



# SAN LUIS OBISPO LAFCO

## Local Agency Formation Commission

### Meeting Agenda

October 21, 2021, at 9:00 a.m.

#### MISSION STATEMENT

The Local Agency Formation Commission is committed to serving the residents of San Luis Obispo County and the State of California by discouraging urban sprawl and encouraging the orderly formation and development of local agencies based on local conditions and circumstances.

#### COMMISSIONERS

Robert Enns, Chair, Special District  
Ed Waage, Vice-Chair, City  
Marshall Ochylski, Special District  
Steve Gregory, City

Tom Murray, Public  
Debbie Arnold, County  
Lynn Compton, County

#### ALTERNATES

Ed Eby, Special District  
Charles Bourbeau, City  
Heather Jensen, Public  
John Peschong, County

#### MEETING LOCATION

Board of Supervisors Chambers  
County Government Center  
1055 Monterey Street  
San Luis Obispo, California

#### CONTACT INFORMATION

Rob Fitzroy, Executive Officer  
Phone: (805) 781-5795  
Fax: (805) 788-2072  
[www.slolafco.com](http://www.slolafco.com)

## MEETING AGENDA

### Pledge of Allegiance

### Call to Order/Roll Call

### Approval of the Minutes:

August 19, 2021

### Presentation of a Certificate of Appreciation to Tom Murray for 20 Years of Service

### Non-Agenda Public Comment Period

This is the period in which persons may speak on items that are not on the regular agenda. All persons wishing to speak on agenda items or during this non-agenda public comment portion of the meeting are asked to fill out a "request to speak form" and provide it to the Commission Clerk prior to the beginning of that item. Each speaker will be limited to a three-minute presentation. During public hearings, applicants or their representatives will be given the opportunity to speak first after the staff report is given and questions of the Commission have been addressed.



**Regular Matters**

- A-1:** Resolution Regarding Commission Meetings Held by Teleconference as Provided by AB 361 (Consider Approval of Resolution) (pg 8-13)
- A-2:** First Quarter Fiscal Year 2021-2022 LAFCO Budget Status Report (Recommend Review and Approve) (pg 14-25)
- A-3:** Annexation #18 and Sphere of Influence Amendment to the Cayucos Sanitary District (Water Reclamation Facility) LAFCO File No. 2-R-21 (Recommend Review and Approve) (pg 26-116)
- A-4:** Annexation #82 to City of San Luis Obispo (Froom Ranch Area) (pg 117-319)  
LAFCO File No. 1-R-21 (Recommend Review and Approve)
- A-5:** Public Member Recruitment (Authorize Process and Provide Staff Direction to Recruit) (pg 320-323)

**Commissioner Comments**

**Legal Counsel Comments**

**Executive Officer Comments**

**Adjournment**

**Note:** 1.) In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the Clerk at 805-781-5795. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled. 2.) It is required by Government Code Section 84308 that a participant in a LAFCO proceeding who has a financial interest in the decision and who has made a campaign contribution of more than \$250 to any Commissioner within (12) months prior, must disclose the contribution. If you are affected, please notify Commission Staff before the hearing.



**SAN LUIS OBISPO  
LOCAL AGENCY FORMATION COMMISSION  
AUGUST 19, 2021, MEETING MINUTES**

**Call to Order**

The San Luis Obispo Local Agency Formation Commission (LAFCO) meeting was called to order at 9:01 a.m. on Thursday, August 19, 2021, in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo, California by Chairperson Robert Enns.

**Pledge of Allegiance**

**Roll Call**

**Present:** Chairperson Robert Enns, Vice-Chair Ed Waage, Commissioners Debbie Arnold, Lynn Compton, Steve Gregory, Tom Murray, Marshall Ochylski, and Alternate Commissioners Ed Eby and Heather Jensen.

**Absent:** Alternate Commissioners Charles Bourbeau and John Peschong.

**Staff:** Rob Fitzroy, LAFCO Executive Officer  
Brian Pierik, LAFCO Legal Counsel  
Imelda Marquez, LAFCO Analyst  
Celine Vuong, LAFCO Commission Clerk

**Approval of Minutes**

**Chairperson Enns** announced the consideration of approval for the May 20, 2021, Meeting Minutes.

**Chairperson Enns** asked for a motion to approve the Meeting Minutes.

**Commissioner Ochylski** motioned to approve the minutes.

**Commissioner Arnold** seconded the motion.

**Chairperson Enns** asked for any public comment, announcing it was closed shortly after hearing none.

**Chairperson Enns** asked **Ms. Marquez** for voice vote.

**AYES:** Commissioners Waage, Ochylski, Arnold, Compton, Gregory, Jensen, and Chairperson Enns

**NAYS:** None

ABSTAINING: Commissioner Murray

The motion was passed.

**Regular Matters**

**A-1:** Year-End Fiscal Year 2020-21 LAFCO Budget Status Report (Recommend Review and Approval)

**Mr. Fitzroy** presented the item.

**Chairperson Enns** opened the floor for Commissioner comments or questions, hearing some.

**Commissioner Waage** asked if it was review and approval or receive and file.

**Commissioner Compton** asked for clarification about what happens after it goes to the Auditor.

**Chairperson Enns** asked for any public comment, announcing it was closed shortly after hearing none.

**Chairperson Enns** asked for additional Commissioner questions, after hearing none, asked for a motion.

**Commissioner Waage** made a motion to approve staff recommendation.

**Commissioner Murray** seconded the motion.

**Chairperson Enns** asked **Ms. Marquez** for voice vote.

AYES: Commissioners Waage, Ochylski, Murray, Arnold, Compton, Gregory, and Chairperson Enns

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**Informational Matters**

**B-1:** California Association of Local Agency Formation Commissions (CALAFCO) Conference (Recommend Receive and Appoint Voting Delegate to CALAFCO Conference if a Commissioner wishes to run for the CALAFCO Board of Directors, nominate a candidate)

**Mr. Fitzroy** presented the item.

**Chairperson Enns** opened the item for Commissioner comments, hearing some.

**Commissioners Murray** and **Ochylski** confirmed their attendances along with **Mr. Fitzroy**.

**Chairperson Enns** asked for any public comment, announcing it was closed shortly after hearing none.

**Commissioner Murray** announced his resignation as public member for the CALAFCO Coastal region.

Multiple **Commissioners** had comments following **Commissioner Murray's** announcement.

**Chairperson Enns** asked for any more Commissioner questions, after hearing none, asked for a motion for voting delegate and alternate voting delegate.

**Chairperson Enns** announced the item was received and filed.

**B-2:** Status Report of Submitted Proposals and Upcoming Proposal Activities (Recommend Receive and File)

**Mr. Fitzroy** presented the item.

**Chairperson Enns** opened the item for Commissioner comments, hearing none.

**Chairperson Enns** asked for any public comment, thus resulting in a receive and file before announcing the public comment period was closed shortly after hearing none.

**Chairperson Enns** announced the item was received and filed.

**B-3:** Study Session: Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots) (Recommend Receive and File)

**Mr. Fitzroy** presented the item.

**Scot Graham**, the Morro Bay Community Development Director, further elaborated on the topic of the item and what future plans would entail.

**Commissioner Arnold** started by asking questions on the purpose of the development, what the agriculture zoning development will entail, and what plans are with the Coastal Commission.

**Mr. Graham** responded to the questions and provided answers.

**Commissioner Compton** asked for more information and explanation regarding the lots, what other entities are involved, what preservation ordinances are to be considered, etc.

**Mr. Graham** responded to the questions and provided answers.

**Commissioner Waage** asked about what zones are affected and questions about the annexation in general.

**Mr. Graham** responded to the questions and provided answers.

**Commissioner Gregory** had a question about sphere of influence and annexation, along with **Commissioner Murray** who expressed general concerns about the development.

**Mr. Graham** responded to concerns and provided answers to questions from both Commissioners.

**Commissioner Ochylski** communicated about his worry for potential oil contamination.

**Mr. Graham** responded to the worries and provided answers.

**Chairperson Enns** opens floor to public comment, to which there is one.

#### **Public Comment**

**Betty Winholtz**, resident of Morro Bay, and representative for Citizens for Affordable Living Group discussed her worries and concerns of the project.

#### **Public Comment Closed**

**Chairperson Enns** asked for additional comments from the Commission, wrapped up noting it was a receive and file.

#### **Closed Session**

**C-1:** Conference with Legal Counsel – Existing Litigation  
Government Code Section 54956.9 paragraph (1) of subdivision (d)  
Name of case: San Luis Obispo Local Agency Formation Commission, et. al. v. City of Pismo Beach, et. al. Superior Court Case No. CV130383; 2d Civ. No. B296968

**Mr. Pierik** announced the Closed Session item.

**Commissioner Waage** recused himself from the closed session because conflict of interest.

At 11:19 a.m., **Chairperson Enns** called the open session back into order.

**Commissioner Comments:** None

**Legal Counsel Comments:** None

**Executive Officer Comments:** None

**Adjournment:** With no further business before the Commission, the meeting adjourned at 11:20 a.m. until the next meeting of the Commission pursuant to Governor’s Executive Orders, depending upon the progression of the COVID-19 pandemic.

**THESE MINUTES ARE NOT OFFICIAL NOR ARE THEY A PERMANENT PART OF THE RECORD UNTIL THEY ARE APPROVED BY LAFCO COMMISSIONERS AT THE NEXT REGULAR MEETING.**

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Respectfully submitted,  
Celine Vuong, LAFCO Commission Clerk

DRAFT



LAFCO - San Luis Obispo - Local Agency Formation Commission  
SLO LAFCO - Serving the Area of San Luis Obispo County

**COMMISSIONERS**

Chairperson  
ROBERT ENNS  
Special District Member

Vice-Chair  
ED WAAGE  
City Member

DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
Special District Member

STEVE GREGORY  
City Member

TOM MURRAY  
Public Member

**ALTERNATES**

ED EBY  
Special District Member

CHARLES BOURBEAU  
City Member

HEATHER JENSEN  
Public Member

JOHN PESCHONG  
County Member

**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

CELINE VUONG  
Commission Clerk

**TO: Local Agency Formation Commission**

**FROM: Brian Pierik, Legal Counsel**

**DATE: October 21, 2021**

**SUBJECT: Resolution Regarding Commission Meetings Held By  
Teleconference as Provided by AB 361**

**Recommendation**

Consider adoption of Resolution of the San Luis Obispo Local Agency Formation Commission Proclaiming The Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e).

**Discussion**

All meetings of the San Luis Obispo Local Agency Formation Commission ("Commission") are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963).

Before COVID-19, Section 54953(b) of the Brown Act allowed for teleconferencing if the public agency complied with the following requirements:

1. At least a quorum of the members of the legislative body must participate from locations within the boundaries within the jurisdiction of the local agency.
2. An agenda shall be posted at all teleconference locations.
3. Each teleconference location shall be identified in the notice and agenda of the meeting.
4. Each teleconference location shall be accessible to the public.

Due to COVID-19, Governor Newsom temporarily suspended compliance with these requirements and as a result, city officials were allowed to teleconference from locations such as their homes without needing to open up those homes or other locations for entry by members of the public. However, Governor Newsom's temporary suspension of such rules expired on September 30, 2021.



AB 361 was recently signed by the Governor to continue to allow the modified teleconferencing rules, subject to the existence of certain requirements which are listed below in this Staff Report.

Government Code section 54953(e)(1), which was adopted by AB 361, lists the circumstances under which a local agency may use such modified teleconferencing procedures, as follows:

(1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic.

The State of Emergency remains in effect and COVID-19 continues to threaten the health and lives of the public and the Delta variant is highly transmissible in indoor settings. In addition, breakthrough cases are becoming more common.

For these reasons, the recommended action is for the Commission to adopt the Resolution of the San Luis Obispo Local Agency Formation Commission Proclaiming The Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e), Attachment A to this Staff Report.

The attached Resolution will authorize the Commission to hold teleconference meetings within the requirements of AB 361, but does not prohibit the Commission from holding in person meetings in the future.

If the Resolution is adopted, then the Commission when holding meeting by teleconference must follow the procedures set forth by AB 361, which include the following:

1. Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting and provide public comment.
2. The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to "address the legislative body directly." The agency does not have to provide an in-person option for the public to attend the meeting.
3. The meeting must be conducted "in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body."

4. If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
5. The body cannot require comments to be submitted before the start of the meeting. The public must be allowed to make “real time” public comment.
6. Reasonable time for public comment must be provided. If the agency provides a timed public comment period, the public comment period must be left open until the time expires.
7. All votes must be taken by roll call.
8. The legislative body must approve a resolution making findings every 30 days to continue to conduct teleconference meetings under AB 361. The body must find it has reconsidered the circumstances of the state of emergency and either 1) the emergency continues to impact the ability to meet safely in person, or 2) State or local officials continue to impose or recommend social distancing.

If the state of emergency ends or if the Commission decides to rescind the Resolution, then meetings of the Commission must comply with the pre-COVID teleconferencing rules of 54953(b) described earlier in this Staff Report.

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**ATTACHMENT 1:** Resolution of the San Luis Obispo Local Agency Formation Commission Proclaiming The Continuing Need To Meet By Teleconference Pursuant To Government Code Section 54953 (e)

# **Attachment A**

Resolution of the San Luis Obispo Local Agency Formation  
Commission Proclaiming The Continuing Need To Meet By  
Teleconference Pursuant To Government Code Section  
54953 (e)

**IN THE LOCAL AGENCY FORMATION COMMISSION**  
**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, October 21, 2021

**PRESENT:**

**ABSENT:**

**RESOLUTION NO. 2021-XX**

**RESOLUTION OF THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION  
PROCLAIMING THE CONTINUING NEED TO MEET BY TELECONFERENCE PURSUANT  
TO GOVERNMENT CODE SECTION 54953 (e)**

**WHEREAS**, all meetings of the San Luis Obispo Local Agency Formation Commission are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

**WHEREAS**, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, such State of Emergency remains in effect; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of the public; and

**WHEREAS**, the Delta variant is highly transmissible in indoor settings; and

**WHEREAS**, breakthrough cases are becoming more common

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

1. Recitals. The Recitals set forth hereinabove are true and correct and are hereby incorporated by this reference.
2. Imminent Risk to Health and Safety. Due to COVID-19, holding meetings of the Commission in person will present imminent risk to the health and safety to attendees.

- 3. Compliance With Government Code Section 54953. The Commission will continue to meet by teleconference in accordance with Government Code section 54953(e).
- 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) the day after the next meeting of the Commission or (ii) such time the Commission adopts a subsequent resolution rescinding this Resolution.
- 5. Future Resolutions. The Commission expressly reserves the right to adopt Resolutions more than 30 days after this date of adoption of this Resolution to authorize the Commission to continue to meet by teleconference in accordance with Government Code section 54953(e) provided that a State of Emergency exists as of the date of adoption of such Resolutions.

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

AYES:

NAYS:

ABSTAINING:

The foregoing resolution is hereby adopted.

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Robert Enns, Chair	Date
Local Agency Formation Commission	

**ATTEST:**

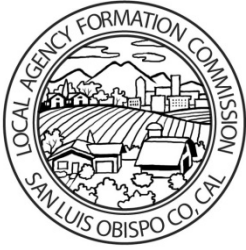
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Rob Fitzroy	Date
LAFCO Executive Officer	

**APPROVED AS TO FORM AND LEGAL EFFECT:**

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Brian Pierik	Date
LAFCO Legal Counsel	



**LAFCO - San Luis Obispo - Local Agency Formation Commission**  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

**COMMISSIONERS**

Chairperson  
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Special District Member

Vice-Chair  
ED WAAGE  
City Member

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County Member

LYNN COMPTON  
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IMELDA MARQUEZ  
Analyst

CELINE VUONG  
Commission Clerk

**TO: MEMBERS OF THE COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER**

**DATE: OCTOBER 21, 2021**

**SUBJECT: FIRST QUARTER FISCAL YEAR 2021-2022 LAFCO BUDGET  
STATUS REPORT**

**Recommendation.** It is respectfully recommended that the Commission review this first quarter financial report for fiscal year (FY) 21-22 and direct the Executive Officer to file it with the County Auditor.

**Summary.** This is the first FY 21-22 quarterly report for the San Luis Obispo Local Agency Formation Commission (SLO LAFCO). The SLO LAFCO operating budget is comprised of four components: 1) salaries, payroll taxes, and benefits, 2) services and supplies, 3) revenues, and 4) fund balance and reserves. The budget is considered and adopted by SLO LAFCO each year as required by the Cortese-Knox-Hertzberg Act. Day-to-day management of the budget is based on “bottom-line” principles that allow for variation within individual line-item accounts as long as the overall expenditures remain within the approved budgeted levels. The Commission is appraised of the budget each quarter throughout the year.

LAFCO’s budget is funded primarily by the County, Cities and Independent Special Districts. Each agency group pays one-third of the LAFCO budget. The City and District shares are pro-rated based on general revenues reported to the State Controller’s Office on an annual basis. These revenues are found in the latest annual report released by the State Controller’s office. LAFCO also receives some revenue from application fees and interest earnings.

Each LAFCO transaction is processed through the County Auditor’s financial system. The County Auditor’s Office also provides LAFCO with claims processing, invoicing and financial review services. The Auditor’s financial tracking system assists LAFCO in monitoring the budget and compiling budget report data, as well as provide independent review of the budget. This approach enhances accuracy and transparency of the LAFCO budget.

**Expenditures.** Overall, first quarter expenditures are at 21% with 25% of the fiscal year complete. The detailed budget report is contained in Attachment 1. Below is a brief summary of line-item expenditures:

- Salaries and Benefits are 18% expended with eight pay periods completed in the first quarter.
- Services and Supplies are at 32% expended. This is a normal expenditure pattern as the first quarter includes one-time annual expenditures for: County Auditor's Office Services (\$8,596), CALAFCO Membership Dues (\$4,850), and payment of Property /Liability Insurance-SDRMA (\$14,376). These one-time costs occur normally in the first quarter. Legal costs for the first quarter were \$4,300.
- The building lease is \$6,113 has been paid for three months, through September. The lease is currently month to month and the amount has remained unchanged since 2010.
- LAFCO uses a credit card from Umpqua Bank through a program implemented by the Special District Risk Management Association (SDRMA) for public agencies. LAFCO has a credit card policy with regard to use and pays the bill in full each month. The statements for July, August, and September 2020 are found in Attachment 2.
  - **July:** Included total charges of \$57.63 for ongoing Zoom subscription.
  - **August:** Included total charges of \$15.71 for Zoom subscription, \$22.84 for new name plates for new employee, \$10.86 for FedEx.
  - **September:** Included total charges of \$15.71 for Zoom subscription.

**Revenues.** Overall revenues are 92% realized through the first quarter. The jurisdictions (Cities, Special Districts and County) have paid 100% of the LAFCO charges billed in the first quarter by the County Auditor. Application fees have been submitted in the amount of \$9,500.

**Fund Balance and Designated Fund Balance (Reserves).** Fund Balance is the difference between the total expenses and revenues in the fiscal year. Fund Balance is a more flexible asset than Designated Fund Balance and is carried forward from year to year. Fund Balance expenditure requires Commission approval. The current fund balance available is \$264,569.

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**Attachment 1: Quarterly Budget Status Report**

**Attachment 2: Credit Card Statements**

# Attachment 1

## Quarterly Budget Status Report



**Fiscal Year 2021-22 LAFCO Budget  
First Quarter Report Status Report**

Period Ending: September 30, 2021

EXPENDITURES SUMMARY	Adopted 21-22	Expenditure YTD	Projected Yr End	Balance YTD	% Expended
Salaries	289,892	57,448	289,892	232,444	20%
Benefits & Payroll Taxes	186,239	29,586	186,239	156,653	16%
Services and Supplies	136,547	43,814	136,547	92,733	32%
<b>Total Expenses</b>	<b>612,678</b>	<b>130,848</b>	<b>612,678</b>	<b>481,830</b>	<b>21%</b>

EXPENDITURES DETAIL	Adopted 21-22	Expenditure YTD	Projected Yr End	Balance YTD	% Expended
<b>Salaries and Benefits</b>					
Salaries	289,892	57,448	289,892	232,444	20%
Benefits & Payroll Taxes	186,239	29,586	186,239	156,653	16%
<b>Subtotal Salaries &amp; Benefits</b>	<b>476,131</b>	<b>87,034</b>	<b>476,131</b>	<b>389,097</b>	<b>18%</b>

Services and Supplies	Adopted 21-22	Expenditure YTD	Projected Yr End	Balance YTD	% Expended
Food	600	65	600	535	11%
Maintenance - Equipment	30	0	30	30	0%
Maintenance - Software	50	0	50	50	0%
CALAFCO/Other Memberships	8,000	4,850	8,000	3,150	61%
Office Supplies	2,500	266	2,500	2,234	11%
Commissioner/Professional Serv.	10,000	1,445	10,000	8,555	14%
Publication/Legal Notices	1,000	0	1,000	1,000	0%
Rent	37,000	6,113	37,000	30,887	17%
Small Equipment	400	118	400	282	30%
Large Equipment	1,000	398	1,000	602	40%
Computer Software	500	0	500	500	0%
Employee Mileage	200	0	200	200	0%
Commissioner Mileage	1,200	0	1,200	1,200	0%
Airfare/Public Transportation	0	0	0	0	0%
Accommodations/Travel	2,500	0	2,500	2,500	0%
Auto Allowance	5,400	1,039	5,400	4,361	19%
Training/Conf Registration	3,500	553	3,500	2,947	16%
Utilities	4,200	647	4,200	3,553	15%
Car/Vehicle Rentals	500	0	500	500	0%
Postage	1,000	0	1,000	1,000	0%
Custodian	1,100	160	1,100	940	15%
Copying	300	0	300	300	0%
ITD-SAP/Board Chambers	850	0	850	850	0%
Phones/Internet	3,000	888	3,000	2,112	30%
County Auditor	8,817	8,596	8,817	221	97%
Insurance	16,500	14,376	16,500	2,124	87%
Legal Counsel	26,400	4,300	26,400	22,100	16%
<b>Subtotal Services &amp; Supplies</b>	<b>136,547</b>	<b>43,814</b>	<b>136,547</b>	<b>92,733</b>	<b>32%</b>

<b>Total Expenses</b>	<b>612,678</b>	<b>130,848</b>	<b>612,678</b>	<b>481,830</b>	<b>21%</b>
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REVENUE DETAIL	Adopted 21-22	Realized YTD	Projected Yr End	Balance YTD	% Realized
Interest	4,000	0	4,000	4,000	0%
Environmental Fees	1,000	1,000	1,000	0	100%
Sphere of Influence Fee	2,000	3,500	2,000	-1,500	175%
LAFCO Processing Fees	14,000	5,000	14,000	9,000	36%
Other Revenue/Fund Balance if needed	35,000	0	35,000	59,612	0%
<b>Sub-Total w/o Agency Charges</b>	<b>56,000</b>	<b>9,500</b>	<b>56,000</b>	<b>46,500</b>	<b>17%</b>
LAFCO Charges to Agencies	556,679	552,445	497,066	-4,234	99%
<b>Total Revenue</b>	<b>612,679</b>	<b>561,945</b>	<b>553,066</b>	<b>50,734</b>	<b>92%</b>

Fund Balance-Reserves	Beginning FY 21-22	Projected End of Year Reserves	Projected % of Budget
<b>Fund Balance and Reserves</b>	<b>264,569</b>	<b>264,569</b>	<b>43%</b>
Transfer in 4th Qtr if needed		0	
<b>Reserves/Fund Balance</b>	<b>264,569</b>	<b>264,569</b>	<b>43%</b>

# Attachment 2

## Credit Card Statements



**UMPQUA BANK**

BL ACCT 00002542-10000000

LAFCO

Account Number: ####-####-####

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**Account Summary**

Billing Cycle		07/30/2021
Days In Billing Cycle		30
Previous Balance		\$1,116.99
Purchases	+	\$437.09
Cash	+	\$0.00
Balance Transfers	+	\$0.00
Special	+	\$0.00
Credits	-	\$0.00
Payments	-	\$1,116.99
Other Charges	+	\$0.00
Finance Charges	+	\$0.00

**NEW BALANCE \$437.09**

**Credit Summary**

Total Credit Line	\$10,000.00
Available Credit Line	\$9,562.91
Available Cash	\$0.00
Amount Over Credit Line	\$0.00
Amount Past Due	\$0.00
Disputed Amount	\$0.00

**Account Inquiries**



Call us at: (866) 777-9013  
Lost or Stolen Card: (866) 839-3485



Go to [www.umpquabank.com](http://www.umpquabank.com)



Write us at PO BOX 1952, SPOKANE, WA  
99210-1952

**Payment Summary**

<b>NEW BALANCE</b>	<b>\$437.09</b>
<b>MINIMUM PAYMENT</b>	<b>\$437.09</b>
<b>PAYMENT DUE DATE</b>	<b>08/25/2021</b>

*NOTE: Grace period to avoid a finance charge on purchases, pay entire new balance by payment due date. Finance charge accrues on cash advances until paid and will be billed on your next statement.*

**Corporate Activity**

				<b>TOTAL CORPORATE ACTIVITY</b>	<b>\$1,116.99-</b>
Trans Date	Post Date	Reference Number	Transaction Description	Amount	
07/19	07/19	00000000000000000117595	PAYMENT - THANK YOU	\$1,116.99-	

**Cardholder Account Summary**

<b>IMELDA MARQUIF7</b> ####-####-####	<b>Payments &amp; Other Credits</b> \$0.00	<b>Purchases &amp; Other Charges</b> \$57.63	<b>Cash Advances</b> \$0.00	<b>Total Activity</b> \$57.63
--	---	---	--------------------------------	----------------------------------

**Cardholder Account Detail**

Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
07/02	07/04	PPLN01	24011341183000052580556	ZOOM.US 888-799-9666 WWW.ZOOM.US CA	\$57.63

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW UP TO 7 DAYS FOR RECEIPT

UMPQUA BANK  
PO BOX 1952  
SPOKANE WA 99210-1952



**UMPQUA BANK**

**Account Number**

####-####-####

Check box to indicate name/address change on back of this coupon

AMOUNT OF PAYMENT ENCLOSED

<b>Closing Date</b>	<b>New Balance</b>	<b>Total Minimum Payment Due</b>	<b>Payment Due Date</b>
07/30/21	\$437.09	\$437.09	08/25/21

\$



BL ACCT 00002542-10000000  
LAFCO  
1042 PACIFIC ST  
SUITE A  
SAN LUIS OBISPO CA 93401

e-Statement

MAKE CHECK PAYABLE TO:

UMPQUA BANK  
PO BOX 2310  
SPOKANE WA 99210-2310





UMPQUA BANK

BL ACCT 00002542-10000000

LAFCO

Account Number: ####-####-####-

Page 1 of 3



Account Summary

Table with 2 columns: Description and Amount. Rows include Billing Cycle, Days In Billing Cycle, Previous Balance, Purchases, Cash, Balance Transfers, Special, Credits, Payments, Other Charges, Finance Charges.

NEW BALANCE \$624.17

Credit Summary

Table with 2 columns: Description and Amount. Rows include Total Credit Line, Available Credit Line, Available Cash, Amount Over Credit Line, Amount Past Due, Disputed Amount.

Account Inquiries

- Call us at: (866) 777-9013
Lost or Stolen Card: (866) 839-3485
Go to www.umpquabank.com
Write us at PO BOX 1952, SPOKANE, WA 99210-1952

Payment Summary

Table with 2 columns: Description and Amount. Rows include NEW BALANCE \$624.17, MINIMUM PAYMENT \$624.17, PAYMENT DUE DATE 09/25/2021

NOTE: Grace period to avoid a finance charge on purchases, pay entire new balance by payment due date. Finance charge accrues on cash advances until paid and will be billed on your next statement.

Corporate Activity

Table with 5 columns: Trans Date, Post Date, Reference Number, Transaction Description, Amount. Row: 08/12 08/12 00000000000000000117825 PAYMENT - THANK YOU \$437.09-

Cardholder Account Summary

Table with 5 columns: Cardholder Name, Payments & Other Credits, Purchases & Other Charges, Cash Advances, Total Activity. Row: IMELDA MARQUEZ, \$0.00, \$70.89, \$0.00, \$70.89

Cardholder Account Detail

Table with 6 columns: Trans Date, Post Date, Plan Name, Reference Number, Description, Amount. Rows include ZOOM.US, TROPHY HUNTERS, FEDEX OFFIC.

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW UP TO 7 DAYS FOR RECEIPT

UMPQUA BANK
PO BOX 1952
SPOKANE WA 99210-1952



Account Number
####-####-####

Check box to indicate name/address change on back of this coupon

AMOUNT OF PAYMENT ENCLOSED

Table with 4 columns: Closing Date, New Balance, Total Minimum Payment Due, Payment Due Date. Values: 08/31/21, \$624.17, \$624.17, 09/25/21

Dotted box for amount of payment enclosed, starting with \$

BL ACCT 00002542-10000000
LAFCO
1042 PACIFIC ST
SUITE A
SAN LUIS OBISPO CA 93401

e-Statement 19714

MAKE CHECK PAYABLE TO:

UMPQUA BANK
PO BOX 2310
SPOKANE WA 99210-2310





UMPQUA BANK

BL ACCT 00002542-10000000

LAFCO

Account Number: ####-####-####-

Page 1 of 3



**Account Summary**




Billing Cycle		09/30/2021
Days In Billing Cycle		30
Previous Balance		\$624.17
Purchases	+	\$112.87
Cash	+	\$0.00
Balance Transfers	+	\$0.00
Special	+	\$0.00
Credits	-	\$553.28-
Payments	-	\$624.17-
Other Charges	+	\$0.00
Finance Charges	+	\$0.00

**NEW BALANCE** **\$ (440.41)**

**Credit Summary**

Total Credit Line	\$10,000.00
Available Credit Line	\$10,000.00
Available Cash	\$0.00
Amount Over Credit Line	\$0.00
Amount Past Due	\$0.00
Disputed Amount	\$0.00

**Account Inquiries**

-  Call us at: (866) 777-9013  
Lost or Stolen Card: (866) 839-3485
-  Go to [www.umpquabank.com](http://www.umpquabank.com)
-  Write us at PO BOX 1952, SPOKANE, WA 99210-1952

**Payment Summary**

<b>NEW BALANCE</b>	<b>\$ (440.41)</b>
<b>MINIMUM PAYMENT</b>	<b>\$0.00</b>
<b>PAYMENT DUE DATE</b>	<b>10/25/2021</b>

*NOTE: Grace period to avoid a finance charge on purchases, pay entire new balance by payment due date. Finance charge accrues on cash advances until paid and will be billed on your next statement.*

**Corporate Activity**

				<b>TOTAL CORPORATE ACTIVITY</b>	<b>\$624.17-</b>
<b>Trans Date</b>	<b>Post Date</b>	<b>Reference Number</b>	<b>Transaction Description</b>	<b>Amount</b>	
09/16	09/16	0000000000000000118259	PAYMENT - THANK YOU	\$624.17-	

**Cardholder Account Summary**

<b>IMELDA MARQUE7</b> <b>####-####-####</b>	<b>Payments &amp; Other Credits</b> <b>\$0.00</b>	<b>Purchases &amp; Other Charges</b> <b>\$15.71</b>	<b>Cash Advances</b> <b>\$0.00</b>	<b>Total Activity</b> <b>\$15.71</b>
--	--	--	---------------------------------------	---

**Cardholder Account Detail**

<b>Trans Date</b>	<b>Post Date</b>	<b>Plan Name</b>	<b>Reference Number</b>	<b>Description</b>	<b>Amount</b>
09/02	09/03	PPLN01	24011341245000046932398	ZOOM.US 888-799-9666 WWW.ZOOM.US CA	\$15.71

PLEASE DETACH COUPON AND RETURN PAYMENT USING THE ENCLOSED ENVELOPE - ALLOW UP TO 7 DAYS FOR RECEIPT - \*

UMPQUA BANK  
PO BOX 1952  
SPOKANE WA 99210-1952



**Account Number**  
####-####-####

Check box to indicate name/address change on back of this coupon

<b>Closing Date</b>	<b>New Balance</b>	<b>Total Minimum Payment Due</b>	<b>Payment Due Date</b>
09/30/21	\$ (440.41)	\$0.00	10/25/21

AMOUNT OF PAYMENT ENCLOSED

\$

BL ACCT 00002542-10000000  
LAFCO  
1042 PACIFIC ST  
SUITE A  
SAN LUIS OBISPO CA 93401

e-Statement

MAKE CHECK PAYABLE TO:  
UMPQUA BANK  
PO BOX 2310  
SPOKANE WA 99210-2310



IMPORTANT INFORMATION

Finance Charge Calculation Methods and Computation of Average Daily Balance Subject to Finance Charge: The Finance Charge Calculation Method applicable to your account for Cash Advances and Credit Purchases of goods and services that you obtain through the use of your card is specified on the front side of this statement and explained below:

Method A - Average Daily Balance (including current transactions): The Finance Charge on purchases begins on the date the transaction posted to your account. The Finance Charge on Cash Advances begins on the date you obtained the cash advance, or the first day of the billing cycle within which it is posted to your account, whichever is later. There is no grace period.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of your account. To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Method E - Average Daily Balance (excluding current transactions): To avoid incurring an additional Finance Charge on the balance of purchases (and cash advances if Method E is specified as applicable to cash advances) reflected on your monthly statement, you must pay the New Balance shown on your monthly statement on or before the Payment Due Date. The grace period for the New Balance of purchases extends to the Payment Due Date.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of purchases (and if applicable, cash advances). To get the average daily balance, we take the beginning balance of your account each day and subtract any payments, credits, non-accruing fees, and unpaid finance charges. We do not add in any new purchases or cash advances. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Method G - Average Daily Balance (including current transactions): To avoid incurring an additional Finance Charge on the balance of purchases (and cash advances, if Method G is specified as applicable to cash advances) reflected on your monthly statement and, on any new purchases (and if applicable, cash advances) appearing on your next monthly statement, you must pay the New Balance, shown on your monthly statement, on or before the Payment Due Date. The grace period for the New Balance of purchases extends to the Payment Due Date.

The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of purchases (and if applicable, cash advances). To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

Payment Crediting and Credit Balance: Payments received at the location specified on the front of the statement after the phrase "MAKE CHECK PAYABLE TO" will be credited to the account specified on the payment coupon as of the date of receipt. Payments received at a different location or payments that do not conform to the requirements set forth on or with the periodic statement (e.g. missing payment stub, payment envelope other than as provided with your statement, multiple checks or multiple coupons in the same envelope) may be subject to delay in crediting, but shall be credited within five days of receipt. If there is a credit balance due on your account, you may request in writing, a full refund. Submit your request to the Account Inquiries address on the front of this statement.

By sending your check, you are authorizing the use of the information on your check to make a one-time electronic debit from the account on which the check is drawn. This electronic debit, which may be posted to your account as early as the date your check is received, will be only for the amount of your check. The original check will be destroyed and we will retain the image in our records. If you have questions please call the customer service number on the front of this billing statement.

Closing Date: The closing date is the last day of the billing cycle; all transactions received after the closing date will appear on your next statement.

Annual Fee: If your account has been assessed an annual fee, you may avoid paying this annual fee by sending written notification of termination within 30 days following the mailing date of this bill. Submit your request to the Account Inquiries address on the front of this statement. You may use your card(s) during this 30 day period but immediately thereafter must send your card(s), which you have cut in half, to this same address.

Negative Credit Reports: You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

BILLING RIGHTS SUMMARY

In Case of Errors or Inquiries About Your Bill: If you suspect there is an error on your account or you need information about a transaction on your bill, send your written inquiry to the Account Inquiries address on the front of this statement within 60 days of the date of the statement containing the transaction in question. You may telephone us, however a written request is required to preserve your rights.

In your letter, give us the following information:

- Your name and account number.
The dollar amount of the suspected error.
Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

Please provide a legal document evidencing your name change, such as a court document.

Please use blue or black ink to complete form

NAME CHANGE

Last [grid]

First [grid] Middle [grid]

ADDRESS CHANGE

Street [grid]

[grid]

[grid]

City [grid] State [grid] ZIP Code [grid]

Home Phone ( [grid] ) [grid] - [grid] Business Phone ( [grid] ) [grid] - [grid]

Cell Phone ( [grid] ) [grid] - [grid] E-mail Address \_\_\_\_\_

SIGNATURE REQUIRED

TO AUTHORIZE CHANGES Signature \_\_\_\_\_

Cardholder Account Summary					
ROBERT FITZROY #### #### ####		Payments & Other Credits \$0.00	Purchases & Other Charges \$32.61	Cash Advances \$0.00	Total Activity \$32.61
Cardholder Account Detail					
Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
09/07	09/08	PPLN01	24399001250295001060862	BEST BUY 00003962 SAN LUIS OBIS CA	\$32.61

Cardholder Account Summary					
CELINE VUONG #### #### ####		Payments & Other Credits \$553.28-	Purchases & Other Charges \$64.55	Cash Advances \$0.00	Total Activity \$488.73-
Cardholder Account Detail					
Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
09/08	09/09		74492151251743933877476	CREDIT VOUCHER EB 2021 CALAFCO ANNUA 8014137200 CA	\$553.28-
09/21	09/22	PPLN01	24011341264000039668955	ZOOM.US 888-799-9666 WWW.ZOOM.US CA	\$27.59
09/25	09/26	PPLN01	24692161268100905915441	AMZN Mktp US*2G28J0122 Amzn.com/bill WA	\$36.96

Finance Charge Summary / Plan Level Information									
Plan Name	Plan Description	FCM <sup>1</sup>	Average Daily Balance	Periodic Rate *	Corresponding APR	Finance Charges	Effective APR Fees **	Effective APR	Ending Balance
<b>Purchases</b>									
PPLN01 001	PURCHASE	E	\$0.00	0.06024%(D)	21.9900%	\$0.00	\$0.00	0.0000%	\$(440.41)
<b>Cash</b>									
CPLN01 001	CASH	A	\$0.00	0.06572%(D)	23.9900%	\$0.00	\$0.00	0.0000%	\$0.00
* Periodic Rate (M)=Monthly (D)=Daily							Days In Billing Cycle: 30		
** includes cash advance and foreign currency fees							APR = Annual Percentage Rate		
<sup>1</sup> FCM = Finance Charge Method									
(V) = Variable Rate If you have a variable rate account the periodic rate and Annual Percentage Rate (APR) may vary.									

