earthworks, Inc., February 5, 2020; Cultural Resource Assessment for the Nipomo 101 Project, Applied Earthworks, Inc., June 2020, Subsurface Testing Results for the Nipomo 101 Project, Applied Earthworks, September 8, 2020).

The previous archaeological studies and testing have shown that it is likely to be part of CA-SLO-808, but that most of the resources on the subject property have been disturbed or removed by previous development. The most recent assessment recommends that no further testing be done at this time, but a comprehensive monitoring plan with data recovery be approved and incorporated into the improvement plans for the project. This approach assumes the resources on the project site are eligible to be designated as a historic resource and have the potential to provide significant data. The archaeologist stated that the northwestern portion of the parcel that has not been disturbed previously has the greatest potential to have significant intact resources, but those resources are buried and can only be uncovered through grading and site disturbance.

The most recent cultural resource and geoarchaeological study was completed August 2020 and included a member of the yak titu titu yak tilhini (YTT) tribe during all field activities which included a pedestrian surface survey, geoarchaeological hand augering and subsurface excavations. No resources were found during the pedestrian survey or hand augering. Backhoe trenching found sparse, scattered cultural materials. No additional archaeological excavations are recommended. Preparation and implementation of a Cultural Resources Monitoring Plan (CRMP) is recommended in addition to archaeological and Native American monitoring. The CRMP will include a pre-

Initial Study – Environmental Checklist

construction pedestrian survey of the areas of the site currently occupied by transient camps once all materials have been removed, cultural resource awareness training for all construction personnel, comprehensive monitoring by archaeological and Native American monitors and assessment and mitigation of any intact and significant cultural resources that may be encountered during construction.

Formal tribal consultation was requested by the yak titu titu yak tilhini (YTT) tribe on February 25, 2020. All of the archaeological studies were forwarded to the tribal representative as they were available. Following review of the most recent study from August 2020, formal consultation was completed on September 13, 2020 with an email from the tribal representative with the requirement for Native American monitoring during construction.

As discussed in Section V. Cultural Resources, the project will be required to implement mitigation measures CR-1, CR-2 and CR-3 which require preparation, approval and implementation of a CRMP and archaeological and Native American monitoring. Incorporation of measures CR-1, CR-2 and CR-3 will reduce the project's impacts to a level of less than significant.

- (a-ii) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Based on existing evidence, the project site has the potential to contain resources determined by the County to be a potentially significant tribal cultural resource. Impacts associated with potential inadvertent discovery would be minimized through compliance with existing standards and regulations (LUO 22.10.040). Therefore, potential impacts would be *less than significant*.

Conclusion

The project site, while mostly disturbed by previous development, still has areas of the site with the potential to contain undisturbed cultural resources. Based on several previous archaeological studies and review by Native American tribal members, preparation, approval and implementation of mitigation measures CR-1, CR-2 and CR-3, which require a CRMP and archaeological and Native American monitoring, will reduce the project's impacts to a level of less than significant.

Mitigation

Implementation of CR-1, CR-2 and CR-3.

Initial Study – Environmental Checklist

XIX. UTILITIES AND SERVICE SYSTEMS

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

Setting

The project proposes to connect to Nipomo Community Services District's (NCSD) water and sewer system. The applicant has provided an intent-to-serve letter dated December 2, 2019 for the proposed project. The Nipomo Community Service District system is currently operating at acceptable levels and the system has the capacity to support existing commitments in addition to the proposed project.

Per the County's Stormwater Program, the Public Works Department is responsible for ensuring that new construction sites implement best management practices during construction, and that site plans incorporate appropriate post-construction stormwater runoff controls. Construction sites that disturb 1.0 acre or more must obtain coverage under the SWRCB's Construction General Permit. Pacific Gas & Electric Company (PG&E) is the primary electricity provider and both PG&E and Southern California Gas Company provide natural gas services for urban and rural communities within the County of San Luis Obispo.

Initial Study – Environmental Checklist

There are three landfills in San Luis Obispo County: Cold Canyon Landfill, located near the City of San Luis Obispo, Chicago Grade Landfill, located near the community of Templeton, and Paso Robles Landfill, located east of the City of Paso Robles. The project's solid waste needs would be served by South County Sanitary Service.

Discussion

- (a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?*

The project would not result in a substantial increase in demand on water, wastewater, or stormwater collection, treatment, or disposal facilities and would not require the construction of new or expanded water, wastewater, or stormwater facilities. The project would not result in a substantial increase in energy demand with incorporation of measures ENG-1 and ENG-2, natural gas, or telecommunications; no new or expanded facilities would be required. No utility relocations are proposed. Therefore, *no impact would occur.*

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

The project will be subject to the County's Title 19 (Building and Construction Ordinance, Sec. 19.20.238), which states that no grading or building permit shall be issued until the water purveyor provides a written statement that potable water service will be provided via the community systems.

The project is located in the Santa Maria Groundwater Basin and proposes to receive water from the area's designated water purveyor, the Nipomo Community Services District (NCSD). In order to retain a final Will Serve letter from the NCSD, the applicant must comply with conditions outlined in the Intent-to-Serve letter dated December 2, 2019. Additional water units may need to be purchased based on the water use calculations for the irrigation of the required landscaping. The NCSD has adopted Water Conservation Standards and Regulations as well as a Water Shortage Contingency Plan in the event of dry and multiple dry years.

As proposed, the project's water use is within expected amounts for the area; therefore, the impacts to water supply are considered less than significant.

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

The proposed project will rely on a community sewage disposal system for sewage disposal. The applicant has provided an intent-to-serve letter from the NCSD for both water and wastewater services. The applicant is required to provide a final will-serve letter from the NCSD prior to approval of subdivision improvement plans and/or issuance of a construction permit. Therefore, *impacts will be less than significant.*

Initial Study – Environmental Checklist

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

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

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

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

Conclusion

The project would not result in significant increased demands on water, wastewater, or stormwater infrastructure and facilities. No substantial increase in solid waste generation would occur. Therefore, potential impacts to utilities and service systems would be less than significant and no mitigation measures are necessary beyond adopted ordinance standards for water conservation.

Mitigation

No mitigation measures are necessary.

XIX. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
(a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

In central California, the fire season usually extends from roughly May through October, however, recent events indicate that wildfire behavior, frequency, and duration of the fire season are changing in California. Fire Hazard Severity Zones (FHSZ) are defined by the California Department of Forestry and Fire Protection (CALFIRE) based on the presence of fire-prone vegetation, climate, topography, assets at risk (e.g., high population centers), and a fire protection agency's ability to provide service to the area (CAL FIRE 2007). FHSZs throughout the County have been designated as "Very High," "High," or "Moderate." In San Luis Obispo County, most of the area that has been designated as a "Very High Fire Hazard Severity Zone" is located in the Santa Lucia Mountains, which extend parallel to the coast along the entire length of San Luis Obispo County. The Moderate Hazard designation does not mean the area cannot experience a damaging fire; rather, it indicates that the probability is reduced, generally because the number of days a year that the area has "fire weather" is less than in high or very high fire severity zones. The project site is within the moderate severity zone.

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

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

Initial Study – Environmental Checklist

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

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

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

The County has prepared an Emergency Operations Plan (EOP) to outline the emergency measures that are essential for protecting the public health and safety. These measures include, but are not limited to, public alert and notifications, emergency public information, and protective actions. The EOP also addresses policy and coordination related to emergency management.

Discussion

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

Implementation of the proposed project would not have a permanent impact on any adopted emergency response plans or emergency evacuation plans. Temporary construction activities and staging would not substantially alter existing circulation patterns or trips. Access to adjacent areas would be maintained throughout the duration of the project. There are adequate alternative routes available to accommodate any rerouted trips through the project area for the short-term construction period. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan. Potential impacts would be *less than significant*.

(b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

The project site is mostly level to gently sloping and does not contain substantial vegetation. Proposed uses would not significantly increase or exacerbate potential fire risks and the project does not propose any design elements that would exacerbate risks and expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, potential impacts would be *less than significant*.

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

The project would not require the installation or maintenance of utility or wildfire protection infrastructure and would not exacerbate fire risk or result in temporary or ongoing impacts to the

Initial Study – Environmental Checklist

environment as a result of the development of wildfire prevention, protection, and/or management techniques. Therefore, potential impacts would be *less than significant*.

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

The project site is mostly level to gently sloping and would not be located near a hillslope or in an area subject to downstream flooding or landslides. The project site is not in a high or very high wildfire risk area and does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

Conclusion

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

Mitigation

No mitigation measures are necessary.

XX. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Initial Study – Environmental Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Refer to setting information provided above.

Discussion

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

Based on the nature and scale of proposed development, and that the project is located within an urbanized area adjacent to Highway 101, the project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Potential impacts would be *less than significant with mitigation incorporated*.

- (b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The proposed project will have cumulative impacts on air quality, traffic, energy, greenhouse gas emissions, and public services. Mitigation measures are proposed that will reduce the cumulative impacts to a level of insignificance.

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

Based on the nature and scale of the project, the project would not result in a substantial adverse direct or indirect effect on human beings.

Conclusion

Potential impacts will be less than significant and less than cumulatively considerable with incorporation of recommended mitigation measures for air quality, biological resources, cultural resources, energy and noise.

Initial Study – Environmental Checklist

Mitigation

Please see Exhibit B – Mitigation Summary for the mitigation measures proposed for air quality, , biological resources, cultural resources, energy and noise.

Initial Study – Environmental Checklist

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Services	Attached
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	None
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Wildlife	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry (Cal Fire)	Attached
<input checked="" type="checkbox"/>	CA Department of Transportation	None
<input checked="" type="checkbox"/>	Nipomo Community Services District	Attached
<input checked="" type="checkbox"/>	Other <u>Parks Division</u>	Attached
<input type="checkbox"/>	Other _____	Not Applicable

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

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

<input checked="" type="checkbox"/> Project File for the Subject Application	<input checked="" type="checkbox"/> West Tefft Corridor Design Plan
<input checked="" type="checkbox"/> <u>County Documents</u>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input checked="" type="checkbox"/> South County Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<input checked="" type="checkbox"/> <u>Other Documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/SLOAPCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input checked="" type="checkbox"/> Parks & Recreation Element/Project List	<input type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input checked="" type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> South County Planning Area	

Initial Study – Environmental Checklist

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

Phase 1 Archaeological Inventory Survey of 6 Acres, Hill and Frontage Road, CRMS: Stevens, 2004

Archaeological Test Excavations (Phase II) of a Possible Portion of CA-SLO-808 for the Nipomo Commons Project, Cogstone; Van Wyke, 2005

Peer Review and Recommendations for the Nipomo 101 Project, Applied Earthworks, Inc., February 5, 2020

Cultural Resource Assessment for the Nipomo 101 Project, Applied Earthworks, Inc., June 2020

Subsurface Testing Results for the Nipomo 101 Project, Applied Earthworks, September 8, 2020

Acoustical Analysis, Nipomo 101 Retail Development, WJV Acoustics, Inc., April 6, 2020

Nipomo 101 Retail Development, Clarification of Restricted Hours of Operation, WJV Acoustics, Inc., August 26, 2020

Nipomo 101 Traffic Impact Analysis Report, GHD, July 21, 2020

Barros, Ana M.G., Jose M.C. Pereira, Max A. Moritz, and Scott L. Stephens. 2013. Spatial Characterization of Wildfire Orientation Patterns in California. *Forests* 2013, 4; Pp 197-217." 2013.

CAL FIRE. 2007. "Draft Fire Hazard Severity Zones in Local Responsibility Areas." Available at <http://frap.fire.ca.gov/webdata/maps/san_luis_obispo/fhszl06_1_map.40.pdf>

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

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

California State Water Resources Control Board. 2012. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. June 19th, 2012.

_____. 2015. Geotracker. Available at: <<http://geotracker.waterboards.ca.gov/>>

_____. 2018. Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTUS Policy) Fact Sheet. August 2018.

County of San Luis Obispo. 2007. San Joaquin Kit Fox Standard Mitigation Ratio Areas. Available at: <<https://www.slocounty.ca.gov/getattachment/2c0fc293-eb37-4a0c-af22-5e0992efd025/Kit-Fox-Habitat-Area.aspx>>

_____. 2016. 2015/2016 County Bikeways Plan. July 6th, 2016.

_____. 2016. Emergency Operation Plan. December 2016.

_____. 2018. San Luis Obispo County Parks & Recreation Group Day Use & Facilities. Available at: <<https://slocountyparks.com/day-use-parks/>>

County of San Luis Obispo Department of Planning and Building. 2018. Onsite Wastewater Treatment System Local Agency Management Program. January 18th, 2018.

Initial Study – Environmental Checklist

Department of Conservation (DOC). 2019. San Luis Obispo County Tsunami Inundation Maps. Available at: <<https://www.conservation.ca.gov/cgs/tsunami/maps/San-Luis-Obispo>>.

Pacific Gas and Electric (PG&E). 2019. Delivering Low-Emission Energy. Available at: <https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page>.

San Luis Obispo Council of Governments (SLOCOG). 2019. Responsibilities. Available at: <<https://slocog.org/about/responsibilities>>.

