IN THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, November 14, 2024

RESOLUTION NO. 2024-XX

RESOLUTION APPROVING ANNEXATION NO. 30 TO NIPOMO COMMUNITY SERVICES DISTRICT (DANA RESERVE SPECIFIC PLAN)

The following resolution is now offered and read:

RECITALS

WHEREAS, on October 13, 2022, interested landowner – NKT Development, LLC – filed a petition to initiate proceedings and an application with the San Luis Obispo County Local Agency Formation Commission, hereinafter referred to as "Commission", pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH"); and

WHEREAS, the application before the Commission seeks approval of a change of organization of approximately 288-acres of unincorporated territory in the County of San Luis Obispo involving annexation into the Nipomo Community Services District (NCSD) of the Dana Reserve Specific Plan (DRSP) area (LAFCO File No. 4-R-22); and

WHEREAS, the affected territory as proposed includes three uninhabited contiguous legal parcels identified by the County of San Luis Obispo's Assessor's Office as 091-301-073, 091-301-029, and 091-301-031; and

WHEREAS, on July 21, 2022, and September 19, 2024, the Commission heard two separate Study Session items at regular public Commission meetings on Annexation #30 into NCSD; and

WHEREAS, on November 17, 2022, the Commission formally received notice of the petition of application initiated by the landowner as required by Government Code Section 56857. Subsequently, a 60-day period began in which the NCSD had an opportunity to terminate the annexation if any financial or service-related concerns existed as outlined in Government Code

Section 56857. The NCSD did not request termination during this period, allowing the application to continue to be processed by staff; and

WHEREAS, on April 23, 2024, the San Luis Obispo County Board of Supervisors held a public hearing and approved Resolution 2024-109 which certified the EIR, including a statement of overriding considerations, and Resolution 2024-108 which approved the DRSP and associated actions; and

WHEREAS, on July 9, 2024, the San Luis Obispo County Board of Supervisors approved a property tax exchange of 2.36973% to be transferred to the NCSD; and

WHEREAS, on August 28, 2024, the NCSD Board of Directors approved resolutions 2024-1721 and 2024-1722 which accepted a Property Tax Agreement for an exchange of 2.36973% to NCSD, approved an Annexation Agreement between NCSD and NKT Development, LLC, and adopted the Plan for Services; and

WHEREAS, on October 22, 2024, the Executive Officer filed a Certificate of Filing deeming the application as acceptable for filing; and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons, and public agencies prescribed by law; and

WHEREAS, the Executive Officer conducted an analysis on the proposal and prepared a report including staff's recommendations therein, and presented staff's findings for Commission consideration; and

WHEREAS, the matter was set for public hearing at 9:00 a.m. on November 14, 2024, and the public hearing was duly conducted and determined, and a decision was made on November 14, 2024; and

WHEREAS, at said hearing this Commission heard and received all oral and written protests, objections and evidence, which were made, presented, or filed, and all person's present were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report;

and

WHEREAS, the reasons for the proposed annexation are as follows:

1) It will enable the applicant to receive water, wastewater, and solid waste services from NCSD to meet the needs associated with the development caused by the DRSP.

WHEREAS, the Commission determined that the environmental documentation prepared by the County of San Luis Obispo, including the certified Environmental Impact Report (State Clearinghouse Number 2021060558), meets the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Commission determined that the Environmental Findings, Mitigation Monitoring and Reporting Program, and Statement of Overriding Considerations adopted by the County of San Luis Obispo are appropriate and adequate. Acting as a Responsible Agency, LAFCO adopts its own Findings of Fact and statement of overriding consideration that meets the requirements of the CEQA as contained in Exhibit A hereto; and

WHEREAS, the Commission has considered all factors required to be considered by Government Code Sections 56668, 56668.3, as well as adopted local policies and procedures and adopts as its written statements of determinations and record therein, the determinations set in the Executive Officer's Staff report dated November 14, 2024, attachments and testimony, and said record and determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the proposal and finds that the proposed annexation into NCSD's service area should be approved.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That as a Responsible Agency, this Commission adopts its own Findings of Fact and statement of overriding consideration that meets the requirements of the CEQA as

contained in Exhibit A hereto.

3. That the map and legal description approved by this Commission is attached hereto, marked as Exhibit B hereto.
4. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
5. That pursuant to Government Code Section 56662(d), the Commission waives protest proceedings and orders the annexation subject to requirements of CKH, because (a) the territory is uninhabited, (b) the proposal is accompanied by proof that the single owner of all land in the DRSP has given his written consent to the proposal, and (c) the NCSD has not submitted written opposition to a waiver of protest proceedings.
6. That Annexation No. 30, annexing the DRSP area into NCSD, is hereby approved with the following conditions:
    1. This condition applies to the extent allowed by law. NKT Development, LLC shall defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.
7. Completion of the 30-day reconsideration period provided under Government Code Section 56895.
8. The effective date shall be the date of recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year unless an extension is requested and approved by the Commission.
9. The Commission hereby directs staff to file a Notice of Determination within five working days of this Resolution in compliance with 14 CCR 15094.

Upon a motion of Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby adopted.

_____

Marshall Ochylski, Chairperson Date
Local Agency Formation Commission

ATTEST:

_____

Rob Fitzroy Date
LAFCO Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

_____

Holly Whatley Date
LAFCO Legal Counsel

Exhibit A

Findings of Fact &
Overriding Considerations

Exhibit A

San Luis Obispo Local Agency Formation Commission

LAFCO No. 4-R-22

Annexation No. 30 to Nipomo Community Services District (NCSD) for the Dana Reserve Specific Plan (DRSP)

CEQA Findings and Statement of Overriding Considerations

Prepared by San Luis Obispo LAFCO

1. Consideration of the Environmental Impact Report

The Commission, as a Responsible Agency, has reviewed and considered the information in the Final Environmental Impact Report (EIR) for Dana Reserve Specific Plan (DRSP) General Plan Amendment and Ordinance Amendment (LRP2020-00007), Vesting Tentative Tract Map and Conditional Use Permit (SUB2020-00047; Tract 3159); State Clearinghouse Number 2021060558, among other documents. It was concluded that the EIR is adequate for the purposes of the Commissions' compliance with CEQA for the proposed action (pursuant to Public Resources Code Section 21000 et seq., and Title 14 of the California Code of Regulations Section 15000 et seq.). The Commission has reached its own conclusion whether and how to approve the proposed Annexation No. 30, annexing the DRSP area into the Nipomo Community Services District (NCSD).

As a Responsible Agency, the Commission must rely upon the EIR prepared for the project and concur with its conclusions relative to the action before the Commission. The action of the Commission would allow the NCSD's service area boundaries to be amended to include the approximately 288-acre DRSP Area. As such, the EIR was reviewed in this context to ensure the annexation would adequately address any potential environmental impacts. The Commission concluded that no substantial changes are proposed in the project which will require major revision of the previously certified EIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revision of the previously certified EIR, and no new information of substantial importance has been identified which was not known at the time that the previous EIR was certified.

Mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to the following Class II issue areas. Mitigation measures are discussed further in this attachment:

- Two (2) in Aesthetics
- Two (2) in Agriculture / Forestry Resources
- Five (5) in Air Quality
- Fourteen (14) in Biological Resources
- Six (6) in Cultural Resources
- Four (4) in Energy
- Five (5) in Geology and Soils
- Two (2) in Greenhouse Gas Emissions
- Three (3) in Hazards & Hazardous Materials
- Two (2) in Hydrology & Water Quality
- Three (3) in Land Use Policy
- Two (2) in Noise
- Two (2) in Public Services
- Two (2) in Recreation
- Three (3) in Tribal Cultural Resources
- Four (4) in Utilities / Service Systems
- Two (2) in Wildlife Risks

The EIR identified the following significant and unavoidable Class I impacts:

<u>Air Quality</u>

- **AQ Impact 1**: The project would conflict with an applicable air quality plan.
- **AQ Impact 3**: The project would result in a cumulatively considerable net increase of criteria pollutants in exceedance of established SLOAPCD daily emissions thresholds.
- **AQ Impact 9**: The project would result in cumulatively considerable impacts related to air quality.

<u>Biological Resources</u>

- **BIO Impact 1**: The project could directly or indirectly impact special-status plant and wildlife species.

- **BIO Impact 4**: The project could directly and indirectly impact CRPR 4 and Watch List plant species, including California spineflower, sand buck brush, and sand almond.
- **BIO Impact 14**: The project will directly impact Burton Mesa chaparral.
- **BIO Impact 15**: The project will directly impact coast live oak woodland.
- **BIO Impact 18**: The project will result in direct and indirect impacts to coast live oak woodland, coast live oak forest, and individual oak trees.
- **BIO Impact 20**: The project would have cumulatively considerable impacts related to biological resources.

Greenhouse Gas Emissions

- **GHG Impact 3**: The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- **GHG Impact 5**: The project would result in a cumulatively considerable impact to greenhouse gas emissions.

Land Use and Planning

- **LUP Impact 3**: The project would adversely affect the local jobs-to-housing ratio within the project area and would be inconsistent with Land Use Planning Policy L-3 of the San Luis Obispo County Clean Air Plan.
- **LUP Impact 5**: The project would result in the net loss of CRPR 4 and Watch List plant species, native oak woodland, and sensitive habitats; therefore, the project would be potentially inconsistent with goals and policies of the County of San Luis Obispo General Plan Conservation Open Space Element pertaining to preservation of biological resources and Policy 3.8 of the Parks and Recreation Element.
- **LUP Impact 10**: The project would result in cumulative impacts associated with inconsistency with goals and policies identified within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), Land Use Ordinance, and South County Area Plan regarding preservation and no net loss of sensitive biological resources and preservation of rural visual character.

Population and Housing

- **PH Impact 1**: The project would induce substantial unplanned population growth in the Nipomo area.
- **PH Impact 5**: The project would result in a cumulatively considerable impact related to substantial and unplanned population growth.

Transportation

- **TR Impact 3**: Buildout of the Specific Plan Area would exceed the County VMT thresholds and therefore would not be consistent with State CEQA Guidelines Section 15064.3(b). VMT per employee would be incrementally reduced compared to existing conditions; however, the project-related increase in residential VMT per capita and overall VMT would exceed the County VMT thresholds.
- **TR Impact 9**: The project would result in a cumulatively considerable impact to transportation and traffic.

Growth Inducing Impacts

- **GI Impact 1**: The project would result in substantial growth inducement associated with the proposed project's population as well as the potential to induce additional spatial, economic, or population growth in a geographic area.

Overriding findings are proposed for impacts that were determined to be significant and unavoidable.

These findings and determinations constitute the independent findings and determinations by the Commission in all respects and are fully and completely supported by substantial evidence, both oral and written, in the entire record relating to the proposal before the Commission.

2. Record of Proceedings

Supporting documentation and other materials (including documents maintained in electronic format) that constitute the record of proceedings upon which this determination is based can be found online and in the custody of the Commission's Executive Officer at office address:

San Luis Obispo Local Agency Formation Commission
1042 Pacific Street, Suite A
San Luis Obispo, CA 93401

The record of proceedings for Commission decisions on the proposal includes, but is not limited to, the following documents:

a) On July 21, 2022, a LAFCO Study Session was held specific to the DRSP and Draft Environmental Impact Report (EIR). That Study Session was intended to discuss known details of the project at that time (prior to approval) and also focused on the Draft EIR so the Commission could provide comment on the Draft EIR during the public comment period held June 16, 2022, through August 1, 2022. At that time, the Commission expressed concern about the sustainability and ongoing availability of water, transportation impacts related to vehicle miles traveled, impacts on the County's growth rate, and affordable housing. LAFCO commented on the Draft EIR during the public comment period. The County responded to LAFCO's EIR comment letter in the Master Response MR-1, Groundwater Water Management and Impacts, in Section 9.1 Volume 2: Chapter 9 of the Final EIR (pages 9.1-1 through 9.1-3 in Attachment H).

b) On October 13, 2022, the landowner, NKT Development, LLC, applied to LAFCO through a Petition of Application to annex 288-acres into NCSD.

c) On November 8, 2022, within the 30-day response requirement period, staff provided the applicant with a 30-day review letter, which placed the project on hold due to the need for additional information and application requirements.

d) On November 17, 2022, the Commission received notice at a Commission meeting of the landowner Petition of Application as required by Government Code Section 56857(a).

e) On October 23 and 24, 2023, the Planning Commission held a two-day public hearing to review the proposed DRSP project and associated EIR and voted to recommend that the Board of Supervisors certify the Final Environmental Impact Report (Final EIR) and approve the project.

f) On April 23, 2024, the BOS held a public hearing and approved the following resolutions with supporting documents:

Adopted Resolution 2024-109 approving the following:

a. Certification of the Final EIR (SCN: 2021060558)
b. Environmental Findings
c. Mitigation Monitoring and Reporting Program
d. Statement of Overriding Considerations

Adopted Resolution 2024-108 approving the following:

a. General Plan and Ordinance Amendment LRP2020-00007;
b. 2024 Dana Reserve Specific Plan;
c. Vesting Tentative Tract Map (TR 3159) and Conditional Use Permit (SUB202000047) based on the findings in Attachment 3 – Exhibits A and B (Findings and Conditions of Approval) of the BOS 4/23/24 staff report; and
d. Ordinance approving the Development Agreement.

g) On May 28, 2024, the Nipomo Action Committee and the California Native Plant Society, SLO Chapter, filed suit against the County of SLO's approval of the DRSP Final EIR, *Nipomo Action Committee et. al. v. County of San Luis Obispo, Case No. 24CV-0351*. Because an injunction or stay has not been issued by the court, LAFCO must assume that the Final EIR for the project complies with CEQA, including any evidence relating to water, and shall approve or disapprove the project within the required timeframe. LAFCO cannot condition an approval contingent upon the court's rulings. The Legislature has provided the courts with guidance and authority to take a number of actions in connection with a CEQA challenge. Accordingly, the courts have the authority to void any annexation pursuant to a project that is found to be infeasible.

h) On July 9, 2024, the County Board of Supervisors approved Resolution No. 2024-169 for a property tax exchange of 2.36973% to be transferred to the NCSD.

i) On August 28, 2024, the NCSD Board approved Resolution No. 2024-1721 and 2024-1722 which, in part, included the following:

a. Property Tax Agreement accepting an exchange of 2.36973%
b. Annexation Agreement between NCSD and NKT Development, LLC
c. Plan for Services
d. Phasing Plan

j) On October 22, 2024, SLO LAFCO issued the Certificate of Filing and scheduled the item for hearing on November 14, 2024.

k) Public notices issued by the Commission associated with the proposal.

LAFCO prepared and distributed notices to the landowner/proponents, the County, affected agencies, and other interested parties as required under government code section 56660 & 56661. All notices were sent out at least 21 days in advance of the hearing, consistent with Government Code section 56427. In addition, notice was placed in the Tribune on October 24, 2024, at least 21 days in advance of the hearing per Government Code section 56153.

Although the findings below identify specific pages within the record in support of various conclusions, the Commission incorporates by reference and adopts as its own, the reasoning set forth in the EIR and related documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions herein.

3. Significant Impacts Identified in the EIR

The County of San Luis Obispo Board of Supervisors certified the EIR for the DRSP General Plan Amendment and Ordinance Amendment (LRP2020-00007), Vesting Tentative Tract Map and Conditional Use Permit (SUB2020-00047; Tract 3159), which evaluated environmental impacts associated with future development on the annexation site. Other than approving the annexation into NCSD, changes and alterations to avoid or substantially lessen the significant environmental effects as identified in the EIR are within the responsibility and jurisdiction of the County and not the Commission.

The Commission's jurisdiction to impose conditions on the Project is limited under Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) and CEQA Guidelines sections 15050 (Lead Agency Concept) and 15096 (Process for a Responsible Agency). As a responsible agency, the Commission has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project that it decides to carry out, finance, or approve. (CEQA Guidelines, section 15096(g)(1)).

The Commission hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code section 21081, and section 15091 of the CEQA Guidelines. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary of each potentially significant impact, describes the applicable mitigation measures identified in the Final EIR as adopted by the County, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in Final EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the Final EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts.

In order for LAFCO to consider the proposed annexation, a Statement of Findings is provided for the following impacts identified in the EIR as significant and unavoidable. LAFCO, as a Responsible Agency, has prepared the following Findings as required per CEQA Guidelines section 15096 (h).

The EIR identified several less than significant impacts (Class III), which the Commission has reviewed and considered and concurs with the conclusions of those respective impact analyses. The findings below, as required by CEQA Guidelines Section 15091, are associated with significant impacts, which includes significant impacts that are mitigable and significant impacts that are not mitigable.

CLASS I. Significant Unavoidable Impacts that cannot be fully Mitigated

Impact AQ-1: The project would conflict with an applicable air quality plan. Impacts would be significant and unavoidable (Class I).

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 (refer to Section 6.A.2, AQ Impact 3) and TR/mm-3.1 (refer to Section 6.F.1, TR Impact 3), the

project would be consistent with alternative transportation and employee VMT reduction strategies included in the SLOAPCD Climate Action Plan (CAP) and PM reduction requirements of SB 656. However, the project would increase regional VMT and would be inconsistent with the jobs-to-housing balance included in the SLOPACD CAP. No mitigation has been identified that would reduce these impacts to below applicable thresholds. Therefore, impacts related to consistency with applicable air quality plans would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative air quality impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.3-26 through 4.3-29 of the Final EIR.

Impact AQ-3: **The project would result in a cumulatively considerable net increase of criteria pollutants in exceedance of established SLOAPCD daily emissions thresholds. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2, construction-related impacts related to the generation of air pollutant emissions in exceedance of established SLOAPCD thresholds would be less than significant. However, with implementation of Mitigation Measures AQ/mm-3.3 and TR/mm-3.1 (refer to Section 6.F.1, TR Impact 3), operational impacts related to air pollutant emissions would still exceed SLOAPCD established daily emissions thresholds. Therefore, this impact would be considered significant and unavoidable (Class I).

- **AQ/mm-3.1.** A Construction Activity Management Plan (CAMP) shall be prepared. The CAMP shall be submitted to the San Luis Obispo Air Pollution Control District for review and approval at least 3 months before the start of construction. The CAMP shall include a dust-control management plan, tabulation of on- and off-road construction equipment (age, horsepower, and usage rates), construction truck trip schedules, construction workday period, and construction phasing. Each subsequent developer shall provide documentation establishing consistency with the CAMP prior to the start of construction activities. If there are any changes to these assumptions after completion of the CAMP, the subsequent developer shall coordinate with the San Luis Obispo Air Pollution Control District to ensure alterations are not detrimental to emissions reduction strategies and that revisions to the CAMP are not required. If implementation of Standard Mitigation and Best Available Control Technology measures cannot reduce project emissions to below the San Luis Obispo Air Pollution Control District's Tier 2 threshold, off-site mitigation shall be implemented in coordination with the San Luis Obispo Air Pollution Control District to reduce nitrogen oxides (NOX) and reactive organic gas (ROG) emissions to below the Tier 2 threshold. At a minimum, the following measures shall be implemented and included in the CAMP to reduce construction generated mobile-source and evaporative emissions:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications.
2. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
3. Diesel-fueled construction equipment shall meet, at a minimum, California Air Resources Board's Tier 3, or newer, certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Heavy-duty off-road equipment meeting Tier 4 emissions standards shall be used to the extent locally available.
4. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2010, or cleaner, certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or nitrogen oxides exempt area fleets) may be eligible by proving alternative compliance.
6. Electrify equipment when feasible.
7. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
8. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
9. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the San Luis Obispo Air Pollution Control District. Such equipment may include power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the San Luis Obispo Air Pollution Control District Engineering and Compliance Division at (805) 781 5912.
10. Construction of the proposed project shall use low-volatile organic compound content paints not exceeding 50 grams per liter.
11. To the extent locally available, use prefinished building materials or materials that do not require the application of architectural coatings.
12. The following idling restrictions near sensitive receptors for both on- and off-road equipment shall be implemented:
    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
    b. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
    c. Use of alternative fueled equipment is recommended whenever possible; and
    d. Signs that specify the no idling requirements must be posted and enforced at the construction site.
13. On-road vehicle operations shall comply with 13 California Code of Regulations Section 2485, which limits diesel-fueled commercial motor vehicles that operate in the State of

California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:

a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and

b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

14. Signs shall be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.

15. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use Off-Road Diesel regulation available at: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

- **AQ/mm-3.2** The following measures shall be implemented to reduce construction-generated fugitive dust. These measures shall be shown on grading and building plans:

1. Reduce the amount of disturbed area where possible.

2. Use water trucks, San Luis Obispo Air Pollution Control District-approved dust suppressants (see Section 4.3 in the California Environmental Quality Act Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo Air Pollution Control 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 miles per hour. 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 require the use of a San Luis Obispo Air Pollution Control District-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the California Environmental Quality Act Air Quality Handbook.

3. All dirt stockpile areas should be sprayed daily as needed.

4. 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.

5. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a 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 methods approved in advance by the San Luis Obispo Air Pollution Control District.

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 speed for all construction vehicles shall not exceed 15 miles per hour on any 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 2 feet of freeboard (minimum vertical distance between the top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers at the construction site entrance/exit, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other San Luis Obispo Air Pollution Control District -approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways.
11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
12. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the San Luis Obispo Air Pollution Control District prohibited developmental burning of vegetative material within San Luis Obispo County. For more information, contact the San Luis Obispo Air Pollution Control District Engineering and Compliance Division at (805) 781-5912.
13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and prevent the transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.

- **AQ/mm-3.3** The following mitigation measures shall be implemented, to the extent possible, to minimize long-term operational emissions:

1. Install electric fireplaces in place of U.S. Environmental Protection Agency-certified Tier 2 residential wood-burning appliances.
2. Provide a pedestrian-friendly and interconnected streetscape with good access to/from the development for pedestrians, bicyclists, and transit users to make alternative transportation more convenient, comfortable, and safe. Features may include appropriate signalization and signage, safe routes to school, linking cul-de-sacs and dead ends, orienting buildings toward streets with automobile parking in the rear, etc.
3. For all commercial and multi-family residential land uses, provide shade (e.g., through tree plantings or built structures) over 50% of parking spaces to reduce evaporative emissions from parked vehicles, excluding areas where increased shade would affect the performance of solar photovoltaic systems.
4. Reduce fugitive dust from roads and parking areas with the use of paving or other materials.

5. Use a San Luis Obispo Air Pollution Control District-approved suppressant on private unpaved roads leading to the site, unpaved driveways, and parking areas applied at a rate and frequency that ensures compliance with San Luis Obispo Air Pollution Control District Rule 401: Visible Emissions and that off-site nuisance impacts do not occur.
6. Incorporate traffic calming modifications to project roads to reduce vehicle speeds and increase pedestrian and bicycle usage and safety.
7. Work with San Luis Obispo Council of Governments to create, improve, or expand an on-site or nearby Park and Ride lot with car parking, and bike lockers, and electric vehicle (EV) charging stations in proportion to the size of the project. The Park and Ride lot proposed as part of the Dana Reserve Specific Plan could meet the requirements of this measure, if upon review of final design plans, the County and San Luis Obispo Council of Governments concur that the on-site Park and Ride lot is in proportion to the size of the Dana Reserve Specific Plan project.
8. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
9. Require future commercial land uses to provide employee lockers and showers to promote bicycle and pedestrian use. One shower and five lockers for every 25 employees is recommended.
10. Increase bicycle accessibility and safety in the vicinity of the project; for example, provide interconnected bicycle routes/lanes or construction of bikeways.
11. Provide on-site bicycle parking: both short-term racks and long-term lockers, or a locked room with standard racks and access limited to bicyclists only.
12. If the project is located on an established transit route, provide improved public transit amenities (e.g., covered transit turnouts, direct pedestrian access, bicycle racks, covered bench, smart signage, route information displays, lighting, EV charging stations, etc.).
13. Encourage commercial land uses to provide a bicycle-share program.
14. Require 15% of fleet vehicles owned by commercial land uses to be zero-emission vehicles (ZEVs). This requirement shall apply to commercial land uses and fleets based on-site within the Specific Plan Area and not on a larger scale for commercial operations that occur at multiple locations.
15. Encourage neighborhood electric vehicles/car-share program for the development.
16. Provide dedicated parking for carpools, vanpools, and/or high-efficiency vehicles to meet or exceed California Green Building Standards Tier 2 for nonresidential land uses.
17. Work with SLO Regional Rideshare to educate occupants with alternative transportation and smart commute information (e.g., transportation board, electronic kiosk, new hire packets, web portal, newsletters, social media, etc.)
18. Encourage nonresidential land uses to implement and promote programs to reduce employee vehicle miles traveled (e.g., incentives, SLO Regional Rideshare trip reduction program, vanpools, on-site employee housing, alternative schedules (e.g., 9/80s, 4/10s, telecommuting, satellite work sites, etc.).

19. Community event centers (i.e., amphitheaters, theaters, and stadiums) shall provide free valet bicycle parking.
20. Meet or exceed applicable building standards at the time of development for providing electric vehicle charging infrastructure.
21. Meet or exceed applicable building standards at the time of development for building energy efficiency with a goal of achieving zero net energy (ZNE) buildings.
22. Implement a "No Idling" vehicle program, which includes signage enforcement, etc.
23. Meet or exceed applicable building standards at the time of development for utilizing recycled content materials.
24. Meet or exceed applicable building standards at the time of development for reducing cement use in the concrete mix as allowed by local ordinance and conditions.
25. Meet or exceed applicable building standards at the time of development for the use of greywater, rainwater, or recycled water.
26. Meet or exceed applicable building standards at the time of development for water conservation (e.g., use of low-flow fixtures, water-efficient irrigation systems, drought-tolerant landscaping).
27. Meet or exceed applicable building standards at the time of development for using shading, trees, plants, cool roofs, etc. to reduce the "heat island" effect.
28. All built-in appliances shall comply with California Title 20, Appliance Efficiency Regulation.
29. Utilize on-site renewable energy systems (e.g., solar, wind, geothermal, biomass and/or biogas) sufficient to exceed applicable building standards at the time of development with a goal of achieving zero net energy (ZNE) buildings.
30. Design roof trusses to handle dead weight loads of standard solar-heated water and photovoltaic panels.

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 and TR/mm 3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative air quality impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.3-30 through 4.3-37 of the Final EIR.

Impact AQ-9: **The project would result in cumulatively considerable impacts related to air quality. Cumulative impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Cumulative impacts related to exposure of sensitive receptors to substantial pollutant concentrations and/or objectionable odors, including NOA, would be less than significant with implementation of identified project-specific mitigation; no additional mitigation

is needed to avoid or minimize these potential cumulative impacts. However, implementation of the project would contribute to a cumulative net increase in daily criteria pollutant emissions during operation and would generate growth in a manner that would be inconsistent with VMT reduction measures and would further divide the jobs-to-housing ratio. Mitigation Measures AQ/mm-3.3 (refer to Section 6.A.2, AQ Impact 3) and TR/mm-3.1 (refer to Section 6.F.1, TR Impact 3) have been included to reduce project-specific impacts; however, residual cumulative impacts would continue to be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.3 and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative air quality impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.3-44 through 4.3-45 of the Final EIR.

Impact BIO-1: **The project could directly or indirectly impact special-status plant and wildlife species. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 will help minimize the direct and indirect impacts to special-status plants and wildlife and their habitats during construction, but without additional avoidance, minimization, and mitigation measures, impacts would still be considered significant (Class I).

BIO/mm-1.1 **Environmental Monitor.** Prior to permit issuance for any future development within the project area (including within the Specific Plan Area and off-site improvement areas), the applicant shall retain an environmental monitor for all measures requiring environmental mitigation. The monitor shall be responsible for:

1. Ensuring that procedures for verifying compliance with environmental mitigations are implemented;
2. Establishing lines of communication and reporting methods;
3. Conducting compliance reporting;
4. Conducting construction crew training regarding environmentally sensitive areas and protected species;
5. Maintaining authority to stop work; and
6. Outlining actions to be taken in the event of non-compliance.