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The Finance Charges for a billing cycle are computed by applying the Periodic Rate to the "average daily balance" of purchases (and if applicable, cash advances). To get the average daily balance, we take the beginning balance of your account each day, add any new purchases or cash advances, and subtract any payments, credits, non-accruing fees, and unpaid finance charges. This gives us the daily balance. Then we add up all the daily balances for the billing cycle and divide the total by the number of days in the billing cycle.

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By sending your check, you are authorizing the use of the information on your check to make a one-time electronic debit from the account on which the check is drawn. This electronic debit, which may be posted to your account as early as the date your check is received, will be only for the amount of your check. The original check will be destroyed and we will retain the image in our records. If you have questions please call the customer service number on the front of this billing statement.

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BILLING RIGHTS SUMMARY

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In your letter, give us the following information:

- Your name and account number.
The dollar amount of the suspected error.
Describe the error and explain, if you can, why you believe there is an error. If you need more information, describe the item you are unsure about.

You do not have to pay any amount in question while we are investigating, but you are still obligated to pay the parts of your bill that are not in question. While we investigate your question, we cannot report you as delinquent or take any action to collect the amount you question.

Please provide a legal document evidencing your name change, such as a court document.

Please use blue or black ink to complete form

NAME CHANGE

Last [grid]

First [grid] Middle [grid]

ADDRESS CHANGE

Street [grid]

[grid]

[grid]

City [grid] State [grid] ZIP Code [grid]

Home Phone ( [grid] ) [grid] - [grid] Business Phone ( [grid] ) [grid] - [grid]

Cell Phone ( [grid] ) [grid] - [grid] E-mail Address \_\_\_\_\_

SIGNATURE REQUIRED

TO AUTHORIZE CHANGES Signature \_\_\_\_\_



BL ACCT 00002542-10000000  
 LAFCO  
 Account Number: #####  
 Page 3 of 3

Cardholder Account Detail Continued					
Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
08/17	08/18	PPLN01	24231681230837000071790	SMART AND FINAL 913 SAN LUIS OBIS CA	\$21.48

Cardholder Account Summary				
CELINE VUONG #####	Payments & Other Credits \$0.00	Purchases & Other Charges \$553.28	Cash Advances \$0.00	Total Activity \$553.28

Cardholder Account Detail					
Trans Date	Post Date	Plan Name	Reference Number	Description	Amount
08/31	08/31	PPLN01	24492151243719091958064	EB 2021 CALAFCO ANNUA 801-413-7200 CA	\$553.28

Finance Charge Summary / Plan Level Information									
Plan Name	Plan Description	FCM <sup>1</sup>	Average Daily Balance	Periodic Rate *	Corresponding APR	Finance Charges	Effective APR Fees **	Effective APR	Ending Balance
<b>Purchases</b>									
PPLN01 001	PURCHASE	E	\$0.00	0.06024%(D)	21.9900%	\$0.00	\$0.00	0.0000%	\$624.17
<b>Cash</b>									
CPLN01 001	CASH	A	\$0.00	0.06572%(D)	23.9900%	\$0.00	\$0.00	0.0000%	\$0.00
* Periodic Rate (M)=Monthly (D)=Daily							Days In Billing Cycle: 32		
** includes cash advance and foreign currency fees							APR = Annual Percentage Rate		
<sup>1</sup> FCM = Finance Charge Method									
(V) = Variable Rate If you have a variable rate account the periodic rate and Annual Percentage Rate (APR) may vary.									



**LAFCO - San Luis Obispo - Local Agency Formation Commission**  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

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ROBERT ENNS  
Special District Member

Vice-Chair  
ED WAAGE  
City Member

DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
Special District Member

STEVE GREGORY  
City Member

TOM MURRAY  
Public Member

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Special District Member

CHARLES BOURBEAU  
City Member

HEATHER JENSEN  
Public Member

JOHN PESCHONG  
County Member

**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

CELINE VUONG  
Commission Clerk

**TO: MEMBERS OF THE COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER  
IMELDA MARQUEZ, ANALYST**

**DATE: OCTOBER 21, 2021**

**SUBJECT: LAFCO FILE 2-R-21: SPHERE OF INFLUENCE AMENDMENT AND  
ANNEXATION #18 TO CAYUCOS SANITARY DISTRICT (WATER  
RECLAMATION FACILITY)**

**Recommendation.** It is recommended that the Commission consider the following actions.

**Action 1:**

Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Certified Environmental Impact Report (EIR) adopted by the Cayucos Sanitary District was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Sphere of Influence amendment and annexation.

**Action 2:**

Approve the Resolution as contained in Attachment A for the proposed Sphere of Influence amendment and Annexation to the Cayucos Sanitary District and adopt Findings of Fact and a Statement of Overriding Findings for compliance with CEQA (Exhibit A of Attachment A) with the following conditions:

1. Prior to filing the Certificate of Completion with the County Clerk, a revised Map and Legal Description shall be submitted by the applicant and approved by the County Surveyor.
2. This condition applies to the extent allowed by law. The applicant agrees to 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.

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## **PROJECT OVERVIEW**

**Project Proponents:** Resolution of Application by the Cayucos Sanitary District (CSD) (Attachment F)

**Certificate of Filing:** October 4, 2021

**Acreage and Location:** The territory proposed for annexation is comprised of 257.87 acres located on 100 - 800 Toro Creek Road, Morro Bay, CA 93442. Development has occurred only within 8-acres. The vicinity maps in Attachment D show the sphere of influence (SOI) amendment and annexation areas.

**APNs:** The project area is often referred to as Lots 6N, 7N, 8N, and 10. Listed below is the acreage and APNs within each of the Lots.

<b>Lot 6N:</b>	Consisting of 6.53 acres within APN 065-022-010 and 073-075-018
<b>Lot 7N:</b>	Consisting of 15.33 acres within APN 073-075-019 and 073-075-020
<b>Lot 8N:</b>	Consisting of 83.61 acres within APN 073-077-035
<b>Lot 10:</b>	Consisting of 152.4 acres within APN 073-092-056

**Timeline:** In April 2017, the CSD certified their EIR for the Cayucos Sustainable Water Project (SCH # 2016041078). As a Responsible Agency, LAFCO will be relying upon the EIR for compliance with CEQA. In November 2020 the CSD approved Resolution 2020-9 initiating proceedings for the proposed annexation before LAFCO today.

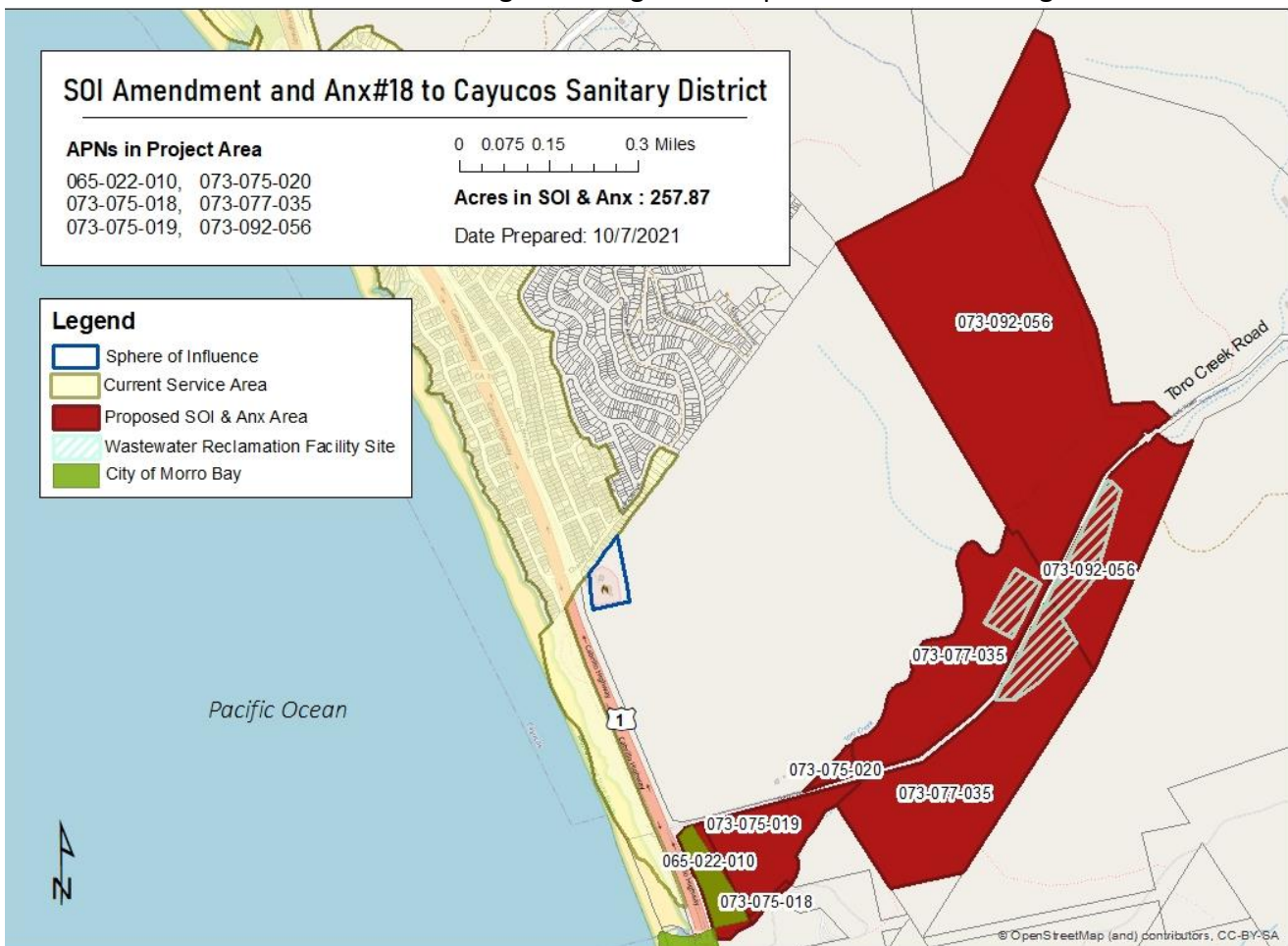
On February 19, 2021, the CSD applied to LAFCO with the Water Reclamation Facility (WRF) SOI amendment and annexation proposal. On March 19, 2021, within the 30-day response requirement period, staff provided the applicant with an information hold letter describing the items needed to continue processing the application. On August 4, 2021, the applicant provided their first set of items needed. On August 11 and August 31, 2021, the CSD updated their responses to address additional requests to deem the application complete and allow staff to issue a Certificate of Filing, which was issued on October 4, 2021.

**Summary:** The purpose of this proposal is to amend the SOI and annex the project area into the CSD for the district's new WRF and Solar Farm that have been constructed on the property. The CSD provides sewage, solid waste, and recycling services.

The CSD and the City of Morro Bay operated (the Morro Bay Cayucos Sanitary District Wastewater Treatment Plant (MBCSD WWTP)) under a joint powers agreement. According to the EIR, at their January 10, 2013, meeting the California Coastal Commission determined that upgrading and maintaining wastewater facilities at the location of the existing MBCSD WWTP would violate the Coastal Act, effectively mandating the abandonment of the CSD’s historic wastewater treatment infrastructure.

The CSD Board determined at its April 30, 2015, meeting that in order to continue the service they would build their own WRF. The project site is one of various candidate sites that were considered and chosen by the CSD Board. The project is designed to serve the existing and build-out population within the CSD service boundary.

The WRF and Solar Farm associated with this proposal has been built within 8-acres on Lots 8N and 10 (APNs 073-092-056 & 073-077-035) as shown in the map below. The CSD also has extensive infrastructure, including Lift Station No. 5 and its appurtenances on Lot 6N and influent and effluent pipelines crossing Lot 7N. The 8-acres being developed are considered prime agriculture land and according to the EIR the CSD will be conserving adjacent farmland at a minimum of 2:1 or 16-acres meeting LAFCO agriculture polices. The remaining land associated



Document Path: C:\Users\lmarq\OneDrive\LAFCO Files\LAFCO Proposals\OTHER SPECIAL DISTRICTS\CAYUCOS SANITARY\ANNEXATIONS\2-R-21 Anx#18 & SOI Amend to Cayucos Sanitary (WRF)\GIS\Cayucos\_WRF SOI & Anx Bndymxd

with the SOI amendment/annexation will remain Agriculture in an Agriculture Conservation Easement (approx. 208-acres) and open space (approx. 21.86-acres). This topic is discussed in more detail in the Annexation section of this report.

An SOI amendment and annexation would benefit the CSD by alleviating the CSD from paying property and improvement tax, being able to supply the lots with recycled water but most importantly without an annexation the CSD would not be allowed under the Cortese-Knox-Hertzberg (CKH) Act to serve the Community. Please refer to Attachment D for additional vicinity maps of the project proposal.

## **ACTION 1 | Environmental Determination**

**Environmental Determination:** The CSD, Lead Agency, has certified an EIR for the Proposed Cayucos WRF (referred to as Cayucos Sustainable Water Project in the EIR) SCH#2016041078 (Attachment C). Per the requirements of CEQA, a Responsible Agency relies on the Lead Agencies environmental documentation to approve the portion of the project under its jurisdiction. LAFCO acting as a Responsible Agency will rely upon the certified EIR for compliance with CEQA with the respect to the SOI and annexation component of the project. Staff has determined that the EIR is adequate for the proposed annexation action before LAFCO. While LAFCO may rely upon the environmental documentation prepared by the CSD, LAFCO must adopt its own CEQA Findings of Fact and Overriding Considerations as found in Exhibit A of Attachment A.

The EIR includes a discussion of the impacts associated with the development in the annexation areas. LAFCO commented on these documents during the CEQA review process. These areas were addressed in detail in the Draft & Final certified EIR by the CSD. The Final EIR completed for the Cayucos WRF includes mitigation measures and associated findings adopted by the CSD Board Resolution.

In summary, mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to agriculture, air quality, biological resources, cultural resources, drainage, geology, growth-inducing effects, hazards and hazardous materials, noise, traffic, and visual resources. The CSD adopted overriding considerations based on significant and unavoidable impacts associated with Agricultural Resources, Geology (Tsunami Inundation), and Noise (construction-related) for all elements of the project. Overriding findings are proposed for impacts that were determined to be significant and unavoidable (Attachment C).

## **ACTION 2 | Sphere of Influence Amendment**

**Sphere of Influence Amendment:** Prior to the annexation, the SOI must be amended to include the subject territory. The SOI is a plan for the probable physical boundaries of a local agency as determined by LAFCO per GC 56076. This action would be considered before moving forward with annexation.

An SOI is defined by government code 56425 as "...a plan for the probable physical boundary and future service area of a local agency or municipality...". An SOI is generally considered as a 20-year, long-range planning tool, and a mandatory step in the process before annexation. Approval of a SOI amendment does not mean the subject area will be in the City or Special District's jurisdiction. The entity must complete the land use planning process, including CEQA prior to an annexation being considered by LAFCO, which in this circumstance has already been completed.

The SOI for the CSD was last updated in January 2015 based on the Municipal Service Review prepared by LAFCO. The 2015 MSR update did not analyze the Cayucos WRF project as a study area, but the application submitted and currently being considered provided sufficient and detailed analysis on the impacts of the proposed boundary changes.

**Sphere of Influence Factors.** To amend the CSD's Sphere of Influence, the CKH act calls for the following determinations to be considered and a written statement approved by LAFCO per gov code section 56425 (e):

1. **The present and planned land uses in the area, including agricultural and open-space lands.** The present land uses within the project area is zoned agriculture. The proposed land use will remain agriculture with the operation of a WRF and Solar Farm. Per the CSD's response to LAFCO policies 2.6, all but 28 of the 257.87 acres will be encumbered by conservation easements that will preclude development. The amount of land being conserved under easements is substantially more than what is required by LAFCO policies.
2. **The present and probable need for public facilities and services in the area.** As stated in the attached Plan for Services the intent of the project is to amend the SOI and annex the approx. 258 acres into the CSD for the public facilities being built, WRF and solar farm. The area being annexed would not need services as typically expected with annexation due to the nature of the project. Rather, the WRF and project site are being annexed to serve the existing community.
3. **The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.** As noted under item 2 above, the CSD would not need to provide services because the WRF and project site are being annexed to serve the existing community. The facilities on this property will be what provide the community of Cayucos their wastewater services. The rest of the land will remain agriculture and may be leased for agricultural purposes at some point in the future. No additional services are proposed to be added to the site as a result of the annexation.
4. **The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.** The CSD does not have communities of interest since the area is uninhabited and is currently out of both the CSD and its sphere. A portion of the project area is within the City of Morro Bay's service area, but it does not conflict with allowing this project to move forward as the territory can be

within a City and Special Districts Boundary per government code 56061.

5. **For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.** A disadvantaged community is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. The existing SOI and proposed SOI amendment for the CSD does not have any disadvantaged communities that have a present and probable need for public facilities and services nor are the areas contiguous to the SOI qualify as a disadvantaged community.

The foregoing written statements are intended to comply with Government Code section 56425 (e).

**Local Sphere of Influence Policies.** The CKH Act requires that each commission establish written policies and procedures. The act also states that LAFCO’s are to exercise their powers consistent with those policies and procedures. The San Luis Obispo LAFCO’s policies encourage and provide for well-ordered, efficient urban development patterns, balanced with preserving open space and agriculture land while discouraging urban sprawl. The Sphere of Influence Update for the CSD is consistent with those policies and the purposes of LAFCO.

**Sphere of Influence Amendment Analysis and Conclusions.** The SOI for the CSD is recommended to be amended to include the proposed WRF Annexation area. This is based on the information, application, studies, and documents provided and approved by the CSD and contained or referenced by in this Staff Report. The CSD has considered the impacts of this SOI Amendment and Annexation on its service capacities. The WRF project would provide wastewater treatment for the community of Cayucos and is necessary in order to serve the community.

**Annexation**

A total of 257.87 acres are being considered for annexation into the CSD. The breakdown of the proposed project is detailed below and discussed further in this section:

Lots 8N & 10	Acres
<b>WRF Project Site</b>	8
<b>Reserved Building Envelopes (For Residential)</b>	20
<b>Ag Land Preserved in Perpetuity</b>	208.01
<b>Total</b>	<b>236.01</b>

	Lots 6N & 7N	Acres
	Open Space	21.86
<b>Project Total</b>		<b>257.87</b>

**Population:** The project proposes a wastewater facility that intends to serve the existing and buildout population. The proposed annexation would not result in an increase in population.

**Uninhabited Annexation:** The area proposed for annexation is legally uninhabited meaning it has less than 12 registered voters. The proposal includes 100% consent, and the one (1) landowner provided a written letter of consent that waives the protest process.

**Topography:** The 258-acre site is coastal valley, rolling hills and grazing land. The property consists of primarily steep to regular slopes.

**Property Tax Exchange:** Normally the County would engage in negotiations with the involved entity to reach a property tax exchange agreement, but because under the current property tax allocation system established by Assembly Bill 8 (Chapter 282, Statutes of 1979, AB 8, L. Greene) the CSD is not eligible to receive a tax exchange. The reason for ineligibility is because the property is owned by a local government, in this case the CSD, and per the California Constitution Article 13, Section 1 a local government is exempt and does not pay property taxes. Therefore, there is no need for an agreement in this case and there is no amount of property tax revenue to be transferred.

A zero-property tax exchange resolution No. 2021-083 was approved by the County Board of Supervisors on May 4, 2021. When a special district is involved, the negotiations are conducted by the Board of Supervisors of the County on behalf of the district or districts, pursuant to Revenue and Taxation Code Section 99(b)(5).

**Plan for Service / Wastewater Service:** As previously mentioned, the CSD provides sewage, solid waste, and recycling services. The newly built WRF and solar farm facilities will help the CSD provide more efficient, reliable, and adaptable services to their customers. The CSD collects wastewater from approximately 2,592 service connections. The project is designed to serve the existing and build-out population within the CSD service boundary.

**Capacity.** Per the project EIR the build-out average annual daily flow (AADF) capacity is expected to be in the range of 0.30 to 0.40 million gallons per day (MGD). Peak hour and maximum daily flows resulting from peak season dry weather events and wet weather events will be equalized in an off-line equalization basin to reduce the required size of equipment for downstream processes.



The WRF is anticipated to initially allocate up to 80 acre-feet per year (AFY) of surplus tertiary treated water to be made available for agriculture. The CSD has plan to beneficially reuse its tertiary treated recycled water for agricultural uses in the Toro Valley until such time as a pipeline is constructed to bring the water to Whale Rock Reservoir. The actual amount of tertiary treated water that will be used for agriculture is dependent upon future negotiations with farmers as lessees or landowners and cannot be quantified at this time because it is dependent on crop, location, infrastructure needs and cost. This allocated water could be used for direct application to fields or to improve irrigation reliability during a drought. Under CKH 56133, it would allow the CSD to provide water for agriculture purposes without it being consider a “service”. Specifically, CKH 56133 states the “provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries” is exempt from regulations that would otherwise apply to provision of water service. Additionally, the CSD will make available tertiary treated recycled water to ranchers, pursuant to Health and Safety Code section 6520.7. This code section would allow the “sell, or otherwise dispose of, any water, sewage effluent, fertilizer, or other byproduct resulting from the operation of a sewerage system, sewage disposal plant, refuse disposal plant or process, or treatment plant, and construct, maintain, and operate such pipelines and other works as may be necessary for that purpose.”.

Per the CSD’s response to LAFCO’s policy 2.6, both the Regional Water Quality Control Board and the California Coastal Commission conditioned the project to prepare and submit a comprehensive Recycled Water Management Plan within one year of commencing operation of the ocean outfall. The Plan is to detail how the CSD will achieve 100% beneficial reuse of the treated effluent within 10 years of commencing operation of the outfall.

Additionally, the Water Reuse and Recycling Facility was sized for Cayucos community buildout, which is anticipated within the next 20 years. No significant sewer facility expansion is anticipated during that time period. Capital improvements will largely be to replace infrastructure.

**Water Supply.** Water is supplied to the community of Cayucos by the Cayucos Area Water Organization (CAWO). Per the project EIR, the total water supply for the community is 628 – 693 AFY, with estimates of 608 – 641 AFY at projected buildout demand (30 years, data was compiled in 2012).

**Benefits to the Community.** Currently, all of the wastewater generated within the CSD service area is transported to the ocean by way of an outfall in the City of Morro Bay. In addition, the proximity of the ocean and seawater that extends inland under the community prevents CSD resident irrigation water to be recharged into the Cayucos groundwater basin. As a result, water consumed by residents and businesses is not recycled and is currently ‘lost’ to the water supply.

Per the project EIR the WRF proposes to return as much as 500 AFY of tertiary treated water to the community which in turn could reduce the amount of water needed from surface and groundwater sources by as much as 78% per year. The 500 AFY of unused water supplies could

be used in a number of different ways to increase the community's water supplies as determined by the respective water purveyors. The CSD has indicated acquiring necessary water pipeline easements to connect the WRF to Whale Rock Reservoir by way of Lot 10 for indirect potable reuse of the highly treated water. The timing is unknown at this time as separate permitting approvals are still necessary.

**Agriculture/Open Space:** Within the approximately 258-acre project area, 8-acres have been developed for the WRF and solar farm. These 8 acres (within Lots 8N & 10) are prime agriculture land that need must comply with LAFCO Ag Policies. The area is not under a Williamson Act contract. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use as agreed to by the applicant (landowner), the jurisdiction with land use authority. The CSD has indicated they would convert at least 2:1 (16 acres) to be placed in perpetuity through deed restrictions, conservation easement, or other mechanism.

In addition, approximately 208.01 acres of the 236.01 acres comprising of Lots 8N and 10 will be encumbered by agricultural conservation easements as set forth by the CSD to comply with condition 18, 49, and 50 of the conditional use permit approved by the County of San Luis Obispo (Attachment G). The 208.01-acre total of proposed agriculture conservation easements includes the minimum 2:1 (16-acres) that the CSD is planning to conserve in perpetuity.

Approximately 21.86 acres (Lots 6N & 7N) will be sold to the Land Conservancy of San Luis Obispo upon completion of the Cayucos Sustainable Water Project and subsequently transferred to the County of San Luis Obispo as open space.

Overall, the proposed project will conserve approximately 89.1% of the project's total acreage. The area being conserved is a substantial amount of land relative to the area being disturbed.

**Development Potential:** The proposed SOI and Annexation area is zoned as Agriculture. Under the existing zoning designation, up to four single family homes could be built and as also mentioned in County Condition of Approval 50 (Attachment G). No change in zoning is proposed, as such, the development potential would not change should the SOI and annexation be approved.

### **Other Agencies**

**County Air Pollution Control District (APCD) Comments:** APCD provided an email response to LAFCO regarding this project. It clarified that previous concerns/ comment letters were incorporated into the environmental documents, therefore APCD does not have any more comments for LAFCO.

**LAFCO Factors Government Code 56668:** Government Code Section 56668 identifies a number of factors that are to be considered by LAFCO in reviewing a proposal. These factors are

addressed in Attachment B of this Staff Report. Each factor is listed and a Staff Response is provided for LAFCO’s consideration. The factors are intended to provide the Commission with information about certain topics that are often relevant to annexations. The factors include information on:

- |   |  |                            |
|---|--|----------------------------|
| • Population and Land Use                             | • Need for Services                            | • Impact on Adjacent Areas |
| • Commission Policies                                 | • Agricultural Lands                           | • Definite Boundaries      |
| • Consistency with General Plans and Reg. Trans. Plan | • Sphere of Influence                          | • Other Agency Comments    |
| • Ability to provide services                         | • Availability of water supplies               | • Housing                  |
| • Comments from landowner, voters or residents        | • Existing information about existing land use | • Environmental Justice    |

### **STAFF RECOMMENDATION**

At the conclusion of its consideration, the Commission may approve the request, with or without amendment, wholly, partially, or conditionally, or disapprove the request. The Commission has discretion in light of the whole record to make its decision.

If approved, the CKH Act (GC 57001) allows up to one year for a Certificate of Completion to be filed with the Clerk Recorder, otherwise the action is deemed abandoned. LAFCO may grant extensions based on a reasonable request by the proponent or applicant. The time frame for an extension is at LAFCO’s discretion based on the circumstances of the proposal.

If your Commission moves to approve the SOI Amendment and Annexation, Staff recommends that one roll call vote be taken for each of the following actions:

#### **Action 1:**

Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Certified Environmental Impact Report (EIR) adopted by the Cayucos Sanitary District was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Sphere of Influence amendment and annexation.

**Action 2:**

Approve the proposed Sphere of Influence Amend and Annexation is that the Commission approve, by resolution (Attachment A), to the Cayucos Sanitary District, with the following conditions:

1. Prior to filing the Certificate of Completion with the County Clerk, a revised Map and Legal Description shall be submitted by the applicant and approved by the County Surveyor.
2. This condition applies to the extent allowed by law. The applicant agrees to 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.

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**Attachment A:** Draft LAFCO Resolution Approving the Annexation

Exhibit A: Findings of Fact & Overriding Considerations

Exhibit B: Map of Annexation No.90 and Legal Description

**Attachment B:** LAFCO Legislative Factors-Government Code Section 56668 (a-o)

**Attachment C:** Cayucos Sanitary District Final Environmental Impact Report, & Statement of Overriding Considerations (Available Online)

**Attachment D:** Vicinity Maps

**Attachment E:** Cayucos Sanitary District, Plan for Services

**Attachment F:** Resolution of Application by the Cayucos Sanitary District

**Attachment G:** Additional Information Provided by the Cayucos Sanitary District

# **Attachment A**

Draft LAFCO Resolution Approving the Annexation

**IN THE LOCAL AGENCY FORMATION COMMISSION**  
**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, October 21, 2021

**PRESENT:**

**ABSENT:**

**RESOLUTION NO. 2021-XX**

**RESOLUTION APPROVING SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION  
NO. 18 TO THE CAYUCOS SANITARY DISTRICT (WASTEWATER RECLAMATION  
FACILITY)**

The following resolution is now offered and read:

**WHEREAS**, on October 4, 2021, the Executive Officer filed a Certificate of Filing regarding a request to consider a proposal for the Sphere of Influence Amendment and Annexation No. 18 to the Cayucos Sanitary District (Wastewater Reclamation Facility); 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 matter was set for public hearing at 9:00 a.m. on October 21, 2021, and the public hearing was duly conducted and determined and a decision was made on October 21, 2021; 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 persons present were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report; and

**WHEREAS** the Commission determined that the environmental review documentation, including the Environmental Impact Report (State Clearinghouse Number 2016041078) , certified by the Cayucos Sanitary District, meets the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS** the Commission determined that the environmental mitigations and statement of overriding consideration adopted by the Cayucos Sanitary District are appropriate and acting as a Responsible Agency LAFCO adopts its own Findings of Fact and statement of overriding

consideration that meets the requirements of the California Environmental Quality Act as contained in Exhibit A hereto; and

**WHEREAS**, the Commission has considered all Sphere of Influence factors required to be considered by Government Code Section 56425 (e) and adopts as its written statements of determinations therein, the determination set in the Executive Officer's Staff Report dated October 21, 2021, said determinations being incorporated by reference herein as though set forth in full; and

**WHEREAS**, the Commission has considered all annexation factors required to be considered by Government Code Sections 56668 et seq. and adopts as its written statements of determinations therein, the determinations set in the Executive Officer's Staff Report dated October 21, 2021, said determinations being incorporated by reference herein as though set forth in full; and

**WHEREAS**, the Commission duly considered the proposal and finds that the proposal to annex territory to the Cayucos Sanitary District 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 the draft map and legal description approved by this Commission is attached hereto, marked as Exhibits B and incorporated by reference herein as though set forth in full.
3. That the Sphere of Influence Update for the Cayucos Sanitary District is adopted pursuant to the map in Exhibit B of this Resolution.
4. That the Executive Officer of this Commission is authorized and directed to send copies of this resolution in the manner provided by law.
5. That Annexation No. 18 to the Cayucos Sanitary District is hereby approved with the following conditions:
  1. Prior to filing the Certificate of Completion with the County Clerk, a Final Map and Legal Description shall be submitted by the applicant and approved by the County





# Exhibit A: Findings of Fact & Overriding Considerations

Exhibit A

## **San Luis Obispo Local Agency Formation Commission**

LAFCO No. 2-R-21

Sphere of Influence Amendment and Annexation #18 to the Cayucos  
Sanitary District (Water Reclamation Facility)

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### **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); State Clearinghouse Number 2016041078), among other documents and has concluded that the EIR is adequate for the purposes of the Commissions' compliance with CEQA (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for the proposed action. The Commission has reached its own conclusion whether and how to approve the proposed Sphere of Influence and Annexation for the Cayucos Sanitary District (CSD) and the associated Cayucos Sanitary District Sustainable Water Project, hereinafter referred to as Water Reclamation Facility (WRF) Project.

The discretionary action before the Commission is somewhat unique because the WRF has already been constructed and is currently in operation. As such, the impacts described in the EIR have already occurred and mitigated where feasible. Nonetheless, 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 change the physical service area boundary of the CSD. As such, the EIR was reviewed in this context to ensure the modification of the service area boundary 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 agriculture, air quality, biological resources, cultural resources, drainage, geology, growth-inducing effects, hazards and hazardous materials, noise, traffic, and visual resources. The CSD adopted overriding considerations based on significant and unavoidable impacts associated with Agricultural Resources, Geology (Tsunami Inundation), and Noise (construction-related) for all elements of the project (including components in the City of Morro Bay). 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

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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) January 2015 the preparation of Municipal Service Review Determinations and Sphere of Influence update statements of its determinations:
  - LAFCO prepared a Municipal Service Review pursuant to Government Code section 56430 in 2015.
  - Written determination have been prepared pursuant to Government Code section 56430 (a) and section 56425 (e).
- b) April 2017 the EIR for the Cayucos Sustainable Water Project (SCH # 2016041078) was Certified. The project applicant also included a Subsequent Initial Study of Environment Impact for the Cayucos Sustainable Water Project Ocean Outfall.
- c) June 2017 The County Planning Commission approved the following:
  - Resolution 2017-008** Granting of a Conditional Use Permit and Development Plan/ Coastal Development Permit
    - Exhibit A – Conditional Use Permit Findings DRC 2016-00063 / Cayucos Sanitary District
    - Exhibit B – Development Agreement / Coastal Development Permit Findings DRC2016-00063 / Cayucos Sanitary District
    - Exhibit C – CEQA Findings Impacts Identified as Less than Significant
- d) November 2020 the CSD Board adopted the following:
  - Resolution 2020-9** Initiating Proceedings to Annex Property
    - Exhibit A – Proposed Annexation Map
    - Exhibit B – Legal Description
    - Exhibit C – Plan for Services
- e) On February 19, 2021, the CSD submitted their Resolution of Application to LAFCO.
- f) Public notices issued by the Commission associated with the proposal.
  - LAFCO prepared and distributed a notice to the affected agencies and landowners on September 29, 2021, consistent with Government Code section 56427, and provided notice in a newspaper of general circulation 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 CSD certified the EIR for the Cayucos Water Resource Facility Project in April 2017, which evaluated environmental impacts on the development of 8 acres for the Water Reclamation Facility and Solar Farm. The EIR identified certain significant environmental effects for the broader WRF project. Other than approving the Project analyzed in the EIR, 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 CSD 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 Draft EIR or Final EIR as adopted by the Cayucos Sanitary District, 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 the DEIR and FEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the FEIR'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 and SOI expansion, 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 beneficial (Class IV) and 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**

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**Impact GEO - 8:** Due to the locations of critical infrastructure sites that will be connected via pipelines, certain pipeline sections will not be able to avoid portions of the tsunami inundation zone. Pipeline segments along SR1, the CSA 10 facility, and the outfall segment between SR1 and the coast, are located within the maximum tsunami inundation zone (i.e., less than 50 feet above mean sea level). Mitigation measures can be implemented to reduce the impact. However, the pipeline outfall will be vulnerable to damage from wave erosion if a significant tsunami occurs at that location. The potential impact of tsunami inundation on Project components near the coast is a significant and unavoidable impact

- a. Mitigation Measures: Mitigation strategies for infrastructure located within tsunami inundation zones shall be implemented and include, as determined applicable, measures such as flexible connections, double lined pipes, strengthened pipes, automatic shutoff valves and similar measures to prevent the release of wastewater and treated water to the environment.
- b. Finding: Changes or alterations have been required in, or can be incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section 5 below.
- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

**Impact AG - 1:** Construction of the WRF and solar array on the Project Site will result in the permanent conversion of Prime Farmland as defined by the San Luis Obispo County Conservation and Open Space Element. This impact is considered significant and unavoidable

- a. Mitigation Measures: Prior to the issuance of grading permits, the CSD shall provide evidence to the County Department of Planning and Building that a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of 2:1 for direct project impacts. The area conserved shall be of a quality that is reasonably similar to that of farmland within the project limits (as determined by the County Agricultural Commissioner or designee).
- b. Finding: Changes or alterations have been required in, or can be incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.
- c. Supportive Evidence: Please refer to page IV-B1 through IV-B4.33 and IV-B34 through IV-B35 of the Draft EIR.

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**Impact AG - 6:**            **Development of the WRF on either the Project Site of the Alternative Site, together with regional development, will contribute to the cumulative loss of Prime Farmland as defined by the County Conservation and Open Space Element. This impact is considered cumulatively considerable and significant and unavoidable.**

- a. Mitigation Measures: Although implementation of mitigation measures AG-1 and AG-2 will result in the permanent conservation of Prime Farmland plus an increase in irrigation water available to prospective farmers, the permanent loss of important agricultural soils for farming on either site is considered cumulatively considerable and significant and unavoidable (Class I). No additional mitigation measures are available.
- b. Finding: Changes or alterations have been required in, or can be incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.
- c. Supportive Evidence: Please refer to page IV-B1 through IV-B4.33 and IV-B34 through IV-B35 of the Draft EIR.

**Impact N - 2:**            **Construction activities associated with the pipeline conveyances and outfall connection would result in short term exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. This impact is considered significant and unavoidable (Class I) after application of Mitigation Measure N-1.**

- a. Mitigation Measures: Mitigation Measure N-1 would be used to satisfy this impact. The CSD shall require construction contractors to adhere to the following noise attenuation requirements:
  - Construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
  - All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
  - Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
  - Stationary combustion equipment such as pumps or generators operating within 100 feet of any residence shall be shielded with a noise protection barrier.
- b. Finding: Changes or alterations have been required in, or can be incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.
- c. Supportive Evidence: Please refer to page IV-H1 through IV-H16 of the Draft EIR.

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**Impact N - 4:**                    **Construction related activities associated with the Project pipeline infrastructure, together with noise generated by the construction of other reasonably foreseeable related projects in the region, will temporarily increase noise levels in the region and result in temporary noise impacts.**

- a. Mitigation Measures: Similarly, mitigation Measure N-1 would also be used to satisfy this impact. The CSD shall require construction contractors to adhere to the following noise attenuation requirements:
- Construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
  - All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
  - Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
  - Stationary combustion equipment such as pumps or generators operating within 100 feet of any residence shall be shielded with a noise protection barrier.
- b. Finding: Changes or alterations have been required in, or can be incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Draft EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section 5.
- c. Supportive Evidence: Please refer to page IV-H1 through IV-H16 of the Draft EIR.

**CLASS II.                    Significant but Mitigable Impacts**

**Impact GEO - 1:**                    **The geologic impact of site construction activities and operation is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-1 – Design Level Geotechnical Investigation. Design-Level Geotechnical Investigation and Report: a geotechnical design investigation should be performed to provide final recommendations and geotechnical design criteria for specific project components, such as structures, foundations, pipelines, pump stations, loading conditions, excavations, grading, dewatering, drainage, and other site work. The geotechnical design investigation should include additional field exploration for specific structures, and include testing and analyses as needed to provide a basis for design criteria and construction recommendations in accordance with local (County of San Luis Obispo) regulations and the applicable California Building Code (CBC).

As part of the geotechnical design investigation for the Project, creek crossings for pipelines should be investigated and evaluated with respect to the methods of crossings. If horizontal



directional drilling methods (HDD) are proposed, then HDD feasibility investigations should be performed for each location where that method is being considered. The geotechnical design report shall include geotechnical design criteria for creek crossings, which may include recommendations for pipeline burial depths, methods of crossing, trench or trenchless design parameters, and lateral setbacks. Recommendations for specific crossings shall be incorporated into the Project plans and specifications prior to construction of the pipeline.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

**Impact GEO-2:                   The impact of surface fault rupture on certain pipeline segments is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-2A – Design Level Geotechnical Investigation. The geotechnical design investigation for the project (Mitigation Measure GEO-1) should include appropriate geologic fault evaluations of the Cambria fault to develop projectspecific design parameters for pipeline sections crossing the fault. The fault evaluations should be directed towards, but not necessarily be limited to, defining the location and width of the fault zone at the pipeline-fault crossings. Since the fault traces are concealed beneath young geologic deposits, the fault zones may be difficult to define with precision. Consequently, fault zone widths should incorporate conservative assumptions for pipeline design.