United States Geological Survey (USGS). 2019. Areas of Land Subsidence in California. Available at: <https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html>

U.S. Fish and Wildlife Service (USFWS). 2019. National Wetlands Inventory Surface Waters and Wetlands. May 5, 2019. Available at: <<https://www.fws.gov/wetlands/data/Mapper.html>>

Initial Study – Environmental Checklist

Exhibit B - Mitigation Summary

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

Air Quality

AQ-1. The following mitigation measures shall be implemented to significantly reduce fugitive dust emissions, to manage fugitive dust emissions such that they do not exceed the SLOAPCD 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance impacts. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the subdivision improvement plans and grading and building plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks, SLOAPCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an SLOAPCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions:

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>

3. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
4. Permanent dust control measures identified in the approved in the project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
5. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with fast germinating, non-invasive grass seed and watered until vegetation is established;
6. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting or other binders approved in advance by the SLOAPCD;
7. 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;
8. Vehicle speeds for all construction vehicles shall not exceed 15 mph on an unpaved surface at the construction site;

Initial Study – Environmental Checklist

9. 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 the top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
 10. “Track out” is defined as soil or sand that adheres to or agglomerates on the exterior surface of motor vehicles or other equipment (including tires) that may then fall onto the highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent “track out”, designate access point and require all employees, subcontractors and others to use them. Install and operate a “track out prevention device” where vehicles enter and exit unpaved roads onto paved streets. The “track out prevention device” can be any device or combination of devices that are effective in preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved road accumulates tracked out soils, the track out prevention device may need to be modified;
 11. Sweep streets at the end of the day if visible soil matter is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
 12. All of these fugitive dust mitigation measures shall be shown on subdivision improvement plans, grading and building plans; and,
 13. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition [(805) 781-5912].
 14. Provide training to all site workers regarding dust control policies and practices and maintain records of training.
 15. Take additional measures as needed to ensure dust from the project is not impacting areas outside the project boundary.
- AQ-2. The following idling requirements for diesel powered construction activity in close proximity to the sensitive receptor (adjacent residences) shall be included on the subdivision improvement plans and construction plans for the commercial buildings and carried out during construction activities:
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
 - Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
 - Use of alternative fueled equipment is recommended.
 - Signs that specify the no idling areas must be posted and enforced at the site.
- AQ-3. Construction Phase Requirements. If any portable equipment, 50 horsepower (hp) or greater, will be used during construction activities, a California statewide portable equipment registration (issued by the California Air Resources Board) or an SLOAPCD permit may be required.
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Initial Study – Environmental Checklist

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines; and
- Tub grinders.

AQ-4. At the time of application for subdivision improvement plans and/or construction permits, the following shall be added to the construction plans: Effective February 25, 2000, the SLOAPCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.

AQ-5. Operational Phase Requirements. If certain equipment and operations will occur during the operational phase of the project, permits may be required.

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Dry cleaning;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

AQ-6. To help reduce the emissions impact of diesel vehicles that will access the facility, the applicant shall implement SB2485 of Title 13 the California Code of Regulations. In addition, because the project is within 1,000 feet of sensitive receptors (residences), the applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors.

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
- Use of alternative fueled equipment is recommended.
- Signs that specify the no idling areas must be postponed and enforced at the site.

AQ-7. To address the project's daily operational exceedance of the SLOAPCD's thresholds, the applicant shall implement four on-site operational phase mitigation measures as outlined in Chapter 3 (Table 3-5: Mitigation Measures) of the SLOAPCD's CEQA Handbook. **At the time of application for subdivision improvement plans and construction permits**, the applicant shall provide a SLOAPCD-approved summary of the mitigation measures the project will include to satisfy the need for four on-site mitigation measures.

Initial Study – Environmental Checklist

Biological Resources

- BIO-1. The applicant shall avoid removal of vegetation or any other ground disturbance between February 1st and September 1st to avoid impacts to native breeding and nesting birds. If construction activities during this period cannot be avoided, a county-approved biologist shall survey all breeding and nesting habitat on the site and adjacent sites for breeding and/or nesting birds no more than two weeks prior to construction or site disturbance activities. Results of the surveys shall be submitted to the County for concurrence with the report. If nesting and/or breeding birds are found, appropriate mitigation measures, including recommended buffers, shall be developed and submitted for review and approval by the County, in consultation with the California Department of Fish and Wildlife (CDFW) and the applicant shall adhere to these measures during all construction activities on the site.
- BIO-2. **At the time of application for subdivision improvement plans**, the applicant shall show the number of coast live oak trees to be removed as part of the project. All coast live oak trees to be removed shall be replaced at a 4:1 ratio. All coast live oak trees to be impacted will be replaced at a 2:1 ratio.
- BIO-3. The following planting and maintenance measures will be shown on the subdivision improvement plans and implemented to improve successful establishment:
1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);
 2. Regular mulching and weeding (minimum of once early fall and once early spring) of at least a three-foot radius out from plant; herbicides should be avoided;
 3. 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;
 4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);
 5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.);
 6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).

Cultural Resources

- CR-1. **Prior to approval of subdivision improvement plans and/or issuance of construction permits**, the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:
1. List of personnel involved in the monitoring activities;
 2. Inclusion of involvement of the Native American community;

Initial Study – Environmental Checklist

3. Pre-construction pedestrian survey in areas of the transient camps once the related materials have been removed;
4. Description of how the monitoring shall occur;
5. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
6. Description of what resources are expected to be encountered;
7. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered “significant” archaeological resources?);
8. Description of procedures for halting work on the site and notification procedures; and
9. Description of monitoring reporting procedures.

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

- CR-2. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- CR-3. **Upon completion of all monitoring/mitigation activities**, and prior to final acceptance of subdivision public improvements or prior to occupancy or final inspection (whichever occurs first) (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.

Energy and Greenhouse Gas Emissions

- ENG-1. **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project’s energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan may include the on-site operational phase measures as required by mitigation measure AQ-7, and shall include the following:
1. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with the project (lighting, heating, cooling, cooking, etc.) and for all proposed commercial use types (if more than one). The quantification of demand associated with electricity shall be expressed

Initial Study – Environmental Checklist

in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.

2. A program (if required based upon the energy demand prepared in the above measure ENG-1.a.) for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction would mean that the proposed project shall not exceed 1,219,155 kWh/year for Option A or 1,352,878 kWh/year For Option B. Such a program (or programs) may include, but is not limited to, the following:
 - a. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.
 - b. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - i. Participating in an annual energy audit.
 - ii. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - iii. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - iv. Implementing automated lighting systems.
 - v. Utilizing natural light when possible.
 - vi. Utilizing an efficient circulation system.
 - vii. Ensuring that energy use is below or in-line with industry benchmarks.
 - viii. Implementing phase-out plans for the replacement of inefficient equipment.
 - viii. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency.
 - c. Construction of a qualified renewable energy source such as solar photovoltaics as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
 - d. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2. **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

Initial Study – Environmental Checklist

1. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - a. American Carbon Registry;
 - b. Climate Action Reserve;
 - c. Verified Carbon Standard.
 - d. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
2. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.
3. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

Noise

- N-1. **Prior to issuance of subdivision improvement plans or construction permits**, the applicant shall provide plans for a 12.5-foot sound wall along the westerly property line starting from Hill Street continuing to approximately 20 feet beyond the residential use of the property to the west. The approximate length of the wall will be 220 feet.
- N-2. **Operational standard.** Deliveries and loading activities along the truck access road at the rear of the proposed grocery and farm supply/hardware store will be limited to daytime hours of 7am-10pm. **If the adjacent residential use is discontinued, this standard will no longer apply.**

DEVELOPER'S STATEMENT FOR
Nipomo 101, LLC Parcel Map/Conditional Use Permit
SUB2020-00010/ CO20-0016 / ED20-203-PL

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

The mitigation measures are based upon the following project description:

DESCRIPTION: A request by Nipomo 101, LLC for: (1) a Vesting Tentative Parcel Map (CO 20-0016) to subdivide an existing +/- 5.47 acre parcel into four parcels ranging in size from 0.77 acres to 2.1 acres each for the purpose of sale and/or development; and (2) a Conditional Use Permit (SUB2020-00010) to construct four retail buildings ranging in size from 2,756 square feet to 18,800 square feet each, one building on each resulting parcel. Parcel 1 will contain a farm supply/hardware store, Parcel 2 will contain an auto parts store, Parcel 3 will contain either a 2,756 square foot fast food restaurant (Option "A") or 8,000 square foot retail store (Option "B"), and Parcel 4 will contain a grocery store. The project is also requesting a 50-foot tall freeway identification sign which includes 394 square feet of signage to be located along South Frontage Road.

The project includes an adjustment to the fencing standards contained in Section 22.10.080 of the Land Use Ordinance to allow a sound wall of 12.5 feet along the western property line. The applicant is also requesting a modification to the sign standards contained in Section 22.22.060 of the Land Use Ordinance to allow approximately 180 square feet of additional sign area above what is allowed.

The project includes off-site road improvements to South Frontage Road and Hill Street. The project will result in the disturbance of the entire +/- 5.47-acre parcel. The proposed project is within the Commercial Retail land use category and is located at 170 South Frontage Road, approximately 560 feet south of the South Frontage Road/West Tefft Street intersection, within the community of Nipomo. The site is in the South County sub area of the South County planning area.

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

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1. The following mitigation measures shall be implemented to significantly reduce fugitive dust emissions, to manage fugitive dust emissions such that they do not exceed the SLOAPCD 20% opacity limit (SLOAPCD Rule 401) and minimize nuisance impacts. During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) control measures. These measures shall be shown on the subdivision improvement plans and grading and building plans:

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks, SLOAPCD approved dust suppressants (see Section 4.3 in the CEQA



Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an SLOAPCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions:

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>

3. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- 4.. Permanent dust control measures identified in the approved in the project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
5. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with fast germinating, non-invasive grass seed and watered until vegetation is established;
6. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting or other binders approved in advance by the SLOAPCD;
7. 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;
8. Vehicle speeds for all construction vehicles shall not exceed 15 mph on an unpaved surface at the construction site;
9. 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 the top of load and top of trailer) in accordance with California Vehicle Code (CVC) Section 23114;
10. "Track out" is defined as soil or sand that adheres to or agglomerates on the exterior surface of motor vehicles or other equipment (including tires) that may then fall onto the highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent "track out", designate access point and require all employees, subcontractors and others to use them. Install and operate a 'track out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The "track out prevention device" can be any device or combination of devices that that are effective in preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved road accumulates tracked out soils, the track out prevention device may need to be modified;
11. Sweep streets at the end of the day if visible soil matter is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
12. All of these fugitive dust mitigation measures shall be shown on subdivision improvement plans, grading and building plans; and,
13. The contractor or builder shall designate a person or persons whose responsibility is

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to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the SLOAPCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition [(805) 781-5912].

14. Provide training to all site workers regarding dust control policies and practices and maintain records of training.
15. Take additional measures as needed to ensure dust from the project is not impacting areas outside the project boundary.

AQ-2. The following idling requirements for diesel powered construction activity in close proximity to the sensitive receptor (adjacent residences) shall be included on the subdivision improvement plans and construction plans for the commercial buildings and carried out during construction activities:

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
- Use of alternative fueled equipment is recommended.
- Signs that specify the no idling areas must be posted and enforced at the site.

AQ-3. Construction Phase Requirements. If any portable equipment, 50 horsepower (hp) or greater, will be used during construction activities, a California statewide portable equipment registration (issued by the California Air Resources Board) or an SLOAPCD permit may be required.

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines; and
- Tub grinders.

AQ-4. At the time of application for subdivision improvement plans and/or construction permits, the following shall be added to the construction plans: Effective February 25, 2000, the SLOAPCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the SLOAPCD Engineering & Compliance Division at (805) 781-5912.

AQ-5. Operational Phase Requirements. If certain equipment and operations will occur during the operational phase of the project, permits may be required.

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;



- Electrical generation plants or the use of standby generator;
- Dry cleaning;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

AQ-6. To help reduce the emissions impact of diesel vehicles that will access the facility, the applicant shall implement SB2485 of Title 13 the California Code of Regulations. In addition, because the project is within 1,000 feet of sensitive receptors (residences), the applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors.

- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors.
- Diesel idling within 1,000 feet of sensitive receptors shall not be permitted.
- Use of alternative fueled equipment is recommended.
- Signs that specify the no idling areas must be postponed and enforced at the site.

AQ-7. To address the project's daily operational exceedance of the SLOAPCD's thresholds, the applicant shall implement four on-site design and/or operational phase mitigation measures as outlined in Chapter 3 (Table 3-5: Mitigation Measures) of the SLOAPCD's CEQA Handbook.

At the time of application for subdivision improvement plans and construction permits, the applicant shall provide a SLOAPCD-approved summary of the mitigation measures the project will include to satisfy the need for four on-site mitigation measures.

Monitoring (AQ-1-AQ-7): The Planning and Building Department, in consultation with the Air Pollution Control District (APCD), shall verify compliance.

Biological Resources

BIO-1. The applicant shall avoid removal of vegetation or any other ground disturbance between February 1st and September 1st to avoid impacts to native breeding and nesting birds. If construction activities during this period cannot be avoided, a county-approved biologist shall survey all breeding and nesting habitat on the site and adjacent sites for breeding and/or nesting birds no more than two weeks prior to construction or site disturbance activities. Results of the surveys shall be submitted to the County for concurrence with the report. If nesting and/or breeding birds are found, appropriate mitigation measures, including recommended buffers, shall be developed and submitted for review and approval by the County, in consultation with the California Department of Fish and Wildlife (CDFW) and the applicant shall adhere to these measures during all construction activities on the site.