Monitoring shall be conducted full time during the initial disturbances (site clearing) and be reduced to monthly following initial disturbances.

BIO/mm-1.2 **Worker Environmental Training Program.** Prior to implementation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend a training to facilitate worker

environmental awareness. The Worker Environmental Training shall be conducted by a County-approved qualified biologist to help workers recognize special-status plants and animals to be protected in the project area. The training program shall include:

1. Identification of relevant sensitive species and habitats;
2. Description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area;
3. Consequences for non-compliance;
4. Fact sheet with information covered in training for distribution to all contractors and other personnel involved with construction of the project;
5. Web-link to maps showing locations of special-status taxa on-site, and literature and photographs or illustrations of sensitive plants, animals, and habitats;
6. Documentation of each employee's participation in trainings and information presented; and
7. Annual renewal training for the duration of the project.

The contractor shall set aside time for the project biologist to provide the Worker Environmental Training for all contractor's and subcontractor's employees that will be on-site regarding resource protection. Topics will include regulatory framework and best practices to avoid and minimize impacts to protected plants, protected animals, and their habitats. Approximately 30 minutes shall be allocated for training. Each group of new personnel or individuals shall be provided with an environmental briefing by the project biologist. This training may be virtual. During morning safety briefings, the project biologist may provide updates related to environmental conditions affected by scheduled actions.

Contractor's and subcontractor's employees will be given a pocket-sized booklet by the project biologist in digital and/or paper format summarizing the Worker Environmental Training. The booklet prepared by the project biologist will include points of contact and protocol regarding emergencies and protected resource matters. Contractor's and subcontractor's employees shall be familiar with the information in the booklet and shall follow all rules and directions in the booklet while performing work for the project. Contractor's and subcontractor's employees shall always have a copy of the booklet while on the project site.

BIO/mm-1.3 **Cover Excavations.** During construction, all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and 2 or more feet deep shall be covered when workers or equipment are not actively working in the excavation. If any such excavations remain uncovered, they shall have an

escape ramp of earth or a non-slip material with a 1:1 (45 degree) slope or flatter. All excavated areas shall be inspected for wildlife before backfilling.

BIO/mm-1.4 **Biodegradable Erosion Control.** During construction, use erosion control products made of natural fiber (biodegradable) to prevent wildlife from getting ensnared or strangled by monofilament, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products.

BIO/mm-1.5 **Public Education Program.** In support of the mitigation measures listed above, public education shall be provided to homeowners, commercial facility owners, and investors regarding protected plants, protected animals, and their habitat. A colorful booklet shall be distributed to homeowners, commercial owners, and occupants. Information in the booklet shall also be made available as an interactive website provided to the County and the Homeowners' Association(s). Information shall include descriptions of sensitive plant and animal habitats impacted, protected, and mitigations implemented. Diagnostic information for sensitive plant and animal taxa and their habitats shall be provided in a reader-friendly format. Booklet and website text shall be prepared by technical experts and produced in cooperation with professional graphic artists and publication specialists.

BIO/mm-1.6 **Prohibition of Invasive Plants.** The landscape architect shall provide a signed statement on the landscape plans that the planting plan does not include any plant that occurs on the California Exotic Pest Plant Council and the California Invasive Plant Council (Cal-IPC) Lists 1, 2, and 4. Plants considered to be invasive by the California Exotic Pest Plant Council and the Cal-IPC shall not be used on-site.

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.4-50 through 4.4-53 of the Final EIR.

Impact BIO-4: **The project could directly and indirectly impact CRPR 4 and Watch List plant species, including California spineflower, sand buck brush, and sand almond. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-4.1, BIO/mm-4.2, BIO/mm-14.1 (refer to Section 6.B.3, BIO Impact 14), and BIO/mm-15.1 (refer to Section 6.B.3, BIO Impact 14) would reduce impacts to CRPR 4 and Watch List plant species, including California spineflower, sand buck brush, and sand almond. The 1:1 mitigation ratio is potentially inconsistent with County COSE Policy BR 2.6 as it would result in a net loss of habitat of this species on the project site. In addition, there is a lack of information about the cultural requirements to successfully propagate California spineflower at a large scale and sand almond propagation is very difficult. Because of the

uncertainty regarding the successful implementation of this mitigation, residual impacts would be significant and unavoidable (Class I).

BIO/mm-4.1 **Mitigation for Plants Ranked CRPR 4 (Limited Distribution – Watch List) by the California Native Plant Society.** Restoration and/or enhancement of habitat suitable for California spineflower, sand buck brush, and sand almond shall occur to mitigate for impacts to plant populations at a 1:1 ratio above the 10% impact threshold. If conservation of existing habitat is pursued as an alternative or complementary mitigation strategy, a ratio of 2:1 above the 10% impact threshold shall be employed. For California spineflower, the applicant may accomplish adequate mitigation using these ratios through a combination of on-site and off-site mitigation involving (1) the successful planting of 500,000 plants on the project site sufficient to achieve thriving sustainable habitat conditions or (2) the purchase of a conservation easement over an off-site property capable of supporting a dense population. Prior to issuance of the grading permit, one or more plans to conserve, enhance, and/or restore on-site and/or off-site habitat for California spineflower, sand buck brush, and sand almond shall be prepared. The plan(s) shall be prepared by a qualified individual acceptable to the Director of Planning and Building and approved prior to implementation. The plan(s) shall include purchase for conservation of land containing impacted species and/or restoration of habitat with high microsite suitability for California spineflower, sand buck brush, and sand almond. The applicant may fund Public Benefit restoration efforts on conserved land to be implemented and monitored by organizations such as The Nature Conservancy, The Land Conservancy of San Luis Obispo County, Greenspace, or Cambria Land Trust. The funds would be used to pay for mitigation planting, maintenance, and long-term monitoring in perpetuity.

If restoration and/or enhancement are employed, sand buck brush and sand almond shall be planted at a ratio over 1:1 to achieve a no-net loss after 5 years. If conservation is employed as an alternative or complementary strategy, the required ratio shall be 2:1. California spineflower shall be seeded in habitat managed by mowing or grazing in a manner than supports spineflower reproduction in normal rainfall years. Plant material shall be derived from sources on the Nipomo Mesa.

Habitat protection and long-term maintenance shall be funded by an endowment sufficient to monitor and maintain habitat appropriate to attempt reestablishment or expansion of California spineflower on the restoration site. If any plants required to be mitigated by this section are delisted, mitigation requirements shall no longer apply.

BIO/mm-4.2 **Michael's Rein Orchid.** Measures to avoid and protect Michael's rein orchid in on-site oak woodland areas proposed for protection shall be incorporated into an on-site Habitat Mitigation and Monitoring Plan. Since all observed individuals of Michael's rein orchid are located directly south of Pismo clarkia Patch 3, this species shall incidentally benefit from being included in Mitigation Measure BIO/mm 2.3. Construction workers and biological monitors shall also be made aware of and instructed to avoid this orchid during monitoring for Pismo clarkia (Mitigation Measures BIO/mm-2.1 and BIO-mm/2.2).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-4.1, BIO/mm-4.2, BIO/mm 14.1, and BIO/mm 15.1 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.4-60 through 4.4-62 of the Final EIR.

Impact BIO-14: **The project will directly impact Burton Mesa chaparral. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-3.1 (refer to Section 5.D.2, *BIO Impact 3*) and BIO/mm-14.1, impacts to Burton Mesa chaparral would be mitigated. However, due to the limited range of this vegetation type and the limited availability of off-site mitigation parcels, implementation at a full 2:1 ratio may not be feasible. The applicant is proposing to establish Burton Mesa chaparral in native gardens around the periphery of the proposed development, which could total between 8.75 to 15 acres of on-site mitigation and would be required to mitigate impacts to Burton Mesa chaparral to avoid any net loss in habitat quality as described above. However, these smaller isolated patches would not provide the same habitat value as what is currently onsite. This is because it is the combined habitat matrix of Burton Mesa chaparral, coast live oak woodland, and California perennial grassland that supports the special-status plant and wildlife species that are present. It is also significantly less than the 70 acres of habitat needed to offset impacts at a 2:1 ratio. Given the limited availability of off-site mitigation parcels and the limited on-site opportunities to restore and maintain the ecological integrity of this ecosystem, potential impacts would be significant and unavoidable (Class I).

BIO/mm-14.1 **Mitigation for Burton Mesa Chaparral (*Arctostaphylos [purissima, rudis]* Shrubland Special Stands).** Prior to issuance of the Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces, the applicant shall prepare for review and approval by the County a Habitat Restoration and Monitoring Plan that when implemented will permanently protect (conserve), enhance (increase suitability of a site as habitat), and/or restore (repair damaged habitat) Burton Mesa chaparral in maritime coastal California at a 2:1 ratio of habitat preserved to habitat lost. This ratio will achieve the "no-net loss" requirement in County of San Luis Obispo Conservation and Open Space Element Policy BR 1.4 of the County of San Luis Obispo Conservation and Open Space Element. Habitat appropriate for restoration will ideally be located on the Nipomo Mesa with climatic and soil conditions that match those found on Dana Reserve.

Conservation/enhancement/restoration of habitat areas contiguous with protected/restored Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera) habitat shall be prioritized over isolated patches of mitigation. Areas contiguous with other protected maritime chaparral or oak woodland shall also be prioritized over isolated patches of mitigation. Where restoration is proposed, a restoration and enhancement plan approved by the California Department of Fish and Wildlife shall be submitted to the County prior to issuance of the

Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces. A conservation easement over protected habitat shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include, but are not limited to, The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, Cambria Land Trust, or the California Department of Fish and Wildlife. The County of San Luis Obispo shall review and approve additional analysis prior to final approval of any proposed conservation area.

If appropriate habitat is not available in San Luis Obispo County at a 2:1 ratio, the applicant may fulfill half of this mitigation requirement through restoring Burton Mesa chaparral in Santa Barbara County at an additional 2:1 ratio (e.g., if only 35 acres can be preserved/restored within San Luis Obispo County, then an additional 70 acres would be required to satisfy the mitigation if purchased in Santa Barbara County).

A combination of preservation and restoration at a 2:1 ratio would allow for a no-net-loss of cover by Burton Mesa chaparral constituent elements and maintain species diversity within the county. In the event the applicant believes mitigation per the above requirements is not feasible, the applicant shall provide a report documenting the efforts taken to achieve the above standard, the reasons compliance is infeasible, and documentation that sufficiently establishes no additional reasonable mitigation options are feasible. The reasonableness of potential mitigation shall be interpreted in conformance with the standards of "rough proportionality" and "essential nexus" as established in the long-standing United States Supreme Court cases of Nollan v. Coastal Commission (1987) 483 U.S. 825, and Dolan v. City of Tigard (1994) 512 U.S. 374. This report shall be subject to the review and approval of the County of San Luis Obispo based on factors such as but not limited to cost, lack of availability of land, and lack of comparable habitat matrix that can be obtained. In the event the County agrees a combination of preservation and restoration at a 2:1 ratio would be infeasible as defined above, then the applicant shall, at a minimum, mitigate impacts to Burton Mesa chaparral to achieve a performance standard of no net loss of habitat quality. The performance standard shall be achieved through a combination of conserving, enhancing, restoring, and/or re-creating Burton Mesa chaparral removed by the project at the following mitigation ratios:

1. Conservation of currently unprotected Burton Mesa chaparral habitat in excellent condition at a 1.5:1 ratio;
2. Enhancement of protected Burton Mesa chaparral habitat in moderate to poor condition at a 2:1 ratio;
3. Restoration of damaged protected Burton Mesa chaparral habitat at a 0.5:1 ratio; and/or
4. Recreate high-quality Burton Mesa chaparral at a 0.25:1 ratio in appropriate habitat that has been completely disturbed (e.g., abandoned farmland).

Based on the 35 acres of Burton Mesa chaparral to be removed by the project, and depending on the mitigation option(s) utilized to mitigate impacts, Burton Mesa chaparral would be mitigated through the conservation, enhancement, restoration, and/or recreation of between 8.75 acres and 70 acres of Burton Mesa chaparral, calculated as follows:

1. Conservation of unprotected Burton Mesa chaparral habitat in excellent condition at a 1.5:1 ratio (52.5 acres conserved:35 acres removed);
2. Enhancement of protected Burton Mesa chaparral habitat in moderate to poor condition at a 2:1 ratio (70 acres enhanced:35 acres removed);
3. Restoration of damaged protected Burton Mesa chaparral habitat at a 0.5:1 ratio (17.5 acres restored:35 acres removed); and/or
4. Recreate high-quality Burton Mesa chaparral at a 0.25:1 ratio in appropriate habitat that has been completely disturbed (8.75 acres recreated:35 acres removed).

Other outcomes would be possible, depending on how conservation, enhancement, restoration, and recreation strategies are pursued and combined to meet the intent of this measure; however, under any scenario, final mitigation shall avoid any net loss of habitat quality. Documentation establishing an actionable plan to comply with this measure shall be provided to the County of San Luis Obispo for review and approval prior to issuance of construction permits.

b. Finding: The Commission finds that that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-3.1 and BIO/mm-14.1 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.4-74 through 4.4-76 of the Final EJR.

Impact BIO-15: The project will directly impact coast live oak woodland. Impacts would be significant and unavoidable (Class I).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-3.1 (refer to Section 5.D.2, *BIO Impact 3*) and BIO/mm-15.1 (refer to Section 6.B.4, *BIO Impact 15*), in conjunction with BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, *BIO Impact 18*), impacts to coast live oak woodlands on-site would be mitigated. However, it is currently unknown whether it would be feasible to locate and preserve coast live oak woodland within the range of Burton Mesa chaparral, as required by Mitigation Measure BIO/mm-15.1, because that combination of habitats is not a common occurrence. Therefore, due to the potential infeasibility of mitigation, residual impacts would be significant and unavoidable (Class I).

BIO/mm-15.1 Off-Site Mitigation for Coast Live Oak Woodland (*Quercus agrifolia / Adenostoma fasciculatum* – [*Salvia mellifera*]). Prior to issuance of the Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces, the applicant shall permanently protect (conserve), enhance (increase suitability of a site as habitat), restore (repair damaged habitat), and/or recreate (revegetate previously lost habitat) Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera) in coastal California at a 2:1 ratio within the range of Burton Mesa chaparral. A combined approach for habitat mitigation shall include the preservation of expanded contiguous habitat of protected Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera), recreate, restore, and/or enhance contiguous areas of Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera). However, to comply with Senate Bill 1334, only half the mitigation requirement for loss of coast live oak can be achieved through tree planting as a means of recreation. Where restoration is proposed, a restoration and enhancement plan shall be approved by the County of San Luis Obispo after consultation with the California Department of Fish and Wildlife prior to issuance of the permit. A conservation easement over protected habitat shall be controlled by a qualified conservation organization approved by the County of San Luis Obispo. Potential conservation organizations include, but are not limited to, The Nature Conservancy, The Land Conservancy of San Luis Obispo, Greenspace, Cambria Land Trust, or the California Department of Fish and Wildlife. The County of San Luis Obispo shall review and approve additional analysis prior to final approval of the proposed off-site conservation area.

Preservation and recreation would allow for a no-net-loss of cover by Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera) constituent elements and preserve the diversity of oak woodland habitats in the County consistent with County of San Luis Obispo Conservation and Open Space Element Policy BR 3.3.1.

The requirement that the County of San Luis Obispo consult with the California Department of Fish and Wildlife prior to approving a restoration and enhancement plan shall be satisfied either where California Department of Fish and Wildlife responds to the County of San Luis Obispo's request for consultation within 90 days of the request or where the County of San Luis Obispo has attempted to consult with California Department of Fish and Wildlife but California Department of Fish and Wildlife has failed to respond to the County of San Luis Obispo's request within 90 days of the placement of the request.

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-3.1 and BIO/mm-15.1, in conjunction with BIO/mm-18.1 through BIO/mm-18.4 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.4-76 through 4.4-78 of the Final EIR.

Impact BIO-18: **The project will result in direct and indirect impacts to coast live oak woodland, coast live oak forest, and individual oak trees. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Mitigation Measures BIO/mm-18.1 through BIO/mm-18.4 would reduce impacts associated with direct and indirect impacts to coast live oak woodland, coast live oak forest, and individual oak trees. Of the 3,943 oak trees to be removed, the mitigation requires the applicant to plant replacement trees for 194 of the trees being removed. The applicant is also required to plant approximately 1,500 new trees to mitigate indirect oak tree impacts. At this level, this is a significant net loss of oak trees and acreage of oak woodlands in the county.

County COSE Policy BR 3.3.1 and Implementation Strategy BR 3.3.1 require the County to maintain the integrity and diversity of oak woodlands, chaparral communities, and other significant vegetation and to comply with the Oak Woodlands Preservation Act (PRC Section 21083.4). The Oak Woodland Preservation Act, in turn, authorizes conservation of oak woodlands as a mitigation strategy and limits to 50% of an applicant's total mitigation strategy the amount of replanting that can be used in furtherance of restoration of former oak woodland. Because the amount of acreage to be lost is substantial, the proposed impacts to oaks and oak woodlands would still be significant and unavoidable (Class I).

BIO/mm-18.1 **Prepare On-Site Tree Protection Plan for Trees Retained.** Prior to issuance of a grading permit for any future development within the Specific Plan Area, a qualified arborist shall prepare a Tree Protection Plan designed to protect retained oaks during construction. Tree protection guidelines and a root protection zone shall be established and implemented for each retained tree over 4 inches diameter at breast height within 50 feet of site disturbance. The following criteria shall be included:

1. **Preserve Oak Forest Habitat on Dana Reserve.** Designate oak forest habitat for open space preservation where limited recreational and open space uses may be allowed. Preserve a minimum of 17 acres of oak forest habitat on-site.

2. **Map and Number Trees to be Retained.** Tree canopies and trunks within 50 feet of proposed disturbance zones shall be mapped and numbered by a County of San Luis Obispo-approved arborist or biologist and a licensed land surveyor. Data for each tree shall include date, species, number of stems, diameter at breast height of each stem, critical root zone diameter, canopy diameter, tree height, health, habitat notes, and nests observed.

   Impacts shall be identified for native oak trees with a diameter at breast height of 4 inches or greater, as measured at a height of 4.5 feet aboveground. Impacts include any ground disturbance within the critical root zone, trunk damage, or any pruning of branches 3 inches in diameter or greater.

   A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, generally 1.5 times the average canopy radius (distance from trunk to edge of drip line). For example, a

tree with a 24-foot-diameter canopy would have a 36-foot critical root zone, or approximately 18 feet from the trunk.

Where the canopy has been pruned prior to evaluation, the critical root zone may be calculated as 1.5 feet per inch of the tree's diameter at breast height. For example, an 18-inch diameter at breast height tree would be assigned a 24-foot critical root zone. The extent of the critical root zone shall be used as the basis for a tree protection zone, such as the line of encroachment for the edge of a group of trees, shown on all construction plans.

3. **Preconstruction Meeting.** On-site preconstruction meetings for each phase that affects oak trees shall be attended by the arborist(s), owner(s), Planning staff, and earth-moving team. Explicit exhibits and discussion will focus on tree protection during construction and provisions of the Tree Protection Plan.

4. **Install Protective Fencing.** Tree protection fencing shall be installed at the perimeter of the tree protection zone. At a minimum, a tree protection zone shall be delineated as a no-construction zone. Preferably, fencing shall be installed 6 feet outside the tree protection zone. No construction equipment shall be staged, parked, or stored within 6 feet of any oak tree dripline.

   The fence shall be installed with arborist field consultation before any construction or earth moving begins. The proposed fencing shall be shown on the grading plan. It must be a minimum of 4-foot-high chain-link, snow, or safety fence staked (with t-posts 8 feet on center). The owner/applicant shall be responsible for maintaining an erect fence throughout the construction period. (For trees to be protected longer than 4 months, metal fencing is preferred to minimize maintenance requirements.) The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval.

   If plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. Weatherproof signs shall be permanently posted on the fences every 50 feet, with the following information: Tree Protection Zone. No personnel, equipment, materials, or vehicles allowed.

5. **Avoid and Minimize Tree Impacts.** Impacts to the oak canopy or critical root zone shall be avoided where feasible in light of project layout and the locations of physical structures, paved or otherwise altered surfaces, and infrastructure. Impacts include pruning branches over 3 inches in diameter, any ground disturbance or soil compaction within the dripline or critical root zone of the tree (whichever distance is greater), and trunk damage.

   a. No Tree Attachments. Wires, signs, and other similar items shall not be attached to the oak trees.

b. Pruning. Pruning shall be implemented by, or under the direction of, a certified arborist. The purpose and type of pruning implemented shall be tracked by service date and class of pruning for each tree. A certified arborist shall direct all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned prior to any grading activities to avoid branch tearing. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months. (Coast live oaks, which retain their leaves year-round, are generally dormant July through October.)

   - Class 1 pruning emphasizes aesthetics, removal of dead, dying, and decaying weak branches and selective thinning to lessen wind resistance.
   - Class 2 pruning is for structural integrity and tree health concerns. It consists of removal of dead, dying, decaying, interfering, obstructing, and weak branches and selective thinning to lessen wind resistance.
   - Class 3 pruning is conducted for safety considerations and hazardous conditions.
   - Class 4 pruning includes crown-reduction pruning, such as reduction of tops, sides, or individual limbs.

   Removal of larger lower branches shall be minimized to avoid making tree tops heavy and more susceptible to "blow-overs," reduce large limb cuts that are susceptible to disease and infestation, retain wildlife habitat values associated with the lower branches, retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers), and retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (10% or less is best, 25% maximum).

c. Surface Root Protection. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

d. Utility Placement. All utilities, sewer, and storm drains shall be placed down the roads and driveways and, when possible, outside of the critical root zones. The arborist shall supervise trenching within the critical root zone. All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over roots larger than 3 inches in diameter. Boring under oaks is also acceptable.

e. Permeable Paving within 20 Feet of the Critical Root Zone. Paving shall be pervious material where access roads or driveways encroach within 20 feet of a retained oak tree's critical root zone.

f. Trenching within the Critical Root Zone. All trenching within the critical root zone of native trees shall be hand dug or implemented with an air spade or bore. All major roots shall be avoided whenever possible. All exposed roots larger than 1 inch in diameter shall be clean cut with sharp pruning tools and not left ragged. A mandatory meeting between the arborists and grading contractor(s) must take place prior to work start.

g. Grading within the Critical Root Zone. Grading shall not encroach within the critical root zone unless authorized by the grading permit. Grading shall not disrupt the normal drainage pattern around the trees. Fills shall not create a ponding condition and excavations shall not leave the tree on a rapidly draining mound. Any exposed roots shall be covered the same day they were exposed if possible. If left exposed for more than a day, roots must be covered with burlap or another suitable material and wetted down two times per day until reburied.

h. Equipment Operation. Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also, there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless preapproved by the arborist.

    i. Existing Surfaces. The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted, or impaired, unless shown on the grading plans and approved by the arborist. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts.

    ii. Construction Materials and Waste. No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials. No waste or contaminated water shall be dumped on the ground or into any grate between the outer edge of the critical root zone and the base of the oak trees, or uphill from any oak tree where such substance might reach the roots through a leaching process.

    iii. No Permanent Irrigation within the Dripline of Existing Oaks. No permanent irrigation shall occur within the dripline of any existing oak tree

6. **Correct Damage to Oaks.** The applicant shall be responsible for correcting any damage to oak trees on the property in a manner specified by an arborist approved by the County at the applicant's expense.

a. Impacted Root Treatment. Roots impacted during construction (e.g., trenching or grading operations) shall be treated by the arborist on a case-by-case basis using best practices, such as clean cuts accompanied by application of appropriate fungicides and insecticides by a licensed pest control applicator.

b. Soil Aeration Methods. Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18 inches deep, 2–3 feet apart with a 2–4-inch auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

c. Chip Mulch. All impacted areas within the critical root zone of the trees shall receive a 4- to 6-inch layer of chip mulch to retain moisture, retain soil structure, and reduce the effects of soil compaction.

d. Landscape. All landscape within the critical root zone shall consist of drought-tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise aboveground drip irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation. For this site, it is strongly recommended that drought-tolerant native landscape is used with the approval of the arborist. This includes all sidewalk/greenbelt areas.

e. Fertilization and Cultural Practices. As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhizal inoculation applications that will benefit tree health. Application of mycorrhizal inoculum offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

f. Post-Construction Tree Inspection. Prior to occupancy of each phase, a letter from the arborist(s) shall be required that verifies health/condition of all impacted trees and provides recommendations for additional mitigation. The letter shall verify that the arborist(s) or their designee were on-site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work in these areas was completed to the standards set forth above.

7. **Arborist Supervision and Treatment of Impacted Trees.** A licensed arborist shall supervise all ground disturbances within the tree protection zone and activities that may impact branches. The arborist shall provide guidance such as temporary damaged root protection, use of air spades,

timing between impact and root treatment by arborist, appropriate use of air spade or hand tools to minimize tree damage specific to the action proposed, and to treat root zone and branch damage.

During and upon completion of construction, the licensed arborist shall provide treatment, as the licensed arborist determines is appropriate, to maintain and improve the health of the tree, including pruning of the broken main stem, and soil supplement and watering programs. All root pruning shall be completed with sharpened hand pruners. Pruned roots shall be immediately covered with soil or moist fabric. Damaged roots shall be treated within 24 hours by a qualified tree specialist to inhibit fungus, insects, or other disease damage.

8. **Report Tree Impacts.** Damage to any tree during construction shall be reported to the project arborist within 24 hours. The damage should be treated as soon as possible, as appropriate, by an arborist or his/her designee approved by the County of San Luis Obispo to prevent disease or pest infestation. Damage will be reported to the County of San Luis Obispo and applicant during each month of construction.

   All monitoring will be documented on the field report form, which will be forwarded to the project manager and County.

9. **Protect Replacement/Mitigation Oaks.** The following activities are not allowed within the root zone of newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to 7 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

10. **Notes on Plans.** The standards in BIO/mm-18.1(1–7) shall be noted and shown on all grading and building plans, as well as an additional map sheet recorded with any Final Map in order to describe the activities prohibited outside the approved construction envelopes. All trees to be retained within 50 feet of impact areas shall be shown with tree protection zone for groups of trees and critical root zone for individual trees.

11. **Prepare and Implement On-Site Oak Tree Protection, Replacement, and Habitat Restoration Plan.** Prior to recordation of a Final Map for a land division on the property, the developer shall submit a Tree Protection Plan, Tree Replacement Plan (BIO/mm-18.2), and Oak Woodland Habitat Restoration Plan (BIO/mm-18.3) for the review and approval by the County of San Luis Obispo Planning and Building Director. The Oak Tree Protection, Replacement, and Habitat Restoration Plan will be approved by the County of San Luis Obispo and provided to all contractors and subcontractors that work within or adjacent to the critical root zone of native trees. Provisions of the Oak Tree Protection, Replacement, and Habitat Restoration Plan shall be included in the Worker Environmental Training Program to confirm that workers and supervisors are trained in

maintaining fencing, protecting root zones, and conforming to all tree protection goals. Each contractor must sign and acknowledge the plan. Any future changes (within the critical root zone) will need project arborist review and implementation of potential mitigation measures before proceeding.

12. **Mitigate Impacts to Preserved Trees.** Damage that occurs to protected retained trees resulting from construction activities shall be mitigated in a manner approved by the County of San Luis Obispo Planning and Building Director. Damage to trees located within habitat types mapped as oak woodland or oak forest in Figure 4.4-2 shall be mitigated through off-site preservation, consistent with BIO/mm-18.4. Damage to trees located outside habitat types mapped as oak woodland or oak forest in Figure 4.4-2 shall be mitigated pursuant to replacement tree performance criteria set forth in Section 2 of BIO/mm-18.2.