Pipeline crossings of fault traces shall be designed to accommodate potential flexure and horizontal and vertical offsets based on the results of the geologic fault evaluations (Mitigation Measure GEO-2A). Fault rupture mitigation strategies for pipelines may include measures such as flexible connections, gravel trench backfill, double lined pipes, strengthened pipes, automatic shutoff valves and similar measures to prevent the release of product to the environment.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

**Impact GEO-3:                   The impact of strong seismic shaking on project structures is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-3 – Project design to resist seismic shaking. Project structures should be designed to resist lateral forces generated by earthquake shaking in accordance with the current building code, State pipeline safety standards and applicable design practice. The design-level geotechnical report (Mitigation Measure GEO1) should include recommendations for seismic data for design that may be updated for the new code requirements, additional subsurface information, or further site-specific analyses. Appropriate seismic ground motion parameters should be estimated and incorporated into project design by the project engineer.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.

- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

**Impact GEO-4:           The impact of seismically-induced ground failures, including liquefaction, lateral spreading and seismic densification, is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-3 – Project design to resist geologic hazards. The design-level geotechnical report (Mitigation Measure GEO1) should include evaluations of liquefaction potential and estimated liquefaction-induced settlement based on field exploration, testing and analysis of site conditions for final project components (WRF and pipelines). The potential effects of other seismically induced ground failures should also be evaluated, including lateral spreading and seismic densification. Engineering design measures should be provided where estimated ground deformations exceed typical foundation and structural design parameters. seismic densification. Engineering design measures should be provided where estimated ground deformations exceed typical foundation and structural design parameters.

The liquefaction, lateral spreading and seismic settlement evaluations should be conducted in accordance with guidelines published by the California Geologic Survey (formerly the California Division of Mines and Geology) and relevant local and professional standards. At a minimum, the liquefaction hazard evaluation and mitigation study should be undertaken in a manner consistent with the Guidelines for Evaluation and Mitigation of Seismic Hazards in California, Chapter 6, Analysis of Liquefaction Hazards (CGS Special Publication 117A, 2008).

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

**Impact GEO-5:           The impact of landsliding and slope instability is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-3 – Project design to resist geologic hazards. The design-level geotechnical report (Mitigation Measure GEO1) should include evaluations of landsliding, creek bank instability and other types of slope instability settlement based on field exploration, testing and analysis of site conditions for final project components (WRF and pipelines). The potential impact of slope instability on the construction and operation of the WRF should be evaluated as part of the geotechnical design investigation and report (Mitigation Measure GEO-1). Mitigation measures to reduce the potential for damage due to slope movement should be developed for the depths and types of slope movements that may impact the pipelines at the locations identified in the landslide evaluations.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

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**Impact GEO-6:           The impact of soil erosion and loss of topsoil due to construction and operation of Project components is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-6 – Erosion control plan. An Erosion Control Plan (ECP), including elements of a Storm Water Pollution Prevention Plan (SWPPP), should be prepared by a geotechnical or civil engineer, consistent also with Mitigation Measure WQ-1. The ECP and SWPPP would describe measures intended to reduce erosion and deposition into local creeks and the Pacific Ocean.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-A-17 and IV-A-18 of the Draft EIR.

**Impact GEO-7:           The impact of expansive soils on Project components is a significant impact that can be mitigated with appropriate mitigation measures.**

- a. Mitigation Measures: MM GEO-7 – Soils testing. Testing of samples in a geotechnical laboratory is the standard method of quantifying the expansibility of materials and should be performed as part of design-level geotechnical studies for the selected WRF site and pipeline routes (Mitigation Measure GEO-1). If expansive materials are identified, then appropriate design and construction measures should be provided to mitigate the adverse effects. The design-level geotechnical investigation should provide specific recommendations to address expansive soil conditions for the design of foundations, flatwork, pavement, pipelines, and other site work.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to page IV-A-18 of the Draft EIR.

**Impact WQ-3:           The Proposed Project could result in significant construction-stage erosion and sedimentation impacts until site grading and preparation reached the stage that the proposed spill containment basin is functioning to capture all site runoff This is a significant but mitigable impact.**

- a. Mitigation Measures: MM WQ-1 – Compliance with SWRCB permit. To mitigate impacts identified in Impact WQ-3 related to construction stage erosion and sedimentation, the Project will be required to comply with the General Permit including but not limited to compliance with 1) the State General Construction Activity Permit, as most recently modified by the State Water Resources Control Board (SWRCB), and 2) County standards under the Stormwater Ordinance Title 19 chapter 19.09, ensuring that construction-related sediment or other contaminants that could adversely affect receiving water would be reduced to a less-than-significant impact.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-D-9 and IV-D-10 of the Draft EIR.

**Impact CUL-2:** Without special design considerations, installation of the new pipelines to and from the WRF along Toro Creek Road would have the potential to significantly and adversely impact CA-SLO-879/H, a significant historical resource and a tribal cultural resource. However, implementation of Mitigation Measure CUL-2 would avoid and minimize these effects. With implementation of this measure, no historical or tribal cultural resources would be disturbed by the project, and impacts would be reduced to less than significant levels.

- a. Mitigation Measures: MM CUL-2 – Avoidance of site CA-SLO-879/H. To avoid any adverse effect on CA-SLO-879/H, the proposed pipelines along Toro Creek Road shall be placed only on the north side of the road and shall be directionally drilled under the maximum depth of cultural deposits. Three bore pits shall be installed along the pipeline alignment in previously disturbed areas, where cultural materials are sparse and lack integrity. The exact location of the bore pits and segment to be directionally drilled shall be dictated in the Final Cultural Resources Impact Assessment Report prepared for the project by Applied Earthworks. All work related to pipeline installation along Toro Creek Road shall be monitored by an archaeologist and Native American representatives. If at any point, the pipeline design requirements specified in the Cultural Resources Impact Assessment Report cannot be met, the project shall be halted and San Luis Obispo County and other responsible agencies contacted to determine the next course of action to protect historical or tribal cultural resources in compliance with California and federal law.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-E6 to IV-E7 and page IV-E10-11 in the Final EIR.

**Impact CUL-3:** The potential exists for inadvertent discovery of cultural resources during pipeline construction. This impact is potentially significant.

- a. Mitigation Measures: MM CUL-3 – Construction monitoring, education and disclosure. To minimize potential impacts due to inadvertent discovery of cultural resources in site and pipeline areas with no evidence of resources, and consistent with LUO sections 22.05.140 and 23.10.040, the applicant shall prepare and implement a pre-construction Worker Education Program to train workers to recognize cultural resources and understand the procedures for stopping work and reporting the discovery.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-E6 to IV-E7 and page IV-E11 of the Draft EIR.

**Impact VIS-3:** The proposed project would result in a short term but significant impact on visual resources until the proposed screen planting grows to an extent to substantially screen the WRF. This impact is significant can be mitigated to less than significant.

- a. Mitigation Measures: MM VIS-2 – Landscaping plan. To mitigate short-term impacts on visual resources until planting matures, a final landscaping plan shall be prepared for the project site consistent with the preliminary landscape plan evaluated in the EIR and approved by the County prior to building permit issuance. The landscape plan shall emphasize native plant materials and shall include sufficient planting to screen views of the project from Toro Creek Road. The planting shall be designed to achieve substantial screening of the WRF within 7 years.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-F3 to IV-F9 and IV-F13 and IV-F14 of the Draft EIR.

**Impact VIS-4:                   The Project will add a new source of substantial light or glare which would adversely affect nighttime views in the area, a significant but mitigable impact.**

- a. Mitigation Measures: MM VIS-3 – Lighting plan. To mitigate potentially significant impacts from a new source of substantial light or glare which would adversely affect nighttime views in the area, a final lighting plan shall be prepared and implemented for the WRF. The plan shall include proper shielding, proper orientation, and minimum height standards to achieve safe light levels on the ground. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to page IV-F14 of the Draft EIR.

**Impact TR-2:                   Construction activities associated with the Project Site or Alternative Site, along with connection to the outfall at the existing WWTF, and construction of pipeline conveyances will result in temporary and short-term impacts related to the safe operation of streets and intersections due to the presence of workers, equipment, lane closures and open trenches. This impact is considered significant unless mitigated.**

- a. Mitigation Measures: MM TR-1 – Traffic Management Plan. Prior to building permit issuance a Traffic Management Plan shall be prepared for review and approval by the County of San Luis Obispo Public Works Department and the City of Morro Bay Public Works Department. The traffic management plan shall be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan shall include:
  - Advertisement. An advertisement campaign informing the public of the proposed construction activities should be developed. Advertisements should occur prior to beginning work and periodically during the course of project construction.
  - Property Access. Access to parcels along the construction area shall be maintained to the greatest extent feasible. Affected property owners shall receive advance notice of work adjacent to their property access and when driveways would be potentially closed.

- Schools. Any construction adjacent to schools shall ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
  - Buses, Bicycles and Pedestrians. The work zone shall provide for passage by buses, bicyclists, and pedestrians, particularly in the vicinity of schools.
  - Intersections. Traffic control (i.e., use of flag men) shall be used at intersections that are determined to be unacceptably congested due to construction traffic.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-G2 to IV-G9 and page IV-G13 of the Draft EIR and page IV-G-14 in the Final EIR.

**Impact AQ-1**

**Construction emissions are below the SLOAPCD significance thresholds. Therefore, construction of the Proposed Project would be consistent with the Clean Air Plan. However, fugitive dust from construction has the potential to result in a violation of SLOAPCD Rule 401 (Visibility) and/or Rule 402 (Nuisance) without mitigation. Impacts would be significant but reduced to less than significant levels with implementation of mitigation measures.**

- a. Mitigation Measures: MM AQ-1 – Implement a Dust Control Plan. The following standard SLOAPCD dust control measures shall be implemented:
- a. The amount of the disturbed area shall be minimized;
  - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD’s limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water or an APCD-approved dust suppressant should be used whenever possible;
  - c. All dirt stock pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
  - d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
  - e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - f. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
  - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;

- h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
  - i. Wheel washers and/or rumble strips shall be installed where vehicles enter and exit unpaved roads onto streets; and
  - j. 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 the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork, or demolition.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
  - c. Supportive Evidence: Please refer to pages IV-I5 through IV-I9 and pages IV-I11 of the Draft EIR.

**Impact AQ-3: Construction of the new pipelines associated with the Proposed Project could disturb rock formations containing NOA. Impacts would be significant without mitigation.**

- a. Mitigation Measures: MM AQ-2 – Implement Applicable Controls for Naturally Occurring Asbestos (NOA). Prior to starting any ground-disturbing construction activities for the new influent, effluent, or RW pipelines to CSA-10, the applicant shall conduct a geologic evaluation for NOA along the pipeline routes following the Guidelines for Geologic Investigations of Naturally Occurring Asbestos in California (California Geologic Survey [CGS] Special Publication 124, 2002) to determine whether the construction of the pipelines has the potential to disturb NOA, and if so, how many acres. If no NOA is expected to be disturbed, the applicant shall submit a request for an exemption from CARB's Asbestos ATCM, along with the geologic evaluation report. If NOA is expected to be disturbed, the SLOAPCD must be notified, and preparation and approval of an Asbestos Dust Mitigation Plan and Asbestos Health and Safety Program may be required.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-I5 through IV-I9 and pages IV-I15 of the Draft EIR.

**Impact AQ-4: Due to the proximity of Morro Bay High School and several residences to the installation routes for new pipelines, idling of construction equipment could pose a significant health risk to these sensitive receptors due to diesel particulate matter emissions.**

- a) Mitigation Measures: MM AQ-3 – Implement idling controls. The applicant shall implement the following idling control techniques:  
California Diesel Idling Regulations

- a) On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more 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:
- i. 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
  - ii. 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 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
  - iii. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
  - iv. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.

Diesel Idling Restrictions Near Sensitive Receptors (i.e., Morro Bay High School and Residential Dwellings along the Pipeline Routes)

- b) In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- i. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - ii. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
  - iii. Use of alternative fueled equipment is recommended; and Signs that specify the no idling areas must be posted and enforced at the site.
- c) Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- d) Supportive Evidence: Please refer to pages IV-I5 through IV-I9 and pages IV-I16 of the Draft EIR.

**Impact AQ-5: Potential odor nuisance impacts on nearby residents would be potentially significant without mitigation. However, implementation of mitigation would ensure that impacts are reduced to less than significant levels.**

- a. Mitigation Measures: MM AQ-4 – Odor monitoring. Prior to receipt of the Authority to Construct (ATC) from the SLOAPCD for the project, the applicant must submit an Odor Monitoring and Complaint Response Plan for review and approval by the SLOAPCD.



- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-I5 through IV-I9 and pages IV-I17 of the Draft EIR.

**Impact HZ-2:                    Operation of the WRF on either the Project Site or Alternative Site will involve the transport, storage, usage, and disposal of hazardous materials associated with the wastewater treatment process. This impact is considered significant unless mitigated.**

- a. Mitigation Measures: MM HZ-1 – Implement Sanitary Sewer Management Plan. Implement Sanitary Sewer Management Plan. To mitigate impacts related to a untreated wastewater spill the CSD shall modify it’s existing Sanitary Sewer Management Plan to include WRF and pipeline operations.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-J-6 to IV-J14 and page IV-J18 of the Draft EIR.

**Impact HZ-4:                    Operation of the WRF on either the Project Site or Alternative Site and conveyance pipelines may result in the accidental spill of untreated wastewater which could adversely impact surface water quality and other pose a threat to human health and biological resources. This impact is considered significant unless mitigated.**

- a. Mitigation Measures: MM HZ-2 – Implement Sanitary Sewer Management Plan. To mitigate impacts related to an untreated wastewater spill the CSD shall modify its existing Sanitary Sewer Management Plan to include WRF and pipeline operations.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-J-6 to IV-J14 and page IV-J19 of the Draft EIR.

**Impact HZ-6:                    Construction of the WRF on either the Project Site or Alternative Site and associated solar array will expose people and structures to a significant risk of loss, injury or death associated with wildfires. This impact is considered significant unless mitigated.**

- a. Mitigation Measures: MM HZ-3 – Implement Fire Safety Plan. The Applicant shall provide a written Fire Safety and Evacuation Plan whose contents shall be in accordance with sections California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-J-6 to IV-J14 and page IV-J22 of the Draft EIR.

**Impact HZ-7: Construction activities associated with the WRF on either the Project Site or Alternative Site and pipeline conveyances has the potential to result in a hazard to the public or the environment by mobilizing disease vectors, such as the fungus that causes Valley Fever, that may be present in the soil. This impact is considered significant unless mitigated.**

- a. Mitigation Measures: MM HZ-4 – Valley fever. To minimize the risk of exposure to disease vectors, activities with the potential to mobilize spores associated with Valley Fever, the CSD shall implement the following measures, as applicable:
  - a. Implement all of the mitigation measures relating to the control of dust during construction activities;
  - b. Prohibit eating and smoking at the project site and provide separate, clean eating areas with hand-washing facilities;
  - c. Avoid outdoor operations during unusually windy conditions;
  - d. Limit ground disturbing activities during the fall to essential jobs only, as the risk of cocci infection is higher during this season.
  - e. Thoroughly clean equipment, vehicles, and other items before they are moved off-site to other work locations;
  - f. Train workers to recognize that cocci may be transported offsite on contaminated equipment, clothing, and shoes; alternatively, consider installing boot-washing stations; and
  - g. Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Post warnings onsite and consider limiting access to visitors, especially those without adequate training and respiratory protection.

**Impact HZ-8: Construction activities associated with the WRF on either the Project Site or Alternative Site has the potential to expose construction workers and CSD staff to potentially hazardous concentrations of environmentally persistent pesticides, herbicides, and fertilizers. This impact is considered significant unless mitigated.**

- a. Mitigation Measures: MM HZ-5 – Soil Sampling and Analysis Plan. Prior to construction activities that involve soil disturbance, the CSD shall develop and implement a Soil Sampling and Analysis

Plan to determine the presence and extent of any residual herbicides, pesticides, and fumigants on historically farmed land in agricultural areas that would be disturbed during ground-disturbing activities associated with the project. The Plan shall be prepared in consultation with the San Luis Obispo County Department of Environmental Health Services and the work shall be conducted by an appropriate California-licensed professional and samples sent to a California Certified laboratory. At a minimum, the Plan shall document the areas proposed for sampling, the procedures for sample collection, the laboratory analytical methods to be used, and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment or disposal of any contaminated soils. The Plan shall be submitted to the Department and the San Luis Obispo County Department of Environmental Health Services for review and approval at least 60 days before construction. Results of the laboratory testing and recommended resolutions for excavation, handling, dust control, and treatment/disposal of material found to exceed regulatory Practices shall be submitted to the Department prior to construction.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-J-6 to IV-J14 and page IV-J23 of the Draft EIR.

**Impact GRO-1:**            **The Project could result in indirect impacts on the environment related to growth induced by the provision of an additional water supply, including but not limited to, increased traffic, noise, vehicular emissions, loss of vegetation and wildlife forage area, loss of visual quality and watershed impacts. This impact is significant but mitigable.**

- a. Mitigation Measures: MM GRO-1 – Sale of tertiary treated water. To avoid potentially significant growth inducing effects, the CSD shall limit the sale of tertiary treated water for domestic use to water purveyors serving lots within the Urban Reserve Line for Cayucos as set by the County and LAFCO.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to page IV-K6 through IV-K.4-10 of the Draft EIR.

**Impact BIO-2:**            **Impacts to nesting birds, including special status birds, may occur in ruderal areas with thick vegetation, eucalyptus trees and riparian trees within the Proposed Project construction area. Impacts to nesting birds are potentially significant, but mitigable.**

- a. Mitigation Measures: MM BIO-1 – Pre-construction survey. Within one week of ground disturbance or vegetation removal activities, if work occurs between March 1 and August 31, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Occupied nests of special status bird species shall be mapped using GPS or survey equipment and submitted in monitoring reports. If nesting birds

are located, no construction activities shall occur within 100 feet of nests (or other setback distance determined by a qualified ornithologist) until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Occupied nests of special status bird species shall be monitored every two weeks to document nest success and check for compliance with buffer zones.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-20 of the Draft EIR.

**Impact BIO-3: Potential habitat for the special status plant Clubhaired mariposa lily occurs in a small patch of annual grassland at the southern end of the Proposed Project Study Area. This habitat is outside the limits of grading, however potential adverse effects are possible therefore the impact is significant but mitigable.**

- a. Mitigation Measures: MM BIO-2 – Avoidance of habitat of Club-haired mariposa lily. Limits of grading shall be clearly delineated in the field prior to initiation of construction activities to demonstrate avoidance in impacting the area identified in the Biological Technical Report as habitat for club-haired mariposa lily.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-20 of the Draft EIR.

**Impact BIO-4: Construction equipment and vehicle traffic, sedimentation due to earthmoving, or spills during construction or operation of the WRF may impact special status reptiles and amphibians, a potentially significant but mitigable impact.**

- a. Mitigation Measures: MM BIO-3 – Avoidance of habitat and individuals. To mitigate adverse impacts to potentially present status reptiles and amphibians western pond turtle, foothill yellow-legged frog, coast range newt, and two-striped garter snake, in addition to Mitigation Measure BIO-4, the following shall be implemented:
  - Construction Plans shall show how construction at stream crossings will utilize low-flow periods, incorporate sediment retention devices, and minimize time and area of disturbance.
  - A pre-construction survey would be conducted within 48 hours prior to starting work in or within 50 feet of habitats likely to support sensitive reptiles and amphibians such as seasonal drainages and riparian. The survey would be conducted by a qualified biologist approved to relocate sensitive species should they occur. If sensitive reptile or amphibian species are located during the pre-construction survey, a biologist would monitor ground-breaking work conducted within 50 feet of habitat.

- Qualified biologists will brief all project personnel prior to participating in construction activities. At a minimum, the briefing will include a description of the project components and techniques, a description of the listed species occurring in the project area, and the general and specific measures and restrictions to protect the species during implementation of the project.
  - Post construction re-vegetation plans for work areas disturbed within 100 feet of ESHA at Toro Creek Bridge shall be submitted for County approval and implemented upon completion of pipeline work in that area. The re-vegetation plan shall use only native plant species pursuant to Coastal Policy 30. The species shall be selected to provide permanent erosion control and soil cover pursuant to Coastal Policy 21.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-21 of the Draft EIR.

**Impact BIO-5: Construction equipment and vehicle traffic, sedimentation due to earthmoving, or spills during construction or operation of the WRF may impact California red-legged frog (CRLF), a potentially significant but mitigable impact.**

- a. Mitigation Measures: MM BIO-4 – Avoidance of, and protection of, red-legged frog habitat. Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.

**Pre-construction Training.** Prior to commencement of grading activities, a USFWS- approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

**Biologist Present during Construction.** A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of construction activities), where the resident engineer will either resolve the

situation by eliminating the effect immediately or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.

**Trash Removal.** During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to occupancy or final inspection, whichever occurs first, all trash and construction debris will be removed from work areas.

**Equipment Maintenance.** During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

**Revegetation.** Prior to occupancy or final inspection, whichever occurs first, for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.

**Land Restoration.** Prior to occupancy or final inspection, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.

**Work Scheduling.** Prior to commencement of grading/construction activities, the applicant shall make all efforts to schedule work activities for times of the year when impacts to the CRLF would be minimal. As examples: a) work that would affect large pools that may support breeding would be avoided, to the maximum extent practical, during the breeding season (November through May); b) isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall) would be avoided to the maximum extent practical. When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

**Sedimentation and Erosion Control.** Prior to issuance of construction permit(s), sedimentation and erosion control plans shall be submitted using Best Management Practices (BMPs) to minimize sediment from entering nearby water bodies or prominent drainage courses, consistent with Mitigation Measure WQ-1. During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.

**Water impoundment.** Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.

**Completion Report.** Prior to occupancy or final inspection, whichever occurs first, the applicant shall submit to the County and USFWS, a project completion report form, completed by the

USFWS-approved biologist. The report form should identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-21 Of the Draft EIR.

**Impact BIO-6: Steelhead and tidewater goby habitat may be affected by sedimentation due to earthmoving, or spills during construction or operation of the WRF and pipeline construction activities along, and crossing, Toro Creek (EHSA within the Coastal Zone). This is a significant but mitigable impact (Class II).**

- a. Mitigation Measures: MM BIO-5 – Protection of water quality. To mitigate potential adverse effects to water quality and special status species habitat in project area creeks, in addition to measures described in measure WQ-1 including appropriate best management practices (BMPs) utilized within the construction areas to prevent excess sediment from entering Toro Creek or Willow Creek, Storm Water Pollution Prevention Plan (SWPPP) implementation, and long-term measures identified in the SWPPP, the following additional measures are required:
  - During construction of the conveyance pipelines across all creeks, no ground disturbing activities will take place within the riparian corridor or within the top of bank channel.
  - The edge of riparian vegetation will be shown on construction plans and boundaries of the work area will be shown on construction plans. Limits of grading will be clearly delineated in the field prior to initiation of construction activities.
  - All hazardous materials required to operate and maintain equipment will be properly used in accordance with manufacturer's specifications.
  - The contractor will follow an approved spill prevention plan, including procedures to ensure that all equipment is properly maintained and free of leaks and all necessary repairs incorporate proper spill containment.
  - Hazardous materials will be properly stored and managed in secured areas located outside riparian corridors.
  - Mobile equipment will be staged, repaired, and maintained 300 ft from top of bank of Toro Creek, or on existing paved road surfaces. Fueling of equipment will be conducted in pre-designated areas at least 300 ft from the top of bank drainages, or on existing paved road surfaces. Spill containment materials will be placed around the equipment before refueling. Standing equipment will be outfitted with drip pans and hydrocarbon absorbent pads.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-23 Of the Draft EIR.

**Impact BIO-7: Construction of pipeline conveyances at the bridges across Toro Creek, Old Creek, and Paul Alva Creek box culvert could impact Pallid Bats, a significant but mitigable impact (Class II).**

- a. Mitigation Measures: MM BIO-6 – Pre-construction surveys. Prior to installation of conveyance structures adjacent to road bridges over Willow Creek, Old Creek, or Paul Alva Creek, a qualified biologist shall conduct a survey of the bridge to determine if roosting bats are present. If possible, the survey shall be conducted during the non-breeding season (November through March). If a colony of bats is found roosting in any structure, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.) If the bats are not part of an active maternity colony, passive exclusion measures may be implemented with approval from CDFW. November is the best time of the year to exclude bats from a roost because it is after the breeding season and before winter hibernation (not all species hibernate).
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-24 Of the Draft EIR.

**Impact BIO-8: Construction activities impacting the eucalyptus habitat for Monarch butterfly are a potentially significant, but mitigable, impact (Class II).**

- a. Mitigation Measures: Mitigation Measure BIO-7: To avoid impacts to overwintering monarchs, tree trimming/removal and construction activities that affect eucalyptus trees near or within the overwintering grove shall not be conducted during the overwintering season from October 1 through March 31. If construction activities must be conducted during this period, overwintering monarch surveys shall take place within one week of habitat disturbance. If surveys do not locate clustering monarchs, construction activities may be conducted. If clustering monarchs are located, no construction activities shall occur within 100 feet of the edge of the overwintering grove.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.
- c. Supportive Evidence: Please refer to pages IV-C-1 to IV-C-10 and page IV-C-24 Of the Draft 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 CSD WRF project, the District Board considered various other sites for their



WRF as well as the required no project alternative. Of these, the FEIR identified the Proposed Project as the environmentally superior alternative.

Land use alternatives evaluated in Section, V. Alternatives to the Proposed Project Alternatives of the DEIR, did evaluate alternatives which were considered and rejected, as well as the CEQA-required “No Project” alternative.

Pursuant to CEQA, the CSD Board of Directors 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:

- Alternative 1: No Project – No Development
- Alternative 2: Alternative Site
- Alternative 3: Alternative Ocean Outfall Pipe

#### Alternative 1: No Project – No Development

Consistent with the CEQA Guidelines (§15126.6[e]), the “no project” alternative reflects the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistency with available infrastructure and community services. Therefore, this alternative assumes that no new development or changes to land uses would be introduced to the site. Additionally, the proposed annexation and Sphere of Influence (SOI) amendment would not occur under this alternative. As a result, no project would mean the CSD would return to cooperation with the City of Morro Bay in developing of a new facility in that jurisdiction.

**Finding:** This alternative is not feasible because the project has already been constructed and is in operation.

#### Alternative 2: Alternative Site

Under this alternative, the WRF would be developed at the Molnar site near Willow Creek as shown in the Project Description of the DEIR. This alternative requires longer pipeline construction to reach Lift Station 5 near Toro Creek Road and would result in more impacts on the environment during construction. Because the Alternative Site has many physical similarities to the Proposed Project site, the impacts would be similar. The Alternative Site has the potential of less impact on cultural resources, but greater impacts on visual resources, noise, and biological resources.

**Finding:** This alternative is not feasible because the project has already been constructed and is in operation.

#### Alternative 3: Alternative Ocean Outfall Pipe

This alternative outfall location consists of reuse of a 3,180 foot long pipeline originally constructed in 1929 to transfer petroleum and petroleum products on and off-shore from anchored tankers. The pipeline was converted in 1980 to an ocean outfall for treated ballast water. The location of tie- in of the

treated water disposal pipeline to the outfall pipe would occur just south of Toro creek in an existing paved area associated with the now closed Chevron Estero Marine Shore Terminal site.

Impacts related to the connection to the outfall are limited to the point of connection. These impacts would be similar to other pipeline related construction activities and could have short term impacts on traffic and noise but would offer the benefit of avoiding these effects within the City of Morro Bay.

**Finding:** This alternative is in process of being implemented and was studied through a separate CEQA document. A Subsequent Mitigated Negative Declaration for the Estero Marine Terminal Ocean Outfall Project Component was conducted by the CSD in January 2019. The Connection between the outfall project to the CSD's WRF project is that the outfall pipeline, often referred to as Load Line 2, will implement the ocean outfall for effluent discharge component of the CSD's wastewater facility.

For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR for the Cayucos Sustainable Water Project Section V. and the District'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 CSD's request for the WRF SOI and Annexation proposal. 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 District's request, LAFCO reviewed and considered the District's Draft EIR and Final EIR prepared and adopted by the CSD Board for the 2017 Cayucos Sustainable Water Project Environmental Report.

The CSD, acting as the Lead Agency, adopted a Statement of Overriding Considerations for its adopted 2017 Cayucos Sustainable Water Project Environmental Report (EIR SCH# 2016041078).

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 CSD Board to eliminate or substantially mitigate the environmental impacts, particularly the District'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 Cayucos Sustainable Water Project has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the CSD. 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 CSD's implementation of the proposed project, annexation, and SOI amendment. 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.

LAFCO Policies

1. LAFCO's policies encourage and provide for well-ordered, efficient urban development patterns, balanced with preserving open space and agriculture land while discouraging urban sprawl. The SOI Update for the CSD is consistent with those policies and the purposes of LAFCO. The Annexation and SOI amendment for the WRF provides the CSD more efficient, reliable, and adaptable services.
2. Without an annexation the CSD would not be allowed under the CKH Act to serve the Community. The annexation is consistent with LAFCO policies.
3. LAFCO has reviewed and considered the Statement of Overriding Considerations approved by the CSD and the evidence that supports that Statement as set forth in the Environmental Documentation and has concluded that any adverse environmental effects of the project are outweighed by the benefits of the project.
4. Annexation and development of these properties is a logical and planned expansion of the City of San Luis Obispo and has been anticipated,
5. Approximately 21.86 acres of the 257.87-acre project proposal to LAFCO will be sold to the Land Conservancy of San Luis Obispo upon completion of the Cayucos Sustainable Water Project and subsequently transferred to the County of San Luis Obispo as restricted recreational open space.
6. Approximately 208-acres of the 257.87-acre project proposal to LAFCO, comprising of Lots 8N and 10, will be encumbered by agricultural conservation easements in perpetuity as set forth in condition 50 of the conditional use permit approved by the County of San Luis Obispo (Attachment G of the Staff Report).

Legal and Environmental Benefits:

7. The project resulted in the construction of a modern, state-of-the-art wastewater treatment plant to serve the community of Cayucos.
8. The project was designed to produce 0.33 to 0.4 million gallons per day (MGD) of tertiary treated water a portion of which may be used to irrigate agricultural lands within the Toro Valley, and/or sold to water purveyors thereby reducing groundwater use.

9. The project would involve the generation of reclaimed water, and potential potable water in the future, which would further reduce energy demand in the region through water conservation. Operation of the Proposed Project would also not involve the use of digester boilers that are currently used to treat wastewater from the Cayucos community at the Morro Bay WWTP. Therefore, these benefits would further offset GHG emissions generated by the Proposed Project.
10. The project includes the permanent conservation of productive and prime agricultural lands within the Toro Valley under ownership of the Cayucos Sanitary District.
11. The project incorporates a solar array which will partially offset the demand for electricity by the WRF.
12. The WRF will be located outside of the coastal area expected to be impacted by sea level rise and areas that could be impacted by a significant tsunami.

Economic and Social Benefits:

13. The project will reduce long-term maintenance costs when compared with the existing treatment plant in Morro Bay and will eliminate the cost of upset associated with sea level rise and a significant tsunami at the current WWTF location.
14. The incorporation of a solar array with the project will help offset electricity demand and reduce ongoing operating costs.
15. The production of 0.33 to 0.4 MGD of tertiary treated water may be sold to surrounding agricultural operations and/or to domestic water purveyors. The proceeds of those sales would help reduce ongoing operating costs for the WRF.
16. The WRF will be owned and operated by the CSD and will result in the creation of permanent, high-quality jobs.
17. The project will allow for potential capital investment in wastewater collection, treatment, and disposal infrastructure to increase efficiency and reduce operational impacts.

# Exhibit B: Map of Annexation No. 90 and Legal Description

**EXHIBIT "A"**  
**Legal Description**  
**ANNEXATION NO. 18**  
**CAYUCOS SANITARY DISTRICT**

That portion of Lot 32, 33 and 39 of the Rancho Moro y Cayucos, according to the map filed in Book A of Maps at page 160, together with Parcel 1 of Parcel Map COAL 14-0007, filed in Book 78 of Parcel Maps at pages 97 through 102, inclusive, a portion being in the City of Morro Bay, all in the County of San Luis Obispo, State of California, described as follows:

Beginning at the most westerly corner of said Parcel 1, as evidenced by a 2" iron pipe with square steel plate having an NAD State Plane coordinate of N 2354869.43, E 5706854.39, as shown on said Parcel Map; thence along the boundary of said Parcel 1 the following ten courses and distances:

1. North 62°38'22" East, 1273.21 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
2. North 25°37'49" East, 1429.40 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
3. South 64°09'00" East, 173.66 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
4. South 14°47'12" East, 288.09 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
5. South 14°46'41" East, 328.69 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
6. South 24°44'02" West, 782.55 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
7. South 24°43'19" East, 1399.57 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
8. South 11°29'36" East, 678.71 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence

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9. North 87°29'12" East, 370.34 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
10. South 50°04'02" East, 220.08 feet to the centerline of Toro Creek Road; thence along said centerline and southeasterly boundary of said Parcel 1
11. South 54°34'38" West, 218.08 feet; thence leaving said centerline and continuing along said southeasterly boundary of said Parcel 1 the following three courses and distances:
12. South 55°43'23" East, 144.58 feet; thence
13. South 22°36'55" West, 1833.03 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map; thence
14. South 32°11'13" West, 110.90 feet to a 1" iron pipe with tag stamped "LS 5139" as shown on said map and the most southerly corner of said Parcel 1; thence leaving the boundary of said Parcel 1 along the boundary of that certain Certificate of Compliance recorded March 24, 2011 as Document No. 2011-014546 of Official Records the following two courses and distances:
15. South 32°11'13" West, 2878.65 feet to a point on the southwesterly line of said Lot 32 as shown on said Certificate of Compliance; thence along said southwesterly line of Lot 32
16. North 32°38'02" West, 1197.77 feet, more or less, to the northwest corner of said Lot 32, as noted in that certain Certificate of Compliance recorded July 22, 2020 as Document No. 2020-037336 of Official Records (Parcel 1) and Certificate of Compliance recorded July 22, 2020 as Document No. 2020-037337 of Official Records (Parcel 2); thence along the northwesterly boundary line of said Certificates of Compliance the following 16 courses and distances:
17. South 58°51'31" West, (South 58°54'34" West per last said Certificate of Compliance) 98.50 feet; thence
18. South 32°09'15" West, 234.72 feet; thence
19. South 44°37'30" West, 77.17 feet; thence
20. South 28°57'22" West, 171.30 feet; thence
21. South 17°33'59" East, 67.19 feet; thence

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22. South 01°47'15" West, 52.51 feet; thence
23. South 17°25'00" West, 68.35 feet; thence
24. South 33°20'55" West, 92.89 feet; thence
25. South 52°09'31" West, 265.69 feet; thence
26. South 17°20'36" West, 29.12 feet; thence
27. South 37°19'58" West, 192.66 feet; thence
28. South 69°27'38" West, 81.91 feet; thence
29. South 55°39'26" West, 69.35 feet; thence
30. South 41°11'13" West, 82.92 feet; thence
31. South 88°24'22" West, 90.49 feet; thence
32. North 78°29'20" West, 47.11 feet to the beginning of a non-tangent curve and a point on the easterly line of the land described in that certain Grant Deed to the State of California recorded in Book 1090, page 258 and Book 1090, page 263, both of Official Records of said County, also being the easterly right-of-way line of State Highway 1; thence along said right-of-way line along said non-tangent curve concave westerly having a radius of 5064.00 feet, a radial line to said curve bears North 75°49'41" East; thence, northerly along said curve through a central angle of 6°24'51", an arc length of 566.90 feet; thence; continuing along said right-of-way the following three courses and distances:
33. South 69°24'50" West, 15.00 feet to the beginning of a non-tangent concave westerly having a radius of 5049.00 feet, a radial line to said curve bears North 69°24'50" East; thence
34. Northerly along said curve through a central angle of 2°33'48", an arc distance of 225.89 feet to a tangent line; thence
35. North 23°08'58" West, 168.24 feet; thence
36. North 36°51'02" East, 98.09 feet to the southerly right-of-way line of Toro Creek Road; thence along last said right-of-way line



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37. North 75°20'56" East, 1012.46 feet; thence leaving said right-of-way line
38. North 14°39'04" West, 25.00 feet to a point on the centerline of said Toro Creek Road which lies North 75°20'56" East, 1188.00 feet from the intersection of the centerline of said Toro Creek Road with the centerline of State Highway 1, being the most westerly corner of that certain parcel of land described in the deed to Standard Oil Co. of Calif. recorded August 21, 1929 in Book 070, page 497 of Official Records of said County; thence along the northwesterly lines of last said deed the following three (3) courses and distances:
  39. North 46°20'56" East, 495.00 feet; thence
  40. North 35°50'56" East, 103.00 feet; thence
  41. North 75°20'56" East, 73.36 feet, more or less, to a point on the Moro Creek meander line as shown on that certain Record of Survey filed in Book 113, page 12 of Licensed Surveys; thence along said meander line as shown on said Record of Survey
  42. North 21°29'39" East, 56.59 feet; thence
  43. North 67°43'36" East, 364.08 feet; thence
  44. North 11°48'29" West, 229.55 feet; thence
  45. North 48°51'42" East, 265.07 feet; thence
  46. North 17°29'27" East, 362.58 feet; thence
  47. South 79°42'00" East, 296.62 feet; thence
  48. North 47°52'34" East, 136.58 feet; thence
  49. North 08°45'57" West, 680.55 feet; thence
  50. North 36°52'59" East, 229.06 feet; thence
  51. South 57°19'32" East, 343.84 feet; thence

# DRAFT

52. North 04°15'18" East, 388.76 feet to a point on the southwesterly boundary of said Parcel 1; thence
53. North 31°21'07" West, along the southwesterly line of said Parcel 1, a distance of 2855.57 feet to the **POINT OF BEGINNING**.