BIO-2. **At the time of application for subdivision improvement plans**, the applicant shall show the number of coast live oak trees to be removed as part of the project. All coast live oak trees to be removed shall be replaced at a 4:1 ratio with coast live oak trees (15 gallon minimum). All coast live oak trees to be impacted will be replaced at a 2:1 ratio with coast live oak trees (15 gallon minimum).

BIO-3. The following planting and maintenance measures will be shown on the subdivision improvement plans and implemented to improve successful establishment:



1. Providing and maintaining protection (e.g. tree shelters, caging) from animals (e.g., deer, rodents, etc.);
2. Regular mulching and weeding (minimum of once early fall and once early spring) of at least a three-foot radius out from plant; herbicides should be avoided;
3. 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;
4. Avoidance of planting between April and September unless irrigation system with timer is provided, where trees are watered 1-gallon every four weeks (may vary for certain species);
5. Applying standard planting procedures (e.g., planting nutrient tablets, initial deep watering, etc.);
6. When planting with, or near, other landscaping, all landscape vegetation within the eventual mature oak tree root zone (25-foot radius of planted oak) will need to have similar water requirements as the (oak) (including no summer watering once established).

Monitoring (BIO-1-BIO-3): The Planning and Building Department shall verify compliance.

Cultural and Tribal Cultural Resources

CR-1. **Prior to approval of subdivision improvement plans and/or issuance of construction permits,** the applicant shall submit a monitoring plan, prepared by a County-approved archaeologist, for review and approval by the County Department of Planning and Building. The intent of this Plan is to monitor all earth-disturbing activities in the Construction Permit Area identified as potentially sensitive for cultural resources, per the approved monitoring plan. The monitoring plan shall include at a minimum:

1. List of personnel involved in the monitoring activities;
2. Inclusion of involvement of the Native American community;
3. Pre-construction pedestrian survey in areas of the transient camps once the related materials have been removed;
4. Description of how the monitoring shall occur;
5. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
6. Description of what resources are expected to be encountered;
7. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered "significant" archaeological resources?);
8. Description of procedures for halting work on the site and notification procedures; and
9. Description of monitoring reporting procedures.

Crew Education: The monitoring plan shall also include provisions defining education of the construction crew and establishing protocol for treating unanticipated finds. In consultation



with a County-approved archaeologist, the Applicant shall provide cultural resources awareness training to all field crews and field supervisors. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

- CR-2. **During all ground disturbing construction activities**, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American monitor to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- CR-3. **Upon completion of all monitoring/mitigation activities**, and prior to final acceptance of subdivision public improvements or prior to occupancy or final inspection (whichever occurs first) (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.

Monitoring (CR-1-CR-3): The Planning and Building Department shall verify compliance.

Energy and Greenhouse Gas Emissions

ENG-1. **Prior to issuance of building permits**, the applicant shall provide to the Department of Planning and Building for review and approval, an Energy Conservation Plan with a package of measures that, when implemented, would reduce or offset the project's energy demand to within 20% of the demand associated with a generic commercial building of the same size. The Energy Conservation Plan may include the on-site operational phase measures as required by mitigation measure AQ-7, and shall include the following:

1. A detailed inventory of energy demand prepared by a Certified Energy Analyst. The inventory shall include an estimate of total energy demand from all sources associated with the project (lighting, heating, cooling, cooking, etc.) and for all proposed commercial use types (if more than one). The quantification of demand associated with electricity shall be expressed in total kilowatt hours (kWh) per year; demand associated with natural gas shall be converted to kWh per year.
2. A program (if required based upon the energy demand prepared in the above measure ENG-1.1.) for providing a reduction or offset of all energy demand that is 20% or more than a generic commercial building of the same size. In this case, the estimated reduction would mean that the proposed project shall not exceed 1,219,155 kWh/year for Option A or 1,352,878 kWh/year For Option B. Such a program (or programs) may include, but is not limited to, the following:
 - a. Evidence that the project will permanently source project energy demands from renewable energy sources (i.e. solar, wind, hydro). This can include purchasing the project's energy demand from a clean energy source by enrolling PG&E's Solar Choice program or Regional Renewable Choice program or other comparable public or private program.



- b. Evidence documenting the permanent retrofit or elimination of equipment, buildings, facilities, processes, or other energy saving strategies to provide a net reduction in electricity demand and/or GHG emissions. Such measures may include, but is not limited to, the following:
 - i. Participating in an annual energy audit.
 - ii. Upgrading and maintaining efficient heating/ cooling/ dehumidification systems.
 - iii. Implement energy efficient lighting, specifically light-emitting diode (LED) over high-intensity discharge (HID) or high-pressure sodium (HPS) lighting.
 - iv. Implementing automated lighting systems.
 - v. Utilizing natural light when possible.
 - vi. Utilizing an efficient circulation system.
 - vii. Ensuring that energy use is below or in-line with industry benchmarks.
 - viii. Implementing phase-out plans for the replacement of inefficient equipment.
 - viii. Adopting all or some elements of CalGreen Tier 1 and 2 measures to increase energy efficiency.
- c. Construction of a qualified renewable energy source such as solar photovoltaics as part of the project. [Note: Inclusion of a renewable energy source shall also be included in the project description and may be subject to environmental review.]
- d. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of the project energy demand that is 20% or more above a generic commercial building of the same size.

ENG-2. Prior to issuance of building permits, the applicant shall provide to the Department of Planning and Building for review and approval, a program for reducing or offsetting project-related greenhouse gas emissions below the 1,150 MTCO₂e Bright Line threshold. Such a program (or programs) may include, but is not limited to, the following:

- 1. Purchase of greenhouse gas offset credits from any of the following recognized and reputable voluntary carbon registries:
 - a. American Carbon Registry;
 - b. Climate Action Reserve;
 - c. Verified Carbon Standard.
 - d. Offsets purchased from any other source are subject to verification and approval by the Department of Planning and Building.
- 2. Installation of battery storage to offset nighttime energy use. Batteries may only be charged during daylight hours with a renewable energy source and shall be used as the sole energy supply during non-daylight hours.



3. Any combination of the above or other qualifying strategies or programs that would achieve a reduction or offset of project GHG emissions below the 1,150 Bright Line Threshold.

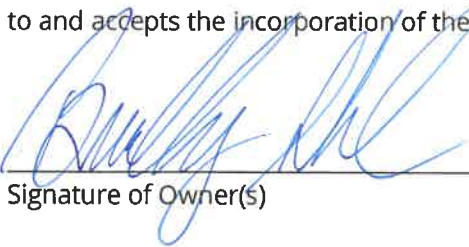
Monitoring (ENG-1-ENG-2): The Planning and Building Department shall verify compliance.

Noise

- N-1. **Prior to issuance of subdivision improvement plans or construction permits,** the applicant shall provide plans for a 12.5-foot sound wall along the westerly property line starting from Hill Street continuing to approximately 20 feet beyond the residential use of the property to the west. The approximate length of the wall will be 220 feet.
- N-2. **Operational standard.** Deliveries and loading activities along the truck access road at the rear of the proposed grocery and farm supply/hardware store will be limited to daytime hours of 7am-10pm. **If the adjacent residential use is discontinued, this standard will no longer apply.**

Monitoring (N-1-N-2): The Planning and Building Department shall verify compliance.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.



Signature of Owner(s)

11-20-20

Date

Bradley Sobel

Name (Print)



Date: August 19, 2020
To: Stephanie Fuhs, Project Planner
From: Ed Reading, JR Beard, Development Services
Subject: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC, Parcel Map, South Frontage Road, Nipomo, APN: 092-576-013

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. At the time the project referral was received by Public Works on February 24, 2020 the application acceptance date had not been established. The attached recommended conditions of approval are subject to change based on Ordinances and Policies in affect at the date of application acceptance.
- B. Recommend the following finding [per 21.050.045 (a-c)] be incorporated into Findings to ensure public improvements are constructed prior to recordation (or bonded for): *"In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within the time frame approved in the Subdivision Agreement and prior to issuance of a permit or other grant of approval for development on a parcel."*
- C. Recommended road improvements along Frontage Road and Hill Street may impact or require removal of existing trees. The Planner should address this issue in the environmental determination.
- D. The proposed project fronts Frontage Road, identified in the 2016 County Bikeways Plan as a Class 2 Bike Lane. Road widening improvements are required for compliance with the County Bikeways Plan.
- E. The proposed project is within the South County Area 1 Road Improvement Fee Area. Payment of Road Improvement Fees is required prior to building permit issuance.
- F. This project is a regulated project as it meets the applicability criteria for Stormwater Management and is therefore required to submit a Stormwater Control Plan (SWCP) Application and shall be based on cumulative new or replaced impervious surface development on the project site, including the required public improvements to the project frontages. The Stormwater Control Plan application, SWCP template, and LID Handbook guidance can be found at:
<https://www.slocounty.ca.gov/Departments/Public-Works/Services/Stormwater-Requirements-for-New-Construction.aspx>
- G. If the project site disturbs 1.0 acre or more the applicant must enroll for coverage under California's Construction General Permit, which may require preparation of a project Stormwater Control Plan even though it is located outside a Stormwater Management Area.
- H. The site is within the Santa Maria Groundwater Basin and may be subject to the Sustainable Groundwater Management Act (SGMA). However, the Groundwater Sustainability Agency responsible for overseeing

SGMA compliance has not completed the planning efforts that will define the need for any groundwater mitigation requirements. In the interim, consideration of the project's impacts on the groundwater basin should be included in the project's CEQA analysis.

Recommended Public Works Conditions of Approval

Access and Improvements:

1. Road and/or streets to be constructed to the following standards, unless already constructed and acceptable or design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Frontage Road shall be widened to complete the project frontage of an A-3 commercial road section with Class 2 Bike Lanes both sides fronting the property, and within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Hill Street shall be widened to complete the project frontage of an A-3 commercial road section, and within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - c. All driveway approaches along Frontage Road and Hill Street shall be constructed in accordance with County Public Improvement Standard B-3a drawing for commercial driveways.
 - d. All roadway grading shall be done in accordance with Title 19 and the California Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
2. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative.
3. The applicant shall provide the county with an Engineer of Work Agreement retaining a registered civil engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works. The civil engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.

Offers, Easements and Restrictions:

4. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For road widening purposes a variable road right-of-way along South Frontage Road and Hill Street of sufficient width to contain all elements of the roadway prism.
 - b. A public utility easement along South Frontage Road and Hill Street to be described as 6-feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
 - c. Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
5. The applicant shall reserve the following private easements by certificate on the map or by separate document:

- a. Reciprocal access, parking, utility, and drainage easements to allow for the proposed uses of the lots as shown.
6. The applicant shall show the following restrictions by certificate on the map or record by separate document:
 - a. If drainage basins are required then the basin areas shall be indicated as a building restriction on the map.

Improvement Maintenance:

7. Prior to map recordation the developer shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure inspection, operation, and maintenance of the following improvements:
 - a. The shared private access road and parking lots
 - b. The shared storm water treatment facilities for public or common area improvements (if required) as stipulated in the "Private Storm Water Conveyance Management and Maintenance System" exhibit (to be recorded as a Constructive Notice).
 - c. The shared storm drainage basins, inlets, pipes, fences, landscaping and other related appurtenances (if required) for public or common area improvements.

Improvement Plans:

8. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Utility plan.
 1. Water plan to be approved jointly with Nipomo Community Services District. Water facilities and appurtenances shall be constructed and service laterals stubbed to each new parcel.
 2. Sewer plan to be approved jointly with Nipomo Community Services District. Sewer facilities and appurtenances shall be constructed and service laterals stubbed to each new parcel.
 3. New electric power, telephone and cable television service conduits and appurtenances shall be constructed and service conduits stubbed to each new parcel.
 4. New gas distribution mains and appurtenances shall be installed along the entire project frontage(s) and gas service laterals stubbed to each new parcel.
 5. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [21.03.10(h)] and the poles removed.
 - d. Sedimentation and erosion control plan for subdivision related improvements.
 - e. Stormwater control plan for subdivision related improvements (if subject to MS-4 requirements).

- f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
- g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
- h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- i. Trail plan, if required, to be approved jointly with County Parks.
- j. All grading shall be done in accordance with the County Public Improvement Standards and the California Uniform Building Code. Lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Drainage & Flood Control:

- 9. Submit complete drainage calculations prepared by a licensed civil engineer to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.
- 10. All project related drainage shall be designed and constructed in accordance with the recommendations of the Nipomo Drainage and Flood Control Study.

Stormwater Pollution Prevention Plan (SWPPP)

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

Stormwater Control Plan (SWCP)

- 12. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
 - 1. Structural Control Measure Description (Exhibit B)
 - 2. Stormwater System Contact Information
 - 3. Stormwater System Plans and Manuals

- c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CCRs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.

13. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance plan and General Notice must be updated to reflect as-built changes, approved by the County, and re-recorded with the County Clerk-Recorder as amendments to the original document.

Fees:

14. **Prior to commencing permitted activities**, and in accordance with Title 13.01 of the County Code, the applicant must pay to the Department of Public Works the South County Area 1 Road Improvement Fee based on the latest adopted area fee schedule and 121 net new peak hour trips as estimated based on the trip generation letter (GHD, July 21, 2020). The estimated fee is \$403,656 (\$3,336/PHT x 121 PHT).

The fee schedule is subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of issuance of building permits, or within 30 days of Land Use Permit approval if no building permits are required.