    Mitigation for impacted trees shall be tracked with the following information: tree tag number, location (latitude/longitude WGS84 datum), number of trunks, diameter at breast height of main trunk, proposed critical root zone impact percent, proposed mitigation ratio, actual impact percent, date of impact (month/year), document if accounted for in approved plans, actual replacement ratio, actual replacement number, date of planting (month/year), location of mitigation planting (Phase and general location), and expected year performance criteria to be met.

    Quarterly impact and proposed mitigation documentation shall be provided to the County during the active phases of construction. Annual reports shall be provided until the project is completed.

BIO/mm-18.2 **Tree Replacement Plan.** Prior to issuance of a grading permit for any future development within the Specific Plan Area, a qualified arborist shall prepare and submit an Oak Tree Replacement Plan for the review and approval by the County of San Luis Obispo Planning and Building Director. The Oak Tree Replacement Plan will be approved by the County of San Luis Obispo and will include a plan for adding native oaks to the landscape planting plan for streets and recreational open spaces.

The Oak Tree Replacement Plan shall specify the number of oak trees to be planted based on the following mitigation ratios:

1. **Mitigation for Removed Trees.** Oak trees removed from habitat types not mapped as oak woodland or oak forest in Figure 4.4-2, shall be mitigated for by planting replacement trees at a 4:1 ratio (four trees for each tree removed, e.g., 120 oaks planted for 30 removed).

2. **Mitigation for Impacts to Preserved Trees.** Per Section 12 of BIO/mm-18.1, damage that occurs to protected retained trees located outside habitat types mapped as oak woodland or oak forest in Figure 4.4-2 resulting from construction activities shall be mitigated at the following ratios:

a. Indirect impacts to less than 25% of a tree's critical root zone and canopy shall be monitored, tracked, and health reported for at least 2 years following impact.

b. Trees impacted over 25% of a trees critical root zone shall be monitored for 7 years. Trees in very poor health after 7 years as determined by a certified arborist shall be replanted at a 2:1 ratio (plant two trees for each tree impacted).

3. **Criteria for Replacement Trees:**

a. Mitigation trees may be planted to enhance the on-site oak woodland and/or included in the landscape planting plan but are not allowed in the preserved oak forest habitat.

b. Replacement trees within 100 feet of structures shall be planted with the intention that their mature canopies will be maintained over 6 feet above ground level. Within 30 feet of structures, canopies will maintain a minimum separation of 10 feet.

c. A minimum of 25% of the oak trees planted in mitigation areas and in on-site restoration areas shall be propagated from acorns collected from on-site oak trees, preferably from those proposed to be removed.

d. All other mitigation trees must be from Central Coast acorns. All replacement trees shall be at least 1 year old and preferably propagated in tall tree pots that are 12 to 18 inches deep.

e. Mitigation trees shall be maintained and monitored for a minimum of 7 years and must have reached a minimum height of 6 feet prior to certification of completion.

f. The following activities are not allowed within the root zone of newly planted oak trees: Year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to 7 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling).

In addition to oaks, the Oak Tree Replacement Plan shall include plants typical of Nipomo Mesa native oak woodlands in open space planting palettes, as well as herbs and shrubs that thrive near oaks, and generally require less irrigation than some of the landscaping commonly employed on the Central Coast. The table below provides appropriate plants associated with oak trees, including species found on the Dana Reserve. This list includes several with California Rare Plant Rank status. The landscape planting plan shall include common native understory species, such as western nettle and California plantain, as they may be naturally present in native landscapes and allowed to be retained by maintenance crews during restoration and site maintenance. Special-status species should be

encouraged to be represented in the native plant landscape plan, especially in areas where already present or in the vicinity.

4. **Identify All Protected Oak Areas that Require Certified Arborist Review.**

    a. Prior to construction, areas of proposed impacts to coast live oak critical root zone shall be clearly identified on construction documents. Three distinct categories shall be identified on the plans: preserved oaks, woodland and forest oaks to be removed or impacted, and scattered oaks in other habitats. An International Society of Arboriculture (ISA) certified arborist and/or the certified arborist's designee shall be present during all impacts within oak tree critical root zones.

    Cutting or disturbing a large percentage of a tree's roots increases the likelihood of the tree's failure or death. Cutting tree roots that are more than 4 inches wide shall be avoided; roots that large are usually structural. Cutting them can destroy the stability of the tree, causing it to fall over.

    The project arborist and/or the arborist's designee will (1) guide contractors to minimize and avoid adverse effects on an individual tree basis where work is proposed within the critical root zone; and (2) treat damaged roots and branches with appropriate arboriculture methods.

Recommended Native Plant Species for Landscaping

Scientific Name	Common Name	Special Status
Shrubs – 12 Native Taxa		
Artemisia californica	California sagebrush	--
Ceanothus impressus var. *nipomensis*	Nipomo Mesa ceanothus	CRPR 1B.2
Ceanothus cuneatus var. *fascicularis*	Sand buck brush	CRPR 4.2
Cercocarpus betuloides var. *betuloides*	Birch-leaf mountain-mahogany	--
Frangula californica	California coffee berry	--
Heteromeles arbutifolia	Toyon	--
Prunus ilicifolia	Hollyleaf cherry	--
Prunus fasciculata var. *punctata*	Sand almond	CRPR 4.3
Rhamnus crocea	Spiny redberry	--
Salvia mellifera	Black sage	--
Sambucus nigra ssp. *caerulea*	Blue elderberry	--
Symphoricarpos mollis	Creeping snowberry	--
Forbs – Annual and Perennial Native Taxa		
Acmispon americanus	American bird's foot trefoil	--
Acmispon glaber	Deer weed	--
Anaphalis margaritacea	Pearly everlasting	--

Scientific Name	Common Name	Special Status
Asclepias eriocarpa	Kotolo	--
Cirsium occidentale	Cobweb thistle	--
Clarkia purpurea ssp. *viminea*	Wine cup Clarkia	--
Claytonia parviflora ssp. *parviflora*	Miner's lettuce	--
Corethrogyne filaginifolia	Common tansyaster	--
Dichelostemma capitatum ssp. *capitatum*	Blue dicks	--
Diplacus aurantiacus	Sticky monkeyflower	--
Helianthemum scoparium	Broom rose	--
Hesperocnide tenella	Western nettle	--
Heterotheca grandiflora	Telegraph weed	--
Horkelia cuneata var. *puberula*	Mesa horkelia	CRPR 1B.1
Lupinus bicolor	Miniature lupine	--
Lupinus nanus	Sky lupine	--
Lupinus truncatus	Blunt leaved lupine	--
Paeonia californica	California peony	--
Pedicularis densiflora	Warrior's plume	--
Phacelia ramosissima	Branching phacelia	--
Phacelia tanacetifolia	Lacy phacelia	--
Pholistoma auritum	Fiesta flower	--
Piperia michaelii	Michael's rein orchid	CRPR 4.2
Plantago erecta	California plantain	--
Pseudognaphalium californicum	Ladies' tobacco	--
Pterostegia drymarioides	Fairy mist	--
Silene laciniata	Cardinal catchfly	--
Solanum americanum	Common nightshade	--
Solanum xanti	Chaparral nightshade	--

BIO/mm-18.3 **Protect On-Site Oak Woodland Resources Intended to be Retained and Preserved On-Site.** Prior to issuance of a grading permit for any future development within the Specific Plan Area, the applicant shall submit an Oak Woodland Protection and Restoration Plan to be reviewed and approved by the County of San Luis Obispo Planning and Building Department. Coast live oak forest, woodland, and retained trees within 50 feet of development shall be shown on all grading and development plans. The plan shall be prepared by a qualified individual acceptable to the County of San Luis Obispo Director of Planning and Building. The plan shall specify short- and long-term management actions necessary to preserve and enhance the on-site biological open space and will include sections for (1) habitat protection, (2) monitoring during project construction, (3) reporting, (4) oak tree replacement planting, (5) rare plant mitigation planting and protection, and (6) wildlife habitat protection. The plan shall include (7) a fuel management component that provides measures to protect native understory vegetation and downed woody debris in a manner that

optimizes wildlife habitat protection and reduces fire risk to neighborhoods. The plan shall (8) maximize the protection of large oak trees (greater than 12 inches in diameter as measured at breast height) during all construction activities.

Fire fuel management shall address reduction of fire fuel loads within 100 feet of structures. The first 30 feet from residences/structures (e.g., the back of yards) shall be maintained to remove dead plant material, and trees shall be maintained to create canopy gaps. In the next 70 feet, annual grass shall be cut or grazed to a maximum average height of 4 inches. A horizontal space shall be created between patches of native shrubs. Fallen branches, twigs, and bark shall be removed to reduce total fuel load. Patches of live shrubs shall be retained, and patches of annual wildflowers shall be mowed/grazed after seeds have set. Young trees that are in shrub-form shall be shaped to minimize fuel load but allow for trees to protect their trunks during the early growth period when bark is still relatively thin. Heavy branches of mature trees at least 6 feet from the ground shall be removed per California Department of Forestry and Fire Protection's "Prepare for Wildfire" recommendations to maintain defensible space. Management of defensible space (100 feet from structures and 10 feet from roads) must protect special-status plant and wildlife taxa as specified in Mitigation Measures BIO/mm 1.1 through BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, and BIO/mm-14.1.

BIO/mm-18.4 **Off-Site Preservation.** Prior to recordation of a Final Map for a land division over the Specific Plan Area, the applicant shall protect coast live oak forest (Quercus agrifolia / Toxicodendron diversilobum association) and coast live oak woodland (*Quercus agrifolia* / *Adenostoma fasciculatum* – [*Salvia mellifera*] association) at a ratio of 2:1 (2 acres conserved for each acre removed). A conservation easement over the protected habitat shall be controlled by a qualified conservation organization approved by the County of San Luis Obispo. Potential conservation organizations include, but are not limited to, The Nature Conservancy, Land Conservancy of San Luis Obispo County, Greenspace, or Cambria Land Trust.

Applicant-Proposed Mitigation: The applicant proposes to conserve 187 acres of coast live oak woodland and 67.5 acres of coast live oak forest that is intermixed with the 95.9 acres of chamise chaparral, 19.2 acres of La Panza manzanita chaparral, and 26.4 acres of annual grassland on the Dana Ridge Ranch. This property is located southeast of Dana Reserve (see Figure 4.4-13). Habitat descriptions, a plant list, and figures associated with this off-site mitigation location are detailed in Althouse and Meade (2021). The project proposes to impact 21.7 acres of coast live oak forest and 75.3 acres of coast live oak woodland (97.0 acres total). The applicant's proposed mitigation on Dana Ridge Ranch would yield a mitigation ratio of 3.1:1 for coast live oak forest and 2.5:1 for coast live oak woodland habitats. No restoration or replacement of removed oak trees is proposed.

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-18.1 through BIO/mm-18.4 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.4-83 through 4.4-96 of the Final EIR.

Impact BIO-20: **The project would have cumulatively considerable impacts related to biological resources. Cumulative impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, BIO Impact 2), BIO/mm-3.1 (refer to Section 5.D.2, BIO Impact 3), BIO/mm-4.1 and BIO/mm-4.2 (refer to Section 6.B.2, BIO Impact 4), BIO/mm-5.1 (refer to Section 5.D.3, BIO Impact 5), BIO/mm-6.1 (refer to Section 5.D.4, BIO Impact 6), BIO/mm-7.1 (refer to Section 5.D.5, BIO Impact 7), BIO/mm-8.1 (refer to Section 5.D.6, BIO Impact 8), BIO/mm-9.1 (refer to Section 5.D.7, BIO Impact 9), BIO/mm-11.1 (refer to Section 5.D.9, BIO Impact 11), BIO/mm-12.1 (refer to Section 5.D.10, BIO Impact 12), BIO/mm 13.1 (refer to Section 5.D.11, BIO Impact 13), BIO/mm-14.1 (refer to Section 6.B.3, BIO Impact 14), BIO/mm-15.1 (refer to Section 6.B.4, BIO Impact 15), BIO/mm 16.1 (refer to Section 5.D.12, BIO Impact 16), BIO/mm-17.1 through BIO/mm 17.3 (refer to Section 5.D.13, BIO Impact 17), BIO/mm-18.1 through BIO/mm 18.4 (refer to Section 6.B.5, BIO Impact 18), and BIO/mm-19.1 (refer to Section 5.D.14, BIO Impact 19) would not reduce impacts related to loss of oak woodland habitat and the potential loss of some special-status species to a less-than-significant level. Therefore, residual cumulative impacts would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-11.1, BIO/mm-12.1, BIO/mm-13.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-16.1, BIO/mm-17.1 through BIO/mm-17.3, BIO/mm-18.1 through BIO/mm-18.4, and BIO/mm-19.1 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.4-97 through 4.4-99 of the Final EIR.

Impact GHG-3: **The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Implementation of Mitigation Measures AQ/mm-3.1, AQ/mm-3.3 (refer to Section 6.A.2, AQ Impact 3), GHG/mm-1.1 (refer to Section 5.H.1, GHG Impact 1), and TR/mm-3.1

(refer to Section 6.F.1, TR Impact 3) would reduce potential impacts related to operational GHG emissions from the proposed project. However, the project would generate VMT in a manner that would be inconsistent with SLOCOG's 2019 RTP/SCS and the effectiveness of the identified mitigation to reduce this impact below applicable thresholds is not certain. Therefore, with implementation of identified mitigation, potential impacts would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, GHG/mm-1.1, and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for GHG emissions, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.8-31 through 4.8-32 of the Final EIR.

Impact GHG-5: The project would result in a cumulatively considerable impact to greenhouse gas emissions. Cumulative impacts would be significant and unavoidable (Class I).

a. Mitigation Measures: Cumulative impacts related to generation of substantial GHG emissions would be avoided through compliance with existing regulations and Mitigation Measure TR/mm-3.1 (refer to Section 6.F.1, TR Impact 3); no additional mitigation is needed to avoid or minimize potential cumulative impacts. However, the project would generate VMT in exceedance of applicable thresholds and identified mitigation included to reduce this impact is not certain. Therefore, the project would be inconsistent with the 2019 RTP/SCS and residual impacts would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, GHG/mm-1.1, and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative GHG emissions, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.8-32 through 4.8-33 of the Final EIR.

Impact LUP-3: The project would adversely affect the local jobs-to-housing ratio within the project area and would be inconsistent with Land Use Planning Policy L-3 of the San Luis Obispo County Clean Air Plan. Impacts would be significant and unavoidable (Class I).

a. Mitigation Measures: No feasible mitigation has been identified. Potential impacts associated with policy inconsistency would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No feasible mitigation is available to ensure consistency with Land Use Planning Policy L-3 of the San Luis Obispo County Clean Air Plan, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to page 4.11-37 of the Final EIR.

Impact LUP-5: **The project would result in the net loss of CRPR 4 and Watch List plant species, native oak woodland, and sensitive habitats; therefore, the project would be potentially inconsistent with goals and policies of the County of San Luis Obispo General Plan Conservation Open Space Element pertaining to preservation of biological resources and Policy 3.8 of the Parks and Recreation Element. County Clean Air Plan. Impacts would be signification and unavoidable (Class I).**

a. Mitigation Measures: Even with implementation of Mitigation Measures BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, BIO Impact 2), BIO/mm-4.1 (refer to Section 6.B.2, BIO Impact 4), BIO/mm-15.1 (refer to Section 6.B.4, BIO Impact 15), BIO/mm-16.1 (refer to Section 5.D.12, BIO Impact 16), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, BIO Impact 18), and BIO/mm-19.1 (refer to Section 5.D.14, BIO Impact 19), residual impacts associated with inconsistency with goals and policies of the County COSE pertaining to preservation of biological resources and Policy 3.8 of the County Parks and Recreation Element would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Implementation of Mitigation Measures BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-4.1, BIO/mm-15.1, BIO/mm-16.1, BIO/mm-18.1 through BIO/mm 18.4, and BIO/mm-19.1 are feasible and have been adopted. However, no additional feasible mitigation is available to ensure consistency with goals and policies of the County COSE pertaining to preservation of biological resources and Policy 3.8 of the County Parks and Recreation Element, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.11-38 through 4.11-39 of the Final EIR.

Impact LUP-10: **The project would result in cumulative impacts associated with inconsistency with goals and policies identified within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), Land Use Ordinance, and South County Area Plan regarding preservation and no net loss of sensitive biological resources and preservation of rural visual character. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Even with implementation of Mitigation Measures AES/mm-3.1 and AES/mm 3.2 (refer to Section 5.A.1, AES Impact 3), BIO/mm-2.1 through BIO/mm-2.3 (refer to

Section 5.D.1, BIO Impact 2), BIO/mm-4.1 (refer to Section 6.B.2, BIO Impact 4), BIO/mm-15.1 (refer to Section 6.B.4, BIO Impact 15), BIO/mm-16.1 (refer to Section 5.D.12, BIO Impact 16), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, BIO Impact 18), and BIO/mm-19.1 (refer to Section 5.D.14, BIO Impact 19), residual cumulative impacts associated with inconsistency with goals and policies of the County COSE pertaining to preservation of biological resources would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Implementation of Mitigation Measures AES/mm-3.1 and AES/mm 3.2, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-4.1, BIO/mm 15.1, BIO/mm-16.1, BIO/mm-18.1 through BIO/mm-18.4, and BIO/mm-19.1 are feasible and have been adopted. However, no additional feasible mitigation is available to ensure consistency with local plans and policies, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.11-44 through 4.11-45 of the Final EIR.

Impact PH-1: **The project would induce substantial unplanned population growth in the Nipomo area. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: No feasible mitigation has been identified. Potential impacts associated with substantial unplanned population growth would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No additional feasible mitigation is available to avoid substantial unplanned population growth. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.14 23 through 4.14-27 of the Final EIR.

Impact PH-5: **The project would result in a cumulatively considerable impact related to substantial and unplanned population growth. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: Implementation of the project would result in substantial and unplanned population growth and no feasible mitigation has been identified to reduce impacts. Therefore, residual cumulative impacts would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No additional feasible mitigation is available to avoid substantial unplanned population growth. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to page 4.14-29 of the Final EIR.

Impact TR-3: **Buildout of the Specific Plan Area would exceed the County VMT thresholds and therefore would not be consistent with State CEQA Guidelines Section 15064.3(b). VMT per employee would be incrementally reduced compared to existing conditions; however, the project-related increase in residential VMT per capita and overall VMT would exceed the County VMT thresholds. Impacts would be significant and unavoidable (Class I).**

a. Mitigation Measures: With implementation of feasible mitigation measures, including Mitigation Measure TR/mm-3.1, VMT impacts of the phased buildout of the Specific Plan Area would remain significant and unavoidable with mitigation (Class I).

TR/mm-3.1 A transportation demand management program or identification of transportation demand management strategies to implement would be required of any subsequent developer within the Specific Plan Area, or as appropriate for the project as a whole. The residential, commercial, education, and/or hotel development applicant in consultation with the County of San Luis Obispo and SLO Regional Rideshare will choose feasible transportation demand management strategies and tailor them to the development proposal. The applicant and/or subsequent developers shall coordinate with the Regional Transit Authority to include the Specific Plan Area as part of a serviced transit route.

Potential measures to reduce vehicle miles traveled include, but are not limited to:

1. Improve or increase access to transit
2. Increase access to common goods and services
3. Incorporate affordable housing into the project
4. Orient the project towards transit, bicycle, and pedestrian facilities
5. Improve bicycle and/or pedestrian facilities and/or transit services
6. Limit or eliminate parking supply
7. Implement or provide access to commute reduction programs
8. Provide car-, bike-, and ride-sharing programs
9. Provide transit passes
10. Provide on-site amenities at places of work
11. Measures that relate to reducing the cost of transit through e.g., commuter benefit programs by employers and free or reduced-cost transit passes for new residents shall be prioritized to the extent feasible.

b. Finding: The Commission finds specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measure TR/mm-3.1 is feasible and has been adopted. No additional feasible mitigation is available to avoid an increase in VMT. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.17-39 through 4.17-43 of the Final EIR.

Impact TR-9: The project would result in a cumulatively considerable impact to transportation and traffic. Cumulative impacts would be significant and unavoidable (Class I).

a. Mitigation Measures: Cumulative impacts related to consistency with applicable plans, hazardous roadways design, and emergency access would be avoided through compliance with identified project-specific mitigation; no additional mitigation is needed to avoid or minimize potential cumulative impacts. However, implementation of Mitigation Measure TR/mm-3.1 (refer to Section 6.F.1, TR Impact 3) would not reduce impacts to a less-than-significant level. Therefore, residual cumulative impacts would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measure TR/mm-3.1 is feasible and has been adopted. No additional feasible mitigation is available to avoid an increase in VMT. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 4.17-48 through 4.17-49 of the Final EIR.

Impact GI-1: The project would result in substantial growth inducement associated with the proposed project's population as well as the potential to induce additional spatial, economic, or population growth in a geographic area. Impacts would be significant and unavoidable (Class I).

a. Mitigation Measures: No feasible mitigation has been identified. Potential impacts associated with growth-inducing impacts would be significant and unavoidable (Class I).

b. Finding: The Commission finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No feasible mitigation is available to reduce growth-inducing impacts, which would remain significant and unavoidable. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.

c. Supportive Evidence: Please refer to pages 6-1 through 6-4 of the Final EIR.

CLASS II. Significant but Mitigable Impacts

Impact AES-3: The project would substantially degrade the visual character of the site and its surroundings. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures AES/mm-3.1 and AES/mm-3.2, residual impacts to visual quality and character would be less than significant (Class II).

AES/mm-3.1 The Dana Reserve Specific Plan shall create a U.S. Route 101 Visual Screening Zone along the length of the project adjacent to the utility easement and U.S. Route 101, for the purpose of reducing visibility of the development and minimizing visual impacts to the vegetated visual character of the site and its surroundings as seen from the highway. The U.S. Route 101 Visual Screening Zone shall be a minimum width of 20 feet. The screening zone shall be in addition to the minimum 20-foot width of the utility easement, totaling a minimum width of 40 feet for the U.S. Route 101 Visual Screening Zone. Existing trees in this zone shall be preserved.

Where no trees exist in this zone, oak trees and native shrubs shall be planted. This screening zone shall be implemented as part of the first phase of project development. Plantings shall achieve a minimum of 50% visual screening of the development as seen from U.S. Route 101 within 10 years of planting. Trees planted in this zone shall be subject to the following container sized: 45% of the replacement trees shall be a minimum of 15-gallon container size, 45% of the replacement trees shall be a minimum of 24-inch box container size, and 10% of the replacement trees shall be a minimum of 48-inch container size.

AES/mm-3.2 Replacement trees shall be planted within the "on-site" project boundaries in areas that maximize their visibility from public roadways and common areas. Replacement trees shall be planted from the following container sizes: 20% of the replacement trees shall be a minimum of 15-gallon container size, 20% of the replacement trees shall be a minimum of 24-inch box container size, and 10% of the replacement trees shall be a minimum of 48-inch container size. All replacement trees shall be maintained in perpetuity.

b. Finding: The Commission finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2 are feasible, are adopted, and will further reduce impacts regarding visual character. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding visual character, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding visual character.

c. Supportive Evidence: Please refer to pages 4.1-25 through 4.1-27 of the Final EIR.

Impact AES-7: The project would contribute to cumulative aesthetic and visual resource impacts. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: Implement Mitigation Measures AES/mm-3.1 and AES/mm-3.2.

b. Finding: The Commission finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2 are feasible, are adopted, and will further reduce impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project. With adherence to Mitigation Measures AES/mm-3.1 and, AES/mm-3.2, in combination with DRSP Objective Design Standards, County policies and regulations, implementation of the proposed DRSP would result in a less-than-significant cumulative effect on the visual environment (Class II).

c. Supportive Evidence: Please refer to pages 4.1-29 through 4.1-30 of the Final EIR.

Impact AG-5: **The project could involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. Impacts would be less than significant with mitigation (Class II).**

d. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.2 and AQ/mm-3.3 (refer to Section 6.A.2, AQ Impact 3), residual impacts related to indirect conversion of farmland would be less than significant (Class II).

e. Finding: The Commission finds that Mitigation Measures AQ/mm-3.2 and AQ/mm-3.3 are feasible, are adopted, and will further reduce agricultural impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding agricultural resources, as identified in the EIR. Therefore, impacts are considered less than significant.

f. Supportive Evidence: Please refer to pages 4.2-25 through 4.2-26 of the Final EIR.

Impact AG-6: **Off-site improvements could involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure AQ/mm-3.2 (refer to Section 6.A.2, *AQ Impact 3*), residual impacts related to indirect conversion of farmland would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-3.2 is feasible, is adopted, and will further reduce agricultural impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding agricultural resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.2-26 through 4.2-27 of the Final EIR.

Impact AQ-4: **Off-site improvements could result in a cumulatively considerable net increase of criteria pollutants in exceedance of established SLOAPCD emissions thresholds. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, *AQ Impact 3*), residual impacts related to off-site improvements would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.3-37 through 4.3-38 of the Final EIR.

Impact AQ-5: The project could expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, AQ Impact 3) and AQ/mm-5.1, potential impacts related to exposure of sensitive receptor locations to substantial pollutant concentrations would be less than significant (Class II).

AQ/mm-5.1 The following mitigation measures shall be implemented to reduce long-term exposure to localized pollutant concentrations:

1. Sensitive land uses, including, but not limited to, residential dwellings, childcare facilities, and convalescent care facilities, shall be oriented as far from U.S. Route 101 as possible and shall not be located within 500 feet of the edge of pavement of U.S. Route 101 (see Figure 2 of Environmental Impact Report Appendix D). In the event future development proposals include sensitive land uses within the 500-foot buffer from U.S. Route 101, those sensitive land uses shall be disallowed unless a detailed Health Risk Assessment, approved by the County of San Luis Obispo and San Luis Obispo Air Pollution Control District, documents that health risks associated with proximity to U.S. Route 101 would be within acceptable thresholds in effect at the time development is proposed.

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, and AQ/mm-5.1 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.3-38 through 4.3-40 of the Final EIR.

Impact AQ-6: Off-site improvements could expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, *AQ Impact 3*), residual impacts related to exposure of sensitive receptor locations to substantial pollutant concentrations would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.3-40 through 4.3-41 of the Final EIR.

Impact AQ-7: **The project could result in other emissions (such as those leading to odors) that may adversely affect a substantial number of people. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, *AQ Impact 3*), AQ/mm-5.1 (refer to Section 5.C.2, *AQ Impact 5*), and AQ/mm-7.1, potential impacts related to exposure of people to objectionable odors, including naturally occurring asbestos, would be less than significant (Class II).

AQ/mm-7.1 Prior to any grading activities, a geologic evaluation shall be conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is not present, an exemption request must be filed with the San Luis Obispo Air Pollution Control District. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to:

1. Development of an Asbestos Dust Mitigation Plan, which must be approved by the San Luis Obispo Air Pollution Control District before operations begin; and
2. Development and approval of an Asbestos Health and Safety Program (required for some projects).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, AQ/mm 5.1, and AQ/mm-7.1 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.3-41 through 4.3-42 of the Final EIR.

Impact AQ-8: **Off-site improvements could result in other emissions (such as those leading to odors) that may adversely affect a substantial number of people. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, AQ Impact 3) and AQ/mm-7.1 (refer to Section 5.C.4, AQ Impact 7), potential impacts related to exposure of people to objectionable odors, including naturally occurring asbestos, would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, and AQ/mm-7.1 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.3-42 through 4.3-44 of the Final EIR.