The above-described parcel containing 245.66 acres, more or less, is graphically shown on Exhibit B attached hereto and made a part hereof.

Note:

The bearings and distances shown herein are based on the California Coordinate System of 1983, CCS83, Zone 5, 0405 (1993.35 epoc). Coordinates are based on Cal Trans control monument PM 32.54, being a 1" iron pipe with cap

N 2,348,238.619

E 5,705,843.781

To obtain ground distances multiply distances by 1.0000071.

Rotate bearings by 1°38'14" to obtain geodetic bearings.

Record bearings from Document 2020-037337 were rotated to conform with grid bearings shown on Parcel Map COAL 14-0007, Book 78 of Parcel Maps at pages 97 through 102.

\* \* \*

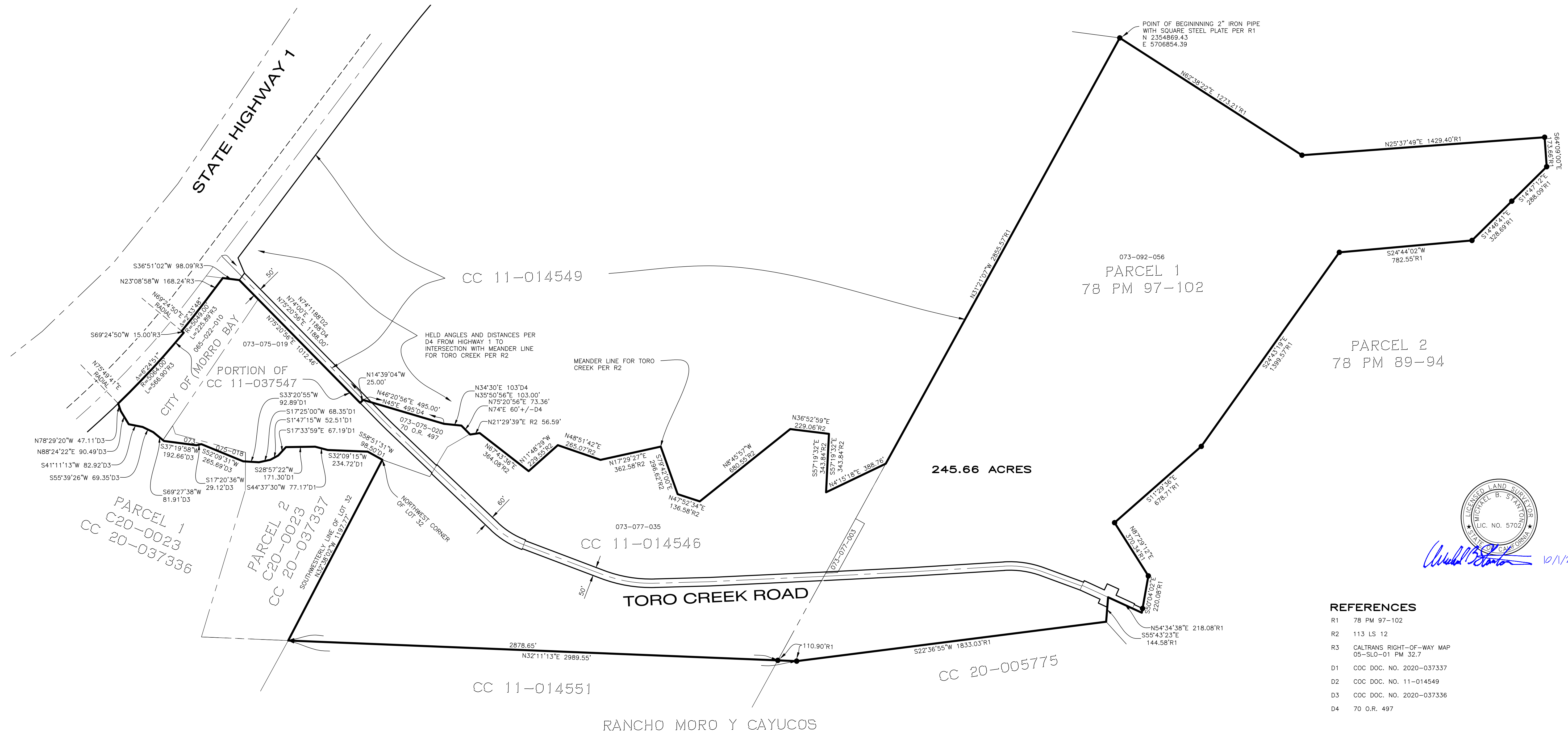
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Michael B. Stanton, LS 5702

Date



Cayucos Wastewater Treatment Plant\CD-2013\16-095 TORO CREEK TREATMENT PLANT - LAFCO EXHIBIT.dwg, 24X36 ANNEXATION EXHIBIT, Oct 01, 2021, 10:30am, LRichardson



*Michael B. Stanton* 10/1/21

**REFERENCES**

- R1 78 PM 97-102
- R2 113 LS 12
- R3 CALTRANS RIGHT-OF-WAY MAP 05-SLO-01 PM 32.7
- D1 COC DOC. NO. 2020-037337
- D2 COC DOC. NO. 11-014549
- D3 COC DOC. NO. 2020-037336
- D4 70 O.R. 497

**LEGEND**

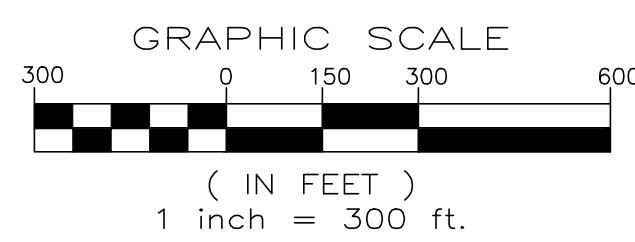
- 1" IRON PIPE TAGGED "LS 5139" PER R1

**BASIS OF COORDINATES AND BEARINGS**

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 5 0405, (1993.35) 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 PM32.54 REFERENCED GPS CONTROL FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION: POINT NUMBER 1020 MONUMENT TYPE - 1" IP W/ CALTRANS CONTROL PP

STATION	NORTHING(ft)	EASTING(ft)	MAPPING ANGLE	COMBINATION FACTOR	ELEVATION(NAVD88)(ft)
1020	2348238.619	5705843.781	-1°38'14.21"	0.9999929	23.49

TO OBTAIN GROUND DISTANCES AND GEODETIC NORTH, MULTIPLY GRID DISTANCES (DISTANCES SHOWN HEREON) BY 1.0000071 AND ROTATE GRID BEARINGS COUNTERCLOCKWISE BY 1°38'14.21" TO OBTAIN GEODETIC BEARINGS.



**CAYUCOS ANNEXATION NO. 18**  
**CAYUCOS SANITARY DISTRICT**  
 A PORTION OF RANCHO MORO Y CAYUCOS, A PORTION IN THE CITY OF MORRO BAY, IN THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA

AT THE REQUEST OF CAYUCOS SD  
**MBS LAND SURVEYS** MICHAEL B. STANTON, PLS 5702  
 3559 SOUTH HIGUERA ST.  
 SAN LUIS OBISPO, CA 93401  
 805-594-1960  
 October 1, 2021 JOB #16-095

DATE	REVISION
8-19-21	REMOVED UNDERLYING LOT LINES

# Attachment B

LAFCO Legislative Factors-Government Code 56668 (a-o)

# Attachment B

## LAFCO Proposal Review Factors - Government Code 56668

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### SPHERE OF INFLUNCE AMENDMENT AND ANNEXATION #18 TO CAYUCOS SANITARY DISTRICT (WATER RECLAMATION FACILITY) – LAFCO No. 2-R-21

**Factor (a)**     **Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.**

**Response.** The Cayucos Sanitary District (CSD) Water Reclamation Facility (WRF) annexation and sphere of influence (SOI) is comprised of 257.87-acres located in San Luis Obispo County, outside of the CSD Sphere of Influence and north of the City of Morro Bay. The project area is located on 100 - 800 Toro Creek Road, Morro Bay, CA 93442. Development has occurred only within 8-acres. Many of these factors are addressed in the staff report. The WRF annexation was initiated by a resolution of application by the CSD. The Resolution of Application for annexation was approved by the CSD in November 2020.

The project site has and will continue to have County land use designations zoned “Agriculture”. The County issued a conditional use permit and Development Plan/Coastal Development Permit for the proposed project on September 13, 2019.

The potential population growth as a direct result of the project would not change. As mentioned in the Staff Report the project proposes a wastewater facility that intends to serve the existing and buildout population of the community of Cayucos. The proposed annexation would not result in an increase in population or induce growth beyond what is already planned for buildout of the community.

As of 2010, the CSD’s population was approximately 2,541. By 2020 the population increased to 2,581. The total population growth rate from the year 2010 to 2020 was 1.57%. Build out population is approximately 3,005 by 2040 or later according to the project EIR. The community of Cayucos is almost at build out. Significant growth in the areas around the project is not anticipated at this time and would not be likely in the next 10 years following this project proposal. The new WRF has been sized to serve existing buildout projections and would not induce growth beyond that already anticipated.

Although the project area is not in the CSD’s current SOI, the request is to pursue the annexation and sphere amendment concurrently. An Environmental Impact Report was prepared and approved in April of 2017 for the Cayucos Sustainable Water Project.

The topography on the site is comprised of coastal valley, rolling hills and grazing land. The property consists of primarily steep to regular slopes.

The total assessed value of the annexation area, as determined by the County Assessor, is \$2,758,617. This breaks down as \$2,660,813 in land value and \$100,196 in improvement values. The amount of property tax revenue to be transferred between the County of San Luis Obispo and the CSD shall be zero. The reason for the CSD being ineligible is because the property is owned by a local government, in this case the CSD, and per the California Constitution Article 13, Section 1 a local government is exempt and does not pay property taxes. Therefore, there is no need for an agreement in this case and there is no amount of property tax revenue to be transferred.

A zero-property tax exchange resolution No. 2021-083 was approved by the County Board of Supervisors on May 4, 2021. When a special district is involved, the negotiations are conducted by the Board of Supervisors of the County on behalf of the district or districts, pursuant to Revenue and Taxation Code Section 99(b)(5).

**Factor (b) 1) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

**(2) "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.**

**Response.** The CSD provides sewage, solid waste, and recycling services within its district boundary. The newly built WRF and solar farm facilities will help the CSD provide more efficient, reliable, and adaptable services to their customers.

The reason for the new facility is that the CSD and the City of Morro Bay operated (the Morro Bay Cayucos Sanitary District Wastewater Treatment Plant (MBCSD WWTP)) under a joint powers agreement. According to the Final Environmental Impact Report (EIR) at their January 10, 2013, meeting the California Coastal Commission determined that upgrading and maintaining wastewater facilities at the location of the existing MBCSD WWTP would violate the Coastal Act, effectively mandating the abandonment of the CSD's historic wastewater treatment infrastructure.

The CSD Board determined at its April 30, 2015, meeting that in order to continue the service they would build their own WRF. The project site is one of many candidate sites that were considered and chosen by the CSD Board. The project is

designed to serve the existing and build-out population within the CSD service boundary.

The present cost and adequacy of governmental services and controls in the area is technically the CSD's responsibility. One of the project objectives is to deliver a sustainable and cost-effective water resource recovery system for the community of Cayucos within a streamlined schedule. The facility is providing the community with sustainable water, ownership of facilities and local governance.

The facility is already operating and serving the community effectively and efficiently. The CSD analyzed fiscal impacts of the project and has set rates accordingly and has demonstrated the project is financially feasible. The project will be able to serve the community existing and build-out population within the CSD service boundary.

**Factor (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.**

**Response.** The proposed action would allow the WRF project area to become a part of the CSD upon compliance with the conditions of approval. The area would continue to be within the County's unincorporated area and be added to the CSD's service area for sewage, solid waste, and recycling services. The eventual impact would unlikely increase population for the CSD or induce growth beyond what is already planned for buildout of the community.

Annexing the new WRF is not only required by CKH but would benefit the social and economic interested of the community because it would alleviate the CSD from paying property and improvement tax on the property as well as being able to supply the lots with recycled water, which will result in an overall monetary savings. As previously mentioned, the CSD analyzed fiscal impacts of the project and has set rates accordingly and has demonstrated the project is financially feasible.

The proposed project will result in the continuation and long-term preservation of open space and agricultural operations. Approximately 208.01 acres of agriculture would be preserved in perpetuity, and approximately 21.86 acres would be open space. This preservation would not otherwise occur without the WRF project.

**Factor (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.**

**Response.** The CSD's application to LAFCO including but not limited to the Environmental Impact Report and Plan for Services for the WRF Project provides for the planned, orderly, and efficient development of the area by meeting the needs of the existing community, provides for resiliency, and also meets buildout demand.

San Luis Obispo LAFCO Policies for SOI Amendments per gov code section 56425 (e) were addressed in the staff report. Additionally, a brief analysis of the LAFCO policies for Special District Annexations have been addressed below:

**Policy 1. A demonstrated need exists for the required services and there is no reasonable alternative manner of providing these services.**

**Analysis.** The purpose of this proposal is to amend the sphere and annex the project area into the CSD for the District's new WRF and Solar Farm that have been constructed on the property. The CSD has no plan to provide additional services to the project area but rather the facilities in the project area would help the CSD serve the existing community and future buildout potential. There is no alternative method because the structure has been built. To be consistent with the Cortese, Knox, Hertzberg Act, the area must be annexed within a reasonable timeframe from completion of the facility.

**Policy 2. The proposed annexation represents a logical and reasonable expansion of the district.**

**Analysis.** All parcels are owned by the CSD and two (2) of them are intended to remain in the CSD's ownership for the foreseeable future. Lots 6NE and 7N will be sold to the Land Conservancy of San Luis Obispo upon completion of the Cayucos Sustainable Water Project and subsequently transferred to the County of San Luis Obispo as open space. The CSD has purchased the parent parcels of the project site and intends to lease the remainder for farming.

The proposal is a reasonable expansion because it would encompass the WRF and solar farm that are already serving the community as well as preserve agriculture and open space. It is not intended that the area being annexed be served by the CSD.

**Policy 3. The proposed annexation reflects the plans of the adjacent governmental agencies.**

**Analysis.** The proposed annexation is consistent with the County's General Plan, Plan for Services and Environmental documentation as demonstrated in the Staff Report. The County and CSD approved the development with conditions reflecting the governmental agency's plan and authorization. While the parcels are zoned agricultural, the WRF was allowed because a public lot will be created for the 8 acres of WRF and solar farm area in the near future.

**Policy 4. The proposed annexation does not represent an attempt to annex only revenue producing property.**



**Analysis.** The proposed annexation and SOI amendment owned by the CSD primary intent is to serve the existing and buildout population of the district. As indicated in the CSD's information hold letter response dated August 31, 2021, the district will plan to create the public lot for the WRF and sell the remaining of lots 8 and 10. Should the CSD sell portions of the property in the future, it would be a recovery of funds for the facility; That is not anticipated to happen for several years. The annexation/SOI would not generate revenue.

**Policy 5. The proposed boundaries must be definite and certain and conform to lines of assessment whenever possible.**

**Analysis.** The boundaries are definite and certain and will adhere to assessor parcel lines. The WRF project area is detailed in the map and legal description of the annexation and has been approved by the County Surveyor.

**Policy 6. The district has the capability of meeting the need for services and has submitted studies and information documenting its capabilities.**

**Analysis.** The CSD operates the wastewater plant and is wishing to annex the area into its service area to be able to continue to serve the existing and buildout population. The newly built WRF and solar farm facilities will help the CSD provide more efficient, reliable, and adaptable services to their customers. The CSD's ability to serve the area is outlined in the Plan for services (Attachment C of the Staff Report) and associated documents that were submitted with the CSD's LAFCO application.

Government Code Section 56377 states:

**56377. In reviewing and approving or disapproving proposals which could reasonably be expected to include, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:**

**(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.**

**(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or**

**within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing sphere of influence or the local agency.**

**Analysis.** This is not a typical annexation intended for development but rather an annexation of an existing facility that serves the community at buildout. No development is anticipated beyond what is already there or allowed under the existing zoning designations (4 single family residences, 2 per parcel). The 257.87-acres in the annexation area has 8-acres of prime agriculture land being developed for the WRF site. The CSD has decided to set aside at least 16-acres of land in conservation easement, which will exceed the 1:1 offset by 8-acres. Although the CSD proposes to set aside a minimum of 16-acres they will be setting aside a total of 208.01-acres that includes the 16 already mentioned.

The proposal guided the WRF development into agricultural and open space lands, but it will maintain approximately 89.1% of the land in agricultural conservation easements and open space. The conservation of ag and open space would not have otherwise be conserved if it were not for the WRF project. The area was not added to the sphere of influence in 2015, therefore a SOI amendment is included in the proposal.

**Factor (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.**

**Response.** Per government code section 56016 "Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.

Per County Condition of Approval (COA) 18, 49, and 50 the CSD is required to provide conservation acreage at a ratio of at least 2:1 for direct project impacts on Agriculture, portions of Lots 8 & 10 will be under conservation for impacts on cultural resources and the remainder of subject lots outside of the development potential shall also be conserved. The CSD, current owner of the project area, has indicated to LAFCO plans to conserve 208.01-acres of agricultural land in perpetuity.

Overall, the proposed project will conserve approximately 89.1% of the project's total acreage. The area being conserved is a substantial amount of land relative to the area being disturbed.

**Factor (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.**

**Response.** The annexation boundary follows lines of assessment and ownership. The areas within the 257.87-acre annexation were included to encompass the existing facility which will serve the community and to preserve agriculture and open space land currently owned by the district. This is logical because it's an existing that needs to be encompassed into the boundary for which it serves.

**Factor (g) A regional transportation plan adopted pursuant to Section 65080.**

**Response.** The Project would be consistent with all applicable County and City of Morro Bay policies and Standards, and the land use strategy in SLOCOG's 2014 Regional Transportation Plan. The EIR suggests that the increase in traffic volumes on surrounding streets would be minimal and compatible with existing rural traffic and agricultural equipment that may be present. According to the 2014 Regional Transportation Plan, SR-1 at Old Creek Road is expected to carry 14,800 average daily trips by the year 2035. Operational trips associated with the project will have a small effect on the level of service of highway 1. The project is not inducing growth on the community therefore changes to traffic are less than significant.

**Factor (h) The proposal's consistency with city or county general and specific plans.**

**Response.** The annexation is consistent with the County's General Plan and the certified EIR for the WRF annexation area.

**Factor (i) The Sphere of Influence of any local agency that may be applicable to the proposal being reviewed.**

**Response.** Although the proposal site is not within the current CSD SOI which was updated in 2015, the application currently being considered provided sufficient and detailed analysis on the impacts of the proposed boundary changes. A portion of APN: 065-022-010 is currently within the service area of the City of Morro Bay. This does not conflict with allowing this project to move forward as the territory can be within a City and Special Districts Boundary per government code 56061. Although the City of Morro Bay Council has already adopted a resolution of application to apply for a detachment to LAFCO. LAFCO is anticipating the application in the near future.

**Factor (j) The comments of any affected local agency or other public agency.**

**Response.** Comments regarding this proposal have been received from the following agencies and were addressed in the staff report:

- County Air Pollution Control District

**Factor (k) The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

**Response.** As stated in the Plan for Services the intent of the project is to amend the SOI and annex of approx. 258 ac into the CSD for the public facilities being built, WRF and solar farm. The area being annexed would not need services as typically expected with annexation due to the nature of the project. Rather, the WRF and project site are being annexed to serve the existing community.

As mentioned in the staff report the CSD is not eligible to receive a tax exchange. The reason for ineligibility is because the property is owned by a local government, in this case the CSD, and per the California Constitution Article 13, Section 1 a local government is exempt and does not pay property taxes once annexed. Therefore, there is no need for an agreement in this case and there is no amount of property tax revenue to be transferred.

**Factor (l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**

**Response.** As previously mentioned, the area being annexed would not need services as typically expected with annexation due to the nature of the project. Rather, the WRF and project site are being annexed to serve the existing community. The Cayucos Area Water Organization as discussed in the staff report is the CSD's water provider. The CSD is a special district authorized to provide sewage, solid waste, and recycling services.

Although the CSD is in a unique situation as they plan to beneficially reuse its tertiary treated recycled water for agricultural uses in the Toro Valley until such time as a pipeline is constructed to bring the water to Whale Rock Reservoir. This allocated water could be used for direct application to fields or to improve irrigation reliability during a drought. Under CKH 56133, it would allow the CSD to provide water for agriculture purposes without it being consider a "service". Health and Safety Code section 6520.7 also supports the function of using the tertiary treated water as outlined into further detail in the staff report.

**Factor (m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.**

**Response.** The area being annexed would not affect the County in achieving its housing needs as typically expected with annexation due to the nature of the project. Rather, the WRF and project site are being annexed to serve the existing community. The area is zoned Agriculture. Under the existing zoning designation, up to four single family homes could be built. No change in zoning is proposed, as such, the development potential would not change should the SOI and annexation be approved.

**Factor (n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.**

**Response.** Letters from the property owners will be included and addressed in the Staff Report.

**Factor (o) Any information relating to existing land use designations.**

**Response.** The site is presently zoned agriculture and will remain as is if the SOI and annexation are approved.

**Factor (p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.**

**Response.** The facility and its appurtenant facilities will not disproportionately affect particular populations or communities. Instead, the facility would provide services to the community regardless of race, culture, income, and national origin. Facilities (pipelines and other infrastructure) associated with development will be located within public roadways or on the site.

**Factor (q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal. (Amended by Stats. 2019, Ch. 360)**

**Response.** According to Cal Fire Hazard Severity Zones there is a moderate fire severity risk (Cal Fire 2006). As mentioned in the EIR fire hazard severity can be influenced by a number of factors, including the age of vegetation, accumulation of

dead plant material, vegetation management programs that may have been implemented, period of time since a stand of vegetation was last burned, historic climate, and topography of the region. However, ranked against other rural terrain and vegetation, the Project Site is considered a lower risk due to flat terrain and lack of dense vegetative cover in the valley.

In addition, the new WRF development would be required to comply with the County's Local Hazard Mitigation Plan, updated building code and fire protection measures, and fuel modification and landscape plan review procedures. The EIR addresses the Safety Element and any other local hazard mitigation planning in detail.

In the event of a fire, fire protection is provided by San Luis Obispo County Fire-CALFire from Station No. 11 located at 108 Chaney Avenue in Cayucos on non—24 hour staffed basis and the CALFire station in Los Osos on a 24-hour basis. Station 11 is not staffed 24 hours a day. During peak fire season staffing, Cayucos Station is staffed by a crew of four. During the "non" fire-season months, usually mid-October to mid-May, the Cayucos Fire Protection District pays for staffing at the Cayucos Fire Station, ensuring staffed fire protection year-round to the citizens of Cayucos.

Overall, this project would not place new populations into an area of high fire risk or other hazardous risk.

# Attachment C

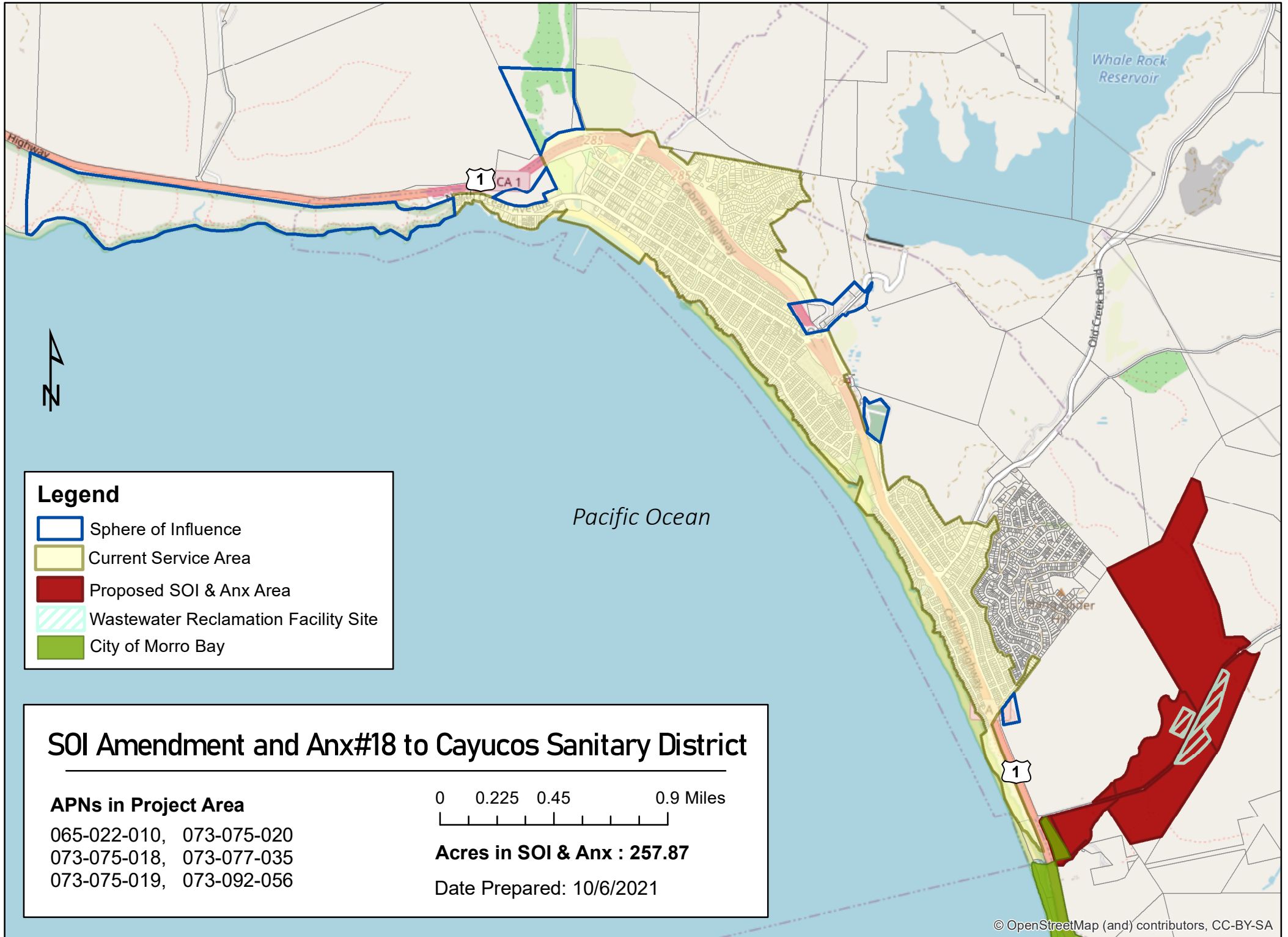
Cayucos Sanitary District Final Environmental Impact Report

***NOTE: Due to file size, we have made this document available on the LAFCO website at [www.slolafco.com](http://www.slolafco.com)***






# Attachment D

## Vicinity Maps





**Legend**

-  Sphere of Influence
-  Current Service Area
-  Proposed SOI & Anx Area
-  Wastewater Reclamation Facility Site
-  City of Morro Bay

**SOI Amendment and Anx#18 to Cayucos Sanitary District**

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**APNs in Project Area**

065-022-010, 073-075-020  
 073-075-018, 073-077-035  
 073-075-019, 073-092-056

0 0.225 0.45 0.9 Miles

**Acres in SOI & Anx : 257.87**

Date Prepared: 10/6/2021

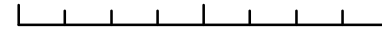
© OpenStreetMap (and) contributors, CC-BY-SA

# SOI Amendment and Anx#18 to Cayucos Sanitary District

## APNs in Project Area

065-022-010, 073-075-020  
 073-075-018, 073-077-035  
 073-075-019, 073-092-056






0 0.1 0.2 0.4 Miles

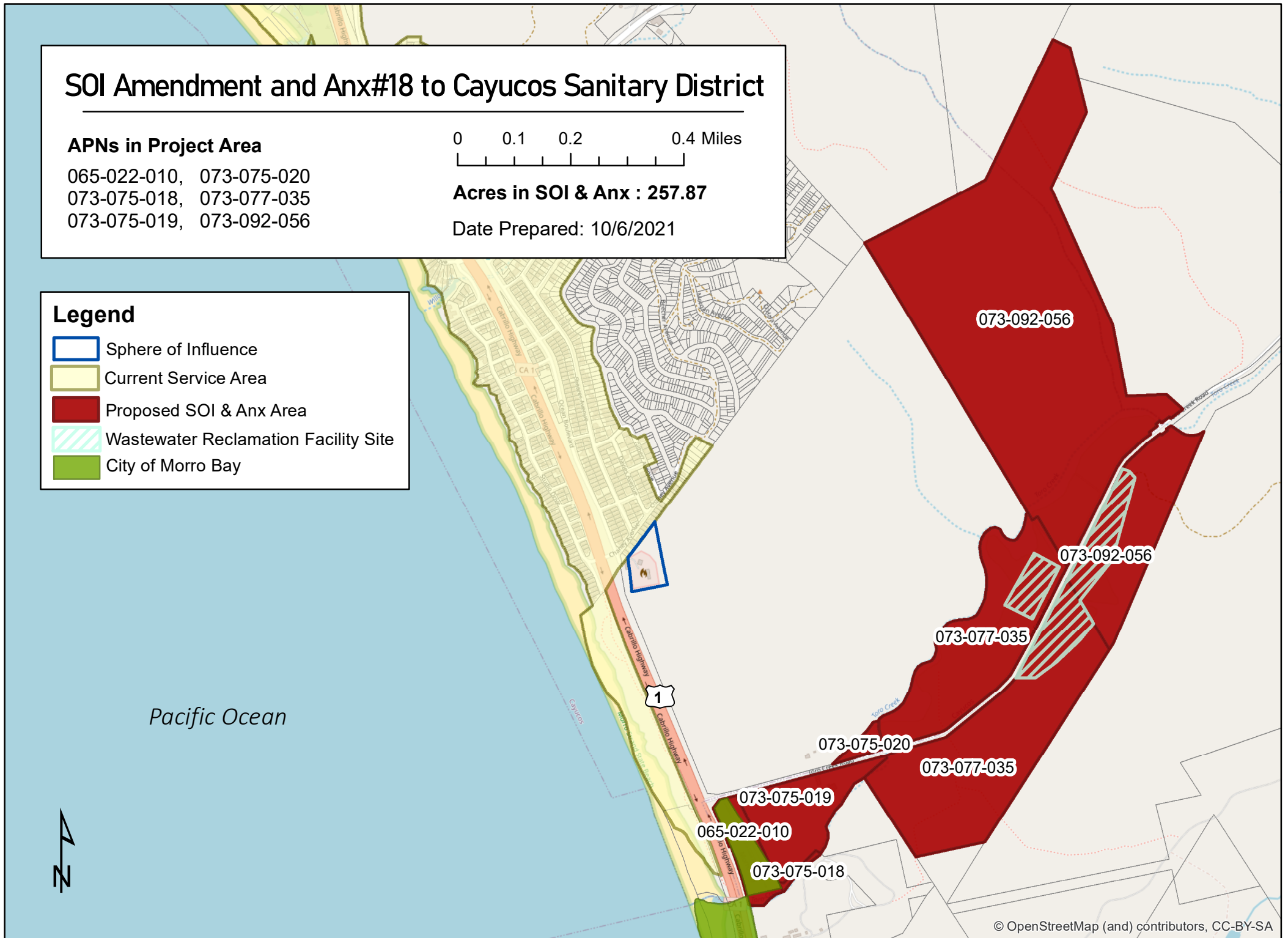


Acres in SOI & Anx : 257.87

Date Prepared: 10/6/2021

## Legend

-  Sphere of Influence
-  Current Service Area
-  Proposed SOI & Anx Area
-  Wastewater Reclamation Facility Site
-  City of Morro Bay



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# Attachment E

Cayucos Sanitary District, Plan for Services

## **Plan for Services**

The Cayucos Sanitary District (“District”) is petitioning to annex four (4) parcels of real property consisting of approximately 257.87 acres. All parcels are owned by the District and two (2) of them are intended to remain in the District’s ownership for the foreseeable future. In the summer of 2019, the District received all required governmental permits and began construction of the Cayucos Sustainable Water Project (“CSWP”). The heart of the project is the construction of a new tertiary water resource recovery facility (“WRRF”) in the Toro Valley, north of the City of Morro Bay and south of the town of Cayucos, which will be operational in early 2021. The WRRF is located on Toro Creek Road, approximately .75 miles inland from State Route 1. The WRRF site itself is comprised of portions of two (2) parcels: APN 073-077-035, commonly referred to as Lot 8, consisting of 83.61 acres, and APN 073-092-056, commonly referred to as Lot 10, consisting of 152.4 acres.

The coastal development permit issued by the California Coastal Commission to the District authorized the creation of four (4) public lots, pursuant to Government Code section 66428(a)(2). The District acquired portions of the old Chevron Estero marine terminal property in order to re-purpose the old Chevron load line 2 offshore pipeline for use as a treated wastewater effluent outfall. The District developed a plan for future ownership and use of the public lots, in conjunction with the County of San Luis Obispo, the City of Morro Bay, the Trust for Public Land and the Land Conservancy of San Luis Obispo County. After rehabilitating and refurbishing load line 2, performing the required work for the project and reserving necessary easements in the public lots, the District, working with the land trusts intends to transfer the two ocean front public lots to the City of Morro Bay. The other two (2) parcels within the proposed annexation area are also public lots; Assessor’s Parcel Numbers 065-022-010 and 073-075-018, commonly referred to as Lot 6NE, consisting of 6.53 acres, and Assessor’s Parcel Numbers 073-075-019 and 073-075-020, commonly referred to as Lot 7N, consisting of 15.33 acres. Attachment 1 is an exhibit from the Coastal Commission staff report for the CSWP depicting the public lots. Lots 6NE and 7N will be sold to the Land Conservancy of San Luis Obispo upon completion of the CSWP and subsequently transferred to the County of San Luis Obispo as restricted recreational open space.

The proposed annexation area is uninhabited and has existing agricultural uses only. The District has extensive infrastructure, including Lift Station No. 5 and its appurtenances on Lot 6NE and influent and effluent pipelines crossing Lot 7N. As indicated above, Lots 6NE and 7N will be ultimately transferred to the County of San Luis Obispo as recreational open space. Lots 8 and 10 in the proposed annexation area will be used for the operation of the WRRF, which will ultimately be powered by a solar farm that is not yet constructed. The purpose of the WRRF is to provide the community of Cayucos with a cost-effective and sustainable water resource recovery system for the next 25-50 years. Additionally, the WRRF will create highly treated tertiary non-potable water suitable for agricultural irrigation. The District may lease portions of the proposed annexation area for agricultural purposes at some point in the future. No additional services are proposed to be added to the site as a result of the annexation.

# Attachment F

Resolution of Application by the Cayucos Sanitary District

# RESOLUTION 2020-9

## NOVEMBER 19, 2020

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CAYUCOS SANITARY DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF TERRITORY

**BE IT RESOLVED** by the Board of Directors of the Cayucos Sanitary District (the “District”) as follows:

#### SECTION 1. FINDINGS.

The Board of Directors (the “Board”) of the District hereby finds, determines and declares that:

1. The Cayucos Sanitary District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code, for annexation of territory to the Cayucos Sanitary District; and
2. Notice of intent to adopt this Resolution of Application has been given; and
3. The principal reasons for the proposed annexation is as follows: the Cayucos Sanitary District is the owner of the property and has constructed extensive infrastructure on it, including a water resource and recovery facility, and the property is currently situated outside of the District’s Boundary; and
4. The following agency or agencies would be affected by the proposed jurisdiction changes:

<u>AGENCY</u>	<u>NATURE OF CHANGE</u>
County of San Luis Obispo	Annexation
5. The territory proposed to be annexed is uninhabited, and a map and description of the boundaries of the territory are attached hereto as Exhibits A and B and by this reference incorporated herein; and
6. A Plan for Services, as required by Government Code section 56653(b) has been prepared and is attached hereto as Exhibit C; and
7. The proposed annexation is not subject to any terms and conditions; and
8. This proposal is not consistent with the adopted Sphere of Influence for the agency subject to annexation and the Sphere of Influence map will have to be amended to conform to the annexation; and
9. An environmental impact report was prepared for the Cayucos Sustainable Water Project and included an analysis of the environmental impacts of the proposed Sphere of Influence amendment and annexation and was certified by the Board on April 20, 2017; and
10. This Board has determined that this proposal will meet the criteria for waiver of Conducting Authority proceedings as set forth in Government Code section 56663(a).

**SECTION 2. ADOPTION AND REQUEST.**

**BE IT FURTHER RESOLVED** that the Board of Directors of the Cayucos Sanitary District hereby adopts this Resolution of Application and hereby requests the Local Agency Formation Commission of San Luis Obispo County to take proceedings for the amendment of the Sphere of Influence map and annexation of territory as authorized and in the manner provided by the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000.