Additional Map Sheet:

15. 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 (access, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
 - b. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained until accepted for maintenance by a public agency, and indicating the proposed maintenance mechanism.
 - c. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained, indicating the proposed maintenance mechanism.
 - d. Notification that the owner(s) of all lots are responsible for on-going maintenance of drainage and flood control improvements including basins, pipes, manholes, inlets, headwalls, sediment control devices, fencing, landscaping, etc. in a viable condition on a continuing basis into perpetuity, and indicating the proposed maintenance mechanism. The improved areas shall be indicated as a building restriction.
 - e. Notification that the owner(s) of all lots are responsible for on-going maintenance of stormwater quality improvements including basins, water quality control devices, landscaping, etc. in a viable condition on a continuing basis into perpetuity, and indicating the proposed maintenance mechanism.
 - f. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.

- g. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 1 Road Improvement Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of issuance of building permits.
- h. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Stormwater Control Plan Application.
- i. Notification to prospective buyers that stormwater treatment facilities shall be maintained and inspected in perpetuity as stipulated in the approved Stormwater Operations and Maintenance Plan , as recorded with the County Clerk-Recorder's Office.
- j. The property owner shall be responsible for the operation and maintenance of public road frontage landscaping and driveway sight distance in a viable condition and on a continuing basis into perpetuity.

Covenants, Conditions and Restrictions:

- 16. The developer shall submit proposed Covenants, Conditions, and Restrictions (CC&R) for the subdivision to the county Department of Planning and Building for review and approval, and shall establish a Property Owners' Association or other organized and perpetual mechanism to ensure adequate inspection, operation, and maintenance (Maintenance) of the below project features in a form acceptable to the Department of Planning & Building, and in conformance with the requirements of the State Department of Real Estate:
 - a. Maintenance of all drainage and flood control facilities including basins, inlets, pipes, fencing, landscaping, and related drainage appurtenances in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of all stormwater quality facilities for public or common area improvements as stipulated in the Stormwater Operations and Maintenance Plan recorded with the County Clerk-Recorder's Office.
 - c. Maintenance of all common areas within the subdivision in perpetuity.
 - d. Maintenance of public road frontage improvements, landscaping, and driveway sight distance in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
 - e. Maintenance of all street lights, if required, in perpetuity, or until specifically accepted by a public agency.
 - f. Notification to prospective buyers that an additional map sheet was recorded with the final parcel 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:

- 17. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
- 18. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the

Public Works, Health and Planning and Building Departments prior to the filing of the final tract map. The date and person who prepared the report are to be noted on the map.

19. 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.
20. All lots must be numbered in sequence.
21. All timeframes on approved tentative maps for filing of parcel maps are measured from the date the Review Authority approves the tentative map as required by the Subdivision Map Act.

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21.02.046(a) Tentative Map Check List

Status	Item	Comments
✓	<u>Preliminary Title Report</u> . Preliminary title report concerning the property which is not more than six months old showing current property owners.	
✓	(1) <u>Record Data</u> . The boundary lines of the original parcel, with dimensions shown in feet, based on survey data or information of record, and area of the property shown in square feet or acres to the nearest tenth.	
✓	(2) <u>Property Description</u> . A description of the property as well as the assessor's parcel number(s) for the property.	
✓	(3) <u>Legend and Owner Information</u> . A north arrow and scale, the name and address of the record owner(s), and the name and address of the subdivider.	
✓	(4) <u>Vicinity Map</u> . A vicinity map on which shall be shown the general area including adjacent property, subdivisions and roads	
✓	(5) <u>Existing Structures</u> . All existing structures, wells, septic tanks, driveways and other improvements located on the original parcel shall be accurately located, identified and drawn to scale. The distance between structures, the distance from existing structures to the boundary lines of the new parcel on which the structures are to be located, and the height of each structure shall be shown. Such distances shall be established by a registered civil engineer's or licensed land surveyor's survey when deemed necessary by the planning department.	
✓	(6) <u>Contour Lines</u> . Contour lines of the property shall be shown at intervals set forth: >40 Ac, 40ft; 20-40 AC, 20 ft; 10-20 AC, 10 ft; <10 AC w/ 0-12% slope, 2 ft; >12% slope, 5 ft	
✓	(7) <u>Drainage</u> . The approximate location of all watercourses, drainage channels and existing drainage structures.	
✓	(8) <u>Landforms</u> . The approximate location of other topographic or manmade features, such as bluff tops and ponds.	
X	(9) <u>Lakes and Ocean</u> . Approximate high-water lines in lakes or reservoirs, and the mean high tide line of the ocean.	
X	(10) <u>Flood Hazard</u> . The location of all areas subject to inundation or stormwater overflow.	
✓	(11) <u>Proposed Parcel Lines</u> . The proposed division lines with dimensions in feet and the gross and net area of each parcel created by such division in square feet or acres to the nearest tenth. Also, each parcel created shall be designated on the tentative map by number.	
✓	(12) <u>Designated Building Sites</u> . Any designated building sites proposed by the applicant to minimize grading, tree removal, and other potential adverse impacts, or any areas proposed for exclusion from construction activities, shall be shown on the tentative map for proposed parcels greater than ten thousand square feet. Also, any details on proposed building setback lines and widths of side yards shall be shown on the tentative map.	

Status	Item	Comments
✓	(13) <u>Streets</u> . The locations, names, county road numbers and widths of all adjoining and contiguous highways, streets and ways.	
✓	(14) <u>Easements</u> . The locations, purpose and width of all existing and proposed easements, streets (with proposed names) and appurtenant utilities.	
✓	(15) <u>Coastal Zone</u> . For tentative maps for properties located within the coastal zone between the sea and the first public road paralleling the sea, show the location of the public access ways nearest to the subject site	

Status: **X** = Not Applicable **O** = Requires Compliance **✓** = Complied

If prepared by or under the direction of a Licensed Land Surveyor or Engineer, the map must be signed and stamped.

EMR 2/13/2019

DATE: March 13, 2020

TO: Stephanie Fuhs

FROM: Sylvia Aldana

SUBJECT: Building Division Comments
Planning Project Request: SUB2020-00010 CO 20-0016 Nipomo 101LLC

In regards to this preliminary review, a building permit is required. The drawings specify the work to be completed consists of a shopping center; 4 individual parcels of varying sizes with 4 pre-selected tenants and a combined total of 163 parking spaces. A California State licensed design professional (Architect/Engineer) shall prepare plans in compliance with current codes adopted by the County of San Luis Obispo (Current version of the California Building Standards Codes and Title 19 of the SLO County Codes at time of permit submittal).

While a thorough plan review will be conducted at the time of building permit application, the following items are noted to assist design review and not necessarily be considered complete, due to the plans not being the final permit submittal package;

- 1) A California licensed Architect or Engineer is required to submit the plans for this project per BPC 5536.1.
- 2) A pre application meeting will be needed prior to submitting for a building permit to answer any questions and / or discuss code related issues.
- 3) Separate building permits will be required for separate structures located on the site.
- 4) There needs to be a clear scope of work for the entire site on the cover sheet of the plans. Please specify the use and occupancy of each structure as it is located on a commercial zoned lot.
- 5) Show on the plans any easements (i.e. access, utilities, etc.) for clarification during plan review.
- 6) Show the locations of all property lines on the plans (i.e., real, assumed, etc) for clarification during plan review.
- 7) Provide an allowable area analysis on the plans to verify compliance with the current CBC Chapter 5, including Table 503 and sections 504, 506, and 508. Also, provide information stating is the building is using the separated, non-separated, or accessory occupancy method or combination of each per CBC Chapter 5.
- 8) Any fire resistive walls or ceilings due to occupancy separations will need to be detailed on the plans to comply with the requirements of the current version of the CBC, including Chapter 5, 6 and 7. The specific details for the wall construction

on the plans will need to reference an approved UL listing or gypsum manual listing.

- 9) The fire and smoke protection features (i.e. exterior walls, projections, openings, rated wall assemblies, shaft enclosures, parapet, etc) shall be shown, calculated and detailed on the plans to comply with the current version of the CBC, including Chapter 7.
- 10) The interior finishes (floors, ceiling, walls, insulation, etc) will need to be shown on the plans to comply with the current version of the CBC, including Chapter 8.
- 11) Provide an occupant load and exiting analysis on the plans to verify compliance with the current version of the CBC, including Chapter 10.
- 12) The accessibility elements throughout will need to be shown, detailed, and / or noted on the plans to verify compliance with current version of the CBC Chapter 11B (hotel) and Chapter 11A (condos). (i.e. accessible parking, path of travel, restroom design, accessible amenities, rooms, doors, electrical outlets, etc.).
- 13) Provide plans which clearly show the structural design to verify compliance with the 2019 California Building Code and referenced standards. The plans and supporting calculations will need to be prepared by a California Licensed Design Professional (Architect or Engineer) justifying the structural design.
- 14) The project will require a soils report and structural calculations for the design of the buildings. All structural elements to be detailed on the plans to comply with current CBSC and adopted referenced codes.
- 15) A grading permit will be required for the project and or site specific. Also, a SWPPP plan will be required for projects with a total area of disturbance of 1 acre or greater.
- 16) Provide isometric / single line drawings for the electrical, plumbing, and mechanical elements to verify compliance with the current versions of the California Electrical, Plumbing, and Mechanical Codes.
- 17) A plumbing fixture analysis will be required on the plans to verify the number of fixtures provided for each building are sufficient for the proposed use and complies with CPC Chapter 4 and Table A and Table 422.
- 18) Provide an equipment schedule on the plans and any referenced standards or spec sheets that are applicable.
- 19) Provide details for anchorage for all equipment. For equipment weighing more than 400 lbs, provide calculations for seismic anchorage in accordance with ASCE 7-16, Chapter 13 or current version.
- 20) The landscaping throughout will need to comply with the Model Water Efficacy Landscape Ordinance (MWELo).
- 21) Energy Calculations will need to be provided to verify compliance with current California Energy Code.
- 22) Compliance with the current California Green Building Code and County of San Luis Obispo Green Building Ordinance will need to be show on the plans.
- 23) The building(s) will need to be provided with fire sprinklers and an alarm system under a separate permit. At the time of the permit application provide plans and calculations showing the design of the system.



October 7, 2020

Supervisor Lynn Compton, 4th District Supervisor
County Government Center
San Luis Obispo, CA 93408

Dear Supervisor Compton:

After the absence of regularly scheduled meetings due to the pandemic, the SCAC met on October 5, 2020 on the patio of the Kaleidoscope Inn & Gardens, 130 East Dana Street in Nipomo. The meeting was held in accordance with appropriate coronavirus guidelines. The SCAC expects to hold its next meeting on the regular schedule of every fourth Monday of the month. The next meeting is scheduled for October 26, 2020.

The Council took the following actions at its October 5, 2020 meeting:

South County Circulation Study – Mike Britton, Public Works representative, presented the Circulation Study. After some questions and answers, the Council voted to accept the study as presented.

Nipomo 101 LLC Project – SUB2020-00010 – Bradly Sobel and Kathryn Kleinschmidt of The Sobel Company, Inc. presented the project which involves a Proposed Parcel Map and Conditional Use Permit for four individual parcels of varying sizes with four pre-selected tenants and a combined total of 163 parking spaces. The tenants include Tractor Supply, Grocery Outlet, O'Reilly's Auto Parts and Wendy's. The location is 170 South Frontage Road at the N/W corner of Hill Street. It would include jobs for approximately 70 individuals and if approved, would be completed by September, 2021. The Council entertained a motion to recommend approval of the project and the motion passed with a vote of 6 to 1.

On behalf of the South County Advisory Council,

Richard Wright,
Correspondence Secretary



CAL FIRE
San Luis Obispo
County Fire Department

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

TO:	Planning Department / Stephanie Fuhs	DATE:	03/27/2020
FROM:	Garrett Veyna San Luis Obispo County Fire		
Project:	Parcel Map/ Use Permit	APN:	092-576-013

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

1. All construction plans and use of the facility shall comply with all applicable standards, regulations, codes and ordinances at time of Building Permit issuance (2019 CA Fire Code, CA State Title 14, San Luis Obispo County Title 16).
2. Occupancy will not be granted until all fire department fire and life safety items have been installed, tested and finalized.
3. A registered Fire Protection Engineer is required to provide a written technical analysis of the fire protection requirements.
4. Projects shall have an approved water supply for fire protection be made available as soon as combustible material arrives on the site. All underground fire lines, pump and tank plans are required to be a separate submittal from the building or civil plans.
5. Submittals required for Underground Fire Lines, Fire Pump, Automatic Fire Sprinklers, Fire Alarm Systems, Kitchen Hood Extinguishing Systems, High Piled Storage (any combustible stored over 12 feet in height).
6. All buildings, facilities, and developments shall be accessible to fire department apparatus by way of approved access roadways and/or driveways. The fire access road shall comply with the requirements of CA Title 14 and San Luis Obispo County Title 16. *Identify turning radius on plan sets.*
7. Access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced to provide all-weather driving capabilities. Provide an engineered analysis of the proposed roadway noting its ability to support apparatus weighing 75,000 lbs. (commercial) or 40,000 lbs. (residential).
8. Roadways shall be a minimum of 20 feet in width with a 4-foot shoulder and 15-foot vertical clearance.