Impact BIO-2: **The project could directly and indirectly impact Pismo clarkia. Impacts would be significant but mitigable (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, *BIO Impact 1*) and BIO/mm-2.1 through BIO/mm-2.3, potential impacts to Pismo clarkia and their habitat would be less than significant with mitigation (Class II).

BIO/mm-2.1 **Incidental Take Permit.** Prior to any ground or vegetation disturbance that would impact Pismo clarkia (e.g., nearby tree removal, grading), the project applicant shall obtain all necessary approvals from the California Department of Fish and Wildlife. Concurrence shall be provided by the California Department of Fish and Wildlife that the project would result in take of a state-listed species and that an Incidental Take Permit, Conservation Easement, and Habitat Management Plan are required prior to disturbance under California Fish and Game Code Section 2081. A conservation easement over the Pismo clarkia habitat will include the California Department of Fish and Wildlife as a third-party beneficiary and may also include the County.

BIO/mm-2.2 **Avoidance.** Pismo clarkia patches identified on-site during 2019 and 2020 surveys shall be avoided to the maximum extent practicable.

Immediately prior to construction, appropriately timed surveys will be conducted by a qualified biologist to determine the extent of the distribution of plants during the construction year. The extant population boundaries mapped in 2019 and 2020, plus any expansions observed during surveys conducted in the year of construction, will be flagged by a qualified biologist.

BIO/mm-2.3 **Mitigation.** Impacts to Pismo clarkia shall be mitigated at a 3:1 ratio of reoccupied habitat to occupied habitat impacted. The population extent and number of plants impacted will be equal to or will not exceed 0.02 acre and/or 40 individuals when seasonal climate conditions are similar to 2020 climate conditions. Additional surveys shall be conducted in 2022 and in the year immediately prior to construction to determine population size and the extent of impacts. In years less favorable than 2020 (appropriately timed and sufficient rainfall and temperature), the areal extent will remain the same.

Impacts to individual Pismo clarkia plants will occur after seed collection. On-site seed collection of remaining populations used to reestablish additional populations shall be limited to no more than 10% of each remaining patch. The topsoil of impacted patches will be collected prior to site grading in order to preserve the seed bank. Topsoil will be relocated to suitable unoccupied habitat areas to promote the expansion of occupied habitat.

Using seeds collected from the impacted population and preserved populations on-site, additional patches of the plant shall be reestablished at a 3:1 ratio along appropriate boundaries of preserved oak woodland habitat areas.

A protective conservation easement shall be placed over on-site habitats that contain occupied and unoccupied habitat suitable for Pismo clarkia.

Genetic analysis will be conducted to determine the similarity or difference between the population of Pismo clarkia on the Dana Reserve with at least two other populations in the Arroyo Grande region. This research and findings will be submitted to a peer reviewed journal and be part of the public record during the mitigation monitoring period.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-2.1 through BIO/mm-2.3 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-54 through 4.4-57 of the Final EIR.

Impact BIO-3: **The project could directly and indirectly impact mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: All three CRPR 1B taxa are highly endemic to the Central Coast, with Nipomo Mesa ceanothus only being known to occur in four USGS 7.5-minute quadrangles in southern San Luis Obispo County. The conversion of over 129 acres of occupied and suitable habitat within their limited range could potentially threaten the continued viability of these species. Based on a cursory assessment of remaining habitat areas within the range of the Nipomo Mesa ceanothus, there may not be a comparable block of occupied or suitable unoccupied habitat to preserve. Therefore, it is imperative to replace and/or preserve each species at a 1:1 ratio within suitable unoccupied habitat. If restoration and/or habitat creation are not successful within the first 5 years of mitigation implementation, habitat conservation/preservation will be implemented. This is imperative because it is not always possible to successfully reestablish rare plants. This combination of mitigation requirements will first prevent the extinction of the species and second allow reestablishment of populations to provide for a no net loss or include habitat preservation to prevent extinction of these 1B species. With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1) and BIO/mm-3.1, which includes preservation of occupied habitat, and Mitigation Measures BIO/mm-14.1 (refer to Section 6.B.3, BIO Impact 14) and BIO/mm 15.1 (refer to Section 6.B.4, BIO Impact 15) for Burton Mesa chaparral and coast live oak woodland, direct and indirect impacts to mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita would be reduced to less than significant with mitigation (Class II).

BIO/mm-3.1 **Mitigation for Plants Ranked 1B (Rare or Endangered) by the California Native Plant Society.** Mitigation shall seek to achieve no net loss of individual plants within affected plant populations. Due to the highly endemic nature of the plant taxa being impacted and the loss of a significant portion of occupied habitat within their limited range, mitigation to offset impacts shall include a combination of preservation of existing populations either on- or off-site at a 1:1 ratio of individuals impacted to individuals preserved and the restoration of suitable habitat at a 2:1 ratio of individuals impacted to individuals restored and/or creation of high quality habitat at a 0.5:1 ratio that contains a 1:1 ratio of

individuals. Prior to issuance of the grading permit, the applicant shall secure appropriate habitat or previously disturbed land suitable for habitat creation. Appropriate mitigation areas shall provide sufficient suitable habitat to reestablish 14,000 mesa horkelia, 100 Nipomo Mesa ceanothus, and 626 sand mesa manzanita.

The applicant shall also prepare and begin implementation of a Habitat Mitigation and Monitoring Plan to preserve and expand patches of mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita on- and off-site. The Habitat Mitigation and Monitoring Plan shall be prepared by a qualified individual acceptable to the Director of Planning and Building and shall conform to California Native Plant Society mitigation guidelines (California Native Plant Society 1998). Habitat Mitigation and Monitoring Plan implementation must demonstrate a trajectory toward successful mitigation (i.e., meeting annual performance criteria) prior to occupancy of the last phase. To meet the County of San Luis Obispo's policy of No Net Loss, any enhanced and/or created habitat would need to confirm establishment of individuals and suitable/occupied habitat such that there is no net loss of plant populations. Maintenance, monitoring, and reporting to the County of San Luis Obispo would be required until the enhanced/created habitat has successfully established individuals at the required 2:1 ratio.

Measures within the Habitat Mitigation and Monitoring Plan shall include salvaging plant and seed material from impacted populations, habitat protection, herbicide avoidance, fencing, and propagation of pollinator plants appropriate to support native bees associated with pollination of these plants.

Prior to grading, plant and seed material shall be salvaged and used to enhance or establish populations in protected habitat areas. This should include the excavation and relocation of the root burls of sand mesa manzanita where practical since they are known resprout from burls as well as from seed. The Habitat Mitigation and Monitoring Plan shall also establish a mitigation receptor site for the long term storage of salvaged material.

In addition to direct habitat preservation and/or creation, the applicant may also fund Public Benefit restoration efforts on conserved land to be implemented and monitored by organizations such as The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, or Cambria Land Trust. The fee would be used to pay for mitigation planting, maintenance, and long-term monitoring in perpetuity. Material salvaged on-site should be incorporated into these mitigation planting efforts where possible.

Measures to protect and expand mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita within protected oak woodland shall also be incorporated in the On-Site Oak Woodland Habitat Protection and Management Plan.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-3.1, BIO/mm-14.1, and BIO/mm-15.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially

significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-58 through 4.4-60 of the Final EIR.

Impact BIO-5: The project could indirectly impact monarch butterflies. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1) and BIO/mm-5.1, impacts to monarch butterflies would be less than significant with mitigation (Class II).

BIO/mm-5.1 Monarch Butterfly Preconstruction Survey. Preconstruction surveys of potential monarch butterfly overwintering habitat on site or adjacent to the site shall be conducted by a qualified monarch butterfly biologist beginning October 1 and continuing through February. If site disturbance is proposed within 200 feet of potential monarch butterfly overwintering locations during the aggregation season (October 1–February), surveys shall be conducted from the Dana Reserve and/or public roads for three mornings at least 1 week prior to planned disturbance. If clustering monarch butterflies are observed, site disturbance and construction activity within 200 feet of monarch butterfly overwintering habitat shall be prohibited while monarch butterflies are in an overwintering aggregation. A 200-foot buffer shall be installed with T-posts and rope and labelled as Environmentally Sensitive Habitat every 75 to 100 feet. If monarch butterflies are observed in overwintering aggregation, monitoring shall be conducted during daily active construction visits to document numbers and assure that no disturbance of the aggregation is caused by construction.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-5.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-63 through 4.4-65 of the Final EIR.

Impact BIO-6: The project could directly and indirectly impact northern California legless lizards and Blainville's horned lizards. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1) and BIO/mm-6.1, impacts to northern California legless lizard and Blainville's horned lizard would be less than significant with mitigation (Class II).

BIO/mm-6.1 Special-Status Reptiles Protection and Relocation. Prior to issuance of the grading permit, the project applicant shall develop a Special-status Reptile Relocation Plan for northern California legless lizard and Blainville's (coast) horned lizard. The goal of the relocation

plan is to establish guidelines and protocols for relocating special-status reptiles out of harm's way. The relocation plan shall include an overview of prior surveys for the species, figures of known and potential habitat areas, timing of relocation efforts, and details regarding capture and relocation methods. Additionally, the relocation plan shall identify and characterize suitable on-site relocation sites for each species. The following details shall be specifically incorporated and expanded upon in the relocation plan:

1. Relocation surveys for special-status reptiles shall be conducted during appropriate times of year when the species are active and can be located. Subject to expert refinement in the relocation plan, legless lizard cover board and raking surveys shall be conducted between January and July. Because legless lizards are not expected to move back into work areas after relocation, these surveys can be done well in advance of earthwork. Horned lizard surveys shall be conducted on warm days in April through August, immediately prior to commencement of earthwork. The relocation plan shall require a minimum of three surveys conducted during the time of year/day when each species is most likely to be observed.
2. Relocation surveys for legless lizards shall utilize a combination of cover boards and soil raking to find lizards in suitable habitat areas prior to commencement of earthwork activities. Relocation surveys for horned lizards shall be completed by pedestrian transects on warm days utilizing narrow spacing to visually search for lizards on the surface of the soil. Special-status reptiles shall be captured by hand, stored in suitable wildlife relocation bins, and immediately relocated to approved habitat.
3. The relocation plan shall identify suitable legless lizard relocation habitat as any sandy soil area with suitable leaf litter under shrub or oak tree canopy. For horned lizard, suitable relocation habitat shall be identified as that which has friable soils, a detectable prey source, and sandy barrens for burrowing and basking.
4. The Special-Status Reptile Relocation Plan shall be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife for approval no less than 60 days prior to any ground-disturbing activities within potentially occupied habitat.
5. A qualified biologist shall be present during ground-disturbing activities immediately adjacent to or within habitat that supports special-status reptiles.
6. Clearance surveys for special-status reptiles shall be conducted by a qualified biologist prior to the initiation of ground-disturbing construction each day, especially along the interface between open space and construction areas.
7. Results of the surveys and relocation efforts shall be provided to the County of San Luis Obispo and California Department of Fish and Wildlife in the annual mitigation status report. Collection and relocation of

animals shall only occur with a Scientific Collecting Permit per Title 14 of the California Code of Regulations Section 650.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-6.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-65 through 4.66 of the Final EIR.

Impact BIO-7: **The project could directly and indirectly impact special-status birds, raptors, and nesting birds. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, *BIO Impact 1*), BIO/mm-7.1, BIO/mm-14.1 (refer to Section 6.B.3, *BIO Impact 14*), BIO/mm-15.1 (refer to Section 6.B.4, *BIO Impact 15*), and BIO/mm-18.4 (refer to Section 6.B.5, *BIO Impact 18*), impacts to nesting birds would be less than significant with mitigation (Class II):

BIO/mm-7.1 **Nesting Bird Preconstruction Survey and Nest Avoidance.** Within 10 days prior to ground-disturbing activities, if work occurs between February 1 and September 15, nesting bird surveys shall be conducted. Surveys shall include a sufficient buffer area around the project area, as determined by a qualified biologist, respecting private property rights and access requirements. A sufficient buffer shall mean any area potentially affected by the project. If surveys do not locate nesting birds, construction activities may begin. If nesting birds are located, no construction activities shall occur within 250 feet of nests or within 500 feet of raptors until chicks have fledged. The project biologist may recommend a buffer decrease depending on site conditions (such as line-of-sight to the nest and whether there are visual or acoustic barriers between the proposed activity and the nest), consideration of the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, and the birds' level of tolerance for construction activities. The biologist shall collect data on the birds' baseline behavior and their tolerance to disturbance by observing the birds at the nest prior to construction activities. If the birds are incubating, the biologist shall record how long they stay in the nest. If nestlings are present, the biologist shall record how frequently adults deliver food and visit the nest. The biologist shall also record the birds' reaction to the biologist and how close the biologist can get to the nest before the birds' behavior is altered or they show signs of stress or disturbance. The biologist shall set the reduced buffer distance based on these data. Nesting bird buffers may be reduced up to 50 feet, while raptor nest buffers may be reduced up to 250 feet. If nest buffers are reduced, the biologist shall monitor any construction activities that take place within 100 feet of nesting birds and 500 feet of raptor nests. If nesting birds show any signs of disturbance, including changes in behavior, significantly reducing frequency of nests visits, or refusal to visit the nest, the biologist will stop work and increase the nest buffer.

If occupied nests of fully protected raptor are located within the Specific Plan Area or within any areas within 0.5 mile of the Specific Plan Area, a 0.5 mile no-disturbance buffer shall be implemented. Surveys of fully protected raptor outside of the Specific Plan Area shall only be required in areas the qualified biologist determines contain suitable habitat for raptor. If the 0.5-mile no-disturbance buffer cannot be implemented, the Environmental Monitor shall contact the California Department of Fish and Wildlife to identify additional avoidance measures.

Preconstruction surveys for burrowing owl shall follow the California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993) and California Department of Fish and Wildlife's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012). In the event a burrowing owl is located, no-disturbance buffers shall be implemented as outlined in the Staff Report on Burrowing Owl Mitigation unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive methods that (1) the birds have not begun egg laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and capable of independent survival.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-7.1, BIO/mm-14.1, BIO/mm-15.1, and BIO/mm-18.4 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-67 through 4.4-68 of the Final EIR.

Impact BIO-8: **Project activities, including tree removal, have the potential to impact special-status bat species and roosting bats. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1) and BIO/mm-8.1, impacts to bats would be less than significant with mitigation (Class II).

BIO/mm-8.1 **Bat Preconstruction Surveys and Passive Relocation.** Within 30 days of construction between April and September, structures and trees or snags to be removed or pruned that are greater than 20 inches diameter at breast height shall be inspected for bats. If a bat roost is found, the qualified biologist shall implement passive relocation measures, such as installation of one-way valves. Bat maternity colonies may not be disturbed.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-8.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the

proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-68 through 4.4-69 of the Final EIR.

Impact BIO-9: The proposed project could directly impact American badger. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-9.1, impacts to American badger would be less than significant with mitigation (Class II):

BIO/mm-9.1 **Badger Den Preconstruction Survey and Relocation.** Preconstruction surveys shall be conducted within 30 days of beginning work on the site to identify if badgers are using proposed work areas. Survey results shall be submitted to the County with monthly construction update reports.

If suitable American badger dens are identified within the disturbance footprint, den openings shall be monitored with tracking medium or an infrared camera for 3 consecutive nights to determine current use. If the den is not in use, the den shall be excavated and collapsed to ensure that no animals are present during construction. If the den is occupied during the non-maternity period, badgers may be relocated by first incrementally blocking the den over a 3-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (February 15–June 30). Passive relocation of American badgers shall be conducted under the direction of a qualified biologist.

If the preconstruction survey finds potential badger dens, the dens shall be inspected by the project biologist to determine whether they are occupied. If a potential badger den is too long to completely inspect from the entrance, a fiber optic scope may be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent reuse of dens during construction. If badgers occupy active dens in proposed work areas between February and July, nursing young may be present.

To avoid disturbance and the possibility of direct impacts to adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, American badger dens determined to be occupied during the breeding season (February 15–June 30) shall be flagged. Between February and July, no grading or ground-disturbing activities shall occur within 100 feet of active badger dens to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and buffers only removed after the qualified biologist determines that the den is no longer in use.

If a potential den is located outside of the disturbance footprint but within 500 feet of ground-disturbing activities (including staging areas), dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet from the den, designating the area an Environmentally Sensitive Area. Fencing shall be installed in a manner that allows badgers to move through the

fencing at-will. No equipment, vehicles, or personnel shall be permitted within Environmentally Sensitive Areas without clear permission from a qualified biologist.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-9.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-69 through 4.4-70 of the Final EIR.

Impact BIO-10: The development of the North Frontage Road Extension Parcel could directly or indirectly impact special-status plant and wildlife species. Impacts would be less than significant with mitigation incorporated (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm 1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-5.1 (refer to Section 5.D.3, BIO Impact 5), BIO/mm-6.1 (refer to Section 5.D.4, BIO Impact 6), BIO/mm-7.1 (refer to Section 5.D.5, BIO Impact 7), BIO/mm-8.1 (refer to Section 5.D.6, BIO Impact 8), and BIO/mm 9.1 (refer to Section 5.D.7, BIO Impact 9), potential impacts to special-status plant and wildlife species would be less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, and BIO/mm-9.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-70 through 4.4-71 of the Final EIR.

Impact BIO-11: Off-site transportation, water, and wastewater improvements could directly or indirectly impact monarch butterfly, sharp-shinned hawk, Cooper's hawk, white-tailed kite, and other nesting birds. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm 1.1 through BIO/mm-1.6 (refer to Section 6.B.1, *BIO Impact 1*), BIO/mm-5.1 (refer to Section 5.D.3, *BIO Impact 5*), BIO/mm-6.1 (refer to Section 5.D.4, *BIO Impact 6*), BIO/mm-7.1 (refer to Section 5.D.5, *BIO Impact 7*), BIO/mm-8.1 (refer to Section 5.D.6, *BIO Impact 8*), BIO/mm-9.1 (refer to Section 5.D.7, *BIO Impact 9*), and BIO/mm-12.1 (refer to Section 5.D.10, *BIO Impact 12*), potential impacts to special-status wildlife species would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures BIO/mm 1.1 through BIO/mm-1.6, BIO/mm 5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, and BIO/mm-12.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the

County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to page 4.4-72 of the Final EIR.

Impact BIO-12: Off-site NCSD water improvements could directly or indirectly impact California red-legged frog, western pond turtle, and two-striped gartersnake. Impacts would be less than significant with mitigation incorporated (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1) and BIO/mm-12.1, potential impacts to California red-legged frog, western pond turtle, and two-striped gartersnake would be less than significant (Class II).

BIO/mm-12.1 California Red-Legged Frog, Western Pond Turtle, and Two-Striped Gartersnake Surveys and Relocation. All work areas within 100 feet of known California red-legged frog habitat shall be surveyed by a qualified biologist each day prior to the initiation of construction activities. As necessary, the qualified biologist shall physically relocate semiaquatic, special-status species (e.g., western pond turtle, two-striped gartersnake, etc.) and common semi-aquatic species (e.g., western toad, Pacific chorus frog, etc.) to suitable habitat areas (e.g., in Nipomo Creek) located outside the construction zone(s). Exact procedures and protocols for relocation of the special-status species shall be based upon pre-project consultation with the California Department of Fish and Wildlife. In the event a California red-legged frog is identified in a work area, all work shall cease until the California red-legged frog has safely vacated the work area. At no time shall any California red-legged frog be relocated and/or affected by project operations without prior approval from the U.S. Fish and Wildlife Service. In the unlikely event a permit is needed from the U.S. Fish and Wildlife Service for California red-legged frog, the applicant shall be required to obtain such permit.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-12.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-72 through 4.4-73 of the Final EIR.

Impact BIO-13: Off-site NCSD water improvements could directly or indirectly impact least Bell's vireo and southwestern willow flycatcher. Impacts would be less than significant with mitigation incorporated (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm 1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-7.1 (refer to Section 5.D.5, BIO Impact 7), and

BIO/mm-13.1, potential impacts to least Bell's vireo and southwestern willow flycatcher would be less than significant (Class II):

BIO/mm-13.1 **Nesting Bird Surveys.** If construction activities are proposed during the typical nesting bird season (February 1–September 15), a nesting bird survey will be conducted by qualified biologists no more than 2 weeks prior to the start of construction to determine presence/absence of nesting birds within the project area and immediate vicinity (within 100 feet of the Nipomo Creek corridor). The County of San Luis Obispo will be notified if federally listed nesting bird species are observed during the surveys and the applicant, in coordination with the Nipomo Community Services District, will be responsible for facilitating coordination with the U.S. Fish and Wildlife Service, if necessary, to determine an appropriate avoidance strategy. Likewise, coordination with the California Department of Fish and Wildlife will be facilitated by the applicant, in coordination with the Nipomo Community Services District, if necessary, to devise a suitable avoidance plan for state-listed nesting bird species.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-7.1, and BIO/mm-13.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-73 through 4.4-74 of the Final EIR.

Impact BIO-16: **Off-site NCSD water improvements could directly and indirectly impact riparian habitat and sensitive aquatic resources. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm 1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-11.1 (refer to Section 5.D.9, BIO Impact 11), and BIO/mm-16.1, impacts to riparian and other aquatic habitat areas would be less than significant (Class II).

BIO/mm-16.1 **Riparian Habitats.** The following measures shall be implemented for any grubbing, grading, and other ground-disturbing activities conducted within 100 feet of riparian habitat along Nipomo Creek or its tributaries to avoid potential project-related impacts to these resources and special-status species that may utilize these habitats:

1. All construction-related activities must observe a 100-foot setback from the Nipomo Creek riparian corridor, as measured from the outer edge of the riparian canopy. A minimum 50-foot setback shall be observed from the ephemeral drainages and flood channels, as measured from the outer edge of riparian vegetation.

2. If construction-related activities within the 100- or 50-foot buffers from Nipomo Creek or any other surface water resource, to the extent practicable, construction activities shall be conducted during the dry

season (typically May 1–November 1), or as specified by resource agency permits and authorizations. This would reduce potential impacts to aquatic and semi-aquatic species that might be using the aquatic habitat and associated riparian vegetation as a movement/dispersal corridor.

3. Any construction activities conducted within 50 feet of Nipomo Creek, watercourses, pond, and riparian habitat shall be monitored by a qualified biologist.

4. If any special-status species are observed, the qualified biologist shall implement the measures described in BIO/mm-1.1 through BIO/mm 1.6 and BIO/mm-11.1.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-11.1, and BIO/mm-16.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-78 through 4.4-79 of the Final EIR.

Impact BIO-17: **Off-site NCSD water improvements will directly and indirectly impact aquatic habitats under the jurisdiction of the USACE, CDFW, and RWQCB. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-17.1 through BIO/mm 17.3, impacts to aquatic habitats would be less than significant with mitigation (Class II).

BIO/mm-17.1 **Wetland Delineation.** Prior to construction in any undeveloped area where surface water resources or wetland indicators are present, the applicant, in coordination with the Nipomo Community Services District, shall retain a qualified biologist to conduct a wetland delineation along the proposed alignment route, including at minimum a 50-foot buffer area and a 100-foot buffer along the Nipomo Creek riparian corridor.

BIO/mm-17.2 Prior to construction within 50 feet of any stream or other surface water resource, the applicant, in coordination with the Nipomo Community Services District, shall prepare project-specific plans for crossings. If construction activities require any earthwork within the banks of the drainages (including beneath the bed of the channel), the applicant, in coordination with the Nipomo Community Services District, shall coordinate with the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board to obtain the appropriate permits for direct impacts to jurisdictional features. The applicant, in coordination with the Nipomo Community Services District, shall implement all pre- and post-construction conditions identified in the permits issued. The plan shall be submitted to the County and applicable agencies 60 days prior to construction.

BIO/mm-17.3 Prior to construction within 50 feet of any stream or other surface water resource, the applicant, in coordination with the Nipomo Community Services District, shall implement the following measures:

1. Prior to project implementation, the project area shall be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access and disturbance. Areas within the designated project site that do not require regular access shall be clearly flagged as off-limit areas to avoid unnecessary damage to sensitive habitats or existing vegetation within the project area.

2. Prior to project implementation, a project Erosion Control Plan shall be prepared. During project activities, erosion control measures shall be implemented. Silt fencing, fiber rolls, and barriers (e.g., hay bales) shall be installed to establish a minimum 25-foot setback distance between the project impact areas and adjacent wetlands and other waters. At a minimum, silt fencing shall be checked and maintained on a daily basis throughout the construction period.

3. Prior to construction, the applicant shall prepare and submit to the Regional Water Quality Control Board or State Water Resources Control Board a Notice of Intent and prepare a Stormwater Pollution Prevention Plan in accordance with the requirements of the State General Order related to construction projects. The Stormwater Pollution Prevention Plan shall identify the selected stormwater management procedures, pollution control technologies, spill response procedures, and other means that will be used to minimize erosion and sediment production and the release of pollutants to surface water during construction. The applicant shall ensure that sedimentation and erosion control measures are installed prior to any ground-disturbing activities.

4. Prior to the commencement of site preparation, ground-disturbing, or construction activities, the applicant will identify required best management practices on all construction plans. These practices will be implemented prior to, during, and following construction activities as necessary to ensure their intended efficacy. Measures will include, but not necessarily be limited to, the placement of silt fencing along the down-slope side of the construction zone, on-site storage of a spill and clean-up kit at all times, and employment of both temporary and permanent erosion and sedimentation control measures (e.g., silt fencing, hay bales, straw wattles).

5. During project activities, if work occurring within stream channels is necessary, it shall be conducted during the dry season if possible (typically May 1–November 1).

6. Prior to construction, the applicant shall ensure preparation and implementation of a Spill Prevention and Contingency Plan that includes provisions for avoiding and/or minimizing impacts to sensitive habitat areas, including wetland and riparian areas and waterbodies due to equipment-related spills during project implementation. The applicant

shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall ensure that the plan allows a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measure to take should a spill occur. The plan shall include the following provisions:

a. All equipment fueling shall be conducted within the designated staging areas of the project site. Such areas shall consist of roadway or ruderal habitat. At no time shall any equipment fueling be conducted within 100 feet of any wetland and riparian habitat area or waterbody.
b. An overview of the containment measures to appropriately store and contain all fuels and associated petroleum products during the project shall be included in the plan. This shall include provisions for equipment staging areas, such as the need for drip pans underneath parked equipment and designated storage areas for fuel dispensing.

b. Finding: The Commission finds that Mitigation Measures BIO/mm-17.1 through BIO/mm-17.3 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-80 through 4.4-81 of the Final EIR.

Impact BIO-19: **Off-site transportation improvements and/or trenching of new water and wastewater pipelines could result in direct and indirect impacts to oak trees. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure BIO/mm-19.1, impacts to oak trees from the installation of new off-site transportation, water, and wastewater improvements would be less than significant (Class II).

BIO/mm-19.1 **Oak Tree Monitoring.** Impacts to oak trees shall be avoided where feasible. Impacts include any ground disturbance or soil compaction within the dripline or critical root zone of the trees (whichever distance is greater). A certified arborist shall determine the critical root zone for each oak tree within the path of the pipeline alignments. Ground disturbance shall be supervised by a licensed arborist if excavation is proposed within the critical root zone of an oak tree. The arborist shall supervise all trenching within the critical root zone. The arborist shall provide guidance such as temporary damaged root protection, use of air spades, timing between impact and root treatment by arborist, appropriate use of air spade or hand tools to minimize tree damage specific to the action proposed, and to treat root zone and branch damage. During and upon completion of construction, the licensed arborist shall provide treatment, as the

licensed arborist determines is appropriate, to maintain and improve the health of the tree, including pruning of the broken main stem, and soil supplement and watering programs. All root pruning shall be completed with sharpened hand pruners. Pruned roots shall be immediately covered with soil or moist fabric. Damaged roots shall be treated within 24 hours by a qualified tree specialist to inhibit fungus, insects, or other disease damage. Impacted oak trees shall be monitored and, if found in decline, replaced consistent with the requirements of BIO/mm-18.1, BIO/mm-18.2, and BIO/mm-18.3. If required, a draft replacement plan with a specific receiver site such as parks in the Nipomo area shall be approved by the County of San Luis Obispo prior to trenching within the critical root zone of any oak tree.

b. Finding: The Commission finds that Mitigation Measure BIO/mm-19.1 is feasible, is adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.4-96 through 4.4-97 of the Final EIR.