On motion of Director Chivens, second by Director Frank, and on the following roll call vote:

**AYES: Chivens, Frank, Miller, Lyon, Enns**


**NAYS: None**


**ABSENT: None**

**ABSTAIN: None**

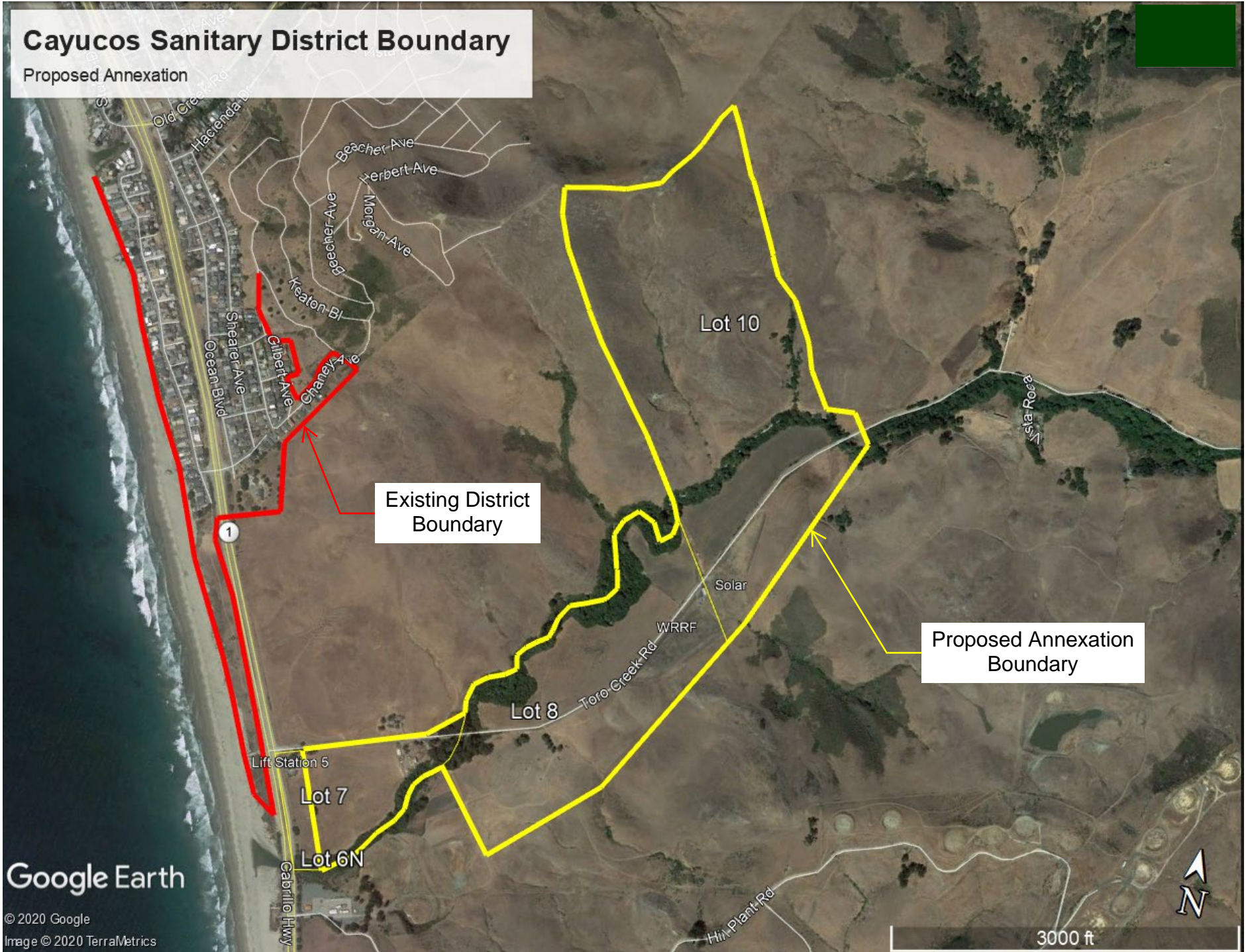
**The foregoing Resolution is hereby adopted this 19<sup>th</sup> day of November, 2020.**

**ATTEST:**

  
\_\_\_\_\_  
Rick Koon, District Manager

  
\_\_\_\_\_  
Robert B. Enns, Board President

(SEAL)





## EXHIBIT B TO RESOLUTION 2020-9

### LEGAL DESCRIPTION LOT 6NE

Real property in the unincorporated area of the County of San Luis Obispo, State of California, described as follows:

That portion of the land described in Certificate of Compliances recorded November 2, 2012 in Document No. 2012063818 and Document No. 2012063819 in the County Recorder's Office, County of San Luis Obispo, State of California, lying easterly of the easterly line of the land described in the grant deeds to the State of California recorded in Book 1090 at Page 258 of Official Records and Book 1090 at Page 263 of Official Records in the County Recorder's Office of said County (State Highway One) and lying northerly of the line described as follows:

Beginning at a point on the easterly line of the land described in the grant deeds to the State of California recorded in Book 1090 at Page 258 of Official Records and Book 1090 at Page 263 of Official Records in the County Recorder's Office of said County (State Highway One) being an arc distance of 568.21 feet from the northerly terminus of the curve described as Course NO. 27 (curve to the right with a radius of 5064 feet through an angle of 9°11'44" for a distance of 812.74 feet) in said grant deeds to the State of California;

thence, Leaving said easterly line South 79°39'49" East, a distance of 47.11 feet;  
thence, North 88°27'29" East, a distance of 90.49 feet;  
thence, North 41° 14'20" East, a distance of 82.92 feet;  
thence, North 55°42'33" East, a distance of 69.35 feet;  
thence, North 69°30'56" East; a distance of 81.91 feet;  
thence, North 37°12'23" East, a distance of 192.66 feet;  
thence, North 17°23'43" East, a distance of 29.12 feet;  
thence, North 52° 12'38" East, a distance of 265.69 feet;  
thence, North 33°24'02" East, a distance of 92.89 feet;  
thence, North 17°28'07" East, a distance of 68.35 feet;  
thence, North 1°50'22" East, a distance of 52.51 feet;  
thence, North 17°30'52" West, a distance of 67.19 feet;  
thence, North 29°00'29" East, a distance of 171.30 feet;  
thence, North 44°40'37" East, a distance of 77.17 feet;  
thence, North 32° 12'22" East, a distance of 234.72 feet;  
thence, North 58°54'34" East, a distance of 98.50 feet to the northwest corner of Lot 32 according to the map of the subdivision of said Rancho filed in Book A of Maps at Page 160 of Maps in the County Recorder's Office of said County, also being the northwest corner of the parcel shown on the map filed in Book 113 of Record of Surveys at Page 12 in the County Recorder's Office of said County;

Portions of 073-075-015; 073-075-016; and 073-092-053

# EXHIBIT B TO RESOLUTION 2020-9

## LEGAL DESCRIPTION LOT 7

That portion of land described In Certificate of Compliances recorded March 24, 2011 In Document No. 201 101 4547 of Official Records in the County Recorder's Office, County of San Luis Obispo, State of California lying **northerly** of the line described as follows:

Beginning at a point on the easterly line of the land described in the grant deeds to the State of California recorded in Book I 090 at Page 258 of Official Records and Book I 090 at Page 263 of Official Records in the County Recorder's Office of said County (State Highway One) being an arc distance of 568.21 feet from the northerly terminus of the curve described as Course No . 27 (curve to the right with a radius of 5064 feet through an angle of 9°11'44" for a distance of 8 12.74 feet) in said grant deeds to the State of California; thence,

Leaving said easterly line South 79°39'49" East, a distance of 47.11 feet; thence,

North 88°27'29" East, a distance of 90.49 feet : thence,

North 41°14'20" East, a distance of 82.92 feet; thence,

North 55°42'33" East, a distance of 69.35 feet; thence,

North 69°30'56" East, a distance of 81.91 feet; thence,

North 37°12'23" East, a distance of 19 2.66 feet: thence,

North 17°23'43" East, a distance of 29.12 feet: thence,

North 52° 12'38" East, a distance of 265.69 feet; thence,

North 33°24'02" East, a distance of 92.89 feet; thence,

North 17° 28'07" East, a distance of 68.35 feet: thence.

North 1°50' 22" East, a distance of 52.51 feet ; thence ,

North 17°30'52" West, a distance of 67.19 feet; thence,

North 29°00'29" East, a distance of 171 .30 feet: thence,

North 44°40'37" East, a distance of 77.17 feet; thence,

North 32°12'22" East, a distance of 234.72 feet; thence,

North 58°54'34" East, a distance of 98.50 feet to the northwest corner of Lot 32 according to the map of the subdivision of said Rancho filed in Book A of Maps at Page 160 of Maps in the County Recorder's Office of said County, also being the northwest corner of the parcel shown on the map filed in Book 113 of Record of Surveys at Page 12 in the County Recorder's Office of said County.

## EXHIBIT B TO RESOLUTION 2020-9

### LEGAL DESCRIPTION LOTS 8 & 10

Real property in the unincorporated area of the County of San Luis Obispo, State of California, described as follows:

PARCEL A: (Certificate of Compliance 2011-014546) (A.P.N.: 073-077-021 and portion of 073-077-034)

All that portion of Lot 32 of the Rancho Moro y Cayucos in the County of San Luis Obispo, State of California as said Lot is designated according to the map of the subdivision of said Rancho filed in Book A, at Page 160 of Maps in the office of the Recorder for said County, lying northwesterly of the line described in "Parcel 1" of the agreement between Standard Oil Company of California, Grantor, and Standard Pipe Line Company, Grantee, dated December 29, 1933 filed in Book 147, at Page 463 of Official Records in the office of the Recorder for said County, as follows, to wit:

BEGINNING at the intersection of the Westerly prolongation of the centerline of the Toro Creek County Road and the line of Mean Higher High Water of Estero Bay;  
Thence, North 73° 50' East, 386 feet, more or less, to the intersection of said centerline of the Toro Creek County Road with the centerline of the State Highway from Morro to Cayucos;  
Thence, continuing along the centerline of the Toro Creek County Road, North 73° 50' East, 286 feet, more or less, to its intersection with the northerly prolongation of a fence line;  
Thence, South 27° 47' East, 25.52 feet to an intersection of said fence line with the southerly line of said County Road right-of-way;  
Thence, continue along said fence line, South 27° 47' East, 895 feet;  
Thence, South 80° 20' East, 50.3 feet;  
Thence, North 42° 58' East, 426.1 feet;  
Thence, South 61° 32' East, 221 feet;  
Thence, South 45° 12' East, 330.6 feet to a corner in said fence;  
Thence, leaving said fence and continuing South 45° 12' East, 571 feet;  
Thence, North 30° 30' East, 3500 feet;  
Thence, North 20° 23' East, 1829.0 feet to a point in Toro Creek on the northerly boundary of said Lot 33, distant southeasterly thereon 140 feet from the center line of Toro Creek County Road.

Excepting therefrom unto Grantor, its successive owners and assigns, together with the right to grant and transfer all or a portion of the same, as reserved in the Grant Deed recorded April 17, 2015 as Instrument No. 2015-017726 and by Correction Grant Deed recorded August 5, 2015 as Instrument No. 2015-039696, as follows:

To the extent owned by Grantor on the date hereof, all minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources in or under or which may be produced from the Property and the perpetual right of exploring and prospecting for, and developing, producing, extracting, and taking said minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources from the Property by means of mines, shafts, tunnels, wells, derricks or other equipment from surface locations on adjoining or neighboring land or lying outside of the Property, including the right to whipstock or directionally drill and mine from lands other than the Property, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits of the Property, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, it being understood, however, that the owner of such minerals, unprocessed oil, gas, petroleum, other hydrocarbon substances and geothermal resources, as set forth above, shall have no right to enter upon the surface of the Property nor to use any of the Property or any

## **EXHIBIT B TO RESOLUTION 2020-9**

portion thereof above a plane parallel to and 500 feet below the surface of the Property for any of the purposes specified herein.

PARCEL B: (A.P.N. portion of 073-092-050 & portion of 073-077-034)

Parcel 1 of Parcel Map COAL 14-0007 in the County of San Luis Obispo, State of California according to map recorded July 19, 2016 in Book 78, Pages 97 through 102 of Parcel Maps.

## **Plan for Services**

The Cayucos Sanitary District (“District”) is petitioning to annex four (4) parcels of real property consisting of approximately 257.87 acres. All parcels are owned by the District and two (2) of them are intended to remain in the District’s ownership for the foreseeable future. In the summer of 2019, the District received all required governmental permits and began construction of the Cayucos Sustainable Water Project (“CSWP”). The heart of the project is the construction of a new tertiary water resource recovery facility (“WRRF”) in the Toro Valley, north of the City of Morro Bay and south of the town of Cayucos, which will be operational in early 2021. The WRRF is located on Toro Creek Road, approximately .75 miles inland from State Route 1. The WRRF site itself is comprised of portions of two (2) parcels: APN 073-077-035, commonly referred to as Lot 8, consisting of 83.61 acres, and APN 073-092-056, commonly referred to as Lot 10, consisting of 152.4 acres.

The coastal development permit issued by the California Coastal Commission to the District authorized the creation of four (4) public lots, pursuant to Government Code section 66428(a)(2). The District acquired portions of the old Chevron Estero marine terminal property in order to re-purpose the old Chevron load line 2 offshore pipeline for use as a treated wastewater effluent outfall. The District developed a plan for future ownership and use of the public lots, in conjunction with the County of San Luis Obispo, the City of Morro Bay, the Trust for Public Land and the Land Conservancy of San Luis Obispo County. After rehabilitating and refurbishing load line 2, performing the required work for the project and reserving necessary easements in the public lots, the District, working with the land trusts intends to transfer the two ocean front public lots to the City of Morro Bay. The other two (2) parcels within the proposed annexation area are also public lots; Assessor’s Parcel Numbers 065-022-010 and 073-075-018, commonly referred to as Lot 6NE, consisting of 6.53 acres, and Assessor’s Parcel Numbers 073-075-019 and 073-075-020, commonly referred to as Lot 7N, consisting of 15.33 acres. Attachment 1 is an exhibit from the Coastal Commission staff report for the CSWP depicting the public lots. Lots 6NE and 7N will be sold to the Land Conservancy of San Luis Obispo upon completion of the CSWP and subsequently transferred to the County of San Luis Obispo as restricted recreational open space.

The proposed annexation area is uninhabited and has existing agricultural uses only. The District has extensive infrastructure, including Lift Station No. 5 and its appurtenances on Lot 6NE and influent and effluent pipelines crossing Lot 7N. As indicated above, Lots 6NE and 7N will be ultimately transferred to the County of San Luis Obispo as recreational open space. Lots 8 and 10 in the proposed annexation area will be used for the operation of the WRRF, which will ultimately be powered by a solar farm that is not yet constructed. The purpose of the WRRF is to provide the community of Cayucos with a cost-effective and sustainable water resource recovery system for the next 25-50 years. Additionally, the WRRF will create highly treated tertiary non-potable water suitable for agricultural irrigation. The District may lease portions of the proposed annexation area for agricultural purposes at some point in the future. No additional services are proposed to be added to the site as a result of the annexation.

# Attachment G

Additional Information Provided by the Cayucos Sanitary  
District

**EXHIBIT D - CONDITIONS OF APPROVAL  
DRC2016-00063 / CAYUCOS SANITARY DISTRICT**

**Approved Development**

1. This approval authorizes the Cayucos Sustainable Water Project, including:
  - a. Construction of a new wastewater treatment plant, solar array, and landscaping in an approximately 8-acre development area. The treatment plant would have an annual average daily flow capacity of 0.30 and 0.40 million gallons per day serving the existing and buildout population in Cayucos.
  - b. Underground installation of pipelines and conveyance infrastructure in the Toro Creek Road right-of-way from an existing lift station (Lift Station #5) to the treatment plant.

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

***Site Development***

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

***Fire Safety***

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

***Public Works***

**Access**

4. **At the time of application for construction permits**, the applicant shall submit fees and plans to the Department of Public Works to secure an Encroachment Permit to construct the project access driveways in accordance with County Public Improvement Standards for rural roads and for all proposed pipelines and conveyance infrastructure in the County right-of-way. The driveways design must accommodate the largest design vehicle to avoid off-tracking damage to the edge of pavement.
5. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

**Drainage**

6. **At the time of application for construction permits**, the applicant shall submit complete drainage plans prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. **At the time of application for construction permits**, the applicant shall show the 100-year flood hazard boundary on the project plans.

ATTACHMENT 4

8. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 22.14.060.
9. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
10. **Mitigation Measure GEO-1: At the time of application for construction permits**, the applicant shall submit and development shall be consistent with a Design-Level Geotechnical Investigation and Report to provide final recommendations and geotechnical design criteria for specific project components, such as structures, foundations, pipelines, pump stations, loading conditions, excavations, grading, dewatering, drainage and other site work. The geotechnical design investigation shall include additional field exploration for specific structures, and include testing and analyses as needed to provide a basis for design criteria and construction recommendations in accordance with local (County of San Luis Obispo) regulations and the applicable California Building Code (CBC).

As part of the geotechnical design investigation for the Project, creek crossings for pipelines shall be investigated and evaluated with respect to the methods of crossings. If horizontal directional drilling methods (HDD) are proposed, then HDD feasibility investigations shall be performed for each location where that method is being considered. The geotechnical design report shall include geotechnical design criteria for creek crossings, which may include recommendations for pipeline burial depths, methods of crossing, trench or trenchless design parameters, and lateral setbacks. Recommendations for specific crossings shall be incorporated into the Project plans and specifications prior to construction of the pipeline.

11. **Mitigation Measure GEO-2A:** The geotechnical design investigation for the project (Mitigation Measure GEO-1) shall include appropriate geologic fault evaluations of the Cambria fault to develop project-specific design parameters for pipeline sections crossing the fault. The fault evaluations shall be directed towards, but not necessarily be limited to, defining the location and width of the fault zone at the pipeline-fault crossings. Since the fault traces are concealed beneath young geologic deposits, the fault zones may be difficult to define with precision. Consequently, fault zone widths shall incorporate conservative assumptions for pipeline design.

Pipeline crossings of fault traces shall be designed to accommodate potential flexure and horizontal and vertical offsets based on the results of the geologic fault evaluations (Mitigation Measure GEO-2A). Fault rupture mitigation strategies for pipelines may include measures such as flexible connections, gravel trench backfill, double lined pipes, strengthened pipes, automatic shutoff valves and similar measures to prevent the release of product to the environment.

12. **Mitigation Measure GEO-3:** Project structures shall be designed to resist lateral forces generated by earthquake shaking in accordance with the current building code, State pipeline safety standards and applicable design practice. The design-level geotechnical report (Mitigation Measure GEO-1) shall include recommendations for seismic data for design that may be updated for the new code requirements, additional subsurface information, or further site-specific analyses. Appropriate seismic ground motion parameters shall be estimated and incorporated into project design by the project engineer.



13. **Mitigation Measure GEO-4.** The design-level geotechnical report (Mitigation Measure GEO-1) shall include evaluations of liquefaction potential and estimated liquefaction-induced settlement based on field exploration, testing and analysis of site conditions for final project components (WRRF and pipelines). The potential effects of other seismically induced ground failures shall also be evaluated, including lateral spreading and seismic densification. Engineering design measures shall be provided where estimated ground deformations exceed typical foundation and structural design parameters. seismic densification.

The liquefaction, lateral spreading and seismic settlement evaluations shall be conducted in accordance with guidelines published by the California Geologic Survey (formerly the California Division of Mines and Geology) and relevant local and professional standards. At a minimum, the liquefaction hazard evaluation and mitigation study shall be undertaken in a manner consistent with the Guidelines for Evaluation and Mitigation of Seismic Hazards in California, Chapter 6, Analysis of Liquefaction Hazards (CGS Special Publication 117A, 2008).

14. **Mitigation Measure GEO-5.** The design-level geotechnical report (Mitigation Measure GEO-1) shall include evaluations of landsliding, creek bank instability and other types of slope instability settlement based on field exploration, testing and analysis of site conditions for final project components (WRRF and pipelines). The potential impact of slope instability on the construction and operation of the WRRF shall be evaluated as part of the geotechnical design investigation and report (Mitigation Measure GEO-1). Mitigation measures to reduce the potential for damage due to slope movement shall be developed for the depths and types of slope movements that may impact the pipelines at the locations identified in the landslide evaluations.
15. **Mitigation Measure GEO-6: At the time of application for construction and/or grading permits,** the applicant shall submit to the Department of Planning and Building for review and approval an Erosion Control Plan (ECP) prepared by a geotechnical or civil engineer, consistent also with Mitigation Measure WQ-1. The ECP shall include elements of a Storm Water Pollution Prevention Plan (SWPPP) and shall describe measures intended to reduce erosion and deposition in to local creeks and the Pacific Ocean.
16. **Mitigation Measure GEO-7.** Testing of samples in a geotechnical laboratory is the standard method of quantifying the expansibility of materials, and shall be performed as part of design-level geotechnical studies for the selected WRRF site and pipeline routes (Mitigation Measure GEO-1). If expansive materials are identified, then appropriate design and construction measures shall be provided to mitigate the adverse effects. The design-level geotechnical investigation shall provide specific recommendations to address expansive soil conditions for the design of foundations, flatwork, pavement, pipelines and other site work.

**Conditions required to be completed prior to issuance of construction permits**

17. **Prior to issuance of construction permits,** the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.
18. **Mitigation Measure AG-1: Prior to the issuance of construction and/or grading permits,** the Cayucos Sanitary District shall provide evidence to the County Department of Planning and Building that a farmland conservation easement, a farmland deed restriction, or other

## ATTACHMENT 4

farmland conservation mechanism has been granted in perpetuity to the County or a qualifying entity approved by the County Agricultural Commissioner (or designee). The easement shall provide conservation acreage at a ratio of 2:1 for direct project impacts. The area conserved shall be of a quality that is reasonably similar to that of farmland within the project limits (as determined by the County Agricultural Commissioner or designee).

19. **Mitigation Measure AQ-4: Prior to issuance of construction permits**, the applicant shall submit an Odor Monitoring and Complaint Response Plan for review and approval by the SLOAPCD and shall obtain all necessary permits and/or approvals from SLOAPCD.
20. **Mitigation Measure HZ-2: Prior to issuance of construction permits**, to mitigate impacts related to an untreated wastewater spill, the applicant shall modify its existing Sanitary Sewer Management Plan to include WRRF and pipeline operations.
21. **Mitigation Measure HZ-3: Prior to issuance of construction permits**, the applicant shall provide a written Fire Safety and Evacuation Plan whose contents shall be in accordance with California Fire Code Chapter 4 Emergency Planning and Preparedness. Employee training, record keeping, hazard communication and drills will also comply with this chapter. The written plan will include at a minimum the detail outlined in sections 404.3.1 (Evacuations Plans) and 404.3.2 (Fire Safety Plans).
22. **Mitigation Measure TR-1: Prior to issuance of construction permits**, the applicant shall submit a traffic management plan for review and approval by the County of San Luis Obispo Public Works Department. The traffic management plan shall be based on the type of roadway, traffic conditions, duration of construction, physical constraints, nearness of the work zone to traffic and other facilities (bicycle, pedestrian, driveway access, etc.). The traffic management plan shall include:
  - Advertisement. An advertisement campaign informing the public of the proposed construction activities shall be developed. Advertisements shall occur prior to beginning work and periodically during the course of project construction.
  - Property Access. Access to parcels along the construction area shall be maintained to the greatest extent feasible. Affected property owners shall receive advance notice of work adjacent to their property access and when driveways would be potentially closed.
  - Schools. Any construction adjacent to schools shall ensure that access is maintained for vehicles, pedestrians, and bicyclists, particularly at the beginning and end of the school day.
  - Buses, Bicycles and Pedestrians. The work zone shall provide for passage by buses, bicyclists and pedestrians, particularly in the vicinity of schools.
  - Intersections. Traffic control (i.e. use of flag men) shall be used at intersections that are determined to be unacceptably congested due to construction traffic.
23. **Mitigation Measure VIS-1: Prior to issuance of construction permits**, to mitigate post-construction disturbed soil on the pipeline trenches in the Coastal Zone, the applicant shall submit to the Department of Planning and Building for review and approval a restoration plan that uses native seed species and is consistent with Coastal Plan policy 30.
24. **Mitigation Measure VIS-2: Prior to issuance of construction permits**, to mitigate short-term impacts on visual resources until planting matures, the applicant shall submit a final

landscaping plan consistent with the preliminary landscape plan evaluated in the EIR. The landscape plan shall emphasize native plant materials and shall include sufficient planting to screen views of the project from Toro Creek Road. The planting shall be designed to achieve substantial screening of the WRRF within 7 years.

25. **Mitigation VIS-3: Prior to issuance of construction permits**, to mitigate potentially significant impacts from a new source of substantial light or glare which would adversely affect nighttime views in the area, the applicant shall submit a final lighting plan for the WRRF. The plan shall include proper shielding, proper orientation, and minimum height standards to achieve safe light levels on the ground. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

**Conditions to be completed prior to commencing work**

***Public Works***

Repair roadway damage

26. **Prior to commencing any work**, the applicant must enter a Roadway Repair Agreement with the Department of Public Works, in a form acceptable by County Counsel, to maintain and restore County roadways if damaged by the project's construction activities. At a minimum the agreement must:
- a. Identify roadway operational constraints specific to the proposed construction route and provide corrective recommendations to be designed and constructed by the applicant prior to commencing construction activities.
  - b. Establish baseline road conditions by video log, photo log, or equivalent.
  - c. Establish the current Pavement Condition Index (PCI).
  - d. Assign maintenance and response timing responsibilities to the applicant for ongoing roadway repairs during the construction phase of work.
  - e. Assign maintenance and timing responsibilities to the applicant for roadway restoration to original or near-original conditions prior to project final.
27. **Mitigation Measure AQ-2:** Prior to starting any ground-disturbing construction activities for the new influent, effluent, or RW pipelines to CSA-10, the applicant shall conduct a geologic evaluation for naturally occurring asbestos (NOA) along the pipeline routes following the Guidelines for Geologic Investigations of Naturally Occurring Asbestos in California (California Geologic Survey [CGS] Special Publication 124, 2002) to determine whether the construction of the pipelines has the potential to disturb NOA, and if so, how many acres. If no NOA is expected to be disturbed, the applicant shall submit a request for an exemption from CARB's Asbestos ATCM, along with the geologic evaluation report. If NOA is expected to be disturbed, the SLOAPCD must be notified and preparation and approval of an Asbestos Dust Mitigation Plan and Asbestos Health and Safety Program may be required.
28. **Mitigation Measure HZ-5:** Prior to construction activities that involve soil disturbance, the CSD shall develop and implement a Soil Sampling and Analysis Plan to determine the presence and extent of any residual herbicides, pesticides, and fumigants on historically-farmed land in agricultural areas that would be disturbed during ground-disturbing activities associated with the project. The Plan shall be prepared in consultation with the San Luis Obispo County Department of Environmental Health Services and the work shall be conducted by an appropriate California-licensed professional and samples sent to a California

Certified laboratory. At a minimum, the Plan shall document the areas proposed for sampling, the procedures for sample collection, the laboratory analytical methods to be used, and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment or disposal of any contaminated soils. The Plan shall be submitted to the Department and the San Luis Obispo County Department of Environmental Health Services for review and approval at least 60 days before construction. Results of the laboratory testing and recommended resolutions for excavation, handling, dust control, and treatment/disposal of material found to exceed regulatory Practices shall be submitted to the Department prior to construction.

**Conditions to be completed during construction**

***Archaeological Resources***

29. **During construction**, in the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall cease and a qualified archaeologist will be contacted for professional advice.
30. **During construction**, in the event archaeological resources are found to include human remains the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
31. **Mitigation Measure AQ-1**: The following standard SLOAPCD dust control measures shall be implemented:
- a. The amount of the disturbed area shall be minimized;
  - b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water or an APCD-approved dust suppressant shall be used whenever possible;
  - c. All dirt stock pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
  - d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
  - e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
  - f. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
  - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
  - i. Wheel washers and/or rumble strips shall be installed where vehicles enter and exit unpaved roads onto streets; and
  - j. 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 the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. The name and telephone number of such

## ATTACHMENT 4

persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

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 the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition. 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 the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

**32. Mitigation Measure AQ-3:** The applicant shall implement the following idling control techniques:

### California Diesel Idling Regulations

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more 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:
  - 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
  - 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 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.

### Diesel Idling Restrictions Near Sensitive Receptors (i.e., Morro Bay High School and Residential Dwellings along the Pipeline Routes)

In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- 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 shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

**33. Mitigation Measure BIO-1:** Within one week of ground disturbance or vegetation removal activities, if work occurs between March 1 and August 31, nesting bird surveys shall be conducted. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until

chicks are fledged. Occupied nests of special status bird species shall be mapped using GPS or survey equipment and submitted in monitoring reports. If nesting birds are located, no construction activities shall occur within 100 feet of nests (or other setback distance determined by a qualified ornithologist) until chicks are fledged. Construction activities shall observe a 300-foot buffer for active raptor nests. Occupied nests of special status bird species shall be monitored every two weeks to document nest success and check for compliance with buffer zones.

34. **Mitigation Measure BIO-2:** Limits of grading shall be clearly delineated in the field prior to initiation of construction activities to demonstrate avoidance in impacting the area identified in the Biological Technical Report as habitat for club-haired mariposa lily.
35. **Mitigation Measure BIO-3:** To mitigate adverse impacts to potentially present status reptiles and amphibians western pond turtle, foothill yellow-legged frog, coast range newt, and two-striped garter snake, in addition to Mitigation Measure BIO-4, the following shall be implemented:
- Construction Plans shall show how construction at stream crossings will utilize low-flow periods, incorporate sediment retention devices and minimize time and area of disturbance.
  - A pre-construction survey would be conducted within 48 hours prior to starting work in or within 50 feet of habitats likely to support sensitive reptiles and amphibians such as seasonal drainages and riparian. The survey would be conducted by a qualified biologist approved to relocate sensitive species should they occur. If sensitive reptile or amphibian species are located during the pre-construction survey, a biologist would monitor ground-breaking work conducted within 50 feet of habitat.
  - Qualified biologists will brief all project personnel prior to participating in construction activities. At a minimum, the briefing will include a description of the project components and techniques, a description of the listed species occurring in the project area, and the general and specific measures and restrictions to protect the species during implementation of the project.
  - Post construction re-vegetation plans for work areas disturbed within 100 feet of ESHA at Toro Creek Bridge shall be submitted for County approval and implemented upon completion of pipeline work in that area. The re-vegetation plan shall use only native plant species pursuant to Coastal Policy 30. The species shall be selected to provide permanent erosion control and soil cover pursuant to Coastal Policy 21.
36. **Mitigation Measure BIO-4:** To mitigate adverse impacts to potentially present California red-legged frog (CRLF), the following shall be implemented:
- **Pre-construction Survey.** Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration,

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distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.

- **Pre-construction Training.** Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- **Biologist Present during Construction.** A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.
- **Trash Removal.** During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to occupancy or final inspection, whichever occurs first, all trash and construction debris will be removed from work areas.
- **Equipment Maintenance.** During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- **Revegetation.** Prior to occupancy or final inspection, whichever occurs first, for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native riparian, wetland and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.
- **Land Restoration.** Prior to occupancy or final inspection, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.
- **Work Scheduling.** Prior to commencement of grading/construction activities, the applicant shall make all efforts to schedule work activities for times of the year when

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impacts to the CRLF would be minimal. As examples: a) work that would affect large pools that may support breeding would be avoided, to the maximum extent practical, during the breeding season (November through May); b) isolated pools that are important to maintain CRLF through the driest portions of the year (late summer, early fall) would be avoided to the maximum extent practical. When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.

- **Sedimentation and Erosion Control.** Prior to issuance of construction permit(s), sedimentation and erosion control plans shall be submitted using Best Management Practices (BMPs) to minimize sediment from entering nearby water bodies or prominent drainage courses, consistent with Mitigation Measure WQ-1: During or after construction/ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.
- **Water impoundment.** Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.
- **Completion Report.** Prior to occupancy or final inspection, whichever occurs first, the applicant shall submit to the County and USFWS, a project completion report form, completed by the USFWS-approved biologist. The report form shall identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

37. **Mitigation Measure BIO-5:** To mitigate potential adverse effects to water quality and special status species habitat in project area creeks, in addition to measures described in measure WQ-1 including appropriate best management practices (BMPs) utilized within the construction areas to prevent excess sediment from entering Toro Creek or Willow Creek, Storm Water Pollution Prevention Plan (SWPPP) implementation, and long-term measures identified in the SWPPP, the following additional measures are required:

- The applicant shall prepare a spill containment and spill clean-up plan that includes provisions for response to frack-out of pipeline bore spills within 100 feet of ESHA. Directional drill activities within 100 feet of ESHA shall be specified in the plan to require on-site monitoring.
- The edge of riparian vegetation will be shown on construction plans and boundaries of the work area will be shown on construction plans. Limits of grading will be clearly delineated in the field prior to initiation of construction activities.
- All hazardous materials required to operate and maintain equipment will be properly used in accordance with manufacturer's specifications.
- The contractor will follow an approved spill prevention plan, including procedures to ensure that all equipment is properly maintained and free of leaks and all necessary repairs incorporate proper spill containment.
- Hazardous materials will be properly stored and managed in secured areas located outside riparian corridors.
- Mobile equipment will be staged, repaired, and maintained 300 feet from top of bank of Toro Creek and Old Creek, or on existing paved road surfaces. Fueling of equipment will be conducted in pre-designated areas at least 300 feet from the top of bank drainages, or on existing paved road surfaces. Spill containment materials will be placed around the



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equipment before refueling. Standing equipment will be outfitted with drip pans and hydrocarbon absorbent pads.

38. **Mitigation Measure BIO-6:** Prior to installation of conveyance structures adjacent to road bridges over Willow Creek, Old Creek, or Paul Alva Creek, a qualified biologist shall conduct a survey of the bridge to determine if roosting bats are present. If possible, the survey shall be conducted during the non-breeding season (November through March). If a colony of bats is found roosting in any structure, further surveys shall be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.) If the bats are not part of an active maternity colony, passive exclusion measures may be implemented with approval from CDFW. November is the best time of the year to exclude bats from a roost because it is after the breeding season and before winter hibernation (not all species hibernate).
39. **Mitigation Measure BIO-7:** To avoid impacts to overwintering monarchs, tree trimming/removal and construction activities that affect eucalyptus trees near or within the overwintering grove shall not be conducted during the overwintering season from October 1 through March 31. If construction activities must be conducted during this period, overwintering monarch surveys shall take place within one week of habitat disturbance. If surveys do not locate clustering monarchs, construction activities may be conducted. If clustering monarchs are located, no construction activities shall occur within 100 feet of the edge of the overwintering grove.
40. **Mitigation Measure CUL-2:** To avoid any adverse effect on CA-SLO-879/H, the proposed pipelines along Toro Creek Road shall be placed only on the north side of the road and shall be directionally drilled under the maximum depth of cultural deposits. Three bore pits shall be installed along the pipeline alignment in previously disturbed areas, where cultural materials are sparse and lack integrity. The exact location of the bore pits and segment to be directionally drilled shall be dictated in the Final Cultural Resources Impact Assessment Report prepared for the project by Applied Earthworks. All work related to pipeline installation along Toro Creek Road shall be monitored by an archaeologist and Native American representatives. If at any point, the pipeline design requirements specified in the Cultural Resources Impact Assessment Report cannot be met, the project shall be halted and San Luis Obispo County and other responsible agencies contacted to determine the next course of action.
41. **Mitigation Measure CUL-3:** To minimize potential impacts due to inadvertent discovery of cultural resources in site and pipeline areas with no evidence of resources, and consistent with LUO sections 22.05.140 and 23.10.040, the applicant shall prepare and implement a pre-construction Worker Education Program to train workers to recognize cultural resources and understand the procedures for stopping work and reporting the discovery.
42. **Mitigation Measure N-1:** The CSD shall require construction contractors to adhere to the following noise attenuation requirements:
- Construction activities shall be limited to between the hours of 7 a.m. to 9 p.m. on any day except Saturday or Sunday or between the hours of 8 a.m. to 5 p.m. on Saturday or Sunday.
  - All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

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- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence, unless safety or technical factors take precedence.
- Stationary combustion equipment such as pumps or generators operating within 100 feet of any residence shall be shielded with a noise protection barrier.

43. **Mitigation Measure WQ-1:** To mitigate impacts identified in Impact WQ-3 related to construction stage erosion and sedimentation, the Project will be required to comply with the General Permit including but not limited to compliance with 1) the State General Construction Activity Permit, as most recently modified by the State Water Resources Control Board (SWRCB), and 2) County standards under the Stormwater Ordinance Title 19 chapter 19.09, ensuring that construction-related sediment or other contaminants that could adversely affect receiving water would be reduced to a less-than-significant impact.

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

#### ***Public Works***

##### Access

44. **Prior to occupancy or final inspection,** all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
45. **Prior to final inspection,** the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
46. **Prior to completion of the project,** the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

##### Repair roadway damage

47. **Prior to final inspection,** the applicant shall meet with the Public Works to review the baseline road conditions and identify County road sections that may have been damaged by project construction activities. The applicant must complete the roadway restoration repairs in accordance with the Roadway Repair Agreement and to the satisfaction of Public Works.
48. **Mitigation Measure HZ-1:** Prior to final occupancy/operation of the project, a Hazardous Materials Business Plan in accordance with California Health and Safety Code Sections 25503 and 25505 shall be submitted to, and approved by, the San Luis Obispo County Department of Environmental Health
49. **Mitigation Measure CUL-1:** To mitigate potential effects to tribal cultural resources, the CSD shall place portions of parcels 8 and 10 owned by the CSD between Toro Creek Road and Toro Creek in a conservation easement in favor of an appropriate entity to protect and manage the land for the type of historic agriculture uses that have occurred on the property, and preclude deep ripping agricultural activities such as used for vineyard installation. Additionally, the Cultural Resource Impact Assessment Report shall include a full technical analysis of all artifacts and other cultural remains collected during the Phase II study.

50. **Prior to final inspection**, the applicant shall record an agricultural conservation restrictive covenant, or an agricultural conservation easement granted to an appropriate public or non-profit entity approved by the County, on the remainder of the subject parcels outside the area of the proposed development and any future public lot. Said restrictive covenant or easement shall restrict the use of the property to open space, utilities, agricultural uses and up to 4 single family residences (two per parcel) on building envelopes of up to 5 acres per unit, including ancillary uses that do not significantly affect the visual, biological, cultural and agricultural resources; the boundaries and terms of the covenant or easement shall be subject to approval by the Director of Planning and Building. This covenant or easement may be used to satisfy the requirements of Mitigation Measure AG-1 / Condition #18 (farmland conservation), and CUL-1 (tribal cultural resources) / Condition #49.

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

***Public Works***

Access

51. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
52. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of road landscaping and maintaining County driveway sight distance standards in a viable condition and on a continuing basis into perpetuity.

Drainage

53. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

***Time Limits***

54. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once the Planning Director verifies in accordance with Section 23.02.044 that the use is occurring on the subject site in accordance with all applicable provisions of this title and adopted conditions.
55. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

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56. **Mitigation Measure GRO-1:** To avoid potentially significant growth inducing effects, the CSD shall limit the sale of tertiary treated water for domestic use to water purveyors serving lots within the Urban Reserve Line for Cayucos as set by the County and LAFCO.



LAFCO - San Luis Obispo - Local Agency Formation Commission  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

**TO: MEMBERS OF THE COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER**

**DATE: OCTOBER 21, 2021**

**SUBJECT: LAFCO FILE 1-R-21: ANNEXATION #82 TO THE CITY OF SAN LUIS OBISPO (FROOM RANCH)**

**Recommendation.** It is respectfully recommended that the Commission consider taking the following actions.

**Action 1:**

Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Certified Environmental Impact Report (EIR) adopted by the City of San Luis Obispo was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed annexation.