9. Roadway radius shall not have a radius of less than 50 feet. And additional surface width of 4 feet shall be added to curves of 50-100 feet radius and 2 feet to curves of 100-200 feet radius.
10. Commercial - Water storage (for buildings not served by a public water system) and fire flow calculations shall be provided by a Certified State Licensed Civil Engineer, C-16 licensed contractor, or registered engineer indicating compliance with CFC Appendix B.
11. Commercial - Approved hydrants shall be installed based in accordance with requirements in CFC appendix B. Private fire service mains shall be installed, tested and maintained per NFPA 24 2016 edition.
12. Commercial - Fire Department Connections (FDC) for automatic sprinkler systems shall be located fully visible and recognizable from the street or fire apparatus access roads. FDC shall be located within 50 feet of an approved fire hydrant.
13. Commercial - The minimum main size of all fire hydrants shall be 6 inches in diameter. Piping shall be installed with C-900 class 200 piping or ductile iron or equivalent per NFPA 24, 2016 edition for the installation of Underground Fire Protection Mains.
14. An automatic fire sprinkler system shall be installed in accordance with provisions set forth in the California Fire Code as amended by the San Luis Obispo County amendments and the applicable National Fire Protection Association Standard. Automatic fire sprinkler systems shall be designed by a fire protection engineer or C-16 licensed contractor.

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



Stephanie Fuhs
976 Osos Street
San Luis Obispo, CA 93408

RE: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC

COALITION PARTNERS:

Bike SLO County
Cal Poly State University
Community Action Partnership of SLO County
First 5 San Luis Obispo County
Independent Living Resource Center, Inc.
Rideshare – Safe Routes to School
Smart Share Housing Solutions
SLO Council of Governments
SLO County Departments:
 Air Pollution Control District
 Board of Supervisors
 Health Commission
 Public Health
 Environmental Health
SLO County YIMBY

RESOURCES:

[Data Dashboard, SLO Health Counts](#)

[Healthy Communities Webpage](#)

[Community Health Improvement Plan](#)

Dear Ms. Fuhs,

The Healthy Communities Work Group appreciates this opportunity to review the Parcel Map and Conditional Use Permit for the proposed shopping center in Nipomo. Overall, our group supports this project.

From our healthy community perspective, the proposed grocery store is very favorable because it is located within easy walking distances of one-quarter to one-half mile from adjacent residential neighborhoods (on the west side of Hwy 101) comprised of many homes and apartments. Neighborhoods that include destinations within a reasonable walking distance are linked to increased total physical activity of residents¹. In addition, the Grocery Outlet chain offers discounted food products, fresh produce and dairy products at prices that are generally below that of major grocery stores which is of value to families with average and below average income ranges. The store will employ thirty people (1/2 full-time and ½ part-time). For these reasons we highly support this proposed use.

With regard to the fast-food restaurant with drive-through service, we do not believe food offered by traditional fast food restaurants provide adequate choices of healthy food, if any. Therefore, we recommend to the developer/property owner, to seek tenants that provide primarily healthy food menus. While we understand the convenience aspect of drive-through restaurants, we do not support them due to the emission of carbon dioxide pollutants from idling cars and trucks waiting in line for service. We support all efforts to reduce greenhouse gas emissions from vehicles and buildings where feasible therefore we recommend not to allow a drive-through component to this use.

The two other proposed uses of retail auto parts and farm related equipment and pet supplies are also of value to the community of Nipomo because they are also within a walkable distance from adjoining neighborhoods we are in support of these uses.

To further enhance safety and walkability, we recommend that the project design include pedestrian accessibility features, perhaps connecting to the Tefft shopping center.



Thank you for the opportunity to review this development proposal.

Sincerely,

Chuck Stevenson

Chuck Stevenson, AICP
Chair, Healthy Communities Work Group

COALITION PARTNERS:

Bike SLO County
Cal Poly State University
Community Action Partnership of SLO County
First 5 San Luis Obispo County
Independent Living Resource Center, Inc.
Rideshare – Safe Routes to School
Smart Share Housing Solutions
SLO Council of Governments
SLO County Departments:
 Air Pollution Control District
 Board of Supervisors
 Health Commission
 Public Health
 Environmental Health
SLO County YIMBY

¹ Frumkin, H. and L. Frank, R. Jackson. 2004. *Urban Sprawl and Public Health: Designing, Planning, and Building for Healthy Communities*.

RESOURCES:

[Data Dashboard, SLO Health Counts](#)

[Healthy Communities Webpage](#)

[Community Health Improvement Plan](#)

HEAL-SLO is a community coalition addressing complex and overlapping health challenges through integrated solutions. In carrying out that mission, a subcommittee called the Healthy Communities Work Group provides responses to Planning staff from a healthy community's perspective on proposed land development projects, ordinance and general plan amendments, and special projects.



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

THIS IS A NEW PROJECT REFERRAL / SUMMARY *

DATE: 2/24/2020

TO: 4th District Legislative Assistant, APCD, Building Division, CAL FIRE / County Fire, Environmental Health, HEAL SLO, Parks, Public Works, Stormwater (A. Schuetze), AT&T, Charter/Spectrum, PG&E, SoCalGas, Nipomo CSD, Bicycle Advisory Committee, Cal Trans, South County Advisory Council, AB52 Contacts

FROM: Stephanie Fuhs (805-781-5721 or sfuhs@co.slo.ca.us)

PROJECT NUMBER & NAME: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC

PROJECT DESCRIPTION*: Proposed Parcel Map and Conditional Use Permit for a shopping center; 4 individual parcels of varying sizes with 4 pre-selected tenants and a combined total of 163 parking spaces. Location is 170 South Frontage Road in Nipomo.

APN(s): 092-576-013

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

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

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

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

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

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

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

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

See attached.

3/9/2020

Date

Anthony Schuetze

Name

805-781-5602

Phone

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



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

Date: March 9, 2020

To: Stephanie Fuhs

From: Anthony Schuetze, Stormwater Program Manager

Subject: Referral Comments, SUB2020-00010

Thank you for the opportunity to provide information on the proposed project. Based on the information provided in the referral package, the applicant should be made aware of the following conditions and requirements that may impact the proposed project.

Recommended Project Conditions of Approval:

1. At the time of application for construction permits, the applicant must account for the total area of disturbance associated with construction and indicate the limits of disturbance on the plans. Projects that disturb greater than 1.0 acre for construction related activities must enroll in the Construction General Permit (CGP) for Stormwater Discharges Associated with Construction (Order 2009-0009-DWQ).
2. This project and proposed operation may meet the criteria to require enrollment in the Industrial Stormwater General Permit (IGP) for Discharges Associated with Industrial Activities (Order 2014-0057-DWQ). The applicant should review the facilities Standard Industrial Classification (SIC) Code to determine if planned operation is a regulated industry.
3. At the time of application for construction permits, the applicant shall complete a Stormwater Control Plan (SWCP) Application and supporting documents or Stormwater Post Construction Requirements Wavier Request Form. The project is located within the County of San Luis Obispo Municipal Stormwater Management Area (MS4 Coverage Area) and compliance with the Central Coast Post-Construction Requirements (Resolution R3-2013-00032) may be required.

Building Division Stormwater Comments:

1. Projects that do not receive a Stormwater Post Construction Requirements Wavier must incorporate site design and runoff reduction measures during the project planning stage and complete a SWCP. Based on total net impervious surface area created, Post Construction Stormwater Management Performance Requirements may be required.
2. Based on your SIC Code, your facility may need to enroll in the IGP to comply with industrial stormwater regulations. If your SIC Code is a regulated industry, you must provide verification of enrollment in IGP by providing your Waste Discharge Identification Number prior to issuance of any land use or construction permit or submit information to the Central Coast Regional Water Quality Control Board demonstrating why the Industrial General Permit is not applicable to your facility.
3. Projects that do not receive a Stormwater Post Construction Requirements Wavier must incorporate site design and runoff reduction measures during the project planning stage and



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, *DIRECTOR*

complete a SWCP. Based on total net impervious surface area created, Post Construction Stormwater Management Performance Requirements may be required.

[EXT]Fwd: Project Summary/Referral*: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC, Parcel Map with Conditional Use Permit, Nipomo

Mon 3/2/2020 4:39 PM

To: Stephanie Fuhs <sfuhs@co.slo.ca.us>

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

Sent from my iPhone

Begin forwarded message:

From:

Date: March 2, 2020 at 3:00

Subject: Fwd: Project Summary/Referral*: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC, Parcel Map with Conditional Use Permit, Nipomo

From:

Date: March 2, 2020 at 11:04:52 AM

Subject: Project Summary/Referral*: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC, Parcel Map with Conditional Use Permit, Nipomo

To: Project Manager Stephanie Fuhs, Planner
San Luis Obispo County
sfuhs@co.slo.ca.us

From: Myron "Skip" Amerine, Chair, SLO County Bicycle Advisory Committee

March 2, 2020

Re: Project Summary/Referral*: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC, Parcel Map with Conditional Use Permit, Nipomo

Proposed Parcel Map and Conditional Use Permit for a shopping center; 4 individual parcels of varying sizes with 4 pre-selected tenants and a combined total of 163 parking spaces. Location is 170 South Frontage Road in Nipomo. Thank you for the opportunity to comment on this referral. Are there significant concerns, problems or impacts in your area of review from the perspective of the BAC? Yes.

-A word search of the referral for "bicycle," "bike," "pedestrian" and "active transportation" resulted in zero results, which is a concern given that Goal 6 in

the 2015/16 County Bikeways Plan is: "Plan for bike facilities as part of all projects."

-South Frontage Road in Nipomo is a designated future Class II bike lane (County Bikeways Plan, Appendix D, Figure 9, Nipomo.) This project must include Class II bike lanes along the property frontage per the County Bikeways Plan.

-The environmental review of this proposed shopping center should include the impacts on pedestrians and people who ride bicycles on the County's scheduled project to widen the north and south on- and off-ramps at US 101 and Tefft Street to increase motor vehicle flow. How will this freeway interchange project impact the ability of pedestrians and people on bikes to safely and conveniently access the Warren Family Investment Partnership proposed shopping center on South Frontage Road? What mitigations are planned to ensure a freeway interchange project designed to increase motor vehicle flow will not increase the safety risks to pedestrians and people riding bikes and decrease or discourage active transportation?

-There is no mention of bicycle parking in the referral. As this is a proposed shopping center, including a grocery store and fast food restaurant, provisions must be made for bicycle and other active transportation options. Based on Policy 1.5 of Goal 1 in the County Bikeways Plan, the County must require bike rack installation as part of this project and shower and clothing lockers for employees. Grocery stores, fast food restaurants and other businesses frequented by the public need to be safely accessed by all members of the public, not just those who own motor vehicles.

- The proposed shopping center maps indicate some 163 vehicle parking space including, ADA spaces, but NO Bicycle parking let alone bicycle parking located in safe and convenient locations. There should be at least 16 bike parking spaces, one for every 10 vehicle parking spaces (a county standard). Bike parking should accommodate a range of bicycles, including cargo bikes, adult tricycles and electric bikes.

-Sidewalks and pedestrian walkways throughout the project must be provided to safety accommodate pedestrians

Myron "Skip" Amerine
Chair SLO County BAC



Air Pollution Control District San Luis Obispo County

Via Email

March 10, 2020

Stephanie Fuhs
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408
sfuhs@co.slo.ca.us

SUBJECT: APCD Comments Regarding the Nipomo 101 LLC (4 Commercial Buildings)
(SUB2020-00010)

Dear Mrs. Fuhs:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 170 S. Frontage Road in Nipomo on a 5.4-acre parcel (APN 092-576-013).

Nipomo 101 is a proposed shopping center with the following proposed tenants:

O'Reilly Auto Parts – 7,454 square foot building
Quick Snack Drive Thru Restaurant – 2,756 square foot building
Grocery Outlet – 18,000 square foot building
Tractor Supply – 18,800 square foot building and 15,000 square foot fenced outdoor area

This project was evaluated by the APCD as though the entire project would be completed at once. However, the referral indicates that there is the possibility that the construction will be completed in phases, but the actual schedule is not known at this time.

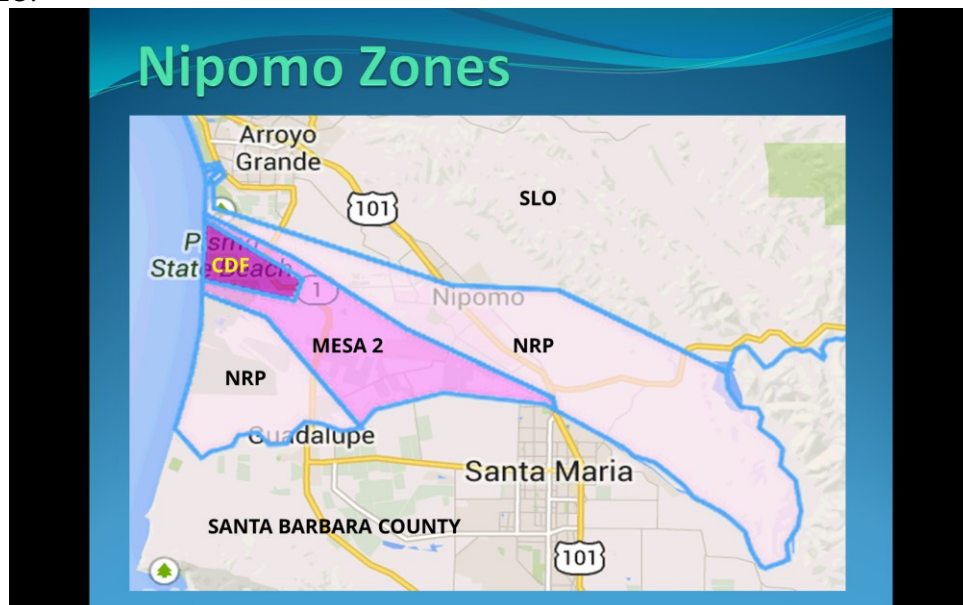
The following comments are formatted into 3 sections. The **(1) Information Comment** Section states information pertinent to the applicant, lead agency, and/or public. The **(2) Construction Phase** and **(3) Operational Phase** Sections may state mitigation measures and/or rules and requirements in which the APCD recommends be set as conditions of approval for the project.