Impact CR-1: **Off-site improvements could result in adverse effects to historical resources. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure CR/mm-1.1, impacts to off-site historical resources would be considered less than significant (Class II).

CR/mm-1.1 **Historical Resources Evaluation.** Prior to development of off-site improvements, the applicant, in coordination with the Nipomo Community Services District, shall retain a County of San Luis Obispo-qualified architectural historian to conduct a review to determine the presence of historical resources and/or the potential for the improvements to affect historical resources and prepare a report that details the evaluation methodology, findings, and recommended mitigation measures to avoid and/or minimize potential impacts. The report shall be submitted to the Nipomo Community Services District for implementation and to the County of San Luis Obispo Planning and Building Department for verification of compliance with this measure.

b. Finding: The Commission finds that Mitigation Measure CR/mm-1.1 is feasible, is adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources.

c. Supportive Evidence: Please refer to pages 4.5-17 through 4.5-18 of the Final EIR.

Impact CR-2: **Future project-related ground-disturbing activities and indirect impacts related to the use and occupation of the Specific Plan Area could result in disturbance**

and destruction of known archaeological resources P-40-002132, P-40-002273, and DR-001. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.1 through CR/mm-2.4, impacts to known resources would be considered less than significant (Class II).

CR/mm-2.1 **Environmentally Sensitive Areas.** The Extended Phase I study identified areas within each resource that contain subsurface deposits, which have higher potential to yield important information. Although abundant within the project area, non-diagnostic surface artifacts generally lack significant data potential. As such, the localized portions of each respective resource that contain evidence of subsurface deposits shall be avoided.

These areas shall be labeled as Environmentally Sensitive Areas on construction plans for initial site preparation and infrastructure establishment, as well as construction plans for all future phases of the project. Highly visible temporary construction fencing shall be installed along the boundary and shall remain in place during initial ground disturbance. To the greatest extent feasible, no ground disturbance, construction worker foot traffic, storage of materials, or storage or use of equipment shall occur within 50 feet of the Environmentally Sensitive Areas. If an Environmentally Sensitive Area will be accessible by occupants or visitors to the development, the Environmentally Sensitive Area shall be clearly marked, and designated trails will be established to ensure that no future impacts to the Environmentally Sensitive Areas occur as a result of the project. Where feasible, native vegetation shall be planted and maintained in a way that protects off-trail activity within the Environmentally Sensitive Area(s) and minimizes impacts from planting, irrigation, and use for the life of the project.

CR/mm-2.2 **Data Recovery Plan.** If a resource cannot be protected and avoided as an Environmentally Sensitive Area as described in CR/mm-2.1, the applicant shall retain a County of San Luis Obispo-qualified archaeologist to conduct and implement resource-specific data recovery prior to initial site preparation and infrastructure establishment, as well as prior to construction of all future phases of the project occurring within 50 feet of an Environmentally Sensitive Area. Prior to implementation of data recovery, a County-qualified archaeologist shall prepare a Data Recovery Plan outlining the goals and methods for conducting and reporting on the work. The Data Recovery Plan will include, but not be limited to:

1. Research design;
2. Excavation methodology;
3. Curation or repatriation plan;
4. Treatment of human remains;
5. Proposed sample size;
6. Proposed excavation locations; and
7. Coordination with local tribal groups.

The Data Recovery Plan will be tailored to the level of physical disturbance at each resource (if any). As the full extent of proposed disturbance cannot be

determined at this time, it is not practical to include the preparation of the Data Recovery Plan as part of this Environmental Impact Report. The Data Recovery Plan will be prepared in direct coordination with local tribal groups and shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval.

CR/mm-2.3 **Cultural Resources Protection Plan.** In addition to the resource-specific Data Recovery program, a County of San Luis Obispo -qualified archaeologist shall prepare a Cultural Resources Protection Plan to ensure impacts to unknown resources are avoided or minimized during all future phases of the project, including off-site improvements. The Cultural Resources Protection Plan shall include, but not be limited to, the following provisions:

1. List of personnel involved in the observation and oversight activities;
2. Description of how monitoring will occur;
3. Description of how tribal monitoring will occur in coordination with the Northern Chumash Tribal Council (NCTC) and yak titʸu titʸu yak tiłhini (ytt);
4. Description of frequency of monitoring (e.g., full-time, part time, spot checking);
5. Description of what resources are expected to be encountered;
6. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered significant archaeological resources?);
7. Description of procedures for halting work on the site and notification procedures;
8. Description of reporting procedures; and
9. Consultation with appropriate Chumash tribal representatives.

The Cultural Resources Protection Plan shall outline how and when archaeological and/or tribal monitoring may occur during initial project activities. The intent of the Cultural Resources Protection Plan is to ensure avoidance of adverse impacts to resources protected as Environmentally Sensitive Areas and to ensure proper treatment in the case unknown resources are inadvertently discovered during project implementation.

CR/mm-2.4 **Worker Awareness Training.** Prior to construction activities, the applicant shall have a County of San Luis Obispo-qualified archaeologist and a tribal representative conduct a cultural resources training for all construction personnel, including the following:

1. Review the types of archaeological artifacts that may be uncovered;
2. Provide examples of common archaeological artifacts to examine;
3. Review what makes an archaeological resource significant to archaeologists and local Native Americans;
4. Describe procedures for notifying involved or interested parties in case of a new discovery;
5. Describe reporting requirements and responsibilities of construction personnel;

6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and,
7. Describe procedures that would be followed in the case of discovery of disturbed and/or intact human burials and burial-associated artifacts.

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.1 through CR/mm-2.4 are feasible, are adopted, and will further reduce impacts to cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to tribal cultural resources.

c. Supportive Evidence: Please refer to pages 4.5-18 through 4.5-20 of the Final EIR.

Impact CR-3: Off-site improvements could result in adverse effects to archaeological resources. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.3, CR/mm-2.4 (refer to Section 5.E.2, CR Impact 2), and CR/mm-3.1, impacts to off-site archaeological resources would be less than significant (Class II).

CR/mm-3.1 **Retain Archaeologist.** Prior to development of off-site improvements, a County of San Luis Obispo-qualified archaeologist shall be retained by the applicant, in coordination with the Nipomo Community Services District, to conduct a review of California Historical Resources Information System records search data to determine the presence of known resources and determine if the off-site improvement areas have been previously subject to archaeological study, and whether the study adequately addresses the potential for archaeological resources to occur within the disturbance area associated with implementation of the project.

If it is determined a study has not been conducted or existing research does not meet California Environmental Quality Act requirements for the identification and treatment of California Register of Historical Resources-eligible resources, a new study shall be conducted. The study shall identify archaeological resources that have the potential to be impacted by future development and provide mitigation measures to avoid and/or minimize potential impacts. Additional tasks, such as Native American coordination, Phase II archaeological testing, Phase III data recovery, and historic research, shall be conducted as necessary. The study shall identify cultural resources that have the potential to be impacted by future development and identify resource-specific mitigation measures to avoid and/or minimize potential impacts. The study shall be submitted to the Nipomo Community Services District for implementation prior to initiation of site preparation for off-site improvements and to the County of San Luis Obispo Planning and Building Department for verification of compliance with this measure.

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.3, CR/mm-2.4, and CR/mm-3.1 are feasible, are adopted, and will further reduce impacts to archeological resources.

Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources.

c. Supportive Evidence: Please refer to pages 4.5-20 through 4.5-21 of the Final EIR.

Impact CR-4: **Future project-related ground-disturbing activities and indirect impacts related to the use and occupation of the Specific Plan Area could result in disturbance and destruction of unknown human remains. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.3 and CR/mm-2.4 (refer to Section 5.E.2, CR Impact 2), impacts to unknown resources, including human remains, would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.3 and CR/mm-2.4 are feasible, are adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources.

c. Supportive Evidence: Please refer to page 4.5-22 of the Final EIR.

Impact CR-5: **Off-site improvements could result in disturbance and destruction of unknown human remains. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.3 and CR/mm-2.4 (refer to Section 5.E.2, CR Impact 2), impacts to unknown resources would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.3 and CR/mm-2.4 are feasible, are adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources.

c. Supportive Evidence: Please refer to page 4.5-23 of the Final EIR.

Impact CR-6: **Project implementation may result in the cumulative disturbance and destruction of historic resources, including archaeological and historical resources pursuant to State CEQA Guidelines Section 15064.5, and human remains. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-1.1 (refer to Section 5.E.1, *CR Impact 1*), CR/mm-2.1 through CR/mm-2.4 (refer to Section 5.E.2, *CR Impact 2*), and CR/mm-3.1 (refer to Section 5.E.3, *CR Impact 3*), cumulative impacts to known and potentially unknown cultural resources would be less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measures CR/mm-1.1, CR/mm-2.1 through CR/mm-2.4, and CR/mm-3.1 are feasible, are adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources.

c. Supportive Evidence: Please refer to pages 4.5-23 through 4.5-24 of the Final EIR.

Impact EN-1: The project could result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1, AQ/mm-3.3 (refer to Section 6.A.2, *AQ Impact 3*), and TR/mm-3.1 (refer to Section 6.F.1, *TR Impact 3*), potential impacts related to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, and TR/mm-3.1 are feasible, are adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.6-11 through 4.6-14 of the Final EIR.

Impact EN-2: Off-site improvements could result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation Mitigation Measure AQ/mm-3.1 (refer to Section 6.A.2, AQ Impact 3), potential impacts related to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-3.1 is feasible, is adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.6-14 through 4.6-15 of the Final EIR.

Impact EN-3: **The project could conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure AQ/mm-3.3 (refer to Section 6.A.2, AQ Impact 3), potential impacts related to obstruction of a state or local renewable energy or energy efficiency plan would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-3.3 is feasible, is adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.6-15 through 4.6-16 of the Final EIR.

Impact EN-4: **Off-site improvements could conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure AQ/mm-3.1 (refer to Section 6.A.2, AQ Impact 3), potential impacts related to obstruction of a state or local renewable energy or energy efficiency plan would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-3.1 is feasible, is adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to page 4.6-16 of the Final EIR.

Impact GEO-1: **The project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground shaking, or seismic-related ground failure. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure GEO/mm-1.1, residual impacts would be considered less than significant (Class II).

GEO/mm-1.1 **Foundations.** The following recommendations shall be incorporated into the design criteria for future development of the Specific Plan Area:

1. Conventional continuous and spread footings bearing on compacted soils may be used to support the new structures. Grade beams shall also be placed across all large entrances into the buildings. Footings and grade beams shall have a minimum depth of 12 inches below lowest adjacent grade; however, footings and grade beams for commercial buildings and residential buildings two stories or greater shall have a minimum depth

of 18 inches below lowest adjacent grade. All spread footings shall be a minimum of 2 square feet. Footing and grade beam dimensions shall also conform to the applicable requirements of Section 1809 of the 2019 California Building Code. Footing reinforcement shall be in accordance with the requirements of the architect/engineer; minimum continuous footing and grade beam reinforcement shall consist of two No. 4 rebar, one near the top and one near the bottom of the footing.

2. Footings shall be designed using a maximum allowable bearing capacity of 2,000 pounds per square foot (psf) dead plus live load. The allowable bearing capacity may be increased by 200 psf for each additional 6 inches of embedment below a depth of 12 inches below lowest adjacent grade. The allowable bearing capacity shall not exceed 3,000 psf dead plus live loads. Using these criteria, maximum total and differential settlement under static conditions are expected to be on the order of 3/4-inch and 1/4-inch in 25 feet, respectively. Footings shall also be designed to withstand total and differential dynamic settlement of 1/2-inch and 1/4-inch across the largest building dimension, respectively.

3. Lateral loads may be resisted by soil friction and by passive resistance of the soil acting on foundations. Lateral capacity is based on the assumption that backfill adjacent to foundations is properly compacted. A passive equivalent fluid pressure of 375 pounds per cubic foot (pcf) and a coefficient of friction of 0.39 may be used in design. No safety, load, and/or other factors have been applied to any of the values.

4. The allowable bearing capacity may be increased by one-third when transient loads, such as wind or seismicity, are included if the structural engineer determines they are allowed per Sections 1605.3.1 and 1605.3.2 of the 2019 California Building Code. The following seismic parameters are presented for use in structural design.

2019 Mapped CBC Values		**Site Class "D" Adjusted Values**				**Design Values**	
Seismic Parameters	**Values (g)**	**Site Coefficients**	**Values (g)**	**Seismic Parameters**	**Values (g)**	**Seismic Parameters**	**Values (g)**
S_S	1.056	F_a	1.078*	S_{MS}	1.138	S_{DS}	0.759*
S_1	0.386	F_V	1.914	S_{M1}	0.739	S_{D1}	0.493

Peak Mean Ground Acceleration (PGA_M) = 0.527g

Seismic Design Criteria = D

*F_a should be taken as 1.4 and S_{DS} as 0.996 if the Simplified Lateral Force Analysis Procedure in Section 12.14.8 of the American Society of Civil Engineers Publications is used in structural design

5. Foundation excavations shall be observed by the geotechnical engineer prior to placement of reinforcing steel or any formwork. Foundation excavations shall be thoroughly moistened prior to Portland cement concrete placement and no desiccation cracks shall be present.

b. Finding: The Commission finds that Mitigation Measure GEO/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding seismic risk. Accordingly, the County finds that, pursuant to

PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding seismic impacts, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.7-22 through 4.7-24 of the Final EIR.

Impact GEO-5: The project may 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. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures GEO/mm-1.1 (refer to Section 5.G.1, *GEO Impact 1*) and GEO/mm-5.1 through GEO/mm-5.3, residual impacts would be considered less than significant (Class II).

GEO/mm-5.1 Site Preparation.

1. The existing ground surface in the building and surface improvements areas shall be prepared for construction by removing existing improvements, vegetation, large roots, debris, and other deleterious material. Any existing fill soils shall be completely removed and replaced as compacted fill. Any existing utilities that will not remain in service shall be removed or properly abandoned; the appropriate method of utility abandonment will depend upon the type and depth of the utility. Recommendations for abandonment can be made as necessary.
2. Voids created by the removal of materials or utilities, and extending below the recommended overexcavation depth, shall be immediately called to the attention of the geotechnical engineer. No fill shall be placed unless the geotechnical engineer has observed the underlying soil.

GEO/mm-5.2 Grading.

1. Following site preparation, the soils in the building area for one- and two-story buildings shall be removed to a level plane at a minimum depth of 3 feet below the bottom of the deepest footing or 4 feet below existing grade, whichever is deeper. The soils in the building area for three- and four-story buildings shall be removed to a level plane at a minimum depth of 4 feet below the bottom of the deepest footing or 5 feet below existing grade, whichever is deeper. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil.
2. In addition to the recommendations of measure 1, all cut or cut/fill transition areas shall be overexcavated such that a minimum of 5 feet of compacted fill is provided within all the building areas. Also, the minimum depth of the fill below the building area shall not be less than half of the maximum depth of fill below the building area. For example, if the maximum depth of fill below the building area is 20 feet, then the minimum depth of fill below the same building area grades shall be no

less than 10 feet. In no case shall the depth of fill be less than 5 feet on the building areas.

3. Following site preparation, the soils in the surface improvement area shall be removed to a level plane at a minimum depth of 1 foot below the proposed subgrade elevation or 2 feet below the existing ground surface, whichever is deeper. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil.
4. Following site preparation, the soils in fill areas beyond the building and surface improvement areas shall be removed to a depth of 2 feet below existing grade. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil.
5. Voids created by dislodging cobbles and/or debris during scarification shall be backfilled and compacted, and the dislodged materials shall be removed from the area of work.
6. On-site material and approved import materials evaluated and approved by the geotechnical engineer pursuant to the Department of Toxic Substance Control's (DTSC's) 2001 Information Advisory Clean Imported Fill Material may be used as general fill. All imported soil shall be free of contamination and non-expansive. The proposed imported soils shall be evaluated by the geotechnical engineer before being used, and on an intermittent basis during placement on the site.
7. All materials used as fill shall be cleaned of any debris and rocks larger than 6 inches in diameter. No rocks larger than 3 inches in diameter shall be used within the upper 3 feet of finish grade. When fill material includes rocks, the rocks shall be placed in a sufficient soil matrix to ensure that voids caused by nesting of the rocks will not occur and that the fill can be properly compacted.

   Soils are estimated to shrink by approximately 15% to 20% when prepared and graded as recommended above.

GEO/mm-5.3 Project Design, Construction Observation, and Testing.

1. A geotechnical engineer shall be retained to provide consultation during the design phase, aid in incorporating recommendations of this report in future project design, review final plans once they are available, interpret this report during construction, and provide construction monitoring in the form of testing and observation.
2. At a minimum, the geotechnical engineer shall be retained to provide:
   a. Review of final grading, utility, and foundation plans;
   b. Professional observation during grading, foundation excavations, and trench backfill;

c. Oversight of compaction testing during grading; and

d. Oversight of special inspection during grading;

3. Special inspection of grading shall be provided as per California Building Code Section 1705.6 and Table 1705.6. The special inspector shall be under the direction of the geotechnical engineer. Special inspection of the following items shall be provided by the special inspector:

    a. Stripping and clearing of vegetation

    b. Overexcavation to the recommended depths

    c. Scarification, moisture conditioning, and compaction of the soil

    d. Fill quality, placement, and compaction

    e. Utility trench backfill

    f. Retaining wall drains and backfill

    g. Foundation excavations

    h. Subgrade and aggregate base compaction and proof rolling

4. A program of quality control shall be developed prior to beginning grading. The contractor or project manager shall determine any additional inspection items required by the architect/engineer or the governing jurisdiction.

5. Locations and frequency of compaction tests shall be as per the recommendation of the geotechnical engineer at the time of construction. The recommended test location and frequency may be subject to modification by the geotechnical engineer, based on soil and moisture conditions encountered, size and type of equipment used by the contractor, the general trend of the results of compaction tests, or other factors.

6. The geotechnical engineer shall be notified at least 48 hours prior to beginning construction operations.

b. Finding: The Commission finds that Mitigation Measures GEO/mm 1.1 and GEO/mm-5.1 through GEO/mm-5.3 are feasible, are adopted, and will further reduce impacts regarding ground-failure. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding ground-failure impacts, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.7-27 through 4.7-29 of the Final EIR.

Impact GEO-8: **Paleontological resources could be present in geological units that underlay the Specific Plan Area, and ground-disturbing activities could damage paleontological resources that may be present below the surface. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures GEO/mm-8.1, GEO/mm-8.2, and GEO/mm-8.3, residual impacts would be considered less than significant (Class II):

GEO/mm-8.1 **Preparation of a Paleontological Resources Monitoring and Mitigation Plan.** A qualified paleontologist, meeting the standards of the Society of Vertebrate Paleontology (2010), shall be retained by the applicant prior to the approval of grading permits. The qualified paleontologist shall develop a Paleontological Resources Monitoring and Mitigation Plan for all ground-disturbing activities, provide mitigation measures to reduce potential impacts when existing information indicates that a site proposed for development may contain paleontological resources, and report to the site in the event potential paleontological resources are encountered.

GEO/mm-8.2 **Worker Environmental Awareness Program.** The qualified paleontologist shall conduct a Worker Environmental Awareness Program for all construction workers prior to the start of ground-disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found. This information may be presented to contractors and their staff through the use of in-person "tailgate" meetings or other mechanisms (e.g., handouts). Documentation shall be retained demonstrating that all construction personnel attended the training.

GEO/mm-8.3 **Paleontological Monitoring and Handling of Resources Inadvertently Discovered during Ground-Disturbing Activities.** Part-time/on-call paleontological resources monitoring shall be conducted by a qualified paleontologist who meets the standards of the Society of Vertebrate Paleontology (2010), for all ground-disturbing activities that occur in previously undisturbed sediments, as outlined in the Paleontological Resources Monitoring and Mitigation Plan prepared to satisfy Mitigation Measure GEO/mm-8.1. If required per the requirements of the Paleontological Resources Monitoring and Mitigation Plan, the qualified paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring shall be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage as designated in the Paleontological Resources Monitoring and Mitigation Plan. Monitors shall prepare daily logs detailing the types of activities and soils observed and any discoveries. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort.

If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the qualified paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged

following the standards of the Society of Vertebrate Paleontology (2010) and curated with a certified repository.

b. Finding: The Commission finds that Mitigation Measures GEO/mm-8.1, GEO/mm-8.2, and GEO/mm-8.3 are feasible, are adopted, and will further reduce impacts regarding paleontological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.7-31 through 4.7-33 of the Final EIR.

Impact GEO-9: **Paleontological resources could be present in geological units that underlay the area of off-site improvements, and ground-disturbing activities could damage paleontological resources that may be present below the surface. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures GEO/mm-8.1 through GEO/mm 8.3 (refer to Section 5.G.3, GEO Impact 8) by the applicant, in coordination with the NCSD, residual impacts would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures GEO/mm-8.1, GEO/mm-8.2, and GEO/mm 8.3 are feasible, are adopted, and will further reduce impacts regarding paleontological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to page 4.7-33 of the Final EIR.

Impact GEO-10: **The project would not result in a cumulatively considerable impact to geology and soils. Impacts would be less than cumulatively considerable and less than significant (Class II).**

a. Mitigation Measures: Cumulative impacts would be avoided through compliance with Mitigation Measures GEO/mm-1.1 (refer to Section 5.G.1, GEO Impact 1), GEO/mm-5.1 through GEO/mm-5.3 (refer to Section 5.G.2, GEO Impact 5), and GEO/mm-8.1 through GEO/mm-8.3 (refer to Section 5.G.3, GEO Impact 8); no additional mitigation is needed to avoid or minimize potential cumulative impacts. Therefore, residual impacts would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures GEO/mm-1.1, GEO/mm-5.1, GEO/mm-5.2, and GEO/mm-5.3, GEO/mm-8.1, GEO/mm-8.2, and GEO/mm-8.3 are feasible, are adopted, and will further reduce cumulative impacts related to geology and soils. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to page 4.7-34 of the Final EIR.

Impact GHG-1: **The project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1, AQ/mm-3.3 (refer to Section 6.A.2, AQ Impact 3), GHG/mm-1.1, and TR/mm-3.1 (refer to Section 6.F.1, TR Impact 3), potential impacts related to short- and long-term GHG emissions would be less than significant (Class II).

GHG/mm-1.1 The following measures shall be implemented to reduce project-generated emissions of greenhouse gases:

1. To the extent practical, the proposed project shall reuse and recycle construction waste, including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard.
2. The servicing of residential development by natural gas shall be prohibited, to the extent possible. In the event that natural gas service for residential development is installed, the following measures shall be implemented:
    a. The electrical systems for single-family homes shall be designed with sufficient capacity and all prewiring necessary to accommodate the future retrofit to all-electric (e.g., such that electric space heating, water heating, drying, and cooking appliances could be installed); and
    b. A greenhouse gas-reduction plan shall be prepared. The greenhouse gas-reduction plan shall identify additional on-site and/or off-site greenhouse gas-reduction measures to be implemented sufficient to fully offset greenhouse gas emissions associated with natural gas service. The greenhouse gas-reduction plan shall be submitted to County planning staff for review and approval prior to issuance of building construction permits. Under California Environmental Quality Act Guidelines Section 15126.4(c)(3) and (c)(4), respectively, a project's greenhouse gas emissions can be reduced by off-site measures, including offsets that are not otherwise required and measures that sequester greenhouse gases. In the event that feasible on-site greenhouse gas-reduction measures are insufficient to reduce operational greenhouse gas emissions to below the greenhouse gas threshold of significance, off-site mitigation measures may be included. Off-site mitigation measures may include "Direct Reduction Activities" or the purchase of "Carbon Offset Credits" as discussed below:

Direct Reduction Activities

Directly undertake or fund activities that will reduce or sequester greenhouse gas emissions. Greenhouse gas reduction credits shall achieve greenhouse gas emission reductions that are real, permanent, quantifiable, verifiable, enforceable, in accordance with the criteria set forth in the California Air Resources Board's most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (2013). Greenhouse gas reduction credits shall be undertaken for the specific purpose of reducing project-generated greenhouse gas emissions and shall not include reductions that would otherwise be required by law. All Direct Reduction Activities and associated reduction credits shall be confirmed by an independent, qualified third-party. The "Direct Reduction Activity" shall be registered with an ARB-approved registry and in compliance with ARB-approved protocols. In accordance with the applicable Registry requirements, the Project applicant (or its designee) shall retain an independent, qualified third-party to confirm the greenhouse gas emissions reduction or sequestration achieved by the Direct Greenhouse Gas Reduction Activities against the applicable Registry protocol or methodology. The Project applicant (or its designee) shall then apply for issuance of carbon credits in accordance with the applicable Registry rules.

Carbon Offsets

Obtain and retire "Carbon Offsets." Carbon Offsets shall achieve greenhouse gas reductions that are real, permanent, quantifiable, verifiable, and enforceable. Carbon offsets shall be purchased from ARB-approved registries and shall comply with California Air Resources Board-approved protocols to ensure that offset credits accurately and reliably represent actual emissions reductions. If the purchase of carbon offsets is selected, offsets shall be purchased according to the San Luis Obispo Air Pollution Control District's preference, which is, in order of preference: (1) within the San Luis Obispo Air Pollution Control District jurisdictional area; (2) within the State of California; then (3) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant/subsequent developer loses its accreditation, the project applicant/subsequent developer shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss.

To the extent possible, nonresidential development shall install electrically powered appliances and building mechanical equipment in place of natural gas-fueled equipment.

3. Encourage future land uses to participate in Central Coast Community Energy as the electricity provider if it is an option that would be available at the time of occupancy.
4. The project shall provide organic waste pick up and shall provide the appropriate on-site enclosures consistent with County requirements.
5. The project shall be designed to incorporate drought-resistant and native plants.
6. The project shall be designed to incorporate water-efficient irrigation systems.
7. The project shall be designed to incorporate low-flow water fixtures.
8. The project shall install high-reflectance roofing materials (e.g., U.S. Environmental Protection Agency "Energy Star"-rated), to the extent practical, to reduce building heat absorption and summer energy costs.
9. The electrical systems for single-family homes shall be designed with sufficient capacity to accommodate Level 2 residential-use electric vehicle chargers.
10. All residential structures shall include photovoltaic (PV) systems consistent with state requirements.
11. Electric vehicle (EV) stations shall be provided in the multifamily units, commercial, school, and hotel uses consistent with state requirements.

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, GHG/mm-1.1, and TR/mm-3.1 are feasible, are adopted, and will further reduce impacts regarding GHG emissions. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding GHG emissions, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.8-25 through 4.8-30 of the Final EIR.

Impact GHG-2: Off-site improvements could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measure AQ/mm-3.1 (refer to Section 6.A.2, AQ Impact 3), potential impacts related to short- and long-term GHG emissions would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-3.1 is feasible, is adopted, and will further reduce impacts regarding GHG emissions. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding GHG emissions, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to page 4.8-30 of the Final EIR.

Impact HAZ-3: **The project could 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. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure AQ/mm-7.1 (refer to Section 5.C.7, AQ Impact 7), potential impacts related to significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-7.1 is feasible, is adopted, and will further reduce impacts regarding routine use of hazardous materials. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding the routine use of hazardous materials, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding routine use of hazardous materials.

c. Supportive Evidence: Please refer to pages 4.9-18 through 4.9-19 of the Final EIR.