**Action 2:**

Approve the Resolution as contained in Attachment A for the proposed Annexation to the City of San Luis Obispo, and adopt Findings of Fact and a Statement of Overriding Findings for compliance with CEQA (Exhibit A of Attachment A) with the following conditions:

1. The City and County enter into an agreement to allow the County to complete all necessary requirements of the Surface Mining and Reclamation Act to reclaim the existing mine operation on the annexation site prior to construction of the project.
2. Prior to filing the Certificate of Completion with the State Board of Equalization, the proponent shall submit to LAFCO documentation of a recorded perpetual conservation easement meeting the intent LAFCO's 1:1 preservation policy.
3. This condition applies to the extent allowed by law. The applicant agrees to 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

**COMMISSIONERS**

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County Member

**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

CELINE VUONG  
Commission Clerk

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.

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## **PROJECT OVERVIEW**

**Project Proponents:** City of San Luis Obispo by Resolution of Application (Attachment F).

**Certificate of Filing:** Issued on October 4, 2021.

**Acreage and Location:** The 109.7-acre project site is located adjacent to the southwestern city limit line of the City of San Luis Obispo. It is located on the west side of Los Osos Valley Road, just west of Highway 101. It is adjacent to the existing Home Depot/Costco shopping center.

**APNs:** 067-241-030, and 067-241-031

**Uninhabited Annexation:** The area proposed for annexation is legally uninhabited meaning it has less than 12 registered voters. The proposal includes 100% consent, and the one (1) landowner provided a written letter of consent that waives the protest process.

**Property Tax Exchange:** On May 18, 2020, both the City of San Luis Obispo and the Board of Supervisors, at their respective meetings, adopted resolutions agreeing to an exchange of property tax revenue, which included the following provisions:

- a. No base property tax revenue shall be transferred from the County of San Luis Obispo to the City of San Luis Obispo.
- b. County will retain two-thirds of the future property tax increment, after transfers to the Educational Revenue Augmentation Fund (ERAF), in Fiscal Year 2022-23 and each fiscal year thereafter.

**Timeline:** On September 15, 2020, the City of San Luis Obispo certified the EIR for the Froom Ranch Specific Plan (State Clearinghouse No.2017071033). As Responsible Agency, LAFCO will rely upon the EIR for compliance with CEQA. At the September 15, 2020, meeting the city also approved the Froom Ranch Specific Plan, General Plan Amendment, pre-zoning the site in anticipation of annexation, Vesting Tentative Tract Map #3106, and a Resolution of Application to LAFCO all in an effort to prepare for the proposed annexation before LAFCO today.

On February 9, 2021, the City applied to LAFCO with the Froom Ranch annexation proposal to continue the process for implementation of the Final Froom Ranch Specific Plan. On March 9, 2021, within the 30-day response requirement period, staff provided the applicant with an information hold letter describing the items needed to continue processing the application. On August 2, 2021, the applicant provided the final items needed to deem the application complete and allow staff to issue a Certificate of Filing, which was issued on October 4, 2021.

**Public Notification:** Notice was mailed to property owners within 300 feet of the proposed annexation area. Mailing was sent out at least 21 days in advance of the hearing. In addition, a 1/8 page display advertisement was placed in the Tribune on September 30, 2021, at least 21 days in advance of today's hearing. Notice has been sent to the proponents, the City, applicable agencies, and other interested parties.

**Development Potential within Annexation Area:** The subject site is located within the City's Sphere of Influence, as per the Municipal Service Review approved by LAFCO on October 20, 2016. Should the subject site be annexed into the City, the City-approved Froom Ranch Specific Plan would allow for the construction of up to 578 residential units, including 174 multi-family housing units and 404 senior housing units within a Life Plan Community known as Villaggio that includes assisted living and health care facilities. The plan would also allow for up to 100,000 square feet (sf) of commercial retail space, including approximately 70,000 sf of hotel use with up to 120 rooms and 30,000 sf of proposed retail and restaurant uses. Approximately 54 percent of the annexation area would be retained as open space and include a 2.9-acre public park that would connect to the existing trail network within the adjacent Irish Hills Natural Reserve.

Plan would include three phases:

- Phase I –infrastructure/utility improvements, roads, creek restoration, drainage
- Phase II - Villaggio life plan community
- Phase III - multi-family housing units, commercial uses, hotel

The figures below show the conceptual land use plan and phasing plan, respectively.

# FROOM RANCH SPECIFIC PLAN



**LEGEND**




- Property Boundary
- ..... Boundary Between Project Components



# FROOM RANCH SPECIFIC PLAN



## LEGEND

-  **PHASE 1**  
LOVR improvements, public utility connections, on-site public streets, Froom Creek restoration, and drainage basin.
-  **PHASE 2**  
Residential units of Life Plan Community (LPC), LPC Health center, and LPC common area buildings.
-  **PHASE 3**  
Madonna Froom commercial and residential areas, public trailhead park, and historic buildings.

NOTE:  
Phasing is conceptual,  
and phase order of  
implementation may vary.

## **ACTION 1 | Environmental Determination**

**Environmental Determination:** The City of San Luis Obispo, the Lead Agency, has certified an EIR for the Proposed Froom Ranch Specific Plan Project SCH#2017071033 (Attachment C). Per the requirements of CEQA, a Responsible Agency relies on the Lead Agency's environmental documentation to approve the portion of the project under its jurisdiction. LAFCO acting as a Responsible Agency will rely upon the certified EIR for compliance with CEQA with the respect to the annexation component of the project, and the development project that would subsequently be authorized to proceed. Staff has determined that the EIR is adequate for the proposed annexation action before LAFCO. While LAFCO may rely upon the EIR prepared by the City, LAFCO must adopt its own CEQA Findings of Fact and Overriding Considerations as found in Exhibit A of Attachment A.

The EIR includes a discussion of the impacts associated with the future development in the annexation areas. LAFCO commented on these documents during the CEQA review process. These areas were addressed in detail in the Specific Plan and in the EIR certified by the City. The Final EIR completed for the Specific Plan includes mitigation measures and associated findings adopted by the City Council Resolution.

The EIR completed for the Specific Plan includes mitigation measures relative to future development. There is reference provided to the mitigation measures from the EIR that presents a summary of the impacts, mitigation measures, and residual impacts from the implementation of the project. In summary, the proposed project would result in significant and unavoidable impacts related to the following issue areas:

- Aesthetics – alteration of existing visual character
- Air Quality / Greenhouse Gas Emissions – long term emission, construction emissions, Climate Action Plan consistency, Clean Air Plan consistency
- Biological Resources – riparian and wetland habitat, native grassland species, special status animal species, migratory fish and wildlife species
- Cultural Resources – historic resources
- Hazards – wildfire risk
- Land Use – policy consistency
- Transportation – traffic congestion impacts, levels of service for bike and pedestrian traffic

In addition, the project would result in significant but mitigable impacts related to the following issue areas:

- Aesthetics – scenic viewsheds
- Air Quality / Greenhouse Gas Emissions – construction emissions
- Biological Resources – impacts to mature trees
- Cultural Resources – archaeological resources
- Geological Resources – paleontological resources
- Hydrology / Water Quality – construction runoff, downstream flooding
- Transportation – traffic safety, emergency access, pedestrian / bicycle safety, long term traffic levels of service

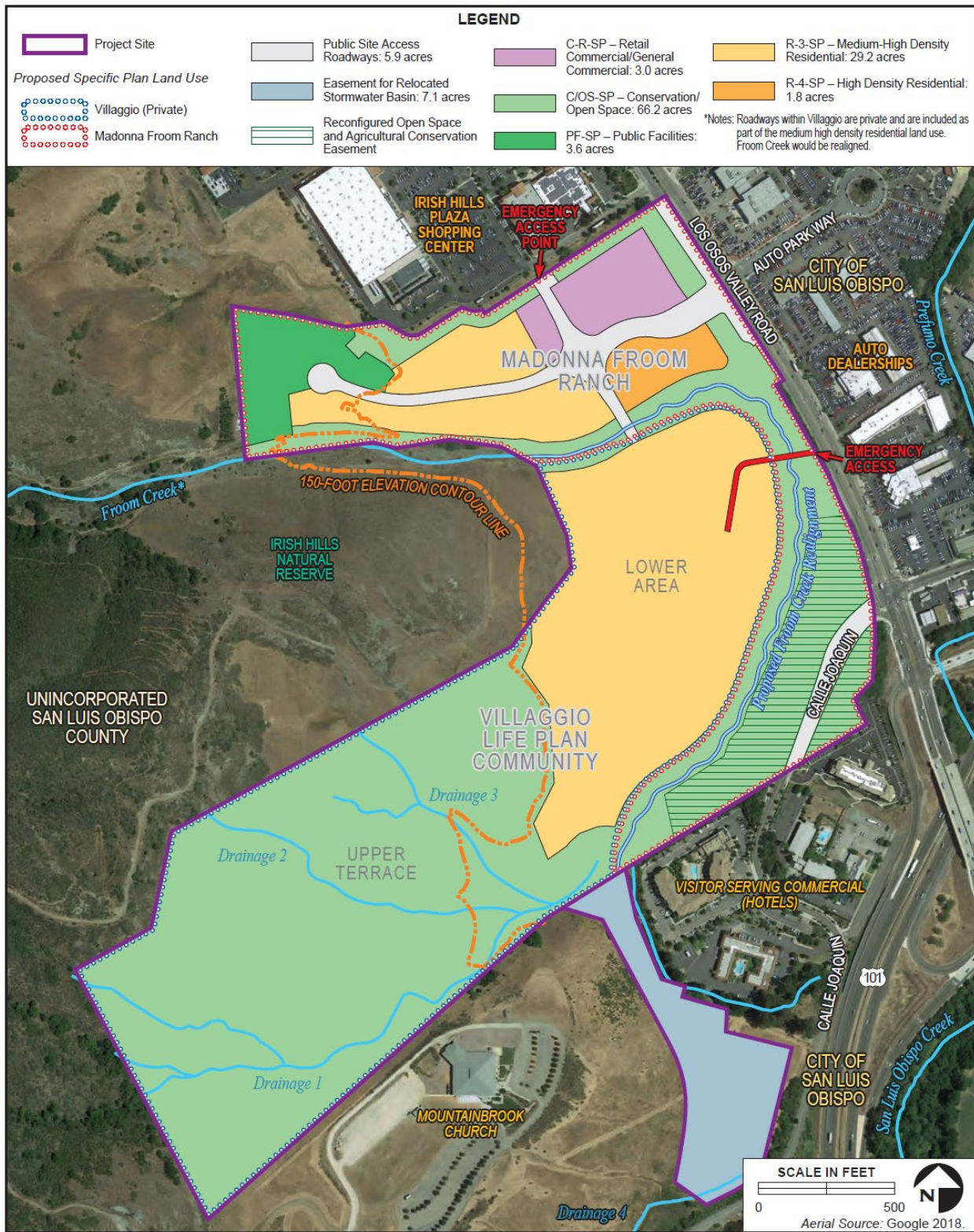
- Utilities / Energy Conservation – expansion of infrastructure, wastewater treatment facility capacity

The impacts highlighted above will require specific Findings and adoption of a Statement of Overriding Consideration because certain impacts associated with future development are considered significant and unavoidable (Exhibit A, Attachment A).

## **ACTION 2 | Annexation**

**Proposed Land Use Plan:** The Cortese, Knox, Hertzberg Act requires that a City pre-zone the territory it is interested in annexing prior to submitting an application. The figure below shows the approved prezone map, which is consistent with the proposed land use plan within the Froom Ranch Specific Plan. The Project’s proposed land use plan is based on the City’s zoning standards for medium-high residential (R-3), high density residential (R-4), retail commercial (C-R), public facilities (PF), and C/OS uses, the table below further details the standards.

Proposed Zones	Acreage	Density	Housing Units/ sf
<b>VILLAGGIO</b>			
<b>R-3-SP Medium-High Density Residential</b>	<b>23.0</b>	<b>13-20 dwelling units/acre</b>	<b>404 units/ 51 beds</b>
<i>Independent Living Units</i>			<i>366 units</i>
<i>Assisted Living Units</i>			<i>38 units</i>
<i>Health Care Units (Skilled Nursing &amp; Memory Care)</i>			<i>51 beds</i>
<i>Ancillary Uses (recreation center, restaurants, theaters, etc.).</i>			<i>67,485 sf</i>
<b>MADONNA FROOM RANCH</b>			
<b>R-3-SP Medium-High Density Residential</b>	<b>6.2</b>	<b>13-20 dwelling units/acre</b>	<b>130 units</b>
<b>R-4-SP High Density Residential</b>	<b>1.8</b>	<b>21-24 dwelling units/acre</b>	<b>44 units</b>
<b>C-R-SP Retail-Commercial</b>	<b>3.0</b>		<b>100,000 sf<sup>1</sup></b>
<i>Hotel with Restaurant</i>			<i>70,000 sf</i>
<i>Other Commercial</i>			<i>30,000 sf</i>
<b>PF-SP Public Facilities</b>	<b>3.6</b>		--
<b>ADDITIONAL USES</b>			
<b>C/OS-SP Conservation/ Open Space</b>	<b>66.2</b>		--
<i>Designated Open Space</i>	<i>58.4</i>		--
<i>Reconfigured Agricultural Easement</i>	<i>7.8</i>		--
<b>Roadways</b>	<b>5.9</b>		--
<b>TOTAL</b>	<b>109.7</b>		<b>578 units/51 beds<sup>2</sup> 100,000 sf commercial</b>



**Key LAFCO Issue - Agricultural Resources**

Historically, the annexation area has been used for grazing operations associated with the former Froom Ranch Dairy since 1844. In addition, there is an active mine operation on the site that is subject to the rules and regulations of the Surface Mining and Reclamation Act. The area is not under a Williamson Act contract. The site also contains highly valuable biological resources in the upper terrace portion. Biological resources include natural seep-fed drainages and wetlands, serpentine rock outcroppings, a dozen rare plant species, and an identified wildlife corridor connecting the 1,110-acre Irish Hills Natural Reserve (which borders the site to the west) to Froom Creek and the wetlands adjacent to Calle Joaquin.

According to the EIR, the site contains approximately 67.6 acres of Farmland of Local Potential, which are lands having prime or statewide farmland characteristics, but that are not cultivated; 46.2 acres of grazing land; and 2.3 acres of other and urban/built-up land. Soils on the project area consist of approximately 47.6 acres of “prime agricultural soils if irrigated” as defined by the Cortese, Knox Hertzberg Act. The “prime if irrigated agricultural soils” consist of Cropley clay and Salinas silty clay loam.

To comply with CEQA and determine whether significant impacts to agricultural resources would occur on the site, the EIR conducted a Land Evaluation and Site Assessment model, known as the LESA model, which is composed of multiple factors and provides quantitative measurements of a project’s size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. The model concluded impacts to agricultural resources would be less than significant. While impacts were determined to be less than significant for CEQA purposes and the LESA model, as per the Cortese, Knox, Hertzberg Act, the site contains soils that meet the definition of “prime soils”, as noted above. The EIR acknowledged that while the LESA model concluded impacts would be less than significant, as the project moves through the approval process, the City will be required to ensure the proposed annexation is consistent with the Cortese, Knox, Hertzberg Act and LAFCO policies related to the protection of prime farmland.

The EIR states that there are 27.7 acres of prime soils on the site that would be converted to non-agricultural uses that meet the definition under Cortese, Knox, Hertzberg and therefore must be mitigated as per LAFCO Policy 12, which states:

*12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:*

- a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.*
- b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.*

- c. *Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.*

Of those 27.7 acres of prime soils, approximately 9.4 acres will be entered into a conservation easement elsewhere on-site, leaving approximately 18.3 acres needing to be mitigated.

To mitigate for the remaining 18.3 acres of converted prime soils, the applicant is proposing permanent conservation of non-prime soils in the upper terrace portion of the project site, which contain high value biological resources. The applicant is proposing to mitigate the 18.3 acres of prime farmland by permanently conserving 49.4 acres of non-prime soils, in addition to 9.4 acres of prime soils. In summary, the applicant is proposing the following:

- Convert 27.7 acres of prime soils to non-agricultural uses
- Conserve 9.4 acres of prime soils elsewhere on-site, leaving a balance of 18.3 acres of prime soils needing to be mitigated
- In lieu of mitigating 18.3 acres of prime soils at a 1:1 ratio, the applicant is proposing to instead mitigate an additional 49.4 acres of non-prime soils on the site, of which contain high biological resource value

### **Staff Analysis**

The key consideration for the Commission is whether to allow the applicant to mitigate 18.3 acres of prime soils by mitigating 49.4 acres of non-prime soils within the upper terrace portion of the site. Historically, LAFCO has required that prime soils be mitigated by conserving prime soils of similar agricultural production value, and that meet the definition of prime soils. In this circumstance, the applicant proposes to mitigate the conversion of prime soils by conserving lands with marginal agricultural value (though the lands could be used for grazing) and that do not meet the definition of prime soils, but contain high biological resource value. The upper terrace area of the site is proposed to be permanently conserved, and while not prime agricultural soils by definition, this area provides habitat for sensitive biological resources and contains other natural resources as identified in the EIR. The applicant would like the Commission to consider the request based on the following reasons:

- The City has been diligent in conserving agriculture lands at a 1:1 ratio on past annexations and developments when warranted, such as San Luis Ranch and the Madonna Gap projects.
- The site has never been used for crop production
- It contains an active mining operation
- The upper terrace area has high biological value
- The Specific Plan will provide needed housing to the area

LAFCO Policy 12, as listed above, allows mitigation to occur in three ways. The applicant is proposing to mitigate the impacts by utilizing Policy 12(a) and 12(c). Policy 12(a) would be satisfied by conserving 9.4 acres of prime soils on site. And Policy 12(c) would be satisfied by conserving 49.4 acres of non-prime soils. Policy 12(c) does allow for flexibility in how mitigation occurs. This is highlighted by the language stating that mitigation may occur by other measures that “meet the intent of replacing prime agricultural land at a 1:1 ratio.” This language provides the commission flexibility and discretion to consider requests

such as that currently proposed by the City. The Commission must consider whether this circumstance and the mitigation proposed by the City meet the intent of LAFCO's Policy 12.

When considering the City's request, it is important for the Commission to acknowledge other applicable LAFCO policies. LAFCO Policy 1 encourages the Commission to "balance the need to efficiently provide public services with the sometimes-competing interests of discouraging urban sprawl, preserving prime agriculture land and open space" (Cortese, Knox, Hertzberg Act 56001 and 56301). Policy 1 highlights the importance of balancing approval of a project with other considerations. In addition, LAFCO Policy 14 states, in part, that "the Commission recognizes that providing a range of housing opportunities for persons and families of all incomes is an important factor in promoting orderly development." In this context, some factors to consider when balancing this decision include:

- The project would result in the development of 578 residential units at various income levels, including senior housing and deed restricted affordable housing
- The project would create 332 jobs
- The project would conserve approximately 59 acres of land, of which contain 9.4 acres of prime soils and 49.4 acres of land of high biological resource value, thus mitigating at a ratio of 2.5:1 and supporting general LAFCO policies related to general open space conservation
- The area is within the Sphere of Influence of the City and is surrounded on three sides by urban development and therefore does not represent urban sprawl, and adjacent to protected open space recreational areas not designated for agricultural purposes
- This is a logical extension of the City's boundaries as encouraged by the Cortese, Knox, Hertzberg Act

Conversely, LAFCO has a long -standing history of requiring 1:1 mitigation for any prime soils, and though all proposals as evaluated on their own merit on a case by case basis, granting the City's request could be viewed as precedent. Moreover, the County of San Luis Obispo Agricultural Commissioner does not agree with the City's proposed approach and is of the position that prime soils on-site ought to be mitigated at a 1:1 ratio. The Ag Commissioner has stated that although the site has not historically been used for crop production, it does not preclude it from being used as such in the future. Additionally, on the whole, should the Commission allow the proposed in-lieu mitigation approach, it would result in an overall loss of prime soils within the County. Should the Commission require 1:1 mitigation, the form of mitigation would likely come in two ways, off-site mitigation of agricultural lands elsewhere in the county, or payment of in-lieu fees to a qualified land conservation entity that will ensure mitigation. Both of these approaches are consistent with Policy 12 (a and b). According to the Ag Commissioner, there are ample opportunities for mitigation using said methods within the County.

With regard to CEQA compliance, the EIR included analysis that directly address this issue and Policy 12. Should your Commission wish to fulfill the City's request, it would not create any CEQA compliance issues.

### ***Conclusions and Options***

The Commission may consider the above analysis and approve one of the following two options:

1. Grant the City's request to mitigate prime soils within non-prime soils based on the site specific circumstances discussed above; or,



2. Require mitigation at a ratio of 1:1 for any prime soils impacted consistent with the methods identified in Policy 12 (a and/or b).

Either option is supportable by LAFCO policy, the CEQA documentation and the broader requirements of the Cortese, Knox, Hertzberg Act, and ultimately must be balanced in light of the overall proposed development project and annexation. Regardless of the preferred option, staff has included a Condition of Approval that requires mitigation of prime soils to be consistent with LAFCO Policy 12 prior to filing of the Certificate of Completion. As the Condition of Approval is written, it provides flexibility as to how the condition is satisfied, and based on the direction provided by the Commission today, staff will ensure compliance is achieved accordingly.

**Plan for Services:** The City plans to provide the full range of urban services to the annexation site including the following:

1. Police
2. Fire Protection
3. Parks and Recreation
4. Public Facilities Maintenance
5. Public Transit
6. Solid Waste and Recycling
7. Municipal Services, Development Review and Code Enforcement
8. Traffic and Circulation
9. Water and Wastewater
10. Storm Water Facilities
11. Affordable Housing

### ***Police Services***

Police services for the Specific Plan Area will be provided by the City of San Luis Obispo and will be based out of the San Luis Obispo Police Department (SLOPD) offices located at 1042 Walnut Street in San Luis Obispo. As documented in the EIR, there are currently 1.30 police officers per 1,000 San Luis Obispo residents. Current and projected police staff levels would be sufficient to serve development.

### ***Fire Protection***

The San Luis Obispo City Fire Department (SLOFD) will provide fire protection services to the Specific Plan Area. Development will primarily be served by Fire Station No. 4 located at the intersection of Madonna Road and Los Osos Valley Road, approximately one-half mile away from the Specific Plan Area. This station is staffed by a 3-person paramedic engine company. However, the Department deploys resources and personnel from up to four fire stations to maintain a response time goal of a four-minute travel time to 95% of all emergencies. The City's current levels of fire protection are sufficient to serve the Specific Plan area.

### ***Parks & Recreation***

The City of San Luis Obispo requires a minimum dedication of ten (10) acres of parkland per 1,000 residents in annexation areas. Based on the estimated 130 Specific Plan area dwelling units outside of the Life Plan Community at 2.29 persons per unit, a total of 2.9 acres of parkland is required. The Specific Plan area meets this requirement by providing 3.6 acres of parkland in the form of a public trailhead park. Villaggio, the Life Plan Community within the Specific Plan Area, will be meeting their parkland commitment by paying in-lieu fees.

***Public Facilities***

The City will maintain public facilities in the annexation area for which it accepts title and maintenance responsibility, including public streets and appropriate utility infrastructure. The on-going maintenance of a variety of facilities, including but not limited to storm drainage, sewer laterals, private streets, parking lots, pedestrian/bike paths, street lighting, landscaping, and common area improvements for individual developments within the Specific Area will be handled through maintenance agreements.

The developer will be required to construct all infrastructure shown the subdivision map, outlined in the Froom Ranch Specific Plan (FRSP) and FEIR for the Project, and included in conditions of approval for the Project. Infrastructure shall include, but shall not be limited to, improvements for streets and sidewalks, parks and recreation facilities, stormwater management and wetlands, grading and floodplain management, storm drain, sanitary sewer, domestic and recycled water infrastructure, and transit facilities to support the development of the Project as shown in the approved entitlements. Chapter 8 of the FRSP contains a detailed accounting of public improvement costs and phasing of the development.

***Public Transit***

Public transit service to the Specific Plan area is provided by existing SLO Transit stops. These stops are within a five-minute to ten-minute walk from most of the Specific Plan area. The project proposes a new transit stop just south of the Los Osos Valley Road and Auto Park Way intersection to improve access to existing transit services for Plan Area residents, employees, and visitors.

***Solid Waste***

Solid waste generated by new development will be delivered to Cold Canyon Landfill. Based on current disposal rates, this facility has a capacity to accept solid waste until at least the year 2040 (EIR, Appendix D pg. 5-63). San Luis Garbage has reviewed conceptual plans and will provide solid waste, recycling, and green waste pick-up service to the Specific Plan area.

***Municipal Services***

The City of San Luis Obispo will provide for municipal services within the annexation area such as elections, public notices, development review, building permits and inspections, subdivision review, permitting and inspecting public improvements, and code enforcement. San Luis Obispo City government will provide for development review of all new development projects in accordance with the approved specific plans, and will coordinate with the County of San Luis Obispo with respect to on-going construction projects and active construction permits. Code enforcement activities in the annexed

territory will be provided by a full-time staff member in the Community Development Department, in coordination with the Police Department and the City Attorney's Office.

***Traffic and Circulation and Emergency Access***

The City of San Luis Obispo operates and maintains a comprehensive multi-modal transportation network. The project is planned to provide links from surrounding streets and development into the Specific Plan area. The street system is comprised of a network of arterial, collector, and local streets designed to accommodate traffic generated by future residents and commercial destinations. Interior public roads within the Specific Plan area are limited to Commercial Collector Road A, which provides access to Los Osos Valley Road, Local Road A which provides access to the Trailhead Park and portions of Local Road B. The EIR analyzed the project transportation-related impacts and includes mitigation measures to address those impacts. As a result of this analysis, the Specific Plan was modified to include a variety of roadways, bikeways, pedestrian facilities, and transit infrastructure to offset potential impacts.

With regard to emergency access, the project was revised to include two points of emergency access in addition to the primary vehicular access. Access points are shown on the graphic above.

***Water and Wastewater***

The City of San Luis Obispo Utilities Department provides potable and recycled water to the community and is responsible for water supply, treatment, distribution, and resource planning. Potable water for the Specific Plan Area will be supplied from the existing City infrastructure. A Water Supply Assessment (WSA) as required by state law (water code 10910) was prepared for the project. A WSA must be prepared for projects that have a certain size or characteristics and is considered as part of the CEQA process. The WSA document reviews a jurisdiction's capability to provide water service to a particular project. The WSA, as contained in Appendix K of the EIR, determined that the City has adequate supply to serve buildout of the project in regular rainfall years and in multiple dry years. The WSA stated that the City's current supply is 7,496 AFY, while demand is 4,908 AFY, with a surplus of 2,588 AFY. The projected demand of the project is 134.5 AFY. Thus, adequate supply is available to serve the project.

The City's approach to water management is comprehensive. It relies on a diverse water supply portfolio and demand management practices that allow the City to adjust water use and supply during non-drought and drought periods. The City has documented that it has a reliable, adequate and sustainable water supply in a number of documents, including; the Urban water Management Plan, the project specific Water Supply Assessment, and the Plan for Services. The City's ability to effectively implement water conservation measures in a drought situation increases both the reliability and sustainability of the City's water supply. The City has a very strong policy base for managing its water resources. This includes not providing water services to development unless the City has an adequate water supply.

Non-potable water for public landscaping will be provided through the City's water reuse project. The project will connect to the City's water reuse system in Los Osos Valley Road. New development will also utilize a dual-water system to allow use of City recycled water for public landscaping in parks, landscaped buffers, the commercial mixed-use area, and common outdoor areas in multifamily

residential projects. Commercial mixed-use and multifamily development projects will include reclaimed water irrigation systems in their landscaping plans.

Wastewater generated within the Specific Plan Area will be conveyed to existing City connections along Los Osos Valley Road. Buildout of the development would generate an estimated 97 acre-feet of wastewater per year based on average flow rates (see Table 3). A calculation was also included for potential peak water flows; that number was 242 acre-feet based on a City provided peaking factor of 2.5. The City's recent wastewater treatment plant expansion has enough capacity to serve development needs anticipated through General Plan build-out. The cost of providing the additional capacity is incorporated into the City's Wastewater Impact Fee structure.

### ***Stormwater***

With development, the proposal is to restore Froom Creek to a more historic drainage pattern where it will flow east across the site toward LOVR before it curves to parallel the Calle Joaquin corridor on the border of the site's jurisdictional wetlands. The creek channel will be sized to handle up to a 100-year storm event with one foot of freeboard. The creek corridor is proposed to be developed in a manner consistent with the City of San Luis Obispo Waterways Management Plan.

A component of the proposed development plan is to remove the existing Irish Hills Plaza detention basin on the Froom Ranch property and replace it with a new off-site basin. The proposed basin will be adequate to meet storage volume of runoff consistent with the Regional Water Quality Control Board (RWQCB) requirements for the developed project as well as storage volume to accommodate the Irish Hills Plaza. The off-site basin is anticipated to assist in metering flows to the box culverts and enhance the box culvert functionality while providing larger area and volume within the existing flood plain. The off-site basin is proposed to be placed in a drainage and maintenance easement and maintained by the project.

### ***Affordable Housing***

The City's General Plan Land Use Element requires that specific plans for residential expansion areas include sites suitable for affordable housing. The minimum requirement states that a total of 15% of new housing within the Specific Plan area be affordable, and that affordable housing be provided onsite. This 15% consists of 5% of the new units being rented or sold at prices affordable to low-income households and 10% to moderate income households. An affordable housing project is proposed on a portion of the R-4-SP site near Los Osos Valley Road. This project is intended to satisfy the Inclusionary Housing requirements of the entire Specific Plan area, including R-3-SP housing and commercial development proposed in the northern portion of the site, as well as the Life Plan Community. Final Inclusionary numbers will be dependent on actual residential units developed within the project.

### ***Financing***

All on-site and off-site infrastructure and utility improvements will be the responsibility of the developer. Chapter 8 of the Specific Plan provides details on the timing and payment of facilities and fees. Developers will pay City established water and wastewater development impact fees to offset impacts to those services. Mitigation measures require certain offsite improvements as well as

contributing fair-share costs to facilities in the vicinity that the project impacts. The total cost for the improvements required for the Specific Plan is estimated to be approximately \$12 million. Final mitigation fee costs may be adjusted in the future based on the sizes and numbers of units ultimately developed in the project and the actual construction costs of improvements.

**Other Agencies**

No agency comments were received during the referral process pertaining to the proposed annexation. Various agencies commented on the EIR prepared by the City during the public comment period and those comments were addressed accordingly.

**LAFCO Factors Government Code 56668:** Government Code Section 56668 identifies a number of factors that are to be considered by LAFCO in reviewing a proposal. These factors are addressed in Attachment B of this Staff Report. Each factor is listed and a Staff Response is provided for LAFCO’s consideration. The factors are intended to provide the Commission with information about certain topics that are often relevant to annexations. The factors include information on:

- |   |  |                            |
|---|--|----------------------------|
| • Population and Land Use                             | • Need for Services                            | • Impact on Adjacent Areas |
| • Commission Policies                                 | • Agricultural Lands                           | • Definite Boundaries      |
| • Consistency with General Plans and Reg. Trans. Plan | • Sphere of Influence                          | • Other Agency Comments    |
| • Ability to provide services                         | • Availability of water supplies               | • Housing                  |
| • Comments from landowner, voters or residents        | • Existing information about existing land use | • Environmental Justice    |

**STAFF RECOMMENDATION**

At the conclusion of its consideration, the Commission may approve the request, with or without amendment, wholly, partially, or conditionally, or disapprove the request. The Commission has discretion in light of the whole record to make its decision.

If approved, the Cortese-Knox-Hertzberg Act (GC 57001) allows up to one year for a Certificate of Completion to be filed with the Clerk Recorder, otherwise the action is deemed abandoned. LAFCO may grant extensions based on a reasonable request by the proponent or applicant. The time frame for an extension is at LAFCO’s discretion based on the circumstances of the proposal.

If your Commission moves to approve the annexation, staff recommends that two separate roll call votes be taken, one for each of the following actions:

**Action 1:**

Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Certified Environmental Impact Report (EIR) adopted by the City of San Luis Obispo was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed annexation.

**Action 2:**

Approve the Resolution as contained in Attachment A for the proposed Annexation to the City of San Luis Obispo, and adopt Findings of Fact and a Statement of Overriding Findings for compliance with CEQA (Exhibit A of Attachment A) with the following conditions:

1. The City and County enter into an agreement to allow the County to complete all necessary requirements of the Surface Mining and Reclamation Act to reclaim the existing mine operation on the annexation site prior to construction of the project.
2. Prior to filing the Certificate of Completion with the State Board of Equalization, the proponent shall submit to LAFCO documentation of a recorded perpetual conservation easement meeting or exceeding the intent LAFCO's 1:1 preservation policy.
3. This condition applies to the extent allowed by law. The applicant agrees to 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.

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**Attachment A:** LAFCO Resolution Approving the Annexation

Exhibit A: Findings of Fact & Overriding Considerations

Exhibit B: Map of Annexation No.82 and Legal Description

**Attachment B:** LAFCO Legislative Factors-Government Code Section 56668

**Attachment C:** Environmental Impact Report – Froom Ranch Specific Plan (available online due to size, see placeholder for link)

**Attachment D:** Plan for Services

**Attachment E:** Froom Ranch Specific Plan (available online due to size, see placeholder for link)

**Attachment F:** City of San Luis Obispo Resolution of Application

**Attachment G:** Annexation Boundary Maps

# Attachment A

LAFCO Resolution Approving the Annexation

**IN THE LOCAL AGENCY FORMATION COMMISSION**  
**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, October 21, 2021

**PRESENT:**

**ABSENT:**

**RESOLUTION NO. 2021-XX**

**RESOLUTION APPROVING ANNEXATION NO. 81 TO THE CITY OF SAN LUIS OBISPO  
(FROOM RANCH SPECIFIC PLAN AREA)**

The following resolution is now offered and read:

**WHEREAS**, on October 4, 2021, the Executive Officer filed a Certificate of Filing regarding a request to consider a proposal for Annexation No. 81 to the City of San Luis Obispo (Froom Ranch Specific Plan Area); 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 matter was set for public hearing at 9:00 a.m. on October 21, 2021, and the public hearing was duly conducted and determined and a decision was made on October 21, 2021; 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 persons present were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report; and

**WHEREAS** the Commission determined that the environmental review documentation, including the Environmental Impact Report (State Clearinghouse Number 2017071033, certified by the City of San Luis Obispo meets the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS** the Commission determined that the environmental mitigations and statement of overriding consideration adopted by the City of San Luis Obispo are appropriate and acting as a Responsible Agency LAFCO adopts its own Findings of Fact and statement of overriding consideration that meets the requirements of the California Environmental Quality Act as contained in Exhibit A hereto; and



**WHEREAS**, the Commission has considered all factors required to be considered by Government Code Sections 56668 et seq. and adopts as its written statements of determinations therein, the determinations set in the Executive Officer's Staff report dated October 21, 2021, said determinations being incorporated by reference herein as though set forth in full; and

**WHEREAS**, the Commission duly considered the proposal and finds that the proposal to annex territory to the City of San Luis Obispo 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 the map and legal description approved by this Commission is attached hereto, marked as Exhibits B and incorporated by reference herein as though set forth in full.
3. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
4. That Annexation No. 81 to the City of San Luis Obispo is hereby approved with the following conditions:
  1. The County and City enter into an agreement to allow the County to complete all necessary requirements of the State's Surface Mining and Reclamation Act to reclaim the existing mine operation on the annexation site prior to construction of the project.
  2. Prior to filing the Certificate of Completion with the State Board of Equalization, the proponent shall submit to LAFCO documentation of a recorded perpetual conservation easement meeting the intent LAFCO's 1:1 preservation policy.
  3. This condition applies to the extent allowed by law. The applicant agrees to 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



# Exhibit A: Findings of Fact & Overriding Considerations

Exhibit A

## **San Luis Obispo Local Agency Formation Commission**

LAFCO No. 1-R-21

Annexation #82 - Froom Ranch Specific Plan

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### **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); State Clearinghouse Number 2017071033), among other documents and has concluded that the EIR is adequate for the purposes of the Commissions' compliance with CEQA (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for the proposed action. The Commission has reached its own conclusion whether and how to approve the proposed annexation of the Froom Ranch Specific Plan.

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 City to annex the area known as the Froom Ranch Specific Plan area into its boundaries. 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.

The Froom Ranch Specific Plan would result in significant and unavoidable impacts related to the following issue areas:

- Aesthetics – alteration of existing visual character
- Air Quality / Greenhouse Gas Emissions – long term emission, construction emissions, Climate Action Plan consistency, Clean Air Plan consistency
- Biological Resources – riparian and wetland habitat, native grassland species, special status animal species, migratory fish and wildlife species
- Cultural Resources – historic resources
- Hazards – wildfire risk
- Land Use – policy consistency
- Transportation – traffic congestion impacts, levels of service for bike and pedestrian traffic

In addition, the project would result in significant but mitigable impacts related to the following issue areas:

- Aesthetics – scenic viewsheds
- Air Quality / Greenhouse Gas Emissions – construction emissions
- Biological Resources – impacts to mature trees
- Cultural Resources – archaeological resources
- Geological Resources – paleontological resources
- Hydrology / Water Quality – construction runoff, downstream flooding
- Transportation – traffic safety, emergency access, pedestrian / bicycle safety, long term traffic levels of service

- Utilities / Energy Conservation – expansion of infrastructure, wastewater treatment facility capacity

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:

- a) October 2016 approval of Municipal Service Review Determinations and Sphere of Influence update statements of its determinations:
  - LAFCO prepared a Municipal Service Review pursuant to Government Code section 56430 in 2016.
  - Written determination has been prepared pursuant to Government Code section 56430 (a) and section 56425 (e).
- b) September 15, 2020, the City of San Luis Obispo certified the EIR, and approved the Froom Ranch Specific Plan and associated General Plan Amendment, Vesting Tentative Map, pre-zoning map, and Resolution of Application to LAFCO.
- c) February 9, 2020, City submitted Resolution of Application to LAFCO
- d) May 18, 2020, both the City of San Luis Obispo and the Board of Supervisors, at their respective meetings, adopted resolutions agreeing to an exchange of property tax revenue, which included the following provisions:
- e) Public notices issued by the Commission associated with the proposal.
  - LAFCO prepared and distributed a notice to the affected agencies and landowners on September 30, 2021, consistent with Government Code section 56427, and provided notice in a newspaper of general circulation 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 City of San Luis Obispo certified the EIR for the Froom Ranch Specific Plan on September 15, 2020, which evaluated environmental impacts associated with future development on the annexation site. The EIR identified certain significant environmental effects for the project. Other than approving the project analyzed in the EIR, 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 City of San Luis Obispo 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, if any, identified in the Draft EIR or Final EIR as adopted by the City of San Luis Obispo 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 the EIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the 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 AND UNAVOIDABLE IMPACTS**

#### **VISUAL IMPACTS**

1. **Impact VIS-2:** The Project would significantly impact the existing visual character of the site by changing a rural setting to a commercial and residential setting, particularly as viewed from the Irish

Hills Natural Reserve trail system and the Froom Creek Connector Trail and trailhead. The Project would facilitate development of up to 174 multi-family residences in Madonna Froom Ranch, 404 senior housing units and assisted living facilities and amenities in association with the Villaggio Life Plan Community, commercial development, developed urban parks, roads, bicycle paths, and other urban infrastructure. The proposed development would transition the Project site from predominantly open space and grazing uses to dense multi-story development creating a continuous swath of urban development at the base of the Irish Hills Natural Reserve. The Project's visual character and architectural design guidelines would adhere to the policies in the City's General Plan LUE and would ensure visual compatibility with surrounding development. However, the Project site is highly visible from public trails overlooking the site from the Irish Hills Natural Reserve. From these vantages, the Project would degrade or obstruct view corridors over the Project site and would substantially impact the visual character of the site, including public perception from the Irish Hills Natural Reserve (Refer to Impact VIS-2, beginning on page 3.1-33 of the Final EIR).