(1) INFORMATION COMMENTS

South County Particulate Matter Standard Air Quality Mitigation Measures

Environmental Setting

The proposed project is in an area that is impacted by periods of high particulate matter concentrations during blowing dust events. To keep the public informed of periods of deteriorating air quality, the APCD provides a daily air quality forecast for SLO County, which is partitioned into nine air quality forecast zones. Air quality forecast for a six-day period is provided for each zone. In the Nipomo Mesa area, there are four forecast zones as shown in the map on the following page. The zones are named for the monitoring stations that are located within each zone; CDF, MESA2, NRP and SLO:



The darker colors signify the typical location of the dust plume and the greater impacts during a typical blowing dust event. The public can experience adverse health impacts in areas with blowing dust. This proposed project is in the NRP zone.

Zone Name	Annual Exceedances (days)
CDF	45 - 95
Mesa 2	30 - 60
NRP	0 -20
SLO	0 - 3

The blowing dust events are typically most frequent in the spring; however, dust events can occur at any time of the year. As shown in the map above, the greatest impacts occur when the strong winds blow from the northwest which direct the dust plume inland over the Nipomo Mesa where it can impact residents. Residents can plan to avoid peak dust impacts by being aware of typical dust plume characteristics. A typical event tends to start around noon and end by the early evening, with peak impacts between 1 pm to 5 pm. The strongest events can result in blowing dust from 9 am to 7 pm, with peak impacts between noon and 6 pm. Outdoor activities and exercise should be planned in late evenings and mornings due to lower particulate matter concentrations.

Children and individuals with compromised cardiac and respiratory systems or related health problems are called sensitive receptors. Sensitive receptors can experience greater health impacts than the general population during blowing dust events. Sensitive receptor locations include schools, residential dwellings, parks, day care centers, nursing homes, and hospitals. Individuals can receive daily air quality forecasted conditions via email by registering on the EPA's EnviroFlash website; <http://www.enviroflash.info>, and entering ZIP code 93444.

Efforts to reduce particulate matter on the Nipomo Mesa are underway through [Stipulated Abatement Order 17-01](#) entered between the APCD and California Department of Parks and Recreation Off-Highway Motor Vehicle Recreation Division (State Parks). The Order was approved by the APCD Hearing Board on April 30, 2018. This stipulated abatement order calls for specific actions to ensure significant reductions in particulate matter are achieved on the Nipomo Mesa over a five-year period.

Infill within Urban Reserve Lines & Village Reserve Lines

The APCD encourages balance of residential and commercial infill within the existing urban reserve lines (URLs) and village reserve lines (VRLs), as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Increasing density can reduce emissions and vehicle miles traveled (VMT) by minimizing the number of trips and travel distances and encourage active transportation. The APCD supports the project proponents on their use of infill development, as it is consistent with SLOCOG's Regional Transportation Plan and Sustainable Communities Strategy.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the [CEQA Air Quality Handbook](#) (April 2012).

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Dry cleaning;
- Boilers;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment.

Developmental Burning

APCD Rule 501 prohibits developmental burning of vegetative material within San Luis Obispo County.

(2) CONSTRUCTION PHASE

Construction Phase Impacts - Below Threshold(s)

The APCD evaluated the construction impacts of this project using the most recent CalEEMod computer model. The modeling results indicate that the construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of the [CEQA Air Quality Handbook](#) (April 2012).

However, to manage fugitive dust emissions and minimize toxic air pollution impacts from idling diesel engines, the APCD is requiring the below mitigation measure(s) for this project.

South County Particulate Matter Expanded Air Quality Mitigation Measures

Since this project is located in the NRP zone, an area that is impacted by periods of blowing dust, the **APCD recommends the following dust mitigation measures:**

- 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 and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that when water use may be a concern due to drought conditions, the contractor or builder should consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants:
<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>;
- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers 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, non-invasive 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 California Vehicle Code (CVC) Section 23114;
 - j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in CVC Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
 - k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
 - l. All PM₁₀ mitigation measures required should be shown on grading and building plans;
 - m. Provide training to all site workers regarding dust control policies and practices and maintain records of training; and
 - n. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

In addition, the APCD recommends the following rules or requirements be set as conditions of approval for the project.

Limits of Idling during Construction Phase

State law prohibits idling diesel engines for more than 5 minutes. All projects with diesel-powered construction activity shall comply with Section 2485 of Title 13 of the California Code of Regulations and the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation to minimize toxic air pollution impacts from idling diesel engines. The specific requirements and exceptions for the on-road and off-road regulations can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/factsheet.pdf and arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

In addition, because this project is within 1,000 feet of sensitive receptors (residences) the project applicant shall comply with the following more restrictive requirements to minimize impacts to nearby sensitive receptors.

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
3. Use of alternative fueled equipment is recommended; and
4. Signs that specify no idling areas must be posted and enforced at the site.

(3) OPERATIONAL PHASE

Operational Phase Impacts - Exceeds Threshold

Based on the APCD operational phase emission estimates using a spreadsheet model for estimating operational emissions related to the development of land uses, the operational phase would likely exceed the APCD's daily operational emission threshold(s) identified in Table 3-2 of the [CEQA Air Quality Handbook](#) (April 2012). **The APCD recommends the implementation of on-site mitigation measures to the greatest extent possible. Potential APCD operational phase mitigation measures are listed in Chapter 3 of the APCD CEQA Handbook.**

In addition, the APCD recommends the following rules or requirements be set as conditions of approval for the project.

Limits of Idling during Operational Phase

Idling diesel engines creates toxic air pollution and may be a public health risk. **To help reduce the emissions impact of diesel vehicles that will access the facility, the applicant shall implement Section 2485 of Title 13 of the California Code of Regulations.** The specific requirements and exceptions for the on-road regulation can be reviewed at the following web sites: arb.ca.gov/msprog/truck-idling/factsheet.pdf.

In addition, because the project is within 1,000 feet of sensitive receptors (residences), **the applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors.**

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
3. Use of alternative fueled equipment and electrification of loading docks (e.g., electrical plug-ins for truck refrigeration units and electrification of loading equipment) is recommended; and
4. Signs that specify the no idling areas must be posted and enforced at the site.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

APCD Comments for Nipomo 101 LLC
March 10, 2020
Page 7 of 7

Sincerely,



GARY ARCEMONT
Air Quality Specialist

GJA/jjh

cc: Brad Sobel, Applicant
Dora Drexler, Engineering & Compliance, APCD



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR

THIS IS A NEW PROJECT REFERRAL / SUMMARY *

DATE: 2/24/2020

TO: 4th District Legislative Assistant, APCD, Building Division, CAL FIRE / County Fire, Environmental Health, HEAL SLO, Parks, Public Works, Stormwater (A. Schuetze), AT&T, Charter/Spectrum, PG&E, SoCalGas, Nipomo CSD, Bicycle Advisory Committee, Cal Trans, South County Advisory Council, AB52 Contacts

FROM: Stephanie Fuhs (805-781-5721 or sfuhs@co.slo.ca.us)

PROJECT NUMBER & NAME: SUB2020-00010 CO 20-0016 NIPOMO 101 LLC

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APN(s): 092-576-013

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

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

PART III: INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

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

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

Please see attached, stocks community water and sewer.

3/4/2020
Date

L.Terry
Name

x5553
Phone

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



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY
PUBLIC HEALTH DEPARTMENT

Michael Hill *Health Agency Director*

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

February 4, 2020

Nipomo 101, LLC
c/o The Sobel Company, Inc.
9454 Wilshire Boulevard, Suite 210
Beverly Hills, CA 90212

RE: PARCEL MAP CO TBD
Sobel Development, 170 South Frontage Road, Nipomo, CA 93444
APN 092-576-013

Water Supply and Wastewater Disposal

This office is in receipt of a **preliminary** evidence of water from the Nipomo Community Services District to provide water and sewer services to the above noted project in the form of an "Intent to Serve" dated December 2, 2019.

Be advised that final will-to-serve documentation for both water and sewer services will be required prior to final map recordation. The improvements for water and sewer in favor of each parcel shall be built, accepted and immediately serving or bonded for prior to recordation. The bond must be reviewed and approved by County Public Works **prior** to recordation of the map.

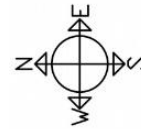
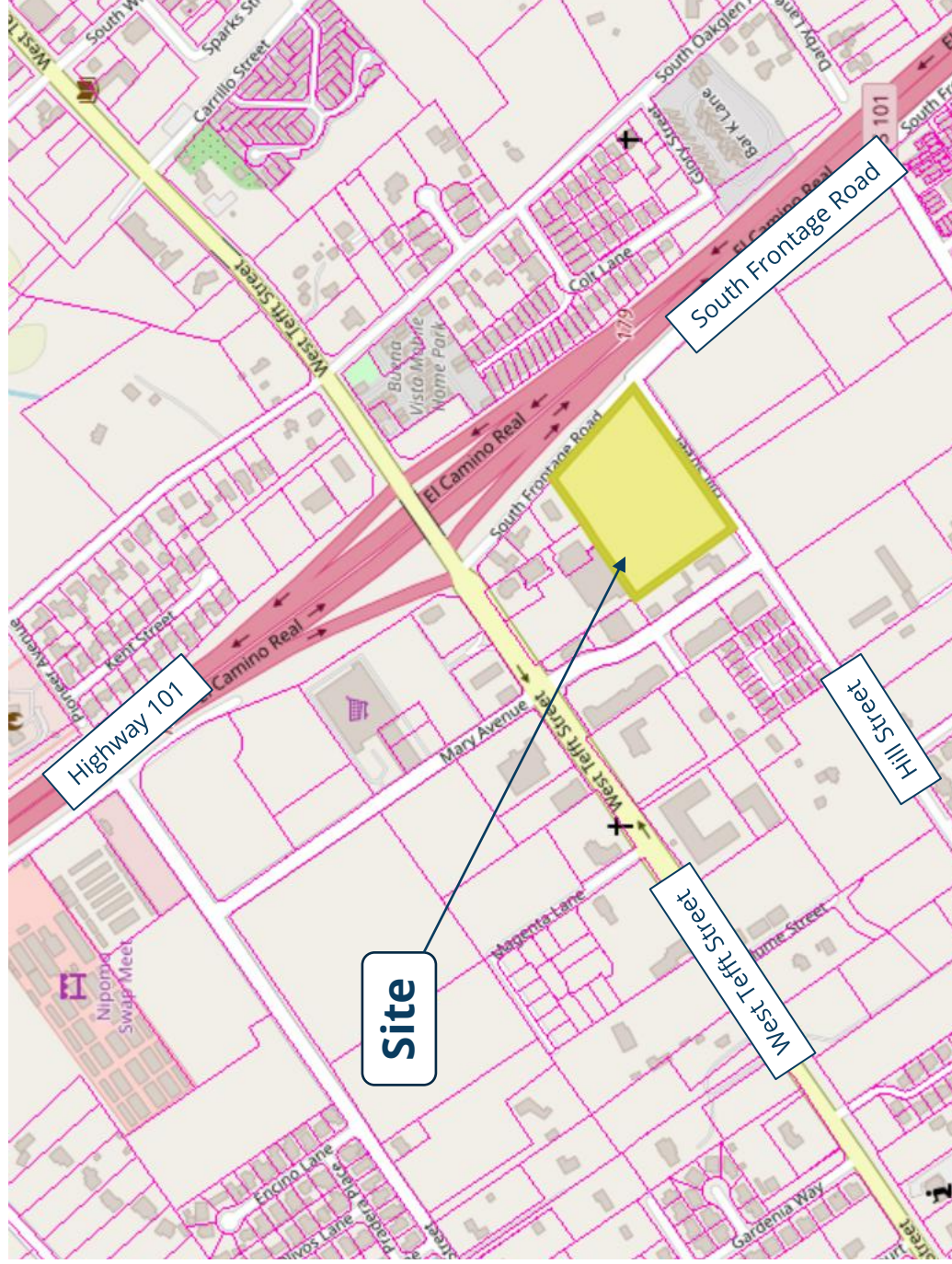
CO TBD is approved for Health Agency subdivision map processing.

A handwritten signature in blue ink, appearing to read "Leslie A. Terry".