Impact HAZ-4: **Off-site improvements could 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. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: Following implementation of Mitigation Measures AQ/mm-7.1 (refer to Section 5.C.7, AQ Impact 7) and BIO/mm-16.1 through BIO/mm-16.3 (refer to Section 5.D.12, BIO Impact 16), potential impacts related to significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure AQ/mm-7.1 is feasible, is adopted, and will further reduce impacts regarding routine use of hazardous materials. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding the routine use of hazardous materials, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding routine use of hazardous materials.

c. Supportive Evidence: Please refer to pages 4.9-19 through 4.9-20 of the Final EIR.

Impact HAZ-7: **Off-site improvements would be located near a hazardous materials site pursuant to California Government Code Section 65962.5. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: Following implementation of Mitigation Measure HAZ/mm-7.1, potential impacts related to development on or adjacent to a hazardous materials site would be less than significant (Class II).

HAZ/mm-7.1 Prior to initiation of vegetation removal, demolition activities, or any earth-moving activities within 1,000 feet of any open hazardous materials site pursuant to California Government Code Section 65962.5, the project contractor shall prepare and implement a Hazardous Materials Management Plan that details procedures that will be taken to ensure the appropriate handling, stockpiling, testing, and disposal of excavated materials to prevent the inadvertent release of contaminated soil and demolished materials to the environment during construction activities. Elements of the plan shall include, but would not necessarily be limited to, the following:

Worker Health and Safety

1. Accident prevention measures.
2. The requirement that all construction crew members be trained regarding best practices for the appropriate handling, stockpiling, testing, and disposal of excavated materials prior to beginning work.

Soil Contamination

3. Procedures for the proper handling, stockpiling, testing, and disposal of excavated materials in accordance with California Code of Regulations Title 14 and Title 22.
4. Soil contamination evaluation and management procedures, including how to properly identify potential contamination (e.g., soil staining, odors, buried material), the requirement that construction activities within a 50-foot radius of potentially contaminated soil be halted until the hazard has been assessed and appropriately addressed, the requirement that access to potentially contaminated areas be limited to properly trained personnel, and procedures for notification and reporting, including internal management and local agencies (e.g., California Department of Forestry and Fire Protection, County of San Luis Obispo Environmental Health Services), as needed.
5. Monitoring of ground-disturbing activities for soil contamination may include visual and organic vapor monitoring by personnel with appropriate hazardous materials training, including 40 hours of Hazardous Waste Operations and Emergency Response (HAZWOPER) training.
6. If visual and organic vapor monitoring indicates signs of suspected contaminated soil, then soil samples shall be collected and analyzed to characterize soil quality.
7. Evaluation of all potentially contaminated materials encountered during project construction activities in accordance with applicable federal, state, and local regulations and/or guidelines governing hazardous waste. All materials deemed to be hazardous shall be remediated and/or

disposed of following applicable regulatory agency regulations and/or guidelines. Disposal sites for both remediated and non-remediated soils shall be identified prior to beginning construction. All evaluation, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.

b. Finding: The Commission finds that Mitigation Measure HAZ/mm-7.1 is feasible, is adopted, and will further reduce impacts regarding hazardous materials and sites. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding hazardous materials and sites, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding routine use of hazardous materials.

c. Supportive Evidence: Please refer to pages 4.9-22 through 4.9-24 of the Final EIR.

Impact HYD-2: Off-site improvements could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-17.1 through BIO/mm 17.3 (refer to Section 5.D.13, BIO Impact 17) and required compliance with existing requirements, residual impacts related to water quality standards or waste discharge requirements would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures BIO/mm-17.1 through BIO/mm-17.3 are feasible, are adopted, and will further reduce impacts to water quality. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project on water quality, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to water quality.

c. Supportive Evidence: Please refer to page 4.10-22 of the Final EIR.

Impact HYD-6: Off-site improvements could substantially alter the existing drainage pattern of the site or increase surface water runoff in a manner that would result in substantial erosion or siltation, flooding, or an exceedance of stormwater drainage systems. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures BIO/mm-17.1 through BIO/mm 17.3 (refer to Section 5.D.13, BIO Impact 17) and required compliance with existing state and local requirements, residual impacts related to drainage would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures BIO/mm-17.1 through BIO/mm-17.3 are feasible, are adopted, and will further reduce impacts to water quality. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that

mitigate or avoid the potentially significant impacts of the proposed project on water quality, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to water quality.

c. Supportive Evidence: Please refer to page 4.10-29 of the Final EIR.

Impact LUP-4: **The project would result in an increase in regional VMT and air pollution and would generate VMT per employee above applicable thresholds and increase criteria air pollutant emissions; therefore, the project would be potentially inconsistent with Policies AQ 1.2 and AQ 3.3 of the County of San Luis Obispo General Plan Conservation and Open Space Element. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 (refer to Section 6.A.2, *AQ Impact 3*), GHG/mm-1.1 (refer to Section 5.H.1, *GHG Impact 1*), TR/mm-2.1 (refer to Section 4.O.2, *TR Impact 2*), and TR/mm-3.1 (refer to Section 6.F.1, *TR Impact 3*), potential impacts associated with inconsistency with County COSE Policies AQ 1.2 and AQ 3.3 would be less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3, GHG/mm-1.1, TR/mm-2.1, and TR/mm-3.1 are feasible, are adopted, and will further reduce impacts to land use plan consistency. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding land use plan consistency, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding land use plan consistency.

c. Supportive Evidence: Please refer to pages 4.11-37 through 4.11-38 of the Final EIR.

Impact LUP-7: **The project could be inconsistent with policies within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), Land Use Ordinance, and South County Inland Area Plan related to preservation of rural visual character, compatibility with the natural landscape, and preservation of views of oak woodlands and other visually significant features. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AES/mm-3.1, AES/mm-3.2 (refer to Section 5.A.1, AES Impact 3) residual impacts associated with inconsistency with goals and policies of the County COSE, Framework for Planning (Inland), LUO, and South County Area Plan related to preservation of rural visual character, compatibility with the natural landscape, and preservation of views of oak woodlands and other visually significant features would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2 are feasible, are adopted, and will further reduce impacts to land use plan consistency. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding

land use plan consistency, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding land use plan consistency.

c. Supportive Evidence: Please refer to pages 4.11-41 through 4.11-42 of the Final EIR.

Impact LUP-8: **The project could be inconsistent with policies in the County Framework for Planning (Inland) associated with establishment of development and utility services within of existing transit corridors and/or urban reserve line/village reserve line boundaries. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure PS/mm-1.1 (refer to Section 5.M.1, PS Impact 1), potential impacts associated with consistency with policies in the County Framework for Planning associated with establishment of development and utility services outside of existing URL/VRL boundaries would be less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measure PS/mm-1.1 is feasible, is adopted, and will further reduce impacts to land use plan consistency. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding land use plan consistency, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding land use plan consistency.

c. Supportive Evidence: Please refer to pages 4.11-42 through 4.11-43 of the Final EIR.

Impact N-1: **The project would generate a substantial temporary or permanent increase in ambient noise levels in excess of established standards. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures N/mm-1.1 and N/mm-1.2, residual impacts related to the short- and long-term increase in ambient noise would be less than significant (Class II).

N/mm-1.1 The following mitigation measures shall be implemented to reduce exposure to short-term construction noise.

1. Unless otherwise provided for in a validly issued permit or approval, or as otherwise exempted under County of San Luis Obispo Land Use Ordinance Section 22.10.120(A)(7), noise-generating construction activities should be limited to between the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or legal holidays.
2. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds should be closed during equipment operation.
3. Equipment shall be turned off when not in use for an excess of 5 minutes, except for equipment that requires idling to maintain performance.

4. Construction haul truck routes shall be routed away from nearby noise-sensitive land uses to the extent possible.
5. Staging and queuing areas shall be located at the farthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.
6. Stationary equipment (e.g., generators, compressors) shall be located at the farthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.
7. A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns related to construction-generated noise, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern. Where necessary, additional measures, such as equipment repairs, equipment enclosures, or temporary barriers, shall be implemented to address local concerns.
8. Signage shall be placed at the project site construction entrance(s) to advise the public of anticipated dates of construction. The signage shall include the phone number of the public liaison appointed to address construction-related noise concerns.

N/mm-1.2 The following mitigation measures shall be implemented to reduce long-term exposure to transportation and non-transportation noise:

1. The County of San Luis Obispo shall require acoustical assessments to be prepared as part of the County development review process for future noise-sensitive land uses located within the projected 60 A-weighted decibels Community Noise Equivalent Level noise contour of U.S. Route 101 (i.e., within 1,005 feet from the centerline of U.S. Route 101, refer to Figure 4 in Environmental Impact Report Appendix I). The acoustical assessments shall address compatibility with the County of San Luis Obispo's noise standards for transportation noise sources. Where the acoustical assessments determine that transportation noise levels would exceed applicable County noise standards, noise-reduction measures shall be incorporated sufficient to reduce operational noise levels to below applicable noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, or berms. The emphasis of such measures shall be placed upon site planning and project design. (Refer to Table 4.13-6 of this Environmental Impact Report for noise-sensitive land uses and corresponding noise standards.)
2. The County shall require acoustical assessments to be prepared as part of the environmental review process for future commercial land uses involving the proposed installation of exterior noise-generating equipment, including, but not limited to, back-up power generators, trash compactors, amplified public address systems, and commercial-use air conditioning condensers. The acoustical assessments shall evaluate potential noise impacts attributable to the proposed project in

comparison to applicable County noise standards for stationary noise sources (refer to Table 4.13-7). The acoustical assessment shall evaluate impacts to nearby existing off-site, as well as future planned on-site, noise-sensitive land uses. Where the acoustical analysis determines that stationary-source noise levels would exceed applicable County noise standards, noise-reduction measures shall be incorporated sufficient to reduce operational noise levels to below applicable noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, hourly limitations, or equipment enclosures. The emphasis of such measures shall be placed upon site planning and project design (see Table 4.13-7 of this Environmental Impact Report for applicable County of San Luis Obispo noise standards).

b. Finding: The Commission finds that Mitigation Measures N/mm-1.1 and N/mm-1.2 are feasible, are adopted, and will further reduce impacts regarding an increase in noise. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in noise, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding exposure to an increase in noise.

c. Supportive Evidence: Please refer to pages 4.13-14 through 4.13-20 of the Final EIR.

Impact N-2: **Off-site improvements would generate a substantial temporary or permanent increase in ambient noise levels in excess of established standards. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure N/mm-1.1 (refer to Section 5.L.1, N Impact 1), residual impacts related to the short- and long-term increase in ambient noise would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure N/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding an increase in noise. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in noise, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding exposure to an increase in noise.

c. Supportive Evidence: Please refer to page 4.13-20 of the Final EIR.

Impact PS-1: **The project would result in an increased need for fire protection services. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: Following implementation of Mitigation Measure PS/mm-1.1, project-specific impacts related to the need for new or physically altered fire protections services would be considered less than significant (Class II).

PS/mm-1.1 **Provision of Land for a New Fire Station.** The project applicant shall be required to coordinate with the County of San Luis Obispo and California Department of Forestry and Fire Protection to identify and dedicate land for the future construction and operation of a new fire station in the community of Nipomo. The dedication of land for the new fire station shall be included in the Development Agreement between the project applicant and the County of San Luis Obispo.

b. Finding: The Commission finds that Mitigation Measure PS/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding an increase in demand on fire protection services. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in demand on fire protection services, as identified in the EIR. The dedication of land for a fire station within the Specific Plan Area is a requirement of the Development Agreement. The Development Agreement further requires the Applicant to pay a Supplemental Public Facility Fee (PFF) of approximately two million dollars to ensure the project is paying its proportional fair share contribution to construction of a fire station. The Supplemental PFF amount was calculated and verified as follows; two different methodologies were used to calculate the Supplemental PFF amount for purposes of verification:

Methodology #1:

- DRSP is responsible for 10% of the latest estimated construction cost for a new Nipomo fire station and Sheriff substation. This is because in 2040, DRSP will account for 10% of the unincorporated South County population.
- In addition to the above, DRSP is responsible for 85% of the Sheriff portion and 80% of the Fire portion of the current PFF amount. This is because the Sheriff substation and Nipomo fire station represent 15% and 20%, respectively, of the Sheriff and Fire facilities listed in the 2019 PFF nexus study.
- In addition to the above, DRSP is responsible for the full commercial portion of the Fire and Sheriff PFF amounts, which are not population based and therefore not factored into the 10% obligation above for the two stations.
- This brings the project's updated "fair share" towards Fire and Sheriff facilities to $5,913,660.
- The difference ("supplemental PFF") between the project's calculated PFF ($3,913,733) and the updated fair share is $1,999,927.

Methodology #2:

- Updated the cost of all Fire and Sheriff facilities in the PFF nexus study based on 2020-2022 construction CPI and the current estimated cost of the Nipomo fire station and Sheriff substation.
- Distributed 9.73% of the cost to new development, consistent with the nexus study, to calculate the "New Development" share of cost.

- Distributed 28.3% of the New Development share of cost to DRSP. This is because DRSP would account for 28.3% of the 2020-2040 new unincorporated population assumed in the nexus study. This is based on DRSP population (4,555) divided by total new unincorporated population from 2020-2040 (16,087).
- This brings the project's updated "fair share" towards Fire and Sheriff facilities to $5,863,472.
- The difference ("supplemental PFF") between the project's calculated PFF ($3,913,733) and the updated fair share is $1,949,739.

Therefore, impacts are considered less than significant. (Refer to pages 4.15-18 through 4.15-21 of the Final EIR.)

b. Supportive Evidence: Please refer to pages 4.15-18 through 4.15-21 of the Final EIR.

Impact PS-11: The project could result in cumulative impacts related to public services. Cumulative impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measure PS/mm-1.1 (refer to Section 5.M.1, PS Impact 1) and payment of Public Facilities Fees and state-mandated taxes for public schools, and Quimby Fees (if ultimately required), residual cumulative impacts would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure PS/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding an increase in demand on public services. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in demand on public services, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.15-32 through 4.15-34 of the Final EIR.

Impact REC-3: The project includes the development of recreational facilities that may have an adverse physical effect on the environment. Impacts would be less than significant with mitigation (Class II).

a. Mitigation Measures: With implementation of Mitigation Measures AES/mm-3.1 and AES/mm-3.2 (refer to Section 5.A.1, AES Impact 3), AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, AQ Impact 3), AQ/mm-7.1 (refer to Section 5.C.4, AQ Impact 7), BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, BIO Impact 2), BIO/mm-3.1 (refer to Section 5.D.2, BIO Impact 3), BIO/mm-4.1 and BIO/mm-4.2 (refer to Section 6.B.2, BIO Impact 4), BIO/mm-5.1 (refer to Section 5.D.3, BIO Impact 5), BIO/mm-6.1 (refer to Section 5.D.4, BIO Impact 6), BIO/mm-7.1 (refer to Section 5.D.5, BIO Impact 7), BIO/mm-8.1 (refer to Section 5.D.6, BIO Impact 8), BIO/mm-9.1 (refer to Section 5.D.7, BIO Impact 9), BIO/mm-14.1 (refer to Section 6.B.3, BIO Impact 14), BIO/mm-15.1 (refer to Section 6.B.4, BIO Impact 15), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, BIO Impact 18), CR/mm-1.1 through CR/mm-1.4 (refer to Section 5.E.1, CR Impact 1), GEO/mm-1.1 (refer to Section 5.G.1, GEO Impact 1), GEO/mm-5.1 through GEO/mm 5.3 (refer to Section 5.G.2, GEO Impact 5), GEO/mm-8.1 through GEO/mm 8.3 (refer to Section 5.G.3, GEO Impact 8), N/mm-1.1 and N/mm-

1.2 (refer to Section 5.L.1, N Impact 1), USS/mm-3.1 (refer to Section 5.P.3, USS Impact 3), and WF/mm-3.1 (refer to Section 5.Q.2, WF Impact 3), residual impacts related to adverse physical effects on the environment would be considered less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2, AQ/mm-3.1 and AQ/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-18.1 through BIO/mm-18.4, CR/mm-1.1 through CR/mm-1.4, GEO/mm-1.1, GEO/mm-5.1 through GEO/mm-5.3, GEO/mm-8.1 through GEO/mm-8.3, N/mm-1.1 and N/mm-1.2, USS/mm-3.1, and WF/mm-3.1 are feasible, are adopted, and will further reduce impacts regarding construction of new recreational facilities. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding construction of new recreational facilities, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.16-23 through 4.16-25 of the Final EIR.

Impact REC-4: **The project could result in a cumulatively considerable impact to recreational facilities. Impacts would be less than cumulatively considerable with mitigation (Class II).**

a. Mitigation Measures: With implementation Mitigation Measures AES/mm-3.1 and AES/mm-3.2 (refer to Section 5.A.1, AES Impact 3), AQ/mm-7.1 (refer to Section 5.C.4, AQ Impact 7), BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, BIO Impact 2), BIO/mm-3.1 (refer to Section 5.D.2, BIO Impact 3), BIO/mm-4.1 and BIO/mm-4.2 (refer to Section 6.B.2, BIO Impact 4), BIO/mm-5.1 (refer to Section 5.D.3, BIO Impact 5), BIO/mm-6.1 (refer to Section 5.D.4, BIO Impact 6), BIO/mm-7.1 (refer to Section 5.D.5, BIO Impact 7), BIO/mm-8.1 (refer to Section 5.D.6, BIO Impact 8), BIO/mm-9.1 (refer to Section 5.D.7, BIO Impact 9), BIO/mm-14.1 (refer to Section 6.B.3, BIO Impact 14), BIO/mm-15.1 (refer to Section 6.B.4, BIO Impact 15), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, BIO Impact 18), CR/mm-1.1 through CR/mm-1.4 (refer to Section 5.E.1, CR Impact 1), GEO/mm-1.1 (refer to Section 5.G.1, GEO Impact 1), GEO/mm-5.1 through GEO/mm-5.3 (refer to Section 5.G.2, GEO Impact 5), GEO/mm-8.1 through GEO/mm-8.3 (refer to Section 5.G.3, GEO Impact 8), HAZ/mm-7.1 (refer to Section 5.I.3, HAZ Impact 7), N/mm 1.1 and N/mm-1.2 (refer to Section 5.L.1, N Impact 1), USS/mm-3.1 (refer to Section 5.P.3, USS Impact 3), and WF/mm-3.1 (refer to Section 5.Q.2, WF Impact 3), impacts would be less than cumulatively considerable (Class II).

b. Finding: The Commission finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-18.1 through BIO/mm-18.4, CR/mm-1.1 through CR/mm-1.4, HAZ/mm-7.1, GEO/mm-1.1, GEO/mm-5.1 through GEO/mm-5.3, GEO/mm-8.1 through GEO/mm-8.3, N/mm-1.1 and N/mm-1.2, USS/mm-3.1, and WF/mm-3.1 are feasible, are adopted, and will further reduce impacts regarding construction of new recreational facilities. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed

project that mitigate or avoid the potentially significant impacts of the proposed project regarding construction of new recreational facilities, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.16-26 through 4.16-27 of the Final EIR.

Impact TCR-1: **Proposed development of the Specific Plan Area could directly and indirectly impact CRHR-eligible resources and resources considered by the County to be significant pursuant to PRC Section 5024.1 (DR-001, P-40-02132, and P-40-002273). Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.1 through CR/mm-2.4 (refer to Section 5.E.2, CR Impact 2), TCR/mm-1.1, and TCR/mm-1.2, impacts to known and unknown CRHR-eligible resources would be considered less than significant with mitigation (Class II).

TCR/mm-1.1 **Deeded Repatriation Location.** A specific location, protected by a deed restriction, shall be dedicated to repatriate cultural materials encountered during future archaeological study, development, and occupation within the Specific Plan Area. An accessible vault, protected from the elements, and accessible to the tribes shall be constructed within the boundary of DR-001, but outside of areas known to contain surface deposits. The specific location, size, and construction methodology of the vault will be developed in direct consultation with the consulting tribes.

TCR/mm-1.2 **Project Design Considerations.** The applicant shall incorporate, to the extent feasible, themes, infrastructure, and placenames associated with local Chumash tribes into the overall project design throughout all phases of future development. These design considerations shall include, but not be limited to the following aspects:

1. Designated areas for local Chumash tribes to use for various purposes, such as ceremonial gatherings, education, and events;
2. Planting of native vegetation, specifically species varieties that have significance to the local Chumash tribes;
3. Incorporation of informative and interpretive signage;
4. Incorporation of tribal names, placenames, and phrases for appropriate project design features; and
5. Development of designated trails outside of the boundaries of known resources to limit unauthorized use and reduce potential for looting.

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.1 through CR/mm-2.4, TCR/mm-1.1, and TCR/mm-1.2 are feasible, are adopted, and will further reduce impacts to tribal cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.18-8 through 4.18-9 of the Final EIR.

Impact TCR-2: **Off-site improvements could result in adverse effects to known and unknown CRHR-Eligible Resources or resources considered by the County to be significant pursuant to PRC Section 5024.1. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.3, CR/mm-2.4 (refer to Section 5.E.2, CR Impact 2), and CR/mm-3.1 (refer to Section 5.E.3, CR Impact 3), impacts to off-site CRHR-eligible would be considered less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.3, CR/mm-2.4, and CR/mm-3.1 are feasible, are adopted, and will further reduce impacts to tribal cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.18-9 through 4.18-10 of the Final EIR.

Impact TCR-3: **Project implementation could result in the cumulative disturbance and destruction of tribal cultural resources, including known and unknown CRHR-Eligible Resources and resources considered by the County to be significant tribal cultural resources pursuant to PRC Section 5024.1. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures CR/mm-2.1 through CR/mm-2.4 (refer to Section 5.E.2, CR Impact 2), CR/mm-3.1 (refer to Section 5.E.3, CR Impact 3), TCR/mm-1.1, and TCR/mm-1.2 (refer to Section 5.O.1, TCR Impact 1), cumulative impacts to known and potentially unknown TCRs would be less than significant with mitigation (Class II).

b. Finding: The Commission finds that Mitigation Measures CR/mm-2.1 through CR/mm-2.4, CR/mm-3.1, TCR/mm-1.1, and TCR/mm-1.2 are feasible, are adopted, and will further reduce impacts to tribal cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to page 4.18-10 of the Final EIR.

Impact USS-1: **The project would require the construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications facilities. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, AQ Impact 3), AQ/mm-7.1 (refer to Section 5.C.4, AQ Impact 7), BIO/mm-

1.1 through BIO/mm-1.6 (refer to Section 6.B.1, BIO Impact 1), BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, BIO Impact 2), BIO/mm-3.1 (refer to Section 5.D.2, BIO Impact 3), BIO/mm-4.1 and BIO/mm-4.2 (refer to Section 6.B.2, BIO Impact 4), BIO/mm-5.1 (refer to Section 5.D.3, BIO Impact 5), BIO/mm-6.1 (refer to Section 5.D.4, BIO Impact 6), BIO/mm-7.1 (refer to Section 5.D.5, BIO Impact 7), BIO/mm-8.1 (refer to Section 5.D.6, BIO Impact 8), BIO/mm-9.1 (refer to Section 5.D.7, BIO Impact 9), BIO/mm-14.1 (refer to Section 6.B.3, BIO Impact 14), BIO/mm-15.1 (refer to Section 6.B.4, BIO Impact 15), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, BIO Impact 18), CR/mm-1.1 through CR/mm-1.4 (refer to Section 5.E.1, CR Impact 1), GEO/mm-8.1 through GEO/mm-8.3 (refer to Section 5.G.3, GEO Impact 8), and N/mm 1.1 (refer to Section 5.L.1, N Impact 1), residual impacts would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, AQ/mm 7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm 6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-18.1 through BIO/mm 18.4, CR/mm-1.1 through CR/mm-1.4, GEO/mm-8.1 through GEO/mm-8.3, and N/mm-1.1 are feasible, are adopted, and will further reduce impacts related to the construction of new utility infrastructure. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding the construction of new utility infrastructure, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.19-29 through 4.19-35 of the Final EIR.

Impact USS-2: **The project would require the construction of new and expanded off-site water and wastewater system improvements. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, *AQ Impact 3*), AQ/mm-7.1 (refer to Section 5.C.4, *AQ Impact 7*), BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, *BIO Impact 1*), BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, *BIO Impact 2*), BIO/mm-3.1 (refer to Section 5.D.2, *BIO Impact 3*), BIO/mm-4.1 and BIO/mm-4.2 (refer to Section 6.B.2, *BIO Impact 4*), BIO/mm-5.1 (refer to Section 5.D.3, *BIO Impact 5*), BIO/mm-6.1 (refer to Section 5.D.4, *BIO Impact 6*), BIO/mm-7.1 (refer to Section 5.D.5, *BIO Impact 7*), BIO/mm-8.1 (refer to Section 5.D.6, *BIO Impact 8*), BIO/mm-11.1 (refer to Section 5.D.9, *BIO Impact 11*), BIO/mm-13.1 (refer to Section 5.D.11, *BIO Impact 13*), BIO/mm-16.1 (refer to Section 5.D.12, *BIO Impact 16*), BIO/mm-17.1 through BIO/mm-17.3 (refer to Section 5.D.13, *BIO Impact 17*), BIO/mm-19.1 (refer to Section 5.D.14, *BIO Impact 19*), CR/mm-1.1 through CR/mm-1.4 (refer to Section 5.E.1, *CR Impact 1*), HAZ/mm-7.1 (refer to Section 5.I.3, *HAZ Impact 7*), GEO/mm-8.1 through GEO/mm-8.3 (refer to Section 5.G.3, *GEO Impact 8*), and N/mm-1.1 (refer to Section 5.L.1, *N Impact 1*), residual impacts would be less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm 5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-11.1, BIO/mm-13.1, BIO/mm-16.1, BIO/mm-17.1 through BIO/mm-17.3, BIO/mm-19.1, CR/mm-1.1 through CR/mm-1.4, HAZ/mm-7.1, GEO/mm-8.1 through GEO/mm-8.3, and N/mm-1.1 are feasible, are

adopted, and will further reduce impacts related to the construction of new utility infrastructure. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding construction of new utility infrastructure, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.19-35 through 4.19-37 of the Final EIR.

Impact USS-3: **The project may not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure USS/mm-3.1, residual impacts related to water supply would be less than significant with mitigation (Class II).

USS/mm-3.1 Prior to issuance of development permits for any project phase, the project developer shall be required to provide proof of water supply sufficient to meet the estimated water demand for proposed development based on the demand projections included in the Dana Reserve WSA. The proof of water supply shall include approval from the NCSD that they have adequate water supply to serve the development and shall be subject to review and approval by the County prior to issuance of any development permits.

b. Finding: The Commission finds that Mitigation Measure USS/mm-3.1 is feasible, is adopted, and will further reduce impacts related to water supply. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding water supply, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.19-38 through 4.19-41 of the Final EIR.

Impact USS-11: **The project could result in a cumulatively considerable impact to utilities and service systems. Cumulative impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure USS/mm-3.1 (refer to Section 5.P.3, USS Impact 3), residual cumulative impacts would be considered less than significant (Class II).

b. Finding: The Commission finds that Mitigation Measure USS/mm-3.1 is feasible, is adopted, and will further reduce impacts related to cumulative utilities and service system impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding utilities and service systems, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.19-49 through 4.19-51 of the Final EIR.

Impact WF-1: **The project could impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measures PS/mm-1.1 (refer to Section 5.M.1, PS Impact 1) and WF/mm-1.1, residual impacts related to consistency with an emergency response or evacuation plan would be less than significant (Class II).