- a. Mitigation: The incorporation of the following mitigation measure is required to reduce the Project's impacts associated with conversion of the site's rural setting to commercial and residential setting.
  - **Mitigation Measure VIS-1.** The Draft FRSP shall be revised to include the following Landscape Screening Guidelines to provide effective screening of proposed structural massing as experienced from public views along Los Osos Valley Road (LOVR) and the LOVR Overpass. The Project landscape plan shall be prepared by a qualified landscape architect and include the following:
    1. Maximize protection of existing vegetation along the Project site boundary to provide visual screening during Project construction and operation.
    2. Retain existing vegetation fronting the Project site along LOVR to the greatest extent feasible to screen construction activities.
    3. Specify a plant palette and landscape plan that ensure a vegetated site boundary of sufficient height and density to provide visual screening of the proposed development from public views. Robust riparian planting shall be included in landscape plans to achieve visual screening along the proposed realigned Froom Creek.
    4. Native tree specimens and shrubs capable of reaching or exceeding the heights of the adjacent proposed structures shall be planted along Project site boundaries visible from public views.
    5. Screening planting specimen selection and location shall emphasize the ability to interrupt the contiguous massing of structures as experienced from area roadways and scenic vistas. Spacing shall be sufficient to minimize views of structures within the Project site.
    6. Screening planting specimen selection shall emphasize the ability of planting species to effectively establish and thrive over the life of the Project, such that smaller sizes shall be considered rather than exclusively larger box sizes. Planting establishment rates shall be considered but shall not preclude the use of slower-growing species, such as coast valley oak and willows.



7. Native tree specimens capable of reaching or exceeding the heights of adjacent structures shall be planted adjacent to multi-family and commercial structures located within the interior of the Specific Plan area consistent with the specifications above.
  8. A bond for screening landscaping and irrigation shall be provided to ensure establishment of plantings. The bond shall be revoked upon satisfactory establishment of screen planting vegetation according to the plan.
- b. **Finding:** By avoiding development above the 150-foot elevation line and preserving higher elevation areas as open space in Villaggio, the Project would preserve aesthetic resources and provide a more natural transition from rural to urban settings, particularly for viewers located above Villaggio within the Irish Hills Natural Reserve. However, the Project proposes residential development above the 150-foot elevation line and adjacent to the Irish Hills Natural Reserve within Madonna Froom Ranch. This development would be highly visible from the Froom Creek Connector Trail and trailhead, which is an identified scenic resource in the City. With implementation of MM VIS-1, impacts under the Project would be reduced, but because the visual change that would be experienced for viewers affected by Madonna Froom Ranch development adjacent to the Irish Hills Natural Reserve would continue to be substantial, LAFCO finds that this impact would be significant and unavoidable.
- 2. Cumulative Aesthetic and Visual Resource Impacts:** The Project, in combination with approved, pending, and proposed development in the City, would contribute toward creating a defined transition from the rural environment towards the south of the City to the urban environment to the north of the City. Consistent with long-term buildout under the General Plan, the Project and cumulative projects would be required to adhere to the design standards of the City General Plan, Community Design Guidelines, and City Building Standards and would be subject to discretionary review by the Community Development Director, Architectural Review Commission (ARC), and Planning Commission. The Project would convert open space at the base of the Irish Hills to dense urban development, which would contribute to cumulative loss of visual resources from urbanization in the southern edges of the City (Refer to Section 3.1.3.4, Cumulative Impacts, beginning on page 3.1-40 of the Final EIR).
- a. **Mitigation:** The incorporation of the following mitigation measure is required to reduce the Project's cumulative impacts associated with conversion of rural sites and settings within the City to commercial and residential setting.
- **Mitigation Measure VIS-1.** The Draft FRSP shall be revised to include the following Landscape Screening Guidelines to provide effective screening of proposed structural massing as experienced from public views along LOVR and the LOVR Overpass. The Project landscape plan shall be prepared by a qualified landscape architect and include the following:
    1. Maximize protection of existing vegetation along the Project site boundary to provide visual screening during Project construction and operation.
    2. Retain existing vegetation fronting the Project site along LOVR to the greatest extent feasible to screen construction activities.

3. Specify a plant palette and landscape plan that ensure a vegetated site boundary of sufficient height and density to provide visual screening of the proposed development from public views. Robust riparian planting shall be included in landscape plans to achieve visual screening along the proposed realigned Froom Creek.
  4. Native tree specimens and shrubs capable of reaching or exceeding the heights of the adjacent proposed structures shall be planted along Project site boundaries visible from public views.
  5. Screening planting specimen selection and location shall emphasize the ability to interrupt the contiguous massing of structures as experienced from area roadways and scenic vistas. Spacing shall be sufficient to minimize views of structures within the Project site.
  6. Screening planting specimen selection shall emphasize the ability of planting species to effectively establish and thrive over the life of the Project, such that smaller sizes shall be considered rather than exclusively larger box sizes. Planting establishment rates shall be considered but shall not preclude the use of slower-growing species, such as coast valley oak and willows.
  7. Native tree specimens capable of reaching or exceeding the heights of adjacent structures shall be planted adjacent to multi-family and commercial structures located within the interior of the Specific Plan area consistent with the specifications above.
  8. A bond for screening landscaping and irrigation shall be provided to ensure establishment of plantings. The bond shall be revoked upon satisfactory establishment of screen planting vegetation according to the plan.
- b. Finding: Implementation of mitigation measures would reduce the Project's cumulative impacts to aesthetic and visual resources, but the Project's contribution to cumulative loss of visual resources from conversion of open space to urban land uses in the southern edge of the City, including the San Luis Ranch Project and Avila Ranch Project, would remain significant and unavoidable.

### **A. AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

1. **Impact AQ-2**: The Project would result in potentially significant long-term operational emissions. Operational emissions from the Project include those generated by vehicle trips (mobile emissions), the use of natural gas (energy emissions), use of consumer products and appliances, and the use of landscaping maintenance equipment (area source emissions). Maximum daily operational emissions were calculated for the Draft FRSP analyzed in the Final EIR using California Emissions Estimator Model (CalEEMod), which would involve comparable amount of operational emissions compared to the Project. While the estimated emissions would not exceed annual emissions thresholds, projected maximum daily emissions for the Project would be above the established SLO County APCD daily thresholds for operational emissions of ROG + NO<sub>x</sub> (Refer to Impact AQ-2, beginning on page 3.3-35 of the Final EIR).
  - a. Mitigation: The following mitigation measure are required by the SLO County APCD to reduce Project operational ROG and NO<sub>x</sub> consistent with the Air Quality Handbook.

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- **Mitigation Measure AQ-4.** Consistent with standard mitigation measures set forth by SLO County APCD, Projects generating more than 50 lbs/day of combined ROG + NOx shall implement all feasible measures within Table 3-5 of the Air Quality Handbook. The following mitigation measures shall apply to the Project (see Table 3.3-9 of the Final EIR).
- b. Finding: MM AQ-4 summarizes the list of appropriate mitigation measures and indicates which of these are to be incorporated by the Applicant in accordance with the 2012 APCD CEQA Air Quality Handbook (as amended by the 2017 Clarification Memorandum). Many of these measures would be incorporated as policies of the FRSP for which future development would be required to implement and would manifest as site design measures that would reduce area source emissions. Measures identified in MM AQ-4 emphasize transportation strategies to reduce VMT and associated mobile-source NOx emissions. Incorporation of this mix of measures would be feasible for the Project, and would substantially reduce operational ROG and NOx emissions. However, it is noted that many measures listed in MM AQ-4 do not contain quantifiable air quality emissions reductions for programs such as the FRSP. While implementation of these measures can feasibly reduce ROG and NOx, LAFCO finds that the Project's estimated emissions after implementation of these measures cannot reasonably be quantified, and long-term operational residual impacts are conservatively considered significant and unavoidable due to potential continued exceedance of maximum daily emissions thresholds.
2. **Impact AQ-4:** The Project would be consistent with the City's Climate Action Plan, but would result in potentially significant greenhouse gas (GHG) emissions during construction and operation which would be inconsistent with other state and local goals for reducing GHG emissions. The City's Climate Action Plan is designed as a Qualified GHG Reduction Strategy, consistent with CEQA Guidelines Section 15183.5(b). The Project would be consistent with applicable goals and policies of the Climate Action Plan. However, the City's Climate Action Plan is specific to the goals of Assembly Bill (AB) 32 and does not consider, nor is it in compliance with, the 2030 GHG reduction targets mandated under Senate Bill (SB) 32. Compared to SB 32-compliant thresholds for land development, a Bright Line Threshold of 690 metric tons of carbon dioxide equivalent (MT CO<sub>2</sub>e), or an efficiency threshold of 2.65 MT of CO<sub>2</sub>e/service population/year, the Project's estimated 6,080.9 MT CO<sub>2</sub>e total and 4.9 MT CO<sub>2</sub>e/service population/year emissions are considered inconsistent with the basic goals, objectives, and emissions reduction strategies of the state's adopted GHG laws. The Project is also considered inconsistent with the City's current goal for achieving citywide net-zero carbon emissions by the year 2035, which reflects the City's intent to achieve the emissions and carbon reduction requirements of SB 32 and Executive Order B-55-18 (Refer to Impact AQ-4, beginning on page 3.3-54, and the Air Quality and GHG Emissions Section, beginning on page 5-53 of the Final EIR).
- a. Mitigation: The following mitigation measures would be required to reduce Project GHG emissions and ensure consistency with applicable state and local GHG emission reduction goals and policies to the maximum extent feasible.

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- **Mitigation Measure AQ-4.** Consistent with standard mitigation measures set forth by SLO County APCD, Projects generating more than 50 lbs/day of combined ROG + NO<sub>x</sub> shall implement all feasible measures within Table 3-5 of the Air Quality Handbook. The following mitigation measures shall apply to the Project (see Table 3.3-9 of the Final EIR).
  
  - **Mitigation Measure AQ-5.** The Applicant shall revise the Draft FRSP to include measures necessary to reduce Project operational stationary-source GHG emissions to achieve net zero emissions, consistent with the City’s 2035 net-zero GHG emissions target. These measures shall include Best Available Mitigation strategies for reducing operational emissions, including but not limited to the following:
    - Electricity shall be the only energy source for the entirety of Project operations including but not limited to space conditioning, water heating, illumination, cooking appliances, and plug loads (exemptions to this requirement shall be limited to appliances in commercial kitchens, emergency backup generators, and medical end-uses that have no viable electric alternative).
    - Electrical power for the entirety of Project operations including but not limited to illumination, heating, cooling, and ventilation shall be provided by alternative or carbon-free energy sources according to the following priority: 1) on-grid power with 100-percent renewable or carbon-free source (a planned product of Monterey Bay Community Power available to the City in 2020), or 2) a combination of grid power and on site renewable generation to achieve annual zero net electrical energy usage, or 3) purchase of carbon offsets of any portion of power not from renewable or carbon-free sources. As a first priority, carbon-free sourced energy shall be purchased from Monterey Bay Community Power.
    - For new buildings, onsite solar photovoltaic systems shall be required, and retrofitted buildings shall be encouraged to install onsite solar photovoltaic systems to offset energy demand, regardless of building size. At a minimum, for nonresidential, mixed-use, and mid-rise residential buildings, a solar photovoltaic system shall fill the entirety of the Solar Zone (as defined in Section 110.10 and specified in Joint Appendix JA1 of the 2019 California Energy Code). This requirement shall not apply to historic structures within the Froom Ranch Dairy Complex to be relocated to the proposed trailhead park.
    - All proposed commercial and health care facilities shall exceed the minimum standards of Title 24, Part 11 (Cal Green) by adopting all or some elements of Cal Green Tier 1 and/or 2 voluntary elective measures to increase energy efficiency in new buildings, remodels and additions. These measures shall prioritize upgrading lighting (e.g., using light-emitting diode [LED] lights), heating and cooling systems, appliances, equipment and control systems to be more energy efficient. This requirement shall not apply to historic structures within the Froom Ranch Dairy Complex to be relocated to the proposed trailhead park.
  
  - **Mitigation Measure AQ-6.** The Applicant shall revise the FRSP to include measures necessary to reduce the Project’s operational, mobile-source emissions, and VMT to the maximum extent feasible, including, but not limited to the following:

- Rideshare and Employee Ridership Programs: The FRSP shall be amended to include measures for encouraging and incentivizing residents and employees of the proposed development participate in the San Luis Obispo Regional Rideshare program.
  - Senior Shuttle Service: Villaggio shall provide clean fuel shuttle services and shall provide sufficient onsite electric vehicle charging infrastructure to support the services. Electric vehicle charging infrastructure included to meet requirements for personal vehicles may not be used to fulfill this requirement.
  - All Electric Small Vehicles: The FRSP shall require all personal small vehicles (e.g., golf carts) be 100 percent electric powered.
  - Promote Carpools, Vanpools, and Electric Vehicle (EV) Vehicles: Provide dedicated parking for carpools, vanpools, and high-efficiency vehicles in exceedance of Cal Green Tier 2 standards.
- b. Finding: Implementation of MM AQ-4 and -5 would ensure stationary-source operational emissions of the Project are reduced to 0 MT CO<sub>2</sub>e/year, consistent with the City's intent to achieve carbon neutrality by 2035, with the purpose and intent of SB 32 to further reduce statewide GHG emissions, and with Executive Order B-55-18 requiring attainment of statewide carbon neutrality by 2045. Similarly, MM AQ-4 and -6 would reduce Project mobile-source emissions to the maximum extent feasible. The reduction in emissions from the combination of onsite and offsite mitigation strategies cannot be directly quantified; however, implementation of these mitigation would generally demonstrate compliance with adopted state and local policies for reducing GHG emissions. LAFCO finds that required mitigation would ensure the Project achieves compliance with adopted regulations and Citywide objectives and stationary-source operational emissions are reduced to 0 MT CO<sub>2</sub>e/year; however, potential for exceedance of GHG emissions thresholds as a result of Project mobile-source emissions would remain, and no feasible and quantifiable mitigation exists to reduce Project impacts to a level of insignificance. Impacts would be significant and unavoidable.
- 3. Impact AQ-5:** The Project is potentially inconsistent with the SLO County APCD's 2001 Clean Air Plan. The Project would include 174 multi-family units, 404 independent and assisted senior housing units, 51 beds for memory care and skilled nursing, and up to 100,000 sf of mixed commercial uses resulting in an estimated 1,231 new residents. The Project's increase in City population is within the projections of the Clean Air Plan; however, the proposed amount of residential development is inconsistent with the General Plan LUE Policy 8.1.5, which established performance standards for the Project site stating a minimum of 200 dwelling units and maximum of 350 dwelling units should be developed at the site. Further, as indicated in the LUCE Update EIR, population estimates cannot be directly compared as the Clean Air Plan only projects population estimates until 2015. In addition, as described in Impact AQ-2 above, the Project would result in significant and unavoidable operational air quality impacts generated by area, energy, and mobile emissions.

With regard to the transportation and land use criteria of the Clean Air Plan, the Project's estimated per capita VMT would be below the countywide averages and would be consistent with the Clean Air Plan. However, the Project would be potentially inconsistent with several Land Use Strategies and Transportation Control Measures (TCMs) from the Clean Air Plan, including L-4 (Circulation Management) and T-8 (Teleworking, Teleconferencing, and Telelearning), and may hinder the

County's ability to maintain attainment of the state ozone standard (Refer to Impact AQ-5, beginning on page 3.3-61, and the Air Quality and GHG Emissions Section, beginning on 5-53 of the Final EIR).

a. **Mitigation:** The following mitigation measures would be required to reduce Project GHG emissions and ensure consistency with applicable state and local GHG emission reduction goals and policies to the maximum extent feasible. MM TRANS-5 has been edited to remove inference to the Upper Terrace of Villaggio, as that component is no longer proposed by the FRSP. The requirements of MM TRANS-5 would continue to apply to all other portions of the Project site.

- **Mitigation Measure AQ-2:** To reduce ROG and NO<sub>x</sub> levels during the architectural coating phase, low or no Volatile Organic Compound (VOC)-emission paint shall be used with levels of 50 grams per liter (g/L) or less (Odorless, Zero VOC Paint). The schedule for architectural coatings application shall be extended, limiting the daily coating activity to a level determined acceptable by SLO County APCD.
- **Mitigation Measure AQ-4.** Consistent with standard mitigation measures set forth by SLO County APCD, Projects generating more than 50 lbs/day of combined ROG + NO<sub>x</sub> shall implement all feasible measures within Table 3-5 of the Air Quality Handbook. The following mitigation measures shall apply to the Project (see Table 3.3-9 of the Final EIR).
- **Mitigation Measure TRANS-5.** The Project Applicant shall pay a fair share mitigation fee towards bicycle improvements at South Higuera/Tank Farm to be constructed by the Avila Ranch development, which include extending the westbound bike lane on Tank Farm Road to the South Higuera Street/Tank Farm Road intersection and installation of a bike box (with loop detection) to facilitate bicycle left-turn movements. Fair share contribution is satisfied through participation in the Citywide Transportation Impact Fee program.

If the planned bicycle improvements have not yet been completed prior to development of the Villaggio Lower Area, the Applicant shall be responsible for design and installation of the bicycle improvements.

- **Mitigation Measure TRANS-8.** The Project Applicant shall design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes. Improvement extents shall occur in the northbound direction between Laguna Lane and Diablo Drive, and in the southbound direction between Diablo Drive and Madonna Road. Some gaps in physical separation may remain due to right-of-way limitations or other design constraints.
- **Mitigation Measure TRANS-9.** The Project Applicant shall design and install ADA-compliant curb, gutter and sidewalk along the west side of LOVR to complete the sidewalk connection between the Irish Hills Plaza and Calle Joaquin. The Project Applicant shall also design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes in the northbound and southbound directions between Madonna Road and South Higuera Street. This mitigation measure

- requires Caltrans approval and coordination for improvements near the LOVR/U.S. 101 interchange. If Class IV bikeways are not approved for segments within Caltrans right-of-way or are deemed infeasible for short segments due to other geometric constraints, alternative treatments to improve pedestrian levels of service may be approved to the satisfaction of the Public Works Director. Potential alternative treatments include installation of striped bike lane buffers, street trees or other features that further buffer pedestrians from street traffic.
- **Mitigation Measure TRANS-10.** The Project Applicant shall pay fair share mitigation fees towards Madonna Road improvements to be constructed by the San Luis Ranch development, which include installation of a Class I Multi-Use Path parallel to Madonna Road between Oceanaire Drive and the U.S. 101 southbound ramps intersection. This project is in construction currently. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.
- b. Finding: Implementation of MM AQ-4, requiring implementation of measures for projects that exceed ROG and NO<sub>x</sub> emissions, would help the Project to achieve consistency with many of the various TCMs of the Clean Air Plan, including strategies L-4 and T-8. Implementation of MM TRANS-5, -8, -9, and -10 would ensure facilities serving pedestrians and bicycles in the Project vicinity would be provided prior to occupancy of the first unit of Villaggio, which would result in consistency with SLO County APCD's Clean Air Plan Goal TCM T-2A. However, as described above, the Project is not fully consistent with overall land use planning principles contained in the Clean Air Plan due to continued exceedance of population growth, vehicle trip, and VMT projections for the region. Therefore, LAFCO finds that the Project, despite implementation of all feasible mitigation, would result in continued inconsistency with the Clean Air Plan and have a significant and unavoidable effect on GHGs.
- 4. Cumulative Air Quality Impacts:** The Project, in combination with any approved, pending, and proposed development within the City, would further contribute to the increase in development and associated generation of air quality-related emissions. The South-Central Coast Air Basin is currently in state non-attainment for PM<sub>10</sub> and ozone, for which NO<sub>x</sub> and ROGs are a precursor. As the Project would result in significant and unavoidable impacts associated with long-term operational emissions, particularly for NO<sub>x</sub> and ROGs, the Project would generate air quality emissions for criteria pollutants within an air basin that is under state non-attainment; therefore, the Project would contribute cumulatively and considerably to air quality emissions throughout the City and region. Further, as analyzed in the LUCE Update EIR, full buildout under the LUCE would not be consistent with the 2001 Clean Air Plan. With regard to GHG emissions, analysis of GHG emissions and climate change are cumulative in nature because impacts are caused by cumulative global emissions and accumulation of GHGs in the atmosphere. The Project's construction and operational stationary-source emissions would be individually significant and thus would result in cumulatively considerable contributions to the cumulatively impacts of GHG emissions and climate change (Refer to Section 3.3.3.4, Cumulative Impacts, beginning on page 3.3-68, and the Air Quality and GHG Emissions Section, beginning on 5-53 of the Final EIR).

- a. **Mitigation:** The following mitigation measures would be required to reduce the Project's cumulative impact to air quality and GHG emissions to the maximum extent feasible. MM TRANS-5 has been edited to remove inference to the Upper Terrace of Villaggio, as that component is no longer proposed by the FRSP. The requirements of MM TRANS-5 would continue to apply to all other portions of the Project site.
- **Mitigation Measure AQ-2:** To reduce ROG and NO<sub>x</sub> levels during the architectural coating phase, low or no Volatile Organic Compound (VOC)-emission paint shall be used with levels of 50 grams per liter (g/L) or less (Odorless, Zero VOC Paint). The schedule for architectural coatings application shall be extended, limiting the daily coating activity to a level determined acceptable by SLO County APCD.
  - **Mitigation Measure AQ-4.** Consistent with standard mitigation measures set forth by SLO County APCD, Projects generating more than 50 lbs/day of combined ROG + NO<sub>x</sub> shall implement all feasible measures within Table 3-5 of the Air Quality Handbook. The following mitigation measures shall apply to the Project (see above table).
  - **Mitigation Measure AQ-5.** The Applicant shall revise the Draft FRSP to include measures necessary to reduce Project operational stationary-source GHG emissions to achieve net zero emissions, consistent with the City's 2035 net-zero GHG emissions target. These measures shall include Best Available Mitigation strategies for reducing operational emissions, including but not limited to the following:
    - Electricity shall be the only energy source for the entirety of Project operations including but not limited to space conditioning, water heating, illumination, cooking appliances, and plug loads (exemptions to this requirement shall be limited to appliances in commercial kitchens, emergency backup generators, and medical end-uses that have no viable electric alternative).
    - Electrical power for the entirety of Project operations including but not limited to illumination, heating, cooling, and ventilation shall be provided by alternative or carbon-free energy sources according to the following priority: 1) on-grid power with 100-percent renewable or carbon-free source (a planned product of Monterey Bay Community Power available to the City in 2020), or 2) a combination of grid power and on site renewable generation to achieve annual zero net electrical energy usage, or 3) purchase of carbon offsets of any portion of power not from renewable or carbon-free sources. As a first priority, carbon-free sourced energy shall be purchased from Monterey Bay Community Power.
    - For new buildings, onsite solar photovoltaic systems shall be required, and retrofitted buildings shall be encouraged to install onsite solar photovoltaic systems to offset energy demand, regardless of building size. At a minimum, for nonresidential, mixed-use, and mid-rise residential buildings, a solar photovoltaic system shall fill the entirety of the Solar Zone (as defined in Section 110.10 and specified in Joint Appendix JA1 of the 2019 California Energy Code). This requirement shall not apply to historic structures within the Froom Ranch Dairy Complex to be relocated to the proposed trailhead park.



- All proposed commercial and health care facilities shall exceed the minimum standards of Title 24, Part 11 (Cal Green) by adopting all or some elements of Cal Green Tier 1 and/or 2 voluntary elective measures to increase energy efficiency in new buildings, remodels and additions. These measures shall prioritize upgrading lighting (e.g., using light-emitting diode [LED] lights), heating and cooling systems, appliances, equipment and control systems to be more energy efficient. This requirement shall not apply to historic structures within the Froom Ranch Dairy Complex to be relocated to the proposed trailhead park.
- **Mitigation Measure AQ-6.** The Applicant shall revise the FRSP to include measures necessary to reduce the Project’s operational, mobile-source emissions, and VMT to the maximum extent feasible, including, but not limited to the following:
  - Rideshare and Employee Ridership Programs: The FRSP shall be amended to include measures for encouraging and incentivizing residents and employees of the proposed development participate in the San Luis Obispo Regional Rideshare program.
  - Senior Shuttle Service: Villaggio shall provide clean fuel shuttle services and shall provide sufficient onsite electric vehicle charging infrastructure to support the services. Electric vehicle charging infrastructure included to meet requirements for personal vehicles may not be used to fulfill this requirement.
  - All Electric Small Vehicles: The FRSP shall require all personal small vehicles (e.g., golf carts) be 100 percent electric powered.
  - Promote Carpools, Vanpools, and Electric Vehicle (EV) Vehicles: Provide dedicated parking for carpools, vanpools, and high-efficiency vehicles in exceedance of Cal Green Tier 2 standards.
- **Mitigation Measure TRANS-5.** The Project Applicant shall pay a fair share mitigation fee towards bicycle improvements at South Higuera/Tank Farm to be constructed by the Avila Ranch development, which include extending the westbound bike lane on Tank Farm Road to the South Higuera Street/Tank Farm Road intersection and installation of a bike box (with loop detection) to facilitate bicycle left-turn movements. Fair share contribution is satisfied through participation in the Citywide Transportation Impact Fee program.

If the planned bicycle improvements have not yet been completed prior to development of the Villaggio Lower Area, the Applicant shall be responsible for design and installation of the bicycle improvements.

- **Mitigation Measure TRANS-8.** The Project Applicant shall design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes. Improvement extents shall occur in the northbound direction between Laguna Lane and Diablo Drive, and in the southbound direction between Diablo Drive and Madonna Road. Some gaps in physical separation may remain due to right-of-way limitations or other design constraints.

- **Mitigation Measure TRANS-9.** The Project Applicant shall design and install ADA-compliant curb, gutter, and sidewalk along the west side of LOVR to complete the sidewalk connection between the Irish Hills Plaza and Calle Joaquin. The Project Applicant shall also design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes in the northbound and southbound directions between Madonna Road and South Higuera Street. This mitigation measure requires Caltrans approval and coordination for improvements near the LOVR/U.S. 101 interchange. If Class IV bikeways are not approved for segments within Caltrans right-of-way, or are deemed infeasible for short segments due to other geometric constraints, alternative treatments to improve pedestrian levels of service may be approved to the satisfaction of the Public Works Director. Potential alternative treatments include installation of striped bike lane buffers, street trees or other features that further buffer pedestrians from street traffic.
  - **Mitigation Measure TRANS-10.** The Project Applicant shall pay fair share mitigation fees towards Madonna Road improvements to be constructed by the San Luis Ranch development, which include installation of a Class I Multi-Use Path parallel to Madonna Road between Oceanaire Drive and the U.S. 101 southbound ramps intersection. This project is in construction currently. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.
- b. **Finding:** Implementation of mitigation measures would reduce Project long-term operational air pollutant and GHG emissions to the maximum extent feasible; however, as analyzed in the LUCE Update EIR, full buildout under the LUCE would not be consistent with the 2001 Clean Air Plan. Further, despite implementation of all feasible mitigation strategies, the Project’s estimated mobile-source emissions continue to have potential to result in exceedance of established GHG emissions thresholds and state and local GHG reduction strategies due to inability to ensure associated emissions are quantifiably reduced. Therefore, LAFCO finds the Project will have a significant and unavoidable cumulative impact from long-term operational air pollutant and GHG emissions.

## **B. BIOLOGICAL RESOURCES**

1. **Cumulative Biological Resource Impacts:** The proposed Project is one of several planned and/or proposed residential developments in undeveloped open or agricultural lands along edges of the City, such as the San Luis Ranch Specific Plan and Avila Ranch Development Project. Construction of the Project would incrementally contribute to the conversion of undeveloped land and habitat areas to developed urban uses, with cumulative losses of open space and habitats, increases in impervious surfaces, night light, noise, and traffic that accompany such development. Cumulative removal of habitat in the vicinity of the Project site reduces the amount of foraging and breeding habitat for non-sensitive mammals, birds, and reptiles, particularly to wildlife corridors along Froom Creek, its tributaries, and the Irish Hills. Project impacts, when combined with other projects in the vicinity, such as the San Luis Ranch Specific Plan and Avila Ranch Development Project, would also add to impervious surfaces and pollutant loading in the Froom Creek and San Luis Creek watersheds (Refer to Section 3.4.3.4, Cumulative Impacts, beginning on page 3.4-97 of the Final EIR).

- a. **Mitigation:** The following mitigation is required to reduce cumulative impacts to biological resources to the maximum extent feasible. MM BIO-3 has been edited to eliminate reference to the Upper Terrace in Villaggio since the Project no longer proposes development in the Upper Terrace. Removal of development within the Upper Terrace would substantially reduce potential impacts; MM BIO-3 would continue to apply to all other portions of the Project site. MM BIO-Alt. 1 has been edited to remove reference to the southern emergency access route entering the site from Calle Joaquin, as this component is not proposed as part of the Project. Following further review of the Project, the City Fire Department concluded that the access and emergency access roads shown in the proposed Project are adequate and meet Fire Code regulations. Removal of this emergency access route would avoid additional impacts to onsite drainages and Froom Creek; MM BIO-Alt. 1 would continue to apply to all other portions of the Project site.
- **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:
- Vegetation coverage and type;
  - Setbacks between structures, sensitive wildlife species, and access routes;
  - Development plan landscaping and planting standards within the setback areas;
  - Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
  - All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to provide adequate structure protection and avoid degradation of sensitive biological habitat; and
  - Invasive species shall be removed and controlled.

- **Mitigation Measure BIO-1.** The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures for impacts to sensitive natural communities. The Biological Mitigation and Monitoring Plan shall include Best Management Practices (BMPs) to avoid or minimize impacts to biological resources, and implementation of on and offsite habitat replacement as follows:
1. The Biological Mitigation and Monitoring Plan shall include the following construction-related measures and BMPs:
    - a. Construction equipment and vehicles shall be stored at least 100 feet away from existing and proposed drainage features and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area approved by the City.
    - b. Prior to commencement of construction, Drainages 1, 2, 3, and 4 and all associated springs, seeps, and wetlands shall be protected with construction fencing located a minimum of 25 feet from the edge of the stream channel or top of bank and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing shall be maintained throughout the construction period for each phase of development. Fencing and signage shall be removed following completion of construction.
    - c. During any construction activities within 50 feet of the existing Froom Creek channel, realigned Froom Creek channel, LOVR ditch, Drainages 1, 2, 3, or 4, or other existing or proposed drainage features, a City-approved biological monitor shall be present and have the authority to stop or redirect work as needed to protect biological resources.
    - d. All construction materials (e.g., fuels, chemicals, building materials) shall be stored at designated construction staging areas, which shall be located outside of designated sensitive areas. Should spills occur, or if any unanticipated hazardous materials are discovered, materials and/or contaminants shall be cleaned immediately and recycled or disposed of to the satisfaction of the RWQCB, Department of Toxic Substances Control, and/or San Luis Obispo County Public Health Environmental Services, as applicable.
    - e. All trash and construction debris shall be properly disposed at the end of each day and dumpsters shall be covered either with locking lids or with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.
    - f. The Applicant shall implement measures designed to minimize construction-related erosion and retain sediment on the Project site, including installation of silt fencing, straw waddles, or other acceptable construction erosion control devices. Such measures shall be installed along the perimeter of disturbed areas and along the top of the bank of the existing and proposed Froom Creek channel and other existing or proposed drainage features and 25 feet from the edge of Drainages 1, 2, 3, and 4. All drainage shall be directed to sediment basins designed to retain all sediment onsite.

- g. Concrete truck and tool washout shall occur in a designated location such that no runoff will reach the creek, onsite drainages, or other sensitive areas.
  - h. All open trenches shall be constructed with appropriate exit ramps to allow species that fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.
  - i. Existing disturbed areas shall be used for construction staging and storage to the maximum extent possible to minimize disturbance of undeveloped habitats. All construction access roads and staging areas shall be located to avoid known/mapped habitat and minimize habitat fragmentation.
- **Mitigation Measures BIO-2.** The Applicant shall retain a qualified Environmental Coordinator/qualified biologist, subject to review and approval by the City to oversee compliance with the Biological Mitigation and Monitoring Plan. The Applicant’s Environmental Coordinator shall monitor all construction activities, conduct a biological resources education program for all construction workers prior to the initiation of any clearing or construction activities, and provide quarterly reports to the City regarding construction activities, enforcement issues, and remedial measures. The Applicant’s Environmental Coordinator shall be responsible for conducting inspections of the work area each work day to ensure that excavation areas and sensitive or restored habitats do not exhibit construction-related impacts or hazards to wildlife. If any exposure risk is identified, the Environmental Coordinator shall implement measures that could include, but not be limited to, hazing, fencing, and wildlife removals to eliminate the exposure risk.

In addition, the Applicant’s Environmental Coordinator shall monitor and regulate all construction occurring within 50 feet of the existing and proposed Froom Creek channel, other existing or proposed drainage features, riparian habitat, Drainages 1, 2, 3, and 4, and seasonal or permanent wetlands. During appropriate flowering, nesting, breeding, migration, and dispersal seasons, the Environmental Coordinator shall also conduct sensitive species surveys immediately prior to construction activities and shall monitor construction activities in the vicinity of habitats to be avoided.

The work area boundaries and other off-limit areas shall be identified by the biologist and/or Environmental Coordinator on a daily basis. The biologist and/or Environmental Coordinator shall inspect construction and sediment control fencing each work day during construction activities. Any vegetation clearing activities shall be monitored by the biologist and/or Environmental Coordinator.

- **Mitigation Measure BIO-3.** The Biological Mitigation and Monitoring Plan shall include a Habitat Mitigation and Monitoring Plan (HMMP) with details on timing and implementation of required habitat restoration, enhancement, or creation measures. The Biological Mitigation and Monitoring Plan and HMMP shall be prepared under the direction of, and

approved by, the City's Natural Resources Manager in conjunction with regulatory agencies with permitting authority over the Project. The HMMP shall contain, at a minimum, the following components (or as otherwise modified by regulatory agency permitting conditions):

- a. Pre-construction surveys and delineation of vegetation communities, habitat, and wetland features, including clear maps and a summary of onsite habitats to be protected and acreage, design, and locations of required habitat mitigation sites.
- b. A description of the location and boundaries of the mitigation site and description of existing site conditions.
- c. A description of measures to be undertaken to enhance the mitigation site for the target species and to protect sensitive resources.
- d. Record necessary replacement of disturbed, altered, and/or lost area of habitat.
- e. A binding long-term agreement with the Applicant to implement and maintain protected and restored sensitive habitats, including native bunch grassland, wetlands, springs, seeps, tributary drainages, and other sensitive or restored native habitats. These measures shall identify typical performance and success criteria deemed acceptable by the City and California Department of Fish and Wildlife (CDFW) based on measurable goals and objectives. Said criteria for restored habitats shall be, at a minimum, at least 70-percent survival of container plants and 70-percent relative cover by vegetation type.
- f. A description of habitat and species restoration and monitoring measures, including specific and objective performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule. At a minimum, success criteria shall be at least 70-percent survival of container plants and 70-percent relative cover by vegetation type and will include a replacement ratio of 2:1 and determination by a City-approved biologist that the mitigation site provides ecological functions and values for the focal species equal to or exceeding the impacted habitat).
- g. Plan requirements that ensure mitigation elements that do not meet performance or final success criteria within 5 years are completed through an extension of the plan for an additional 2 years or at the discretion of the City Natural Resources Manager with the goal of completing all mitigation requirements prior to the HMMP end date.
- h. Monitoring of the mitigation and maintenance areas shall occur for the period established in the HMMP, or until success criteria are met; an endowment may be required in some cases as determined by the City. If success criteria cannot be met through the HMMP, the City Natural Resources Manager shall specify appropriate commensurate measures (e.g., onsite or offsite restoration, endowment, or bond to the City for completion of necessary mitigation).
- i. A binding long-term agreement with the Villaggio Life Plan Community to fund and retain a qualified biologist to train all landscaping crew staff hired over the life of the development on sensitive plant species and habitat within the vicinity of the development, including the identification and avoidance of sensitive plants and habitat. The qualified biologist shall conduct annual monitoring of vegetation surrounding the development and prepare a report summarizing the avoidance or disturbance of sensitive resources from operational activities of the Villaggio development, and

identifying necessary replacement or restoration of affected resources. Necessary mitigation shall be subject to the same standards for performance, monitoring, and success identified in subitems b through h, above. The report shall be submitted to the City annually for review and approval.