LESLIE A. TERRY, R.E.H.S.
Environmental Health Specialist
Land Use Section

Environmental Health Services

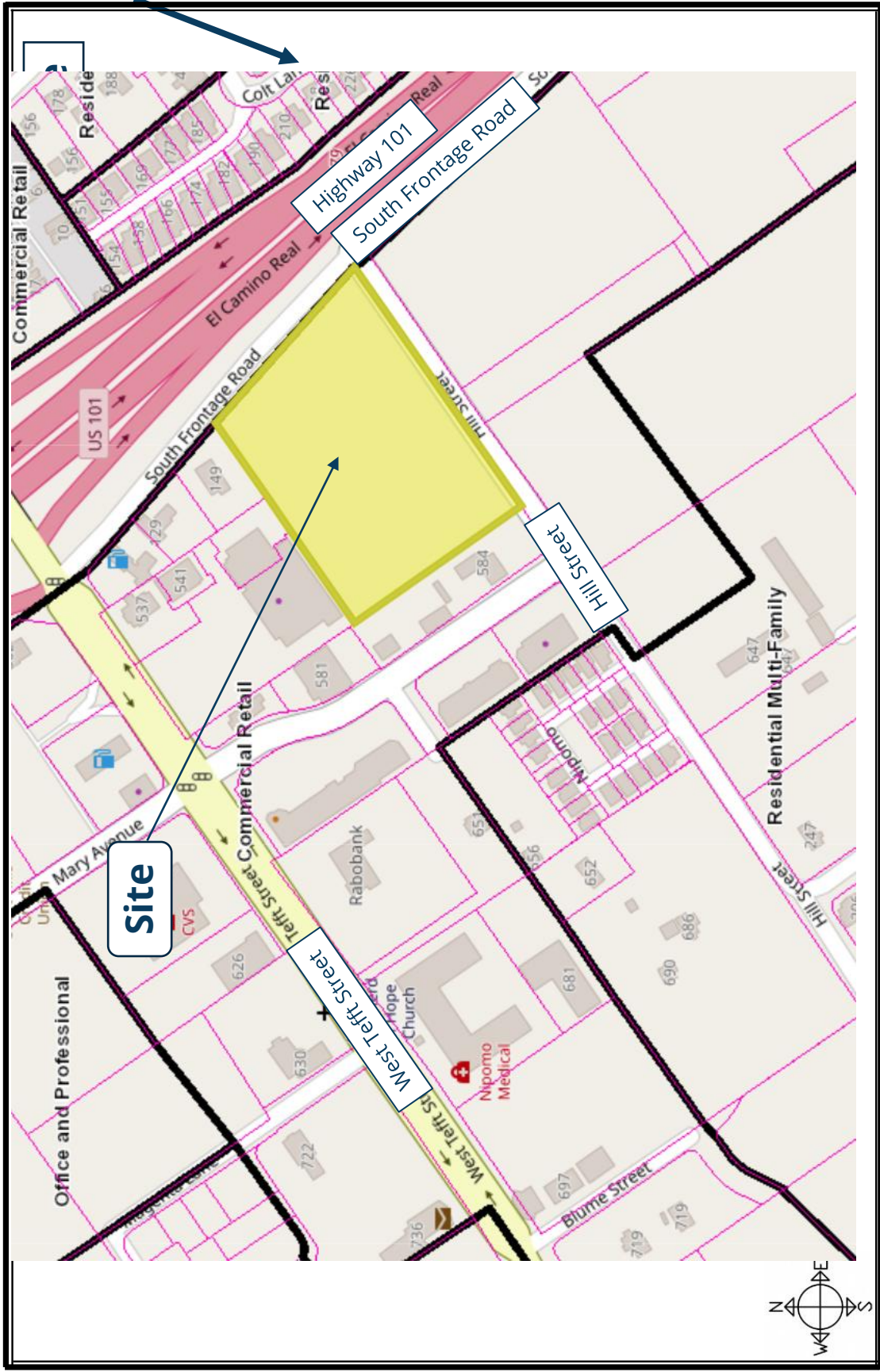
2156 Sierra Way, Suite B | San Luis Obispo, CA 93401 | (P) 805-781-5544 | (F) 805-781-4211
www.slopublichealth.org/ehs



Vicinity Map SUB2020-00010

COUNTY OF SAN LUIS OBISPO

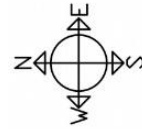




Land Use Category Map SUB2020-00010

COUNTY OF SAN LUIS OBISPO





Aerial
SUB2020-00010

COUNTY OF SAN LUIS OBISPO

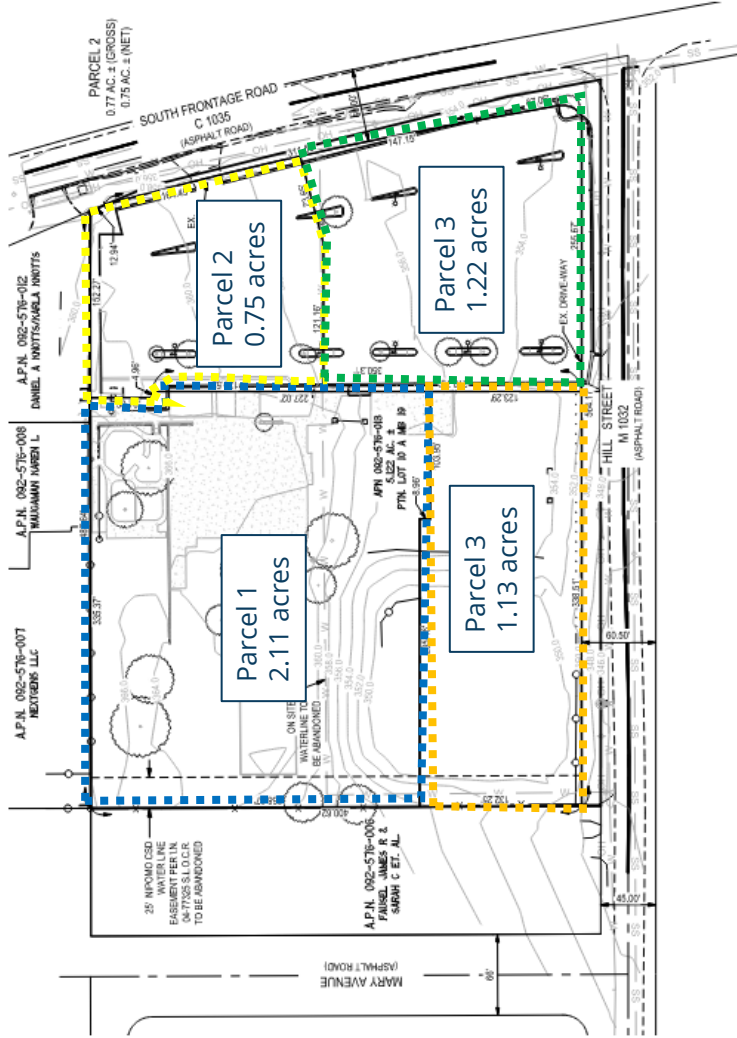




Aerial
SUB2020-00010

COUNTY OF SAN LUIS OBISPO

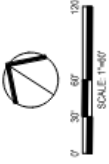




OWNER:
 WARREN FAMILY INVESTMENT PARTNERSHIP, ET AL
 CO SAN GOLDFIELD
 2388 CALABASAS ROAD, SUITE 4203
 CALABASAS, CA 91302
 (916)223-4000 EXT. 12

SUBDIVIDER:
 THE SORREL COMPANY, INC.
 940 WILSHIRE BOULEVARD, SUITE 4210
 BEVERLY HILLS, CA 90212
 (310)977-4697

- LEGEND:**
- APN
 - EXISTING
 - D.N.
 - I.N.
 - P.M.
 - S.L.O.C.R.
 - BOUNDARY FENCE
 - BOUNDARY LINE
 - PARCEL LINE
 - EXISTING EASE, GUTTER & SIDEWALK
 - EXISTING CONTOUR
 - EXISTING TREE TO BE REMOVED
 - EXISTING CONCRETE
 - EXISTING SANITARY SEWER LINE
 - EXISTING WATER LINE
 - EXISTING OVERHEAD LINES



VESTING TENTATIVE PARCEL MAP
 No. CO 20-0016

A PORTION OF LOT 10 OF THE RESUBDIVISION OF THE WESTERLY PART OF LOT 25 OF H.C. WARD'S SUBDIVISIONS OF THE INFORMAL PART OF SECTION 16, T4S, R11E, S4E, OF THE SAN LUIS OBISPO MERIDIAN, 1887 IN BOOK A, PAGE 19 OF MAPS, OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



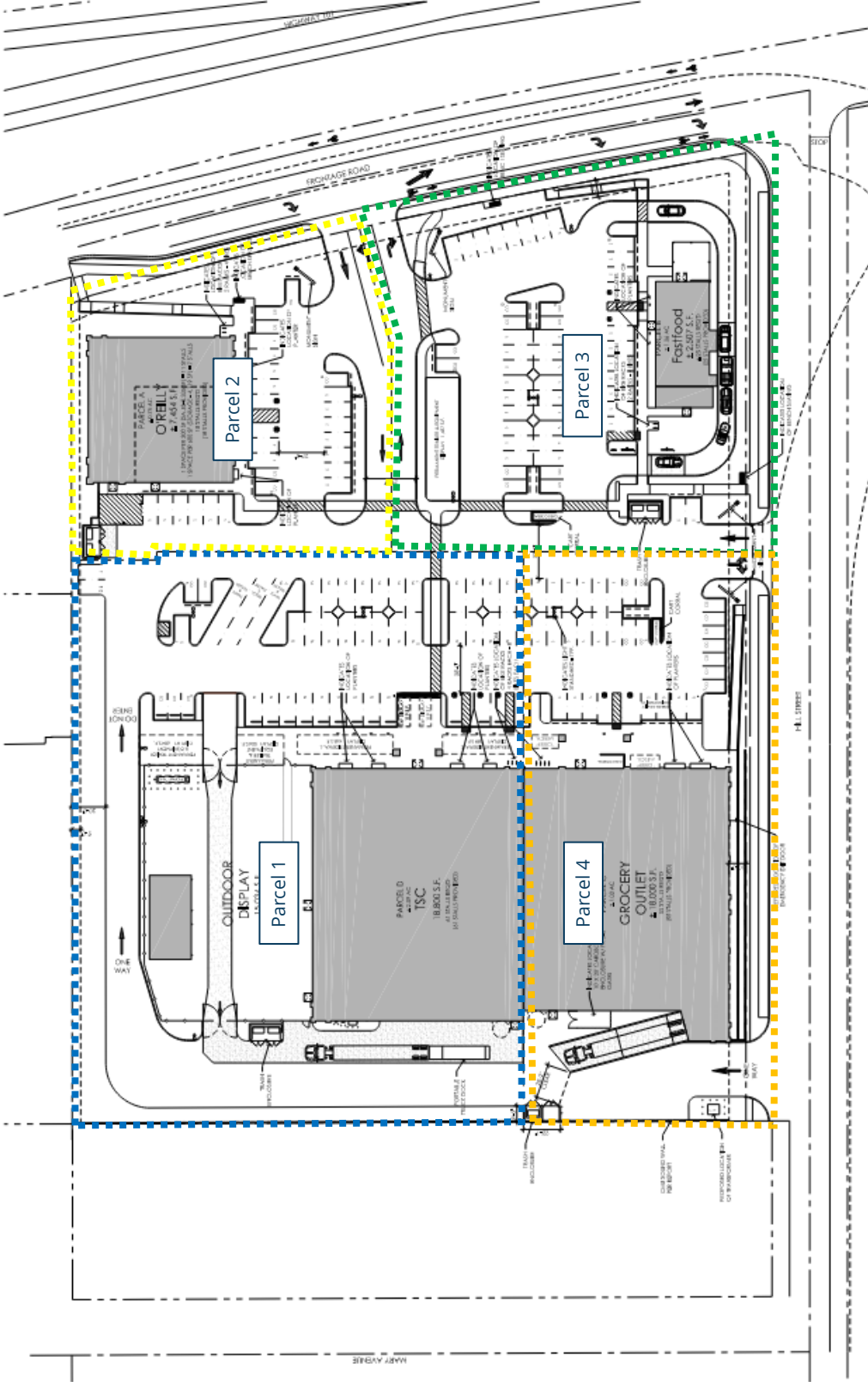
COUNTY OF SAN LUIS OBISPO

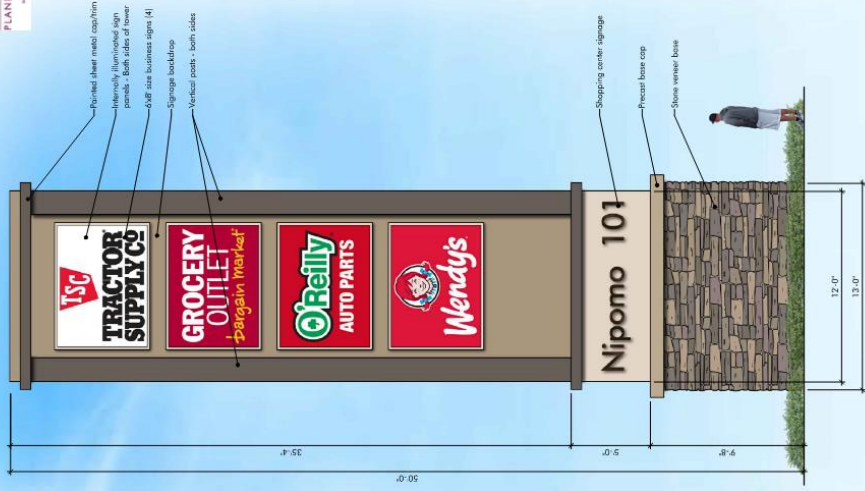
Tentative Map
SUB2020-00010



COUNTY OF SAN LUIS OBISPO

Site Plan SUB2020-00010





Nipomo 101

Freeway Tower Sign Concept - Option 2.1

04/2020
20/2271



COUNTY OF SAN LUIS OBISPO

Freeway Identification Sign
SUB2020-00010



NORTH-EAST ELEVATION



SOUTH-EAST ELEVATION



NORTH-WEST ELEVATION (PARKING LOT)



NORTH-EAST ELEVATION (FRONT & GF ROAD)

[illegible][illegible]

PROPOSED NEW DEVELOPMENT:

NIPOMO

FRONTAGE ROAD &
HILL STREET
NIPOMO, CA.