WF/mm-1.1 Prior to occupancy of any Dana Reserve Specific Plan neighborhoods, the master Dana Reserve Homeowner's Association shall coordinate with individual Dana Reserve Specific Plan neighborhood Homeowner's Associations and County of San Luis Obispo Fire Department to identify temporary refuge areas throughout the community. Temporary refuge areas shall be documented and available for residents and guests within the Specific Plan Area. Refuge areas may include the following:

1. Parking lots in commercial and multi-family residence areas
2. Neighborhoods parks
3. Public parks
4. Neighborhood pocket parks

The master Homeowner's Association shall also coordinate with individual Dana Reserve Specific Plan neighborhood Homeowner's Associations and County of San Luis Obispo Fire Department to develop a method of public outreach to provide information regarding emergency planning and alerting within the Specific Plan Area. Information to be provided to the public shall include, but not be limited to, the following:

1. Location of established refuge areas
2. Emergency entry and exit points within the community
3. Nearest emergency entry and exit points to each specific neighborhood
4. Family emergency planning
5. Types of emergency alerting and methods to receive emergency notifications
6. Emergency supply kit necessities
7. Care options for pets and other animals in an emergency

Public outreach shall be conducted annually and include any updated emergency planning information, as necessary. Compliance shall be documented with the County of San Luis Obispo.

b. Finding: The Commission finds that Mitigation Measures PS/mm-1.1 and WF/mm-1.1 are feasible, are adopted, and will further reduce impacts related to emergency response and evacuation efforts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts

of the proposed project regarding emergency response and evacuation efforts, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.20-12 through 4.20-14 of the Final EIR.

Impact WF-3: **The project could exacerbate wildfire risks due to development within a high fire hazard severity zone. Impacts would be less than significant with mitigation (Class II).**

a. Mitigation Measures: With implementation of Mitigation Measure WF/mm-3.1, residual impacts related to wildfire risk would be less than significant (Class II).

WF/mm-3.1 Prior to project occupancy, the master Homeowner's Association shall adopt Covenants, Conditions, and Restrictions that include requirements for the maintenance and protection of the open space areas that ensure that these spaces are maintained in perpetuity. Prior to adoption by the master Homeowner's Association, Covenants, Conditions, and Restrictions shall be created in coordination with the County of San Luis Obispo and the Nipomo Community Services District to ensure feasibility of open space management practices. The Covenants, Conditions, and Restrictions shall be enforced by the master Homeowner's Association throughout the lifetime of the project. Language regarding protection and management of open space areas as it pertains to wildfire may include, but shall not be limited to:

1. Smoking, use of cooking equipment, or any other ignition source is prohibited in the open space areas.
2. Safety precautions are required when using equipment capable of creating a spark; this includes spark arrestors.
3. All fireworks or other devices that could cause an ignition of a fire are prohibited throughout the Dana Reserve.
4. Overnight camping is prohibited.
5. Motorized vehicles are not permitted in the open space areas. (except emergency vehicles, vehicles permitted by the Homeowner's Association to conduct official business, and single-rider motorized vehicles adapted for recreational use by people with disabilities).
6. Discharging or carrying firearms, crossbows, fireworks, or projectile weapons of any kind is not permitted (except law enforcement officials) in the Dana Reserve.
7. The Homeowner's Association will maintain fire prevention signage in fire-prone areas near or on trails.
8. The Homeowner's Association will conduct vegetation management in the open spaces, in the retention basins, on trails, and near U.S. Route101 that prevent or reduce the ability for a wildfire to spread to other properties in proximity. Methods used will provide for the protection of the open space environment.

9. Fencing or barriers adjoining the open space areas, whether owned privately or by the Homeowner's Association, will be constructed of a fire-resistive material so that it will not convey or contribute to the spread of fire from or to the open space areas (exception may include an open-type fence, such as a split-rail fence). Combustible fence material will not be used within 5 feet of structures.
10. Vegetation management will be consistent with Dana Reserve's County of San Luis Obispo-approved oak woodland habitat management plan.
11. The Homeowner's Association is authorized to enter into contracts and agreements for vegetation management in and near the open space areas that includes hand, mechanical, animal, prescribe fire, herbicide, and other methods consistent with accepted vegetation management practices.
12. The Homeowner's Association is authorized to increase assessment and fines necessary to protect and maintain the open space areas. This may include funds for the hiring of staff and contracts.
13. The Homeowner's Association is authorized to enter into agreements with agencies, land conservancies, and other organizations who also have a mutual concern for the protection of the open space areas.

b. Finding: The Commission finds that Mitigation Measure WF/mm-3.1 is feasible, is adopted, and will further reduce impacts related to wildfire. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding wildfire, as identified in the EIR. Therefore, impacts are considered less than significant.

c. Supportive Evidence: Please refer to pages 4.20-15 through 4.20-18 of the Final EIR.

4. Findings Regarding Alternatives Analyzed in the EIR

CEQA requires that the discussion focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. Only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]).

An evaluation of an alternative to the Project location is appropriate for a site-specific development project. In the case of the DRSP, the County of SLO, as lead agency, considered six alternatives including the required no project alternative. The six alternatives were considered and eliminated as is further discussed below.

Nonetheless, since LAFCO will be relying on this EIR for the purpose of the annexation, LAFCO will address the alternatives that were required to be examined for the DRSP, General Plan Amendment and Ordinance Amendment (LRP2020-00007), Vesting Tentative Tract Map and Conditional Use Permit (SUB2020-00047; Tract 3159). Of these, based on the evaluation of alternatives in the FEIR, the No Project

Alternative would be the environmentally superior alternative because it would minimize the project's adverse impacts to the environment.

However, State CEQA Guidelines Section 15126.6(e)(2) states that if the No Project Alternative is also the environmentally superior alternative, the EIR should then identify an environmentally superior alternative among the other alternatives. As summarized in Table 5-3 of the FEIR, Alternative 2 (La Cañada Ranch Specific Plan) and Alternative 3 (Residential Rural Cluster Subdivision) would both reduce the project's significant environmental impacts related to GHG emissions, land use and planning, and population and housing. Of those, Alternative 3 would meet more of the project's basic objectives than Alternative 2. Therefore, Alternative 3 would be considered the environmentally superior alternative because it would reduce the project's significant impacts and more successfully meet the basic project objectives.

Pursuant to CEQA, the SLO County Board of Supervisors Members considered the following alternatives to the Proposed Project as described in the FEIR, which would reduce or avoid project-specific and cumulative impacts, and rejected them as infeasible as follows:

- No Project Alternative
- Alternative 1: Applicant-Preferred Alternative
- Alternative 2: La Cañada Ranch Specific Plan
- Alternative 3: Residential Rural Cluster Subdivision
- Alternative 4: Development on Non-Native Grassland
- Alternative 5: Gradual Transition along the Fringe

No Project Alternative (FEIR p. 5-12 through 5-18)

Subdivision 15126.6(e) of the CEQA Guidelines requires a "no project" alternative be evaluated in an EIR to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project. CEQA Guidelines subdivision 15126.6(e)(3) describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is not a land use/regulatory plan, such as a specific development on an identifiable property, the no project alternative is the circumstance under which that project is not processed (i.e., no development occurs). The No Project Alternative represents assumes no development would happen either onsite or offsite and no physical impacts would occur.

a. **Environmental Effects:** Under the No Project Alternative, implementation of the DRSP would not occur and future buildout of the project site, including off-site improvement areas, would not occur. This alternative assumes no development would occur on the site to provide a clear comparison of the project to existing (undeveloped) baseline conditions. As no physical changes to the environment would occur, potentially significant and other identified impacts would be reduced in comparison to the proposed project for every issue area. However, this alternative would not dedicate land for development of a new fire station within the Specific Plan Area or provide public facility fees towards the construction of improved public facilities; therefore, current emergency response times would remain inadequate, and impacts related to public services would likely be increased.
b. **Ability to Achieve Project Objectives:** This Alternative would fail to meet all project objectives.

c. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). The project site under the No Project Alternative is the same as the proposed project and reflects the existing zoning and General Plan land use. As no development would occur under the No Project Alternative, it is anticipated that future development of the project site would be consistent with the planned development envisioned in the current General Plan for La Cañada Ranch (see Alternative 2). Further, this alternative would reduce the strain on existing infrastructure and services.

d. **Finding on Actual Feasibility:** As no physical changes to the environment would occur, potentially significant and other identified impacts would be reduced in comparison to the proposed project, except for impacts related to public services as this alternative would not dedicate land for development of a new fire station. Although this alternative would largely reduce impacts in comparison to the proposed project, it would not meet any of the project objectives. The Board of Supervisors rejected Alternative 1 as (actually) infeasible because the alternative fails to meet most of the basic project objectives. Under the No Project Alternative, no new residential units would be built within the foreseeable future and the County would forego the opportunity to adopt a specific plan for the subject property consistent with the South County Inland Area Plan.

   As set forth on page 2-13 of the Final EIR, the project's primary underlying purpose is to provide a range of housing types, including affordable housing and market-rate workforce housing. If the Board of Supervisors were to reject the proposed project in favor of the No Project Alternative, this purpose would be thwarted. As County staff explained on page 27 of its Staff Report to the Planning Commission, the proposed project provides a range of housing types and affordability levels. This aligns with the County's housing goals, policies, and priorities, which include:

   - County Budget Priorities: On November 1, 2022, the Board of Supervisors identified housing (along with homelessness and behavioral health) as a "First Tier" budget priority for Fiscal Year 2023-24.
   - Housing Element Goal: The Housing Element of the County General Plan has one goal: Achieve an adequate supply of safe and decent housing that is affordable to all residents of the unincorporated county.
   - Land Use Element - Strategic Growth Principle #6: Create a range of housing opportunities and choices.
   - Land Use Element - The South County Inland Area Plan Land Use Goals and Objectives: Expand the Nipomo URL to provide a mix of commercial uses and workforce housing.

   In adopting these goals and policies, the Board of Supervisors has recognized that a safe and decent housing supply is essential to the long-term health, sustainability, and prosperity of the region. The County's housing shortage is an issue that affects nearly all facets of the community. For more than a decade, the County's housing shortage has been consistently cited as a primary factor contributing to the most critical community development issues: homelessness, the economic sustainability of the region, difficulty in attracting and retaining essential employees in nearly all job sectors, and the displacement of family members who cannot afford or find housing near their social support system.

   The proposed project would create increased housing supply at all levels. The project would provide deed-restricted affordable apartments for very low- and low-income households; market rate multi-

family units at rents or sales prices affordable (by design) to moderate and workforce households; entry level homes for working middle-income families; and larger lot units for higher income levels.

The Staff Report also explains on pages 4 and 5 that in recent years, the state has enacted several laws to increase housing production in the state, streamline certain housing projects through local review, including CEQA review, and increase the affordability of new housing units by incentivizing density and concessions.

One of the state housing laws that affects the processing of the proposed DRSP is California Senate Bill 330 (SB 330), also known as the Housing Crisis Act of 2019. SB 330 seeks to expedite the approval process for housing projects by imposing strict time limits on project processing and by limiting the number of hearings allowed to five. SB 330 also limits the ability of local governments to impose new conditions, restrictions, or changes that could delay or increase the cost of development. It aims to provide certainty to developers by ensuring that once a project is deemed complete and meets local zoning and land-use requirements, it cannot be subjected to further changes or exactions.

The County accepted the applicant's SB 330 Preliminary Application and acknowledges the developer is entitled to certain vesting and streamlining provisions pursuant to SB 330 as set forth in the County's letter to Developer, dated October 15, 2020. The County may not disapprove a housing development project, or condition the project to develop at a lower density, unless it makes written findings, based on a preponderance of the evidence, that the project would have specific, adverse impacts on public health or safety and there are no feasible means to mitigate those impacts other than to deny approval. The Board of Supervisors is aware of no such evidence.

The County Board of Supervisors also incorporated by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

As a Responsible Agency, the Commission lacks authority to select alternatives not selected by the lead agency. The Commission nevertheless concurs with the Lead Agency's findings that the "No Project Alternative" is infeasible because it fails to meet any of the project objectives. For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR and the County's Findings of Fact and Statement of Overriding Considerations.

Alternative 1: Applicant-Preferred Alternative (FEIR p. 5-18 through 5-30)

In summary, Alternative 1, which is the applicant's preferred alternative, would result in a change to the proposed conceptual master plan by reconfiguring the conceptual master plan to relocate a multi-family neighborhood (Neighborhood [NBD] 10) from the northeastern portion of the project site to the central portion of the site adjacent to the eastern side of the proposed public neighborhood park. As a result, the proposed public park would be reduced to 6 acres in size. This alternative includes the dedication of 173 acres of land for residential development, 22.3 acres of land for commercial development, 7 acres of land for recreational facilities, 53.8 acres of land for open space, and 21.9 acres of land for development of primary roads. This alternative would also relocate the future construction of Collector A through APN 091-301-029 to connect North Frontage Road to Willow Road; consistent with the proposed project, Collector B would connect Pomeroy Road to Willow Road through APN 091-301-031. Similar to the proposed project, Alternative 1 would also include a Park and Ride lot; pedestrian, bicycle, and equestrian trails throughout the site; pocket parks within proposed neighborhoods; an equestrian trailhead; and

other site improvements, including internal roadways, drainage basins, and transit stops (as seen on Figure 5-3 of the FEIR).

a. **Environmental Effects:** Under the Applicant Preferred Alternative (Alternative 1), buildout of the project site would be consistent with the scale and proposed land use types included under the proposed project. As a result, impacts under this alternative would be generally consistent with impacts associated with the proposed project. However, this alternative would change the alignment of Collector A and would move a proposed neighborhood from the northeastern portion of the site, which would substantially reduce the number of impacted oak trees, though not enough to avoid a significant and unavoidable impact related to the loss of oak trees.

b. **Ability to Achieve Project Objectives:** The Applicant Preferred Alternative would meet all of the project objectives.

c. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). This Alternative would be located on the same project site as the proposed project and would be consistent with the scale and proposed land use types included under the proposed project. However, this project includes a slight alteration of the proposed site plan to reduce impacts to oak trees. Development under this alternative would consist of residential units, including affordable housing units, and commercial development. Buildout of this alternative would still constitute a substantial increase in growth within the community and would require a similar scale of infrastructure and strain on existing services.

d. **Finding on Actual Feasibility:** Due to the similar development nature of this alternative in comparison to the proposed project, this Alternative would not avoid any of the Class I impacts of the project and would result in similar environmental impacts and mitigation requirements to the project. This alternative would reduce the number of impacted oak trees; however, this alternative would continue to result in Class 1 impacts related to oak trees. This alternative would satisfy all of the basic project objectives. However, the Board of Supervisors rejected Alternative 1 as (actually) infeasible because the alternative would not eliminate the significant unavoidable impacts of the project. The County Board of Supervisors also incorporates by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

As a Responsible Agency, the Commission lacks authority to select alternatives not selected by the lead agency. The Commission nevertheless concurs with the Lead Agency's findings that "Alternative 1" is infeasible because the alternative would not eliminate the significant unavoidable impacts of the project. For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR and the County's Findings of Fact and Statement of Overriding Considerations.

Alternative 2: La Cañada Ranch Specific Plan (FEIR p. 5-30 through 5-43)

The County of San Luis Obispo General Plan identifies the project site as the La Cañada Ranch Specific Plan Area, which is subject to preparation and adoption of a specific plan prior to modification of the Nipomo Urban Reserve Line (URL) to include the site to accommodate development proposals and address pertinent issues. The property is designated as an expansion area under the South County Area Plan (Sections 4.5 and 4.8) and County LUO Section 22.98.072).

In summary, Alternative 2 includes reconfiguration of the project site in order to provide a mix of commercial, light industrial, and residential land uses on the 288-acre project site. This alternative would result in an increase in the amount of land designated for commercial development and open space area and reduce the amount of land designated for residential and recreational development. In addition, Alternative 2 would not provide land for the proposed daycare center, affordable housing, Cuesta College facility, transit station, or fire station. Under Alternative 2, the conceptual site plan would include 60.8 acres of land for commercial and light industrial uses, 22.3 acres of land for residential development, and 173 acres of land for open space. This alternative would also include construction of Collectors A and B, a network of pedestrian and bicycle trails, transit stops, a Park and Ride lot, and other improvements consistent with the proposed project, except that the Collector A connection to Willow Road would be relocated through APN 091-301-029, similar to Alternative 1.

a. **Environmental Effects:** The La Cañada Ranch Specific Plan Alternative (Alternative 2) includes reconfiguration of the project site in order to provide a mix of commercial, light industrial, and residential land uses on the 288-acre project site in accordance with the current vision for the La Cañada site in the County's General Plan. This alternative would result in an increase in the amount of land designated for commercial development and open space area and reduce the amount of land designated for residential and recreational development. In addition, Alternative 2 would not provide land for the proposed daycare center, affordable housing, Cuesta College facility, transit station, or fire station. As a result, impacts related to air quality, biological resources, GHG emissions, population and housing, and transportation would be reduced. However, this alternative would increase impacts related to recreation.

b. **Ability to Achieve Project Objectives:** Although this alternative would facilitate the future development of residential land uses, due to the substantial reduction in the number of proposed units, the number of affordable units and affordability of market rate units would be significantly decreased in order to provide funding for site development and other improvements. As a result, Alternative 2 would not meet some of the basic project objectives, including providing a mix of residential development, including affordable homes, and providing public recreational facilities at the project site.

c. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). This Alternative would be located on the same project site as the proposed project and would be potentially consistent with the existing zoning, General Plan land use, and planned development envisioned in the County's General Plan for La Cañada Ranch. This Alternative would provide a less intense development than the proposed project, would require less infrastructure, and would place less strain on existing services. However, this alternative would reduce the number of residential units, ultimately reducing the number of affordable units and affordability of market rate units.

d. **Finding on Actual Feasibility:** Under Alternative 2, buildout of the project site would result in an increase in light industrial and commercial development and a decrease in residential development. This alternative would also substantially increase the amount of land designated for open space and eliminate recreational land uses. As a result, impacts related to air quality, biological resources, GHG emissions, population and housing, and transportation would be reduced. However, this alternative would increase impacts related to recreation and would

ultimately reduce the number of affordable units and affordability of market rate units. The Board of Supervisors rejected this alternative as (actually) infeasible because the alternative fails to meet several basic project objectives. As noted above, because of the substantial reduction in the number of proposed units under this alternative, the number of affordable units and affordability of market rate units would be significantly decreased in order to provide funding for site development and other improvements.

As a matter of state policy, the Legislature clearly believes that more housing units are better than fewer. In 2017, the Legislature found that, "[a]ccording to reports and data, California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025." (Gov. Code, § 65589.5, subd. (a)(2)(D).) "California's overall homeownership rate is at its lowest level since the 1940s. The state ranks 49th out of the 50 states in homeownership rates as well as in the supply of housing per capita. Only one-half of California's households are able to afford the cost of housing in their local regions." (*Id*., subd. (a)(2)(E).)

This housing crisis "threatens the economic, environmental, and social quality of life in California." (Gov. Code, § 65589.5, subd. (a)(1)(A).) "The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives." (*Id*., subd. (a)(2)(A).) "An additional consequence of the state's cumulative housing shortage is a significant increase in greenhouse gas emissions caused by the displacement and redirection of populations to states with greater housing opportunities, particularly working- and middle-class households. California's cumulative housing shortfall therefore has not only national but international environmental consequences." (*Id*., subd. (a)(2)(I).)

With this statewide backdrop in mind, the Board of Supervisors sees clear policy benefits in approving the proposed project in lieu of Alternative 2. The County Board of Supervisors also incorporates by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

As a Responsible Agency, the Commission lacks authority to select alternatives not selected by the lead agency. The Commission nevertheless concurs with the Lead Agency's findings that "Alternative 2" is infeasible because the alternative fails to meet several basic project objectives. For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR and the County's Findings of Fact and Statement of Overriding Considerations.

Alternative 3: Residential Rural Cluster Subdivision (FEIR p. 5-43 through 5-55)

In summary, Alternative 3 would result in a future buildout scenario that is consistent with a cluster subdivision of the Residential Rural (RR) land use designation for the project site. Under this alternative, 195.3 acres of land would be dedicated to residential development, 49.8 acres of land would be dedicated to open space, and 11 acres of land would be dedicated to public parks. No commercial land uses would be developed. Alternative 3 would include the construction of two collector roads through the project

site, consistent with the proposed project, except that the Collector A connection to Willow Road would be relocated through APN 091-301-029, similar to Alternative 1. Site access would continue to be provided in accordance with applicable County standards.

This alternative may preclude annexation into the NCSD due to infrastructure costs. If annexation into the NCSD does not occur, this alternative would rely on domestic water and sewer infrastructure and the minimum lot size would be 2.5 acres. If annexation into the NCSD is feasible, this alternative would be provided community water and sewer services and would have a minimum parcel size of approximately 0.5 acre. Since the feasibility of annexation is currently not known, this alternative has the potential to facilitate a two- to 10-lot cluster subdivision on each 5-acre Residential Rural (RR) parcel, resulting in the construction of 78 to 390 single-family residential units, in addition to a proportionate number of ADUs.

a. **Environmental Effects:** The Residential Rural Cluster Subdivision Alternative (Alternative 3) would result in a future buildout scenario that is consistent with a cluster subdivision of the Residential Rural (RR) land use designation for the project site. Under this alternative, 195.3 acres of land would be dedicated to residential development, 49.8 acres of land would be dedicated to open space, and 11 acres of land would be dedicated to public parks. No commercial land uses would be developed. Under Alternative 3, a smaller scale of buildout would occur in comparison to the proposed project. Based on the reduction of proposed residential units, this alternative would reduce population growth in comparison to the proposed project. As a result, impacts related to aesthetics, air quality, GHG emissions, population and housing, and transportation would be reduced. However, this alternative could continue to potentially impact sensitive biological resources. This alternative may preclude annexation into the NCSD due to infrastructure costs; therefore, this alternative would potentially increase impacts related to utilities and service systems.

b. **Ability to Achieve Project Objectives:** Due to the substantial reduction in the number of proposed residential units, the number of affordable units would be significantly decreased in order to provide funding for site development and other improvements. As a result, Alternative 3 would not meet the basic project objective of providing affordable workforce market rate homes.

c. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). This Alternative would be located on the same project site as the proposed project but would provide a less intense development than the proposed project, which would require less infrastructure and place less strain on existing services. However, this alternative would reduce the number of residential units, ultimately reducing the number of affordable units and affordability of market rate units. In addition, this alternative would be inconsistent with the commercial and light industrial land uses planned for the site as identified in the County's General Plan.

d. **Finding on Actual Feasibility:** Under Alternative 3, no commercial development would occur, and the density of residential development would be limited, resulting in a smaller scale of buildout as compared to the proposed project. Based on the reduction of proposed residential units, this alternative would reduce population growth in comparison to the proposed project and impacts related to aesthetics, air quality, GHG emissions, population and housing, and transportation would also be reduced. However, this alternative would increase impacts related to recreation and would ultimately reduce the number of affordable units and affordability of market rate units. The Board of Supervisors rejects this alternative as (actually) infeasible on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to

meet several basic project objectives, and (2) the alternative would not eliminate the significant unavoidable impacts of the project and would increase some impacts. As stated in section 5.5 of the EIR, Alternative 3 would not meet the stated project objectives of providing a mix of land uses that offer a range of amenities accessible to residents and community members or to create new employment and job training opportunities for the community and broader south San Luis Obispo County area. Although this alternative would help the County reach its housing development allocation goals per the County Regional Housing Needs Allocation (RHNA) required by state law, the alternative, because of its clustered development and other site constraints, risks not meeting project goals for the provision of affordable market rate housing units. Moreover, as explained on page 5-51 of the Final EIR, the residential land use category created under this alternative, assuming reclassification as Residential Single Family, would be limited to approximately 78 to 390 rural residential units (plus associated ADU development). Alternative 3 would thus be far less effective than the proposed project in meeting the project's primary underlying purpose to provide a range of housing types, including affordable housing and market-rate workforce housing. The County Board of Supervisors also incorporates by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

As a Responsible Agency, the Commission lacks authority to select alternatives not selected by the lead agency. The Commission nevertheless concurs with the Lead Agency's findings that "Alternative 3" is infeasible because (1) the alternative fails to meet several basic project objectives, and (2) the alternative would not eliminate the significant unavoidable impacts of the project and would increase some impacts. For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR and the County's Findings of Fact and Statement of Overriding Considerations.

Alternative 4: Development on Non-Native Grassland (FEIR p. 5-56 through 5-68)

In summary, this alternative would include the dedication of approximately 60 acres of land for single-family residential development, 20 acres of land for multi-family residential development, 20 acres of land for commercial development, 5 acres of land for recreational uses, and approximately 15 acres of land for internal roadways and other site improvements. Under Alternative 4, the remaining portion (approximately 16883 acres) of the 288-acre project site would be retained as open space land. This alternative would relocate the future construction of Collector A through APN 091-301-029 to connect North Frontage Road to Willow Road; consistent with Alternative 1. Collector B would not be constructed; residential areas in the western portion of the Specific Plan Area would be accessed via Hetrick Avenue and Pomeroy Road. Collector C would no longer be constructed as a collector road, but an internal roadway in the same general location as the existing internal ranch road north of the oak forest would connect the eastern and western portions of the site. Site access and roadways would continue to be provided in accordance with applicable County standards.

a. **Environmental Effects:** The Development on Non-Native Grassland (Alternative 4) would increase the amount of land dedicated to open space by reducing the overall area of proposed residential, commercial, and recreational development. This alternative would marginally reduce population growth in comparison to the proposed project. However, buildout of this alternative would still constitute a substantial increase in growth within the community, and impacts related to air

quality, GHG emissions, population and housing, and transportation would be generally consistent with the proposed project.

b. **Ability to Achieve Project Objectives:** This alternative would conflict with the basic project objective of providing a mix of housing types and affordable housing options.

c. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). This Alternative would be located on the same project site as the proposed project and would be mostly consistent with the scale and proposed land use types included under the proposed project. Buildout of this alternative would still constitute a substantial increase in growth within the community and would require a similar scale of infrastructure and strain on existing services.

d. **Finding on Actual Feasibility:** This alternative would marginally reduce population growth in comparison to the proposed project. However, buildout of this alternative would still constitute a substantial increase in growth within the community, and impacts related to air quality, GHG emissions, population and housing, and transportation would be generally consistent with the proposed project. This alternative is considered feasible; however, it may conflict with the basic project objective of providing a mix of housing types and affordable housing options. The Board of Supervisors rejects this alternative as (actually) infeasible on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet several basic project objectives; and (2) the alternative would not eliminate the significant unavoidable impacts of the project. As noted on page 5-63 of the Final EIR, Alternative 4 would include only 1,100 residential units. In contrast, as noted in Chapter 11 of the Final EIR, the project as proposed would include up to 1,370 single- and multi-family residential units. Alternative 4 would thus be less effective than the proposed project in meeting the project's primary underlying purpose to provide a range of housing types, including affordable housing and market-rate workforce housing. The County Board of Supervisors also incorporates by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

As a Responsible Agency, the Commission lacks authority to select alternatives not selected by the lead agency. The Commission nevertheless concurs with the Lead Agency's findings that "Alternative 4" is infeasible because (1) the alternative fails to meet several basic project objectives; and (2) the alternative would not eliminate the significant unavoidable impacts of the project. For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR and the County's Findings of Fact and Statement of Overriding Considerations.