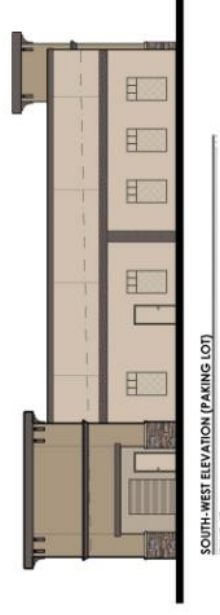
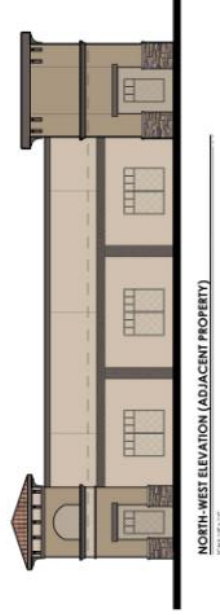
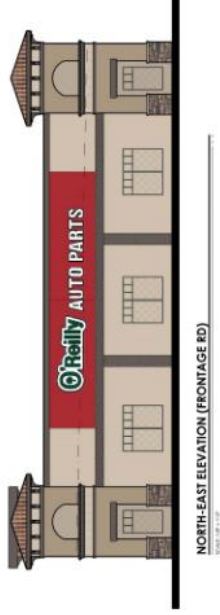
PLANNING

১৫

ARCHITECTURE PLUS INC.
4335 B NORTH STAR WA
MODESTO, CA 95351
TEL 209.577.4666
FX 209.577.821

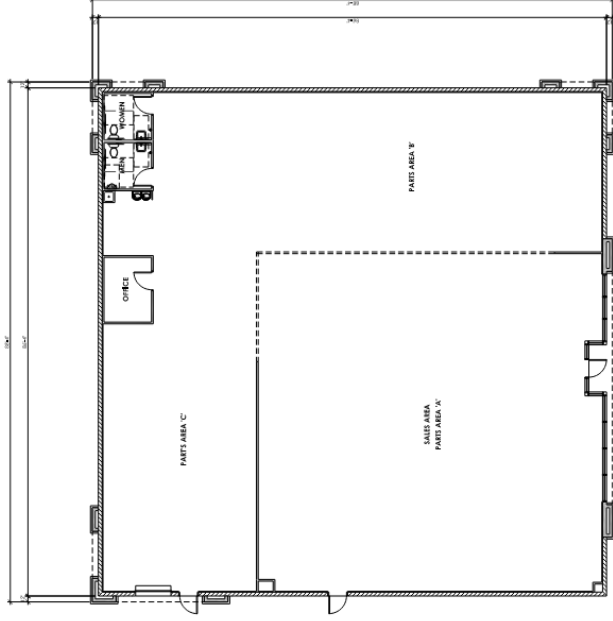
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COUNTY OF SAN LUIS OBISPO

Elevations - O'Reilly
SUB2020-00010



FLOOR PLAN - O'REILLY

SCALE: 1/8" = 1'-0"

FLOOR AREA:
 - OFFICES
 - SALES
 - PARTS
 - OFFICE



0 5 10 15
 SCALE: 1/8" = 1'-0"

PROPOSED NEW
 DEVELOPMENT:
NIPOMO
101
 FRONTAGE ROAD &
 HILL STREET
 NIPOMO, CA

PLANNING
 ARCHITECTURE
api

ARCHITECTURE
 1000 N. G STREET
 MODesto, CA 95356
 PH: 209.577.4661
 FX: 209.577.0213
 WWW.API-CA.COM

SHEET
A2
 OF 11

Floor Plans - O'Reilly SUB2020-00010

COUNTY OF SAN LUIS OBISPO





NORTH-WEST ELEVATION (PARKING LOT)

SCALE: 1/8" = 1'-0"



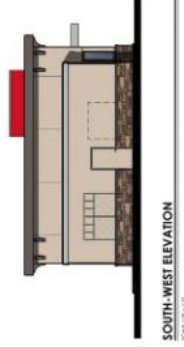
NORTH-EAST ELEVATION (FRONTAGE ROAD)

SCALE: 1/8" = 1'-0"



SOUTH-EAST ELEVATION (HILL STREET)

SCALE: 1/8" = 1'-0"



SOUTH-WEST ELEVATION

SCALE: 1/8" = 1'-0"



COUNTY OF SAN LUIS OBISPO

Elevations - Wendy's
SUB2020-00010



FLOOR PLAN - WENDY'S

SCALE: 1/8" = 1'-0"

FLOOR AREA: • 1033 S.F.
AMB. / FLOOR • 1033 S.F.
KITCHEN FLOOR • 1033 S.F.
TOTAL • 1033 S.F.

DWNT • 1033 S.F.

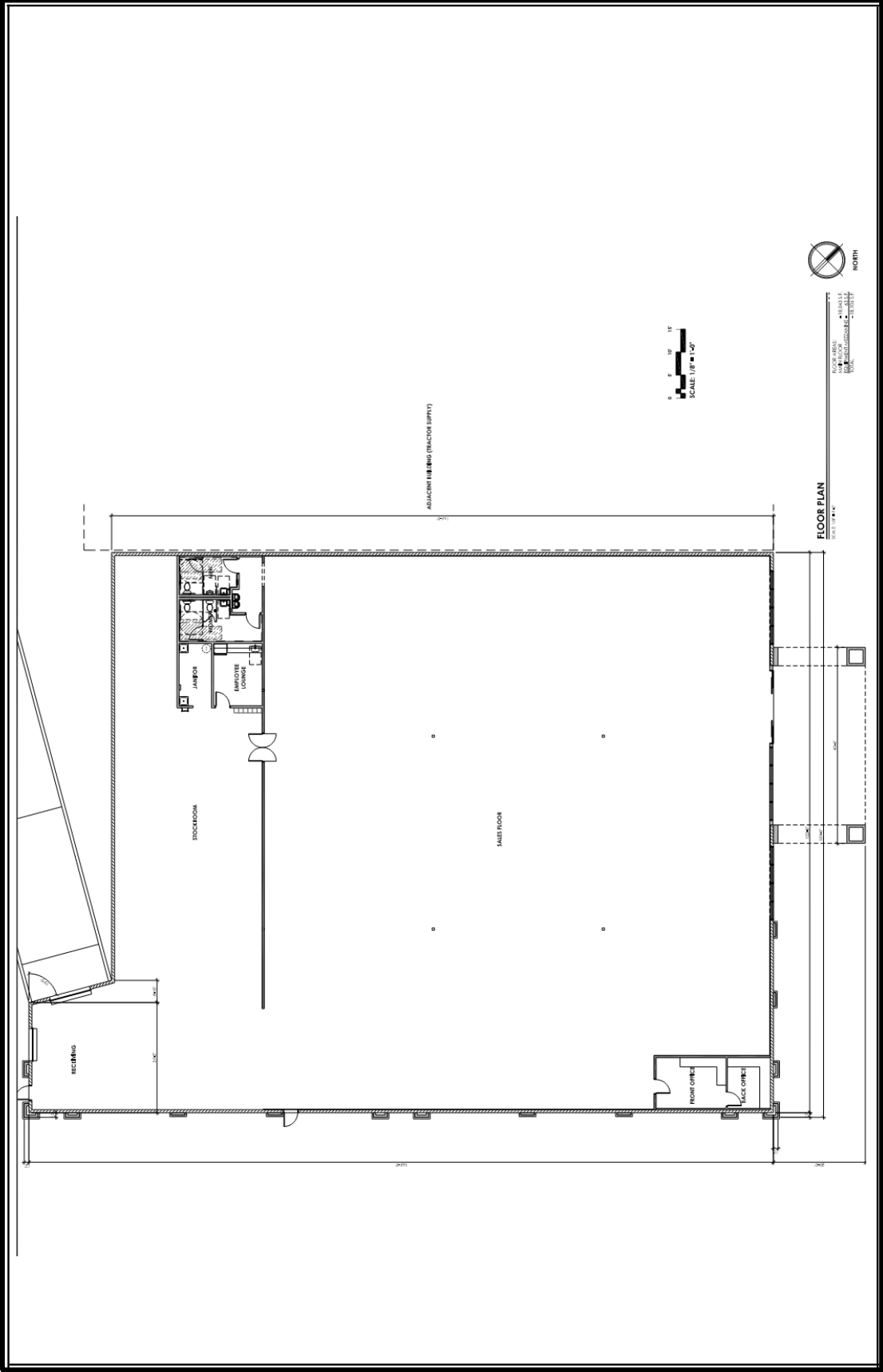
COUNTY OF SAN LUIS OBISPO





SOUTH-WEST ELEVATION
 SCALE: 1/8" = 1'-0"

NORTH-WEST ELEVATION (TRACTOR SUPPLY)
 SCALE: 1/8" = 1'-0"



Floor Plans - Grocery Outlet
SUB2020-00010

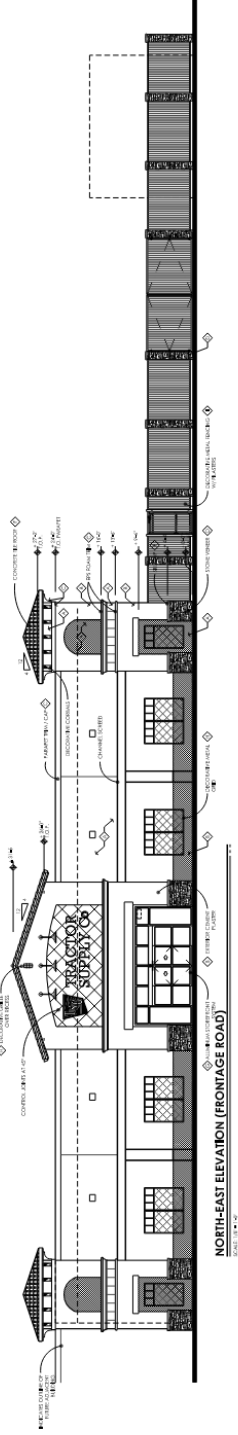
COUNTY OF SAN LUIS OBISPO





COUNTY OF SAN LUIS OBISPO

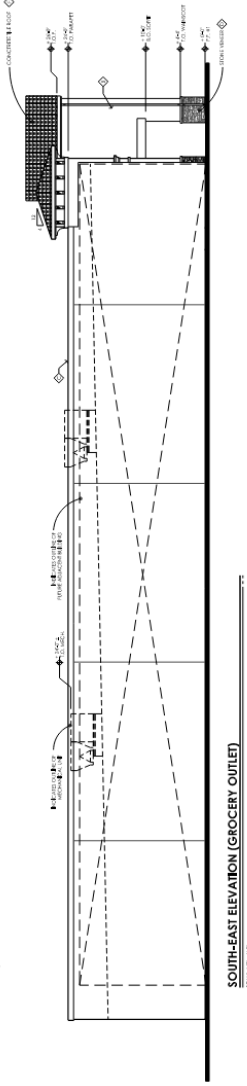
Elevations - Tractor Supply SUB2020-00010



NORTH-EAST ELEVATION (FRONTAGE ROAD)

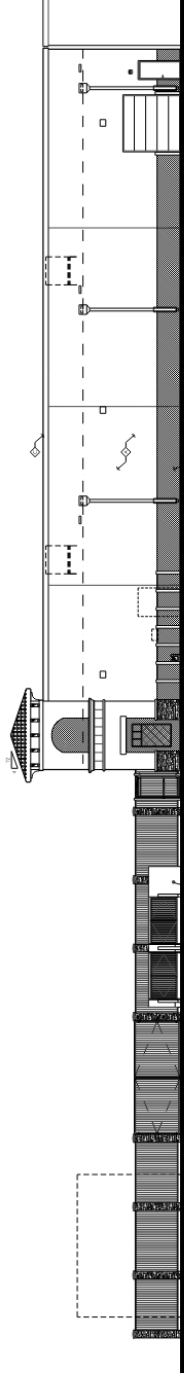
SCALE: 1/8" = 1'-0"

EXTERIOR FINISHES	
ROOF / COLOR:	
1. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
2. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
3. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
STONE VENEER:	
1. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
2. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
3. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
4. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
5. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
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89. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
90. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
91. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
92. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
93. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
94. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
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97. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
98. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
99. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	
100. 14" x 14" x 1/2" - CONCRETE (WHITE GRAY TINT)	



SOUTH-EAST ELEVATION (GROCERY OUTLET)

SCALE: 1/8" = 1'-0"



SOUTH-WEST ELEVATION

SCALE: 1/8" = 1'-0"

PROPOSED NEW
DEVELOPMENT:

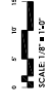
NIPOMO
101

FRONTAGE ROAD &
HILL STREET
NIPOMO, CA.

PLANNING
ARCHITECTURE
api

API ARCHITECTURE INC.
1000 NORTH LANE, SUITE 100
MADERA, CA 93650
PH: 209.277.6661
FX: 209.277.6613
WWW.API-ARCH.COM

SHEET: **A9**
OF 11





Floor Plans - Tractor Supply
SUB2020-00010