Alternative 5: Gradual Transition along the Fringe (FEIR p. 5-68 through 5-79)

In summary, Alternative 5 includes the same type and configuration of land uses as Alternative 1: the Applicant- Preferred Alternative, but it would reduce the density of residential development along the property boundaries to provide a more gradual transition between surrounding rural residential development and the denser residential development within the Specific Plan Area. Under this alternative, the 22.3 acres of land within the eastern portion of the project site would be dedicated to village and flex commercial development, 53.8 acres of land would be dedicated to open space, 21.9 acres of land would be dedicated to the construction of roadways, and 7 acres of land would be dedicated to public parks, which is consistent with the Applicant-Preferred Alternative. However, the density of NBDs

3, 5, 6, 7, 8, and 9 would be reduced by 20%. Table 5-2 in the FEIR shows the proposed reduction of dwelling units for neighborhoods along the fringe.

a. **Environmental Effects:** The Gradual Transition along the Fringe Alternative (Alternative 5) includes the same type and configuration of land uses as Alternative 1: the Applicant-Preferred Alternative, but it would reduce the density of residential development along the property boundaries to provide a more gradual transition between surrounding rural residential development and the denser residential development within the Specific Plan Area. Based on the slight reduction of proposed residential units (approximately 154 units or 12%), this alternative would marginally reduce population growth in comparison to the proposed project. However, buildout of this alternative would still constitute a substantial increase in growth within the community and impacts related to air quality, biological resources, greenhouse gas emissions, land use and planning, population and housing, and transportation would be generally consistent with the proposed project.

b. **Ability to Achieve Project Objectives:** This alternative will likely reduce the affordability of housing within the Specific Plan Area and would decrease the project's ability to meet the basic project objective of providing a mix of affordable housing options.

c. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). This Alternative would be located on the same project site within County limits. This alternative would reduce the density of residential development along the perimeter of the project site and would marginally reduce population growth in comparison to the proposed project. However, buildout of this alternative would still constitute a substantial increase in growth within the community and would require a similar scale of infrastructure and strain on existing services.

d. **Finding on Actual Feasibility:** Under Alternative 5, the density of residential development would be reduced along the perimeter of the project site to support a more gradual transition from surrounding rural residential land uses. Based on the slight reduction of proposed residential units, this alternative would marginally reduce population growth in comparison to the proposed project. However, buildout of this alternative would still constitute a substantial increase in growth within the community and impacts related to air quality, biological resources, greenhouse gas emissions, land use and planning, population and housing, and transportation would be generally consistent with the proposed project. This alternative is considered potentially feasible; however, it will likely reduce the affordability of housing within the Specific Plan Area and may conflict with the basic project objective of providing a mix of affordable housing options. The Board of Supervisors rejects this alternative as (actually) infeasible on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet several basic project objectives; and (2) the alternative would not eliminate the significant unavoidable impacts of the project. As noted on page 5-69 of the Final EIR, this alternative would facilitate the development of 1,135 residential units, including 677 residential single-family units and 388 residential multi-family units. In contrast, as noted in Chapter 11 of the Final EIR, the project as proposed would facilitate up to 1,370 single- and multi-family residential units. Of this total, 458 of the units would be multifamily units. (Final EIR, p. 2-3 [Table 2-1].) Because Alternative 5 would have fewer residential units overall than the proposed project, and would have fewer multifamily units, Alternative 5 would be less effective than the proposed project in meeting the project's primary underlying purpose to provide a range of housing types, including affordable housing and market-rate workforce housing. The County Board of Supervisors also incorporates by reference the

financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

As a Responsible Agency, the Commission lacks authority to select alternatives not selected by the lead agency. The Commission nevertheless concurs with the Lead Agency's findings that "Alternative 5" is infeasible because (1) the alternative fails to meet several basic project objectives; and (2) the alternative would not eliminate the significant unavoidable impacts of the project. For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR and the County's Findings of Fact and Statement of Overriding Considerations.

5. Process as Responsible Agency, Findings, and Statement of Overriding Considerations, (CEQA Guidelines Section 15096 (g)(1), 15091, 15093, and 15096 (h))

As a Responsible Agency under CEQA, LAFCO has discretionary authority over the Applicant's request for the annexation into NCSD. Under CEQA, Responsible Agencies are required to independently review and approve the CEQA document previously prepared by the Lead Agency to comply with environmental review requirements. As such, in light of the Applicant's request, LAFCO reviewed and considered the County's Draft EIR and Final EIR prepared and adopted by the San Luis Obispo County BOS for the DRSP General Plan Amendment and Ordinance Amendment (LRP2020-00007), Vesting Tentative Tract Map and Conditional Use Permit (SUB2020-00047; Tract 3159).

The County, acting as the Lead Agency, adopted a Statement of Overriding Considerations for its adopted DRSP Environmental Report (EIR State Clearinghouse Number 2021060558).

The Commission has made a reasonable and good faith effort to evaluate any alternatives or mitigation measures that would eliminate or substantially mitigate the environmental impacts. The Commission has reviewed the actions by the County BOS to eliminate or substantially mitigate the environmental impacts, particularly the County's various mitigation measures in the Draft & Final EIR, and goals and policies identified in the General Plan.

For the reasons set forth below, the Commission determines that any significant environmental impacts caused by the proposed annexation have been minimized to the extent feasible, and where not feasible, have been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the County. This Statement of Overriding Considerations justifies finding the unavoidable adverse environmental impacts from the Proposal as acceptable.

The Commission finds that any one of the benefits set forth below is sufficient to warrant approval of the Proposal and justify the unavoidable adverse environmental impacts from the County's implementation of the proposed annexation. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the Commission hereby adopts this Statement of Overriding Considerations, for the following reasons in accordance with CEQA Section 21081(b) and State CEQA Guideline Section 15093.

1. LAFCO's policies encourage and provide for well-ordered, efficient urban development patterns, balanced with preserving open space and agricultural land while discouraging urban

sprawl while also allowing for housing that meets a variety of community needs. The annexation of the DRSP is consistent with those policies and the purposes of LAFCO.

2. Consistent with the latest Sphere of Influence Update and Municipal Service Review for the NCSD, adopted on March 15, 2018, the DRSP area is located within the NCSD's Sphere of Influence (SOI) boundary. A SOI is defined by government code section 56076 as "…a plan for the probable physical boundary and service area of a local agency, as determined by the commission.". Therefore, this area was identified as a probable boundary and service area for the NCSD. The approximately 288-acre property is immediately adjacent to additional territory within the NCSD SOI to the north, the US Highway 101 to the east, and the NCSD service area boundary to the south and the west.

3. The site does not contain any prime agricultural land as defined under Government Code Section 56064 or Open-Space Lands as defined under Government Code Section 56059.

4. NCSD would efficiently extend government services into the proposed annexation of the DRSP property which has been identified to be within the NCSD's SOI. On August 14, 2024, NCSD approved the annexation agreement with NKT Development, LLC, and the Plan for Services for the DRSP. The Plan for Services identifies the level and range of solid waste/recycling, water supply, and wastewater collection/treatment services to be provided to the DRSP. The plan provides an overview of the water distribution system, wastewater collection, and wastewater treatment improvements required to serve the DRSP, the entity responsible for financing/construction of the necessary improvements, and the approximate timeframe for completion. Regarding service financing, major capital improvement projects will be funded by the project developer through capacity charges collected by the District.

   In addition, the NCSD has prepared a number of studies that demonstrate its financial and service-related capability to support the annexation of the DRSP into the District's service area boundary. A list of these documents is provided below and can be found as separate attachments to the Commission's November 14, 2024, staff report:

   - Dana Reserve Water and Wastewater Rate Impact Analysis Study
   - Revised Dana Reserve Development Water & Wastewater Service Evaluation MKN Study
   - Dana Reserve Water Supply Assessment
   - Phasing Plan

5. The DRSP would facilitate further implementation of the Nipomo Supplemental Water Project consistent with the recommendation of the Nipomo Mesa Management Area by bringing water onto the Nipomo Mesa and applying it to land uses within the mesa, a majority of which would be recaptured through wastewater collection and treated at the NCSD Southland wastewater treatment facility, where it can percolate back into the Nipomo Mesa subbasin.

6. The lack of available housing in the county, especially workforce housing, currently impacts the ability of employers to attract and hire qualified staff. The project emphasizes providing housing of all types, sizes, and ranges of affordability addressing the County and State critical housing shortage.

7. The DRSP provides for a variety of housing types and costs to meet the needs of renters and buyers with a variety of income levels, including single-family, townhomes, and multi-family options consistent with LAFCO affordable housing policies.

8. The proposed project will help the County by providing 383 multi-family units in NBDs 1 and 2 that, although subject to market trends, are expected to be affordable by design at the moderate and workforce income levels based on market studies conducted by the Applicant.

9. The DRSP will allow for the construction of ADUs and Junior ADUs (JADUs) as permitted uses in all areas of the DRSP area that allow for residential uses, consistent with state ADU law. It is anticipated that approximately 152 ADUs or JADUs could be developed within the DRSP area over the life of the project. A minimum of 100 ADUs will be constructed by the project during the initial phases of development. The County's Housing Element included a market study that showed 50 percent of ADUs are affordable at the low-income level and 50 percent of ADUs are affordable at the moderate-income level. Therefore, the 100 ADUs to be constructed will add 50 low-income and 50 moderate-income units to the county's housing supply. If all 152 ADUs are built, they will add approximately 76 low-income and 76 moderate-income units to the unincorporated county's housing supply.

10. The DRSP includes a minimum of 55.6 acres of open space land use designation. The project also proposes the off-site dedication of a permanent open space and a conservation easement on a property known as Dana Ridge (APNs 090-031-003 and 090-031-004) located approximately 3 miles east of the project site. The applicant proposes to permanently conserve approximately 388 acres, consisting of approximately 187 acres of coast live oak woodland and 67.5 acres of coast live oak forest that is intermixed with 95.9 acres of chamise chaparral, 19.2 acres of La Panza manzanita chaparral, and 26.4 acres of grassland on Dana Ridge Site (excluding existing unpaved roads).

11. According to the Economic and Fiscal Impact Analysis for the DRSP, during the construction phase, the project is projected to generate about 4,368 directly related jobs onsite and approximately 1,763 jobs through indirect and induced economic activity. Labor income associated with these jobs would total approximately $455 million, or more than $74,000 per job (in 2022 dollars).

12. Under the housing allocation adopted by SLOCOG in February 2019, the County is to contribute 3,256 new dwelling units over the course of the 10-year planning cycle.[1] The project will assist the County in meeting its housing allocation targets under state law. If approved the project will provide 156 deed-restricted affordable housing units available to very-low- and lower-income households in two separate neighborhoods (10A and 10B) that will be constructed by a local non-profit. The Applicant would install improvements to the lots, including utilities stubbed to the property lines, mass grading, and installation of all frontage improvements, including curb/gutter/sidewalks, drainage and stormwater compliance associated with perimeter street runoff, sidewalks, streetlights, water mains, sewer mains, and dry utilities.

[1] SLOCOG, Draft SLOCOG February 6, 2019 Meeting minutes, available at https://www.dropbox.com/sh/aoeaa6qrw8y6usd/AACEPj3aLiHPEUHNuZyOTcyta/2019/March%202019/Agendas%20%26%20Reports?dl=0&preview=B-1+Draft+SLOCOG+Board+Meeting+Minutes+-+February+6%2C+2019.pdf&subfolder_nav_tracking=1.

13. As part of the DRSP, a local preference program for home buyers and renters will be included in the marketing of the units within Neighborhoods 1, 2, 3, 4, 5, and 6. The local preference program will give first priority to individuals who live or work in the South County (identified by the boundaries of the Lucia Mar Unified School District), children of South County residents, first-time home buyers, and buyers who can demonstrate a reduction in vehicle miles traveled by living in the DRSP area rather than their existing residence.

14. The DRSP will provide a $3.2 million dollar donation to the Community Foundation San Luis Obispo for downpayment assistance of between 3.5% and 10% of the home's purchase price to qualified first-time home buyers. The donation would provide financing assistance to local, first-time homebuyers and priority buyers described in subsection e. (first priority to individuals who live or work in the South County [identified by the boundaries of the Lucia Mar Unified School District], children of South County residents, first-time home buyers, and buyers who can demonstrate a reduction in vehicle miles traveled by living in the DRSP area rather than their existing residence). All buyers will be required to provide proof of a demonstrated financial need to qualify for down payment assistance.

15. The DRSP will preserve the rural-urban interface by restricting structures in Neighborhoods 7, 8, and 9 to single-story where located adjacent to existing single-family residences and by clustering residences in Neighborhood 3 to the north of the neighborhood with a 110-foot buffer to the residences to the south, consistent with the goals of the South County Area Plan.

16. The DRSP will designate approximately 21 percent, or about 62 acres, of the DRSP area for recreational and open space uses, including a 4.8-acre privately maintained public park for residents of the DRSP area and the County, a 1-acre equestrian trailhead for residents of the DRSP and the County, semi-public and private recreational amenities, approximately 3.3 miles of publicly-accessible equestrian trails, and approximately 3.8 miles of publicly-accessible off-street pedestrian trails. The project would also provide needed funding for enhancement of existing offsite park and recreational facilities through payment of Quimby fees.

17. The DRSP would preserve in perpetuity through recordation, known cultural and archaeological resources present within the DRSP area.

18. The DRSP would include five connection points to the surrounding community, which would provide alternative emergency evacuation routes for the existing community, including a through connection from West Tefft Street to Willow Road via an extension of North Frontage Road. Caltrans and County Public Works have identified the need for a parallel route to US 101 to relieve traffic congestion. Collector A would meet this need.

19. The DRSP includes pedestrian and bicycle paths and multi-modal boulevards separated by landscaped medians throughout the DRSP area, providing pedestrians and bicyclists with off-street circulation options that connect open space and recreational areas with housing and commercial areas.

20. The project would create new construction-related and permanent jobs in the project area. Planned commercial development and upkeep of the DRSP area would provide jobs in close proximity to housing.

21. The DRSP would provide a variety of commercial and industrial uses to generate local business activities, increase sales and property tax revenues, and provide for the functional needs of the community.

22. As required by the County's General Plan, the DRSP contains policies and standards that will facilitate appropriate development of land, protection of open space, and provision of adequate public facilities.

23. The DRSP would include an approximately 2-acre land dedication within the DRSP area for the construction of a future fire station to serve the South County and Nipomo areas. The Applicant would install improvements to the lot, including utilities stubbed to the property lines, mass grading, and installation of all frontage improvements, including curb/gutter/sidewalks, drainage and stormwater compliance associated with perimeter street runoff, sidewalks, streetlights, water mains, sewer mains, and dry utilities. Additionally, the Applicant is not seeking Public Facility Fee reimbursement that the Applicant would otherwise be entitled to in exchange for the land donation.

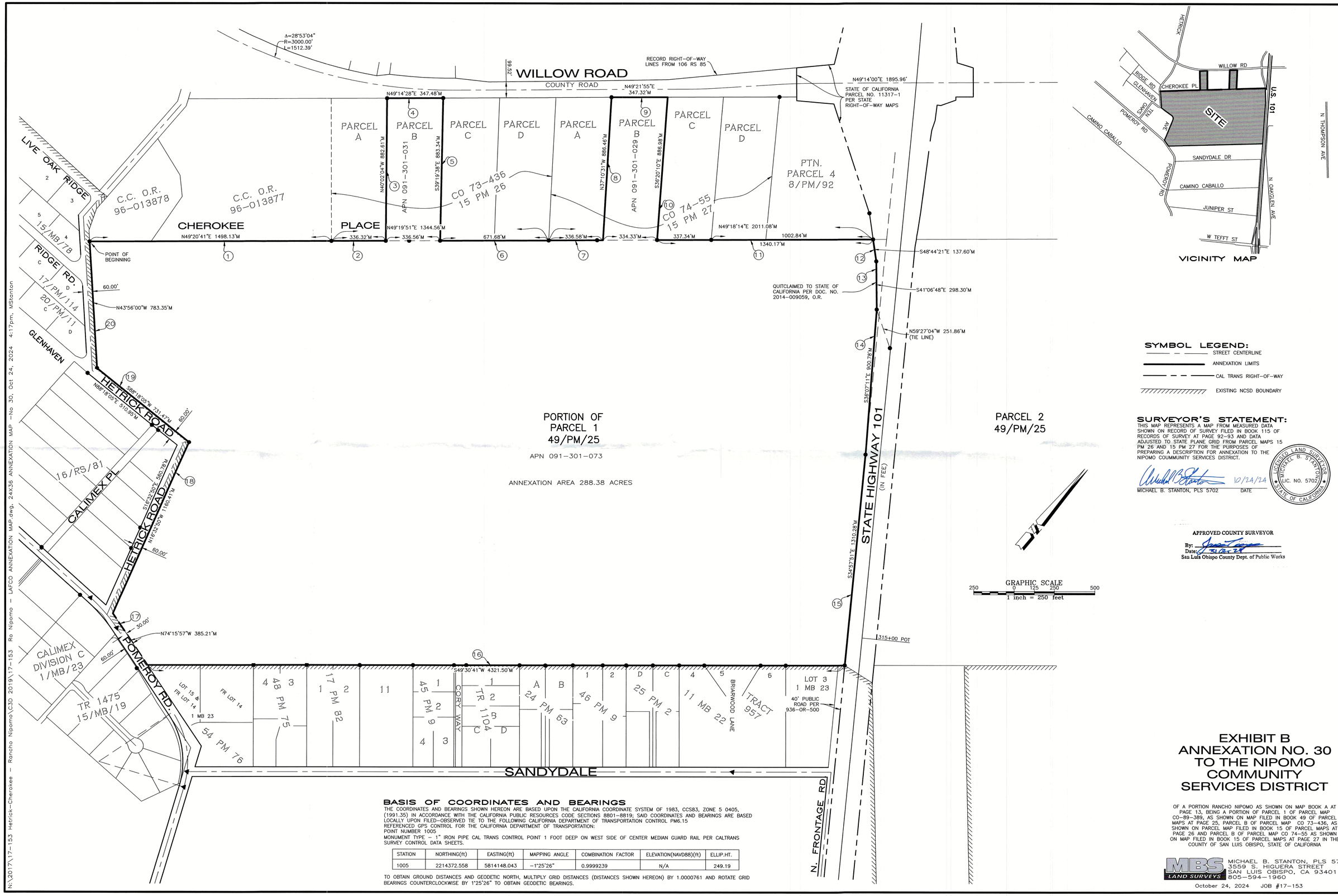
24. The DRSP would provide an approximately 4-acre land donation for a satellite community college. The Applicant would install improvements to the lot, including utilities stubbed to the property lines, mass grading, and installation of all frontage improvements, including curb/gutter/sidewalks, drainage and stormwater compliance associated with perimeter street runoff, sidewalks, streetlights, water mains, sewer mains, and dry utilities.

25. The DRSP would provide a 0.5-acre land donation for a daycare center to serve the DRSP area and surrounding community. The Applicant would install improvements to the lot, including utilities stubbed to the property lines, mass grading, and installation of all frontage improvements, including curb/gutter/sidewalks, drainage and stormwater compliance associated with perimeter street runoff, sidewalks, streetlights, water mains, sewer mains, and dry utilities.

Accordingly, the Commission finds that the Project's adverse, unavoidable environmental impacts are outweighed by these considerable benefits.

Exhibit B

Annexation Map &
Legal Description



SURVEYOR'S STATEMENT:

THIS MAP REPRESENTS A MAP FROM MEASURED DATA SHOWN ON RECORD OF SURVEY FILED IN BOOK 115 OF RECORDS OF SURVEY AT PAGE 92-93 AND DATA ADJUSTED TO STATE PLANE GRID FROM PARCEL MAPS 15 PM 26 AND 15 PM 27 FOR THE PURPOSES OF PREPARING A DESCRIPTION FOR ANNEXATION TO THE NIPOMO COMMUNITY SERVICES DISTRICT.

10/24/24

MICHAEL B. STANTON, PLS 5702 DATE

LICENSED LAND SURVEYOR MICHAEL B. STANTON L.S. NO. 5702 STATE OF CALIFORNIA

APPROVED COUNTY SURVEYOR

By: _____

Date: 10/28/24

San Luis Obispo County Dept. of Public Works

BASIS OF COORDINATES AND BEARINGS

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 5 0405, (1991.35) IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819; SAID COORDINATES AND BEARINGS ARE BASED LOCALLY UPON FILED-OBSERVED TIE TO THE FOLLOWING CALIFORNIA DEPARTMENT OF TRANSPORTATION CONTROL PM6.15
REFERENCED GPS CONTROL FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION:
POINT NUMBER 1005
MONUMENT TYPE – 1" IRON PIPE CAL TRANS CONTROL POINT 1 FOOT DEEP ON WEST SIDE OF CENTER MEDIAN GUARD RAIL PER CALTRANS SURVEY CONTROL DATA SHEETS.

STATION	NORTHING(ft)	EASTING(ft)	MAPPING ANGLE	COMBINATION FACTOR	ELEVATION(NAVD88)(ft)	ELLIP.HT.
1005	2214372.558	5814148.043	-1°25'26"	0.9999239	N/A	249.19

TO OBTAIN GROUND DISTANCES AND GEODETIC NORTH, MULTIPLY GRID DISTANCES (DISTANCES SHOWN HEREON) BY 1.0000761 AND ROTATE GRID BEARINGS COUNTERCLOCKWISE BY 1°25'26" TO OBTAIN GEODETIC BEARINGS.

EXHIBIT B
ANNEXATION NO. 30 TO THE NIPOMO COMMUNITY SERVICES DISTRICT

OF A PORTION RANCHO NIPOMO AS SHOWN ON MAP BOOK A AT PAGE 13, BEING A PORTION OF PARCEL 1 OF PARCEL MAP CO-89-389, AS SHOWN ON MAP FILED IN BOOK 49 OF PARCEL MAPS AT PAGE 25, PARCEL B OF PARCEL MAP CO 73-436, AS SHOWN ON PARCEL MAP FILED IN BOOK 15 OF PARCEL MAPS AT PAGE 26 AND PARCEL B OF PARCEL MAP CO 74-55 AS SHOWN ON MAP FILED IN BOOK 15 OF PARCEL MAPS AT PAGE 27 IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

MBS LAND SURVEYS
MICHAEL B. STANTON, PLS 5702
3559 S. HIGUERA STREET
SAN LUIS OBISPO, CA 93401
805-594-1960

October 24, 2024 JOB #17-153

N:\2017\17-153 Hetrick-Cherokee - Rancho Nipomo\C3D 2019\17-153 Ro Nipomo - LAFCO ANNEXATION MAP.dwg, 24X36 ANNEXATION MAP -No 30, Oct 24, 2024 4:17pm, MStanton

ANNEXATION No. 30 TO
THE NIPOMO COMMUNITY
SERVICES DISTRICT
Legal Description

A portion of Rancho Nipomo as shown on the map filed in Book A of Maps at page 13, being a portion of Parcel 1 of Parcel Map CO 89-389 as shown on the Parcel Map filed on February 28, 1992 in Book 49 of Maps at page 25, Parcel B of Parcel Map CO 73-436 as shown on the Parcel Map filed on August 15, 1974 in Book 15 of Parcel Maps at page 26 and Parcel B of Parcel Map Co 74-55 as shown on the Parcel Map filed on August 15, 1974 in Book 15 of Parcel Maps at page 27 in the Recorder's Office of San Luis Obispo County, California described as follows:

Beginning at the most westerly corner of Parcel 1 of said Parcel Map CO 89-389, said point being a 3/4" iron pipe with nail as shown on the Record of Survey filed in Book 115 of Records of Survey at Pages 92-93 in said County Recorder's Office having the following NAD83, Zone 5 coordinates, 1991.35 epoch

Northing: 2,211,652.621
Easting: 5,809,950.699, said point being on the existing NCSD boundary; thence,

1) North 49°20'41" East along the Northwest Line of said Parcel 1 of Parcel Map CO 89-389 a distance of 1498.13 feet to the Southerly corner of Parcel A of Parcel Map No. CO 73-436 as shown on Parcel Map filed on August 15, 1974 in Book 15 of Parcel Maps at page 26; thence,

2) North 49°19'51" East along the Northwest Line of said Parcel 1 of Parcel Map CO 89-389 a distance of 336.32 feet to the Southerly corner of Parcel B of said Parcel Map CO 73-436; thence,

3) North 40°02'04" West along the Southwest line of said Parcel B of said Parcel Map CO 73-436 a distance of 882.61 feet to the west corner thereof; thence,

4) North 49°14'28" East along the Northwest line of said Parcel B of said Parcel Map CO 73-436 a distance of 347.48 feet to the north corner thereof; thence,

5) South 39°19'38" East along the Northeast line of said Parcel B of said Parcel Map CO 73-436 a distance of 883.34 feet to the east corner thereof; thence,

6) North 49°19'51" East along the Southeast lines of Parcel C and D as shown on Parcel Map Co 74-55 filed on August 15, 1974 in Book 15 of Parcel Maps at page 27, records of said County a distance of 671.68 feet to the Southerly corner of Parcel A of Parcel Map No. CO 74-55; thence,

7) North 49°18'14" East along the Southerly line of Parcel A of said Parcel Map No. CO 74-55 a distance of 336.58 feet to the South corner of Parcel B of said Parcel Map Co 74-55; thence,

8) North 37°10'31" West along the Southwest line of said Parcel B of Parcel Map CO 74-55 a distance of 886.46 feet to the West corner of said Parcel B; thence,

9) North 49°21'55" East along the Northwest line of said Parcel B a distance of 347.32 feet to the north corner of said Parcel B; thence,

10) South 36°20'10" East along the Northeast line of said Parcel B a distance of 886.98 feet to the East corner of said Parcel B and Northwest line of said Parcel 1 of Parcel Map CO 89-389; thence,

11) North 49°18'14" East along the northwest line of said Parcel 1 a distance of 1340.17 feet to the Southwest line of State Highway 101 according to that certain Quitclaim Deed recorded March 7, 2014 as Document No. 2014-009059 of Official Records of said County, and as shown on Cal Trans right-of-way map for District 5, at Post Mile 6.44, Route 101 Sheet 1 of 2 sheets; thence Southeasterly along said State Highway right-of-way line the following four courses:

12) South 48°44'21" East a distance of 137.60 feet; thence,

13) South 41°06'48" East a distance of 298.30 feet; thence,

14) South 36°07'11" East a distance of 900.78 feet; thence,

15)South 34°57'51" East a distance of 1310.28 feet to the East corner of said Parcel 1 of Parcel Map CO 89-389 and to the existing NCSD boundary; thence along the existing NCSD boundary for the following five courses:

16) South 49°30'41" West along the Southeast line of said Parcel 1 of Parcel Map CO 89-389 distance of 4321.50 feet; thence,

17) North 74°15'57" West along the south line of Parcel 1 of Parcel Map CO 89-389 and north line of Pomeroy Road a distance of 385.21 feet; thence,

18) North 16°32'50" West along the west line of Parcel 1 of Parcel Map CO 89-389 and East line of Hetrick Road a distance of 1160.41 feet; thence,

19) South 88°18'05" West along the South line of Parcel 1 of Parcel Map CO 89-389 and North line of Hetrick Road a distance of 731.47 feet; thence,

20) North 43°56'00" West along the Southwest line of Parcel 1 of Parcel Map CO 89-389 and Northeast line of Hetrick Road a distance of 783.35 to the point of beginning.

The above-described parcel contains 288.38 acres.

Bearings and distances herein are on the State Plane Coordinate System, NAD83, Zone 0405.
To obtain true bearings, rotate bearings herein by -1°25'26".
To obtain ground distances, multiply distances herein by 1.00007610

10.24.2024

PROFESSIONAL LAND SURVEYOR
MICHAEL B. STANTON
PLS 5702
STATE OF CALIFORNIA

N:\2017\17-153 Hetrick-Cherokee - Rancho Nipomo\Legal Descriptions - NCSD\OPTION 2\Legal Description for LAFCO Annexation (Option 2).doc 10/24/2024 4:10 PM

APPROVED COUNTY SURVEYOR

By: _____

Date: 31 Oct 24

San Luis Obispo County Dept. of Public Works