- j. A plan for fencing and/or signage around the ~~Upper Terrace of the Villaggio~~ development, prohibiting residents, guests, and employees from accessing and disturbing the surrounding sensitive resources.
  - k. Requirements for payment of annual fees to the City to fund City review and inspection of the site and Biological Mitigation and Monitoring Plan and HMMP requirements.
- **Mitigation Measure BIO-4.** The Biological Mitigation and Monitoring Plan shall require avoidance of sensitive natural communities outside approved development footprints such as the *Nassella pulchra* Herbaceous Alliance, Central Coast Arroyo Willow Scrub Community, Coastal and Central Valley Freshwater Marsh, and wetland areas to the maximum extent feasible. Mitigation for impacted sensitive natural communities that cannot be avoided shall be achieved through one or more of the following options, subject to City approval:
- a. Onsite restoration, enhancement, or creation of suitable replacement habitat, if feasible onsite restoration opportunities exist and at ratios consistent with those identified in MM BIO-5;
  - b. Offsite restoration or creation of suitable habitat for the impacted species at the minimum replacement ratio of 2:1 for sensitive natural communities, native grasslands, and riparian habitat;
  - c. Financial contribution to an in-lieu fee program that results in restoration or creation of suitable habitat for the impacted natural communities and/or species; and/or
  - d. Purchase of mitigation credits at a USFWS- and/or CDFW-approved mitigation bank.
- **Mitigation Measure BIO-5.** The Biological Mitigation and Monitoring Plan shall require all temporary and permanent direct and indirect impacts to wetlands, grasslands, and riparian habitat be mitigated, as follows:
- a. Temporary direct impacts to wetland, native grassland, and riparian habitat shall be mitigated at a minimum 1:1 mitigation ratio (area of restored habitat to impacted habitat).
  - b. Permanent direct impacts to sensitive natural communities, such as native grasslands, and riparian habitat shall be mitigated at a 2:1 ratio (area of restored and enhanced habitat to impacted habitat).
  - c. Permanent direct impacts to wetlands shall be mitigated at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) (as appropriate).
  - d. Potential indirect impacts to the Calle Joaquin wetlands affected by the Froom Creek realignment and changes to site hydrology shall be mitigated as follows. As a part of the HMMP prepared for the Project, the Applicant shall prepare and implement a Long-Term Wetland Monitoring Plan that is designed to quantitatively and qualitatively assess

the effectiveness of the HMMP over time to ensure its objectives are achieved. The Long-Term Wetland Monitoring Plan shall be supported by a Baseline Conditions Assessment that identifies the pre-construction condition of the Calle Joaquin wetlands and establishes success criteria for sustained wetland conditions. The Baseline Conditions Assessment shall provide qualitative and quantitative information that will be used in comparing data obtained during subsequent monitoring years to determine if a significant deviance from baseline conditions has occurred at the site. The Long-Term Wetland Monitoring Plan will establish the parameters of a significant deviance from baseline conditions. A significant deviance from baseline may be defined as a “change in wetland area greater than 10%”. The Baseline Conditions Assessment shall be updated prior to the start of construction to support agency permitting and guide implementation of the Long-Term Wetland Monitoring Plan. This updated baseline shall be considered in combination with existing and past baseline documentation to provide an expanded baseline reflective of a range of acceptable conditions to compare post Project conditions. The Baseline Conditions Assessment shall include a focused description of the site’s hydrologic setting, vegetative cover and composition, quantified wetland areas and classifications, and shall establish the threshold for a significant deviance from wetland area based on the presence of hydrophytic plant species, hydric soil indicators, and wetland hydrology.

At minimum, the condition of the wetland shall be evaluated on an annual basis through completion of a wetland assessment using a regulatory agency approved model (such as, but not limited to, the California Rapid Assessment Method [CRAM]) to document and facilitate long-term monitoring of changes to the wetland. The annual evaluation shall determine and document any degree of change to the wetland as a result of the proposed changes to site hydrology and development throughout build-out under the Specific Plan. Reports documenting the annual wetland assessment shall be provided to the City and relevant regulatory agencies.

Long-Term Wetland Monitoring for the Calle Joaquin wetlands shall occur continuously for a period of no less than 7 years following Phase I build-out of the FRSP area. After the initial 7-years of minimum annual monitoring, the frequency of long-term evaluations shall be determined in coordination with regulatory agencies and per the requirements of the Long-Term Wetland Monitoring Plan.

The Long-Term Wetland Monitoring Plan shall include (at minimum) the following requirements. Additional detailed criteria and performance standards will be established in the HMMP prepared for the project and approved by regulatory agencies, but they shall not be any less stringent than the following criteria and performance standards:

- i. Annual monitoring shall evaluate and track the wetland health and biological integrity of the Calle Joaquin wetlands.



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- ii. Annual evaluations shall utilize intensive site assessments to provide a more thorough and detailed measure of wetland condition by gathering direct measurements of biological taxa and hydrogeomorphic functions.
  - iii. Typical industry standards for the quantitative evaluation of plant cover will be used (e.g., Bonham 1989 and Daubenmire 1968) to evaluate plant composition and structure as well as direct inspections of soil conditions and hydrologic functions.
  - iv. Annual or semi-annual evaluations shall observe and document the following, at a minimum:
    - whether groundwater recharge from Froom Creek to the shallow aquifer is being sustained,
    - whether the onsite artesian well has been discharging to the wetland,
    - evidence of overflows entering the Calle Joaquin wetland from the realigned Froom Creek,
    - excessive ponding, as evidenced by changes in vegetation related to increased duration of ponding,
    - measured depth to groundwater in the onsite artesian well and the relationship of these conditions with conditions in the wetland,
    - specific conductance and temperature in the wetland and other surface sources,
    - the presence or absence of salt efflorescences in the wetland,
    - any persistent green vegetation patches or changes in willow/grass ecotone, and
    - representative photo points.
  - v. Monitoring of the realigned creek's hydrology would be required following large storm events during the rainy season that are sufficient to initiate flowing water through the site. If after the 3rd year of monitoring, vegetation has successfully established along the creek corridor and sedimentation and erosion are not observed beyond what is determined to be a normal level, then the rainy season monitoring could be scaled back to occur on a quarterly or as-needed basis for the remainder of the monitoring schedule, upon review and approval of the City's Natural Resources Manager and applicable regulatory agencies and consistent with the Long-Term Wetland Monitoring Plan.
  - vi. Success criteria to determine whether the Calle Joaquin wetland functions are sustained shall include the following, at a minimum:
    - The constructed bank between the realigned Froom Creek channel and the Calle Joaquin wetlands remains functional and does not recurrently scour or fill to a degree that impairs its operation or impedes circulation through the wetland,
    - Excessive surface water does not pond for periods of long duration,
    - Salts do not accumulate such that discernible increases in salt efflorescences at the ground surface are not visible,
    - Evidence of deposition by high flows is not found within the wetland (e.g., silt, organics, or other flood deposits).
  - vii. If success criteria are not achieved within the 7-year initial monitoring period, a hydrologic assessment will be conducted by a U.S. Army Corps of Engineers (USACE) approved specialist in groundwater supported wetlands to establish whether non-attainment is attributable to onsite conditions or actions beyond the effective

control of the Project Applicant. The specialist shall be a registered hydrologist or certified hydrogeologist with statewide expertise, familiarity with groundwater supported wetlands in central coastal California and verifiable experience conducting functional analyses of such wetlands. Recommendations for remedial actions will be submitted by the groundwater specialist to the USACE for review and written approval prior to implementation. If wetland failures are determined to be directly related to the realignment of Froom Creek and development within the Froom Creek Specific Plan area, possible remedial actions would include, at minimum, the following:

- Engineering controls include biotechnical erosion controls such as the installation of willow wattles and brush matting and addition of native cobble to reinforce the low flow berm separating the creek channel from the wetland area to help contain flows into the wetland area.
  - If vegetation establishment is taking longer than expected, remedial measures such as re-seeding bare soils, replanting areas of mortality, and increased maintenance and monitoring may be prescribed.
  - If there is significant evidence of scouring, collapse, or filling of the overflow bank between the realigned low-flow Froom Creek channel and the Calle Joaquin wetlands, a registered professional engineer shall re-evaluate bank type, size, and slope and recommend a solution, such as augmentation or replacement.
  - If there is excessive ponding (spatial or temporal), a registered professional engineer shall assess access to and capacity of existing drainage outlets and recommend a solution, such as augmentation or replacement if necessary.
  - If salt efflorescence is observed and specific conductance in the wetland is greater than baseline conditions, a registered professional engineer shall re-evaluate the bank type, slope, size, and conveyance between the realigned Froom Creek low-flow channel and the Calle Joaquin wetlands to increase the frequency of salt flushing, such as altering surface flows to more frequently overflow to the wetland area.
- viii. If through monitoring it is determined that the Project does not adversely impact the Calle Joaquin wetland areas (as defined above), the Applicant shall provide documentation annually (at minimum) to the City, for review and approval by the City's Natural Resources Manager, that no significant signs of hydrological interruption, erosion (including bank failure), or sedimentation have occurred, that the wetland is sustained in biological integrity and health with existing hydrologic inputs, and that channel migration has not adversely affected existing wetland features adjacent to Calle Joaquin.
- ix. If through monitoring it is determined that the Project adversely impacts the Calle Joaquin wetland area, recommendations shall be made for modifications to the Project design in consultation with the City and appropriate regulatory agencies for review and concurrence, as described in subsection viii above. The annual reports would detail the issue or problem area and proposed remedial actions.
- x. If through monitoring it is determined that the Calle Joaquin wetland condition and function cannot be remediated with implementation of all feasible remedial actions

- and recommendations identified through long-term monitoring and as described in subsection vii above and the Long-Term Wetland Monitoring Plan, then adversely affected wetland areas shall be delineated and mitigated on- or offsite at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, NMFS, and USFWS (as appropriate), consistent with subsection (c) above.
- xi. Funding for long-term wetland monitoring, adaptive management, and any recommended contingency measures shall be the responsibility of the Applicant. Payment of a bond by the Applicant would be required to ensure the availability of adequate funds to ensure successful implementation and completion of the Long-Term Wetland Monitoring Plan throughout build-out under the Specific Plan.
  - e. Habitat revegetation or creation shall occur in the fall or winter no more than 1 year following habitat disturbance. Revegetation shall be monitored monthly for 7 years with a goal of at least 70-percent survival of container plants and 70-percent relative cover by vegetation type at the end of the 7-year period. Irrigation shall be provided during this period or until otherwise determined necessary by the Applicant's Environmental Coordinator.
  - f. Riparian vegetation along Froom Creek shall be maintained in perpetuity to the satisfaction of the City by the Applicant or a City-approved designee. Froom Creek conditions shall be monitored annually following winter storm seasons to assess damage to riparian vegetation and need for maintenance restoration. Monitoring and maintenance of riparian vegetation conditions shall be conducted consistent with the requirements of the Habitat Mitigation and Monitoring Plan outlined in MM BIO-3.
- **Mitigation Measure BIO-6.** The Biological Mitigation and Monitoring Plan shall detail timing and implementation of required habitat restoration and shall be submitted to the City's Natural Resources Manager for review and approval, including requirements for consultation with CDFW, NMFS, and USACE as needed. A copy of the final plan shall be submitted to the City for review and approval. The plan shall be implemented by the Project Applicant, under supervision by the City and the Applicant's Environmental Coordinator, and shall:
- a. Describe replacement of sensitive natural community habitats removed, lost, or adversely impacted by the Project, including a list of the soil, plants, and other materials that will be necessary for successful habitat restoration/ replacement, and a description of planting methods, location, spacing, erosion protection, and irrigation measures that will be needed. Restoration and habitat enhancement shall be limited to use of appropriate native species. Habitat restoration or enhancement areas shall be designed to facilitate establishment of appropriate native plants such as willows, cottonwoods, bunchgrass, and rushes.
  - b. Habitat restoration or enhancement areas shall be established within the Project boundaries, adjacent to and contiguous with existing habitats to the maximum extent possible.
  - c. Habitat restoration or enhancement sites shall be placed within existing or additional necessary deed-restricted area(s) and shall be maintained and monitored for a

minimum of 7 years. If sufficient onsite mitigation area is not practicable, an offsite mitigation plan shall be prepared as part of the Biological Mitigation and Monitoring Plan and approved by permitting agencies.

- d. The Biological Mitigation and Monitoring Plan shall identify appropriate restoration and enhancement activities to compensate for impacts to creek, wetland, native bunch grass and riparian habitat, including a detailed planting plan and maintenance plans using locally obtained native species, and shall include habitat enhancement to support native wildlife and plant species.
  - e. A weed management plan and weed identification list shall be included in the Biological Mitigation and Monitoring Plan.
  - f. Habitat restoration or enhancement areas shall be maintained weekly for the first three years after Project completion and quarterly thereafter. Maintenance shall include replacement of unsuccessful planted specimens and eradication of noxious weeds found on California Department of Food and Agriculture (CDFA) Lists A and B. Noxious weeds on CDFA List C may be eradicated or otherwise managed.
  - g. Quarterly and annual reports documenting site inspections and site recovery status shall be prepared and sent to the City and appropriate agencies.
- **Mitigation Measure BIO-7.** Utility line installation shall be timed so that sensitive habitat areas are not disturbed (e.g., prior to the development and restoration of the new Froom Creek realignment, after removal of riparian areas along the LOVR Ditch due to LOVR widening). In the event a utility line is proposed to be installed across the existing or realigned Froom Creek, or the sensitive riparian areas along the LOVR Ditch, while these features are in their natural or restored conditions, installation via horizontal directional drilling (HDD) to avoid impacts to sensitive habitats. Prior to installation of utility lines, a site-specific geotechnical investigation and frac-out clean-up plan shall be completed in areas proposed for HDD. The geotechnical investigation shall provide recommendations for avoidance of frac-outs and/or other HDD related impacts and to determine appropriate HDD methods (i.e., appropriate drilling mud mixtures for specific types of sediments). The investigation shall include results from at least three borings, a geologic cross-section, a discussion of drilling conditions, and frac-out clean-up plan. The frac-out clean-up plan shall identify methods for minimizing potential for frac-outs and addressing any necessary clean-up or remediation in case of a frac-out. The boring operation would be stopped immediately if a frac-out occurs and steps would be taken to contain and minimize the effects of any spill of drilling mud. The Applicant shall comply with all recommendations of the geotechnical investigation.
- **Mitigation Measure BIO-8.** The Applicant shall submit a Froom Creek restoration plan that identifies measures for securing the proposed low-flow channel berm along the stretch of Froom Creek proposed adjacent to the Calle Joaquin wetlands to protect the bank from erosion and prevent migration of the Froom Creek channel into these wetlands. Measures for securing the bank may include a mix of natural and biotechnical measures capable of prevention erosion based on the anticipated erosive velocity of the creek under 100-year storm conditions.

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- **Mitigation Measure BIO-9.** Construction and grading of the realigned portion of Froom Creek, including planting of riparian vegetation, watering, and bank stabilization, shall be conducted prior to removal of the existing creek segment to ensure a habitat for special-status species within the creek is maintained through the Project site with no interruption during construction. Project phasing shall be adjusted as needed to accommodate this sequence of construction activities.
  
  - **Mitigation Measure BIO-10.** Prior to issuance of grading and building permits, the Applicant shall submit or fund a site survey for special-status plants, including Chorro Creek bog thistle, and:
    1. All individual locations of special-status species, including Chorro Creek bog thistle, and suitable habitat areas shall be mapped using GPS coordinates. No construction activities or disturbance shall occur within 50 feet of mapped special-status species, including Chorro Creek bog thistle, or suitable habitat areas. This setback shall be delineated and maintained with construction fencing and clear signage for the duration of grading and construction. If the site survey results identify Chorro Creek bog thistle that may be disturbed or lost from Project construction, the Project shall be redesigned to ensure a minimum 50-foot buffer from mapped Chorro Creek bog thistle occurrences.
    2. Development adjacent to Drainages 1, 2, and 3 shall be set back a minimum of 50 feet from the top of the bank of these drainages and the edge of delineated associated wetlands.
    3. Drainages 1, 2, and 3 and associated wetlands shall be fenced a minimum of 50 feet from the top of the bank or edge of delineated wetland during construction. The Applicant shall ensure and demonstrate to the City through frequent reporting requirements approved by the City that these areas are managed and maintained in perpetuity to maintain wetland and Chorro Creek bog thistle habitat values to the extent feasible.
    4. If the site survey results identify special-status plant species, including Chorro Creek bog thistle, or suitable habitat that may be disturbed or lost from Project construction, the Project shall be redesigned to ensure a minimum 50-foot buffer from mapped individual occurrences and suitable habitat areas. If buffers cannot be maintained, then consultation with CDFW shall occur to determine appropriate minimization and mitigation measures for impacts to special-status plant species, or in the case of plant species listed pursuant to CESA or the Native Plant Protection Act, to determine if take can be avoided. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).
  
  - **Mitigation Measure BIO-11.** The Biological Mitigation and Monitoring Plan shall address special-status wildlife species management. Grading and construction activities shall avoid the rainy season (typically October 15 to April 15) to the extent practicable, particularly within 50 feet of the existing and proposed Froom Creek channel, and other existing or proposed drainage features, riparian or wetland habitat, and any suitable nesting sites as determined by the City-approved biologist. Injury, mortality to, or significant disturbance of

onsite sensitive species, including the California red-legged frog, south-central California coast steelhead, and white-tailed kite, shall be avoided. The plan shall include the following measures: pre-construction surveys; worker awareness; cessation of work in occupied areas if individuals are identified; relocation (if necessary) of frogs and steelhead from the work area by a professional biologist authorized by the USFWS and/or CDFW; and monitoring of construction activities within the vicinity of sensitive habitats by a qualified biologist during construction, consistent with MM BIO-2. Necessary permits shall be obtained from the state (CDFW) and federal (USACE and USFWS) regulatory agencies with jurisdiction and/or permitting authority over a portion of the Project. Any other sensitive species observed during the pre-construction surveys shall be relocated by the qualified biologist into the nearest suitable habitat outside the disturbance area as determined in consultation with the appropriate jurisdictional resource agency.

- **Mitigation Measure BIO-12.** The Biological Mitigation and Monitoring Plan shall address the habitation and movement of special-status wildlife species, as follows:
  1. Migratory and Nesting/Burrowing Bird Management. Grading and construction activities shall avoid the breeding season (typically from February 15 to August 15) to the extent practicable, particularly within 50 feet of riparian or wetland habitat and mature trees and within onsite grasslands. If Project activities must be conducted during this period and within the vicinity of riparian or wetland habitat, grasslands, and/or mature trees, pre-construction nesting bird surveys shall take place no more than one week prior to habitat disturbance associated with each phase; if active nests or burrows are located during these surveys, the following measures shall be implemented:
    - a. Construction activities within 50 feet of active nests shall be restricted until chicks have fledged, unless the nest belongs to a raptor or burrowing owl, in which case a minimum 500-foot activity restriction buffer shall be observed.
    - b. Construction shall be limited to daylight hours (7:00 AM to 7:00 PM or sunset, whichever is sooner).
    - c. A pre-construction survey report shall be submitted to the City immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. If any sensitive species are observed during pre-construction surveys, the Project biologist shall coordinate with appropriate resource agencies to determine appropriate procedure for handling or avoidance of the specimen.
    - d. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions and the species involved. A report of findings and recommendations for bird protection shall be submitted to the City prior to vegetation removal. If sensitive or special-status species are observed during pre-construction surveys, the Project biologist shall coordinate with appropriate resource agencies to determine appropriate procedures for handling or avoidance of the specimen.
    - e. If burrowing owls are found onsite and avoidance is not possible, burrow exclusion shall be conducted by City-approved qualified biologists and only during the non-

breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) To avoid recolonization, ongoing surveillance shall be provided by the City-approved Project biologists throughout Project construction at a rate that is sufficient to detect burrowing owls if they return.

2. **Bat Colony Management.** Prior to removal of any trees over 20 inches diameter-at-breast-height (DBH) or demolition/relocation of existing onsite structures, a survey shall be conducted by a City and CDFW-approved biologist to determine if any tree or structure proposed for removal, trimming, demolition, or relocation harbors sensitive bat species or maternal bat colonies. Maternal bat colonies shall not be disturbed, and grading and construction activities shall avoid the bat breeding season to the extent feasible. If disturbance of structures must occur during the bat breeding season, buildings must be inspected and deemed clear of bat colonies/roosts within 7 days of demolition and an appropriately trained and approved biologist must conduct a daily site-clearance during demolition. If bats are roosting in a structure or tree in the Project site during the daytime but are not part of an active maternity colony, then exclusion measures shall be utilized and must include one-way valves that allow bats to leave but are designed so that the bats may not re-enter the structure. For each occupied roost removed, one bat box shall be installed in similar habitat as determined by the Project biologist and shall have similar cavities or crevices to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. If a bat colony would be eliminated from the Project site, appropriate alternate bat habitat shall be installed within the Project site. To the extent practicable, alternate bat house installation shall occur near onsite drainages.
- **Mitigation Measure BIO-13.** The Applicant shall amend the FRSP to establish a 300-foot development buffer on the centerline of the confluence of Drainage 1, 2, and 3 and the realigned Froom Creek to maintain natural vegetation, ecological, hydrologic, and wildlife connectivity between the Irish Hills Natural Reserve and the Froom Creek corridor. The required buffer shall extend from the point at which the proposed realigned Froom Creek exits the Specific Plan area, upstream along the centerlines of Drainages 1, 2, and 3 for 600 linear feet. The Applicant shall relocate residential uses to areas outside of this buffer and should not exacerbate biological resource impacts in other areas of the site (This measure has been incorporated into the design of the Project and reflected on the Project land use plan).
  - **Mitigation Measure BIO-14.** Proposed roadway/pathway crossings over any drainage shall be designed to ensure adequate passage for wildlife, consistent with the design standards and guidelines of the Federal Highway Administration Wildlife Crossing Structure Handbook.
  - **Mitigation Measure BIO-15.** Native Tree Protection. To ensure protection of native protected trees with respect to the tree trunk, canopy, and root zone, the Applicant shall hire a City-approved arborist or qualified biologist to conduct a daily, pre-construction

survey of all activities occurring within the protected root zones of protected trees, and shall make recommendations for avoidance, and for any necessary remedial work to ensure the health and safety of trees that are encroached, and any measures necessary to reduce and/or remove potential safety hazards posed by any of these trees. Following construction, the health of affected trees shall be monitored by the arborist or qualified biologist for up to 5 years if necessary and as determined at the discretion of the City.

Should Project activities result in the compromised health of native trees resulting from encroachment, the Applicant shall submit a native tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful, including performance standards for determining whether replacement trees are healthy and growing normally, and procedures for periodic monitoring and implementation of corrective measures in the event that the health of replacement trees declines.

Where the worsened health of a tree results in the loss of protected tree species, mitigation measures in the native tree replacement program shall include the planting of replacement trees on the Project site, if suitable area exists. Riparian trees 4 inches or greater measured at DBH shall be replaced in-kind at a minimum ratio of 3:1 (replaced: removed). Trees 24 inches or greater inches DBH shall be replaced in-kind at a minimum ratio of 10:1. Willows and cottonwoods may be planted from live stakes following guidelines provided in the California Salmonid Stream Habitat Restoration Manual for planting dormant cuttings and container stock (CDFW 2010).

- Tree replacement shall be conducted in accordance with a Natural Habitat Restoration and Enhancement Plan to be approved by the City's Natural Resources Manager.
- The Natural Habitat Restoration and Enhancement Plan shall prioritize the planting of replacement trees on-site where feasible, but shall allow that replacement trees may be planted off-site with approval of the City's Natural Resources Manager.
- Replacement trees may be planted in the fall or winter of the year in which trees were removed. All replacement trees will be planted no more than 1 year following the date upon which the native trees were removed.

Where onsite mitigation through planting replacement trees is not feasible, mitigation shall be provided by one of the following methods:

- Off-site mitigation shall be provided by planting no less than 10:1, at a suitable site that is restricted from development or is public parkland. The Applicant shall plant seedlings – less than 1-year old – in an area providing suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area; or
- An in-lieu fee shall be provided for the unavoidable impacts of the loss of native tree habitat. The fee shall be based on the type, size and age of the tree(s) removed.

- **Mitigation Measure BIO-Alt.1.** The additional emergency access roadway across Froom Creek and the LOVR ditch and the southern emergency access route entering the site from Calle Joaquin shall be reviewed by the City's Public Works Department, Community Development Department, Natural Resources Manager, and Fire Department prior to adoption of the Final FRSP and approval of the Vesting Tentative Tract Map to ensure that



design is adequate for City emergency ingress/egress standards and minimizes impacts to riparian vegetation and wildlife passage, and that adequate on- and offsite mitigation of impacted riparian and wetland vegetation is provided. The City shall ensure review and approval of these features as part of the Final FRSP considers the siting, alignment, width, materials, and access controls.

- b. Finding: LAFCO finds that implementation of mitigation measures would reduce impacts to sensitive vegetation communities, special-status species, wildlife movement, and mature trees would be reduced to a less than significant level. However, despite incorporation of all the Project-specific mitigation measures described above, the Project's contribution to regional cumulative impacts to biological resources would be cumulatively considerable due to inability of the Project to avoid or successfully mitigate all impacts associated with loss or disturbance of sensitive and regionally significant biological resources to a level that would not be collectively significant when added to other closely related past, present, and reasonably foreseeable probable future projects. Therefore, LAFCO finds that the Project's contribution to cumulative impacts to biological resources would be significant and unavoidable.

### **C. CULTURAL AND TRIBAL CULTURAL RESOURCES**

1. **Impact CR-3:** The Project would result in relocation, demolition, disturbance, and/or removal of historic resources onsite, including individually eligible historic resources and a historic district. The Project would relocate, rehabilitate, and adaptively reuse (within the proposed public trailhead park) four structures within the historic Froom Ranch Dairy Complex (i.e., Main Residence, Creamery/House, Dairy (Round-Nose) Barn, and Granary) that are individually eligible for listing on the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and the City's Master List of Historic Resources. The proposed relocation and reconstruction of four of the Froom Ranch Dairy complex buildings would maintain the character-defining features of the four individually significant structures, including the existence, orientation, relative horizontal and vertical relationship of the Main Residence, Creamery/House, Dairy (Round-Nose) Barn, and Granary, and the relative open space and minimally landscaped setting. However, there is a potential for conflict between the design and character of the surrounding Madonna Froom Ranch development and the rehabilitated/reconstructed historic structures. Incompatible design of adjacent new development has the potential to reduce or inhibit the historic quality, character, and context of the relocated and rehabilitated/reconstructed structures. Further, the Project would result in the demolition and permanent loss of three contributors to the eligible Froom Ranch Dairy Complex historic district (i.e., the Shed, Bunkhouse, and Old Barn). While these structures are not individually significant historic resources, they contribute to the historic setting and integrity of the Froom Ranch Dairy Complex historic district based upon their association with the Froom family, connection to the historic dairy operation, character-defining features of Craftsman-style or vernacular architecture, and good integrity (Refer to Impact CR-3, beginning on page 3.5-33, and the Cultural and Tribal Cultural Resources Section, beginning on page 5-67 of the Final EIR).
- a. Mitigation: The following mitigation measures are required to reduce impacts to historic resources to the maximum extent feasible. MM CR-13 has been edited to require design guidelines and a review process for new construction proximate to all historic structures (not

just the Main Residence), since the Project proposes multi-family development adjacent to all four relocated historic structures (not just the Main Residence). This more stringent mitigation measure will ensure potential indirect impacts to historical resources are minimized to the greatest extent feasible.

- **Mitigation Measure CR-9.** The Applicant shall retain a qualified professional historic architect meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR Part 61) to review and comment on design and construction drawings and monitor construction to ensure conformance with the Secretary of the Interior’s Standards. The role of the historic architect shall include collaboration on a range of items relating to materials selection, construction methods, design of exterior and interior alterations, and monitoring of construction activities. The historic architect and Applicant shall resolve any unforeseen circumstance in a manner that conforms with the Secretary of the Interior’s Standards. The qualified professional historic architect shall work with the Applicant team to ensure:
  - a. Deteriorated historic features would be repaired to the greatest extent feasible. Where features are deteriorated beyond repair, they would be replaced to exactly match the old.
  - b. All character-defining features are retained.
  - c. Physical treatments to historic material would use the gentlest means possible and would not damage material.
  - d. Reconstruction would be clearly identified as a contemporary re-creation.
  - e. Interpretative signage would clearly provide information regarding the history of the buildings and their reconstruction.

Artifacts, features, and other materials recovered through this process shall be described, illustrated, and analyzed fully in a technical report of findings; the analysis shall include comparative research with other sites of similar age. In addition to the technical report, the findings from this research shall be published in an appropriate scientific journal. The Applicant shall fund all technical reporting and subsequent publication.

- **Mitigation Measure CR-10.** The Applicant shall retain a qualified professional photographer to prepare Historic American Building Survey (HABS) Level II documentation and investigate additional applicable surveys (e.g., oral histories, LIDAR, and/or photogrammetry). This documentation shall record the existing appearance of all seven contributing buildings in large and medium format HABS photographs. HABS Level II documentation shall pertain to the entire Froom Ranch Dairy complex so that functional relationships between the buildings can be documented. All documentation components shall be completed in accordance with the Guidelines for Architectural and Engineering Documentation (HABS standards). The photographs shall consist primarily of large format, 4-inch by 5-inch, black and white negatives (one set), contact prints (one set) and 8-inch by 10-inch prints (two sets), archivally processed and printed on fiber-based paper. The set of original negatives shall be made at the time the photographs are taken. The original, archivally-sound negatives and prints shall be and distributed as follows: (1) the Library of Congress in Washington, DC through the National Park Service (one set of negatives and contact prints).

- **Mitigation Measure CR-11.** The Applicant shall work with the City to develop an interpretive project that documents the potential historic district and its cultural and architectural heritage by means of a pamphlet and/or additional means (e.g., signage, interpretive plan, mobile-friendly content), subject to approval by the City. This interpretive project will highlight the former Froom Ranch Dairy, both primary and secondary contributors, in a social (Froom family) and industrial (dairy industry) context, with an emphasis on how these buildings were used on the dairy farm, and how this property relates to the larger dairy farm context in San Luis Obispo, the Central Coast, and California. Five hundred copies of the pamphlet shall be published. These professionally researched, written and printed materials shall be offered at no cost through the local museums and heritage organizations, and at the trailhead park. After the initial distribution of printed brochures, digital copies shall be available. Throughout the park, interpretive signs that provide information on building history and function (extant and demolished) shall also be incorporated.
- **Mitigation Measure CR-12.** The Applicant shall reuse original material to the greatest extent feasible in the proposed work on the contributing structures to be relocated and/or reconstructed within the proposed public park (main residence, dairy barn, creamery/house, and granary). The Applicant and historic architect shall work with the City to prepare a marketing plan to offer to the public any salvaged historic materials not used during rehabilitation and reconstruction of the primary contributors, and demolition of the secondary contributors. As appropriate, unused or unretained historic materials will be offered to local historical societies and museums, then offered to architectural recycling before being disposed.
- **Mitigation Measure CR-13.** The Applicant and historic architect shall prepare design guidelines and a review process for new construction proximate to ~~historic structures~~relocated historic structures ~~the main residence~~ the main residence and ~~their~~ its setting would be unimpaired. The design guidelines and review by City Community Development Director shall ensure new construction is compatible with historic structures ~~main residence~~ in material, features, size, scale and proportion, and massing.
- **Mitigation Measure CR-14.** Prior to commencement of Phase 1 construction, a City-approved qualified structural engineer and historical architect shall survey the existing foundations and other structural aspects of the main residence, creamery, dairy barn, and granary, and develop a preservation plan to protect the historic buildings from potential damage during construction activities.

The qualified structural engineer shall identify any necessary temporary structural bracing for the historic structures to avoid damage to these resources during the duration of construction. The qualified structural engineer shall prepare a temporary historic structure stabilization plan identifying these techniques as necessary.

- b. Finding: Implementation of MM CR-9 through MM CR-13 would ensure relocation and restoration of the four individually eligible historical resources would conform to the Secretary of the Interior's Standards, and MM CR-14 would address potential for construction vibration to disturb existing historic buildings during Project construction. Additionally, these measures would lessen impacts to the eligible historic district by ensuring that relocation and reconstruction of the Main Residence, Dairy (Round-Nose) Barn, Creamery/House, and Granary would retain character-defining features that convey the district's historical significance, and that demolished historic structures would be thoroughly documented and curated. However, because the demolition of a portion of a historic district and relocation of a historic district represents an irreversible change to the historical resource, LAFCO finds that these impacts would remain significant and unavoidable.

**2. Cumulative Cultural and Tribal Cultural Resources Impacts:** Cumulative development would result in the permanent loss of known archeological resources and historical structures, including those located within the Avila Ranch Specific Plan and San Luis Ranch Specific Plan areas. In addition, cumulative development may uncover previously undisturbed archeological resources and could potentially result in damage or loss of such resources. Cumulative projects would be required to comply with General Plan Conservation and Open Space Element Policies 3.5.5, 3.5.6, and 3.5.7, and would be subject to review by the City's Cultural Heritage Committee for conformance with guidelines for cultural resources protection. Further, cumulative projects would be subject to environmental review under CEQA, which requires avoidance of significant cultural resources whenever feasible; if avoidance is not feasible, then appropriate mitigation measures would be applied (CEQA Guidelines Section 15126.4). Project mitigation would reduce impacts to archaeological and tribal cultural resources to a less than significant level and would not contribute to a cumulative impact to those resources. However, the Project would result in a significant and unavoidable impact associated with the removal, relocation, and reconstruction of features associated with the historic Froom Ranch Dairy Complex, therefore resulting in considerable contributions to cumulative impacts to historic resources within the region (Refer to Section 3.5.3.4, Cumulative Impacts, beginning on page 3.5-41 of the Final EIR).

- a. Mitigation: The following mitigation measures are required to reduce impacts to cultural, tribal cultural, and historic resources to the maximum extent feasible. MM CR-13 has been edited to require design guidelines and a review process for new construction proximate to all historic structures (not just the Main Residence), since the Project proposes multi-family development adjacent to all four relocated historic structures (not just the Main Residence). This more stringent mitigation measure will ensure potential indirect impacts to historical resources are minimized to the greatest extent feasible.

- **Mitigation Measure CR-1.** A Phase 2 – Subsurface Archaeological Resource Evaluation (SARE) investigation shall be conducted prior to any grading or development proposed within 200 feet of the recorded P-40-000783 and P-40-001195 sites, or the unrecorded site comprising three mapped stone isolates, to evaluate the potential for unknown buried resources within these “archaeologically sensitive” areas, including but not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites, consistent with City Archeological Resource

- Preservation Program Guidelines. If discovery of unknown buried archaeological resources occurs through the SARE, a City-approved archaeologist shall evaluate the significance of the discovery pursuant to City Archaeological Resource Preservation Program Guidelines and CEQA. If the discovery is found to be a significant cultural resource, Project design shall be modified to avoid modification, disturbance, or destruction of the archeological resource. If the Phase 2 SARE investigations do not discover unknown buried archaeological resources but conclude there is a possibility that cultural resources exist within the archaeologically sensitive areas that were evaluated, the Community Development Department Director shall require that the Applicant retain a City-approved archaeologist and local Native American observer to monitor construction activities to identify and protect archaeological resources in accordance with the Archaeological Monitoring Plan described in MM CR-3.
- **Mitigation Measure CR-2.** If any ground disturbing activities are proposed within 100 feet of the recorded sites P-40-000783, P-40-0011195, or the unrecorded site comprising three mapped stone isolates, on preparation of construction plans, the plans shall delineate a 50-foot buffer surrounding the boundaries of the recorded sites. The area shall be labeled as an “Environmentally Sensitive Area”. Highly visible temporary construction fencing shall be installed along the boundary of the 50-foot buffer and shall remain in place until the archaeological monitor recommends removal. If feasible, no ground disturbance, construction worker foot traffic, storage of materials, or storage or use of equipment shall occur within the “Environmentally Sensitive Area”. Archaeological monitoring shall occur during all construction activities occurring within 50 feet of the delineated boundary. Upon completion of archaeological monitoring, an archaeological monitoring report shall be prepared and submitted to the City Community Development Department and the Central Coast Information Center at the University of California Santa Barbara.
  - **Mitigation Measure CR-3.** Prior to issuance of grading or building permits, and recordation of the final map, an Archaeological Monitoring Plan (AMP) shall be prepared. The AMP should include, but not be limited to, the following:
    - A list of personnel involved in the monitoring activities;
    - Description of Native American involvement;
    - Description of how the monitoring shall occur;
    - Description of location and frequency of monitoring (e.g., full time, part time, spot checking);
    - Description of what resources are expected to be encountered;
    - Description of circumstances that would result in the halting of work at the project site;
    - Description of procedures for halting work on the site and notification procedures;
    - Description of monitoring reporting procedures; and
    - Provide specific, detailed protocols for what to do in the event of the discovery of human remains.
  - **Mitigation Measure CR-4.** The Applicant shall retain a City-approved archaeologist and local Native American observer to monitor Project-related ground-disturbing activities that have the potential to encounter previously unidentified archaeological resources, as outlined in

- the AMP prepared to satisfy MM CR-3. Archaeological and tribal monitoring may cease only if the City-approved archaeologist determines in coordination with the Applicant, Community Development Director, and the Native American monitor that Project activities do not have the potential to encounter and/or disturb unknown resources.
- **Mitigation Measure CR-5.** In the event of any inadvertent discovery of prehistoric archaeological resources, including but not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or historic-period archaeological resources, all work within 100 feet of the discovery shall immediately cease (or greater or lesser distance as needed to protect the discovery and determined in the field by the City-approved archaeologist). The Applicant and/or contractor shall immediately notify the City Community Development Department. The City-approved archaeologist shall evaluate the significance of the discovery pursuant to City Archaeological Resource Preservation Program Guidelines prior to resuming any activities that could impact the site/discovery. If the City-approved archaeologist or Native American monitor determine that the find may qualify for listing in the CRHR or as a tribal cultural resource, the site shall be avoided or shall be subject to a Phase II or III mitigation program consistent with City Archeological Resource Preservation Program Guidelines and funded by the Applicant. Work shall not resume until authorization is received from the City.
  - **Mitigation Measure CR-6.** Prior to construction of each phase, workers shall receive education regarding the recognition of possible buried cultural remains and protection of all cultural resources, including prehistoric and historic resources, during construction. Such training shall provide construction personnel with direction regarding the procedures to be followed in the unlikely event that previously unidentified archaeological materials, including Native American burials, are discovered during construction. Training shall also inform construction personnel that unauthorized collection or disturbance of artifacts or other cultural materials is not allowed. The training shall be prepared by a City-approved archaeologist and shall provide a description of the cultural resources that may be encountered in the Project site, specify areas of known sensitivity, outline steps to follow in the event that a discovery is made, and provide contact information for the City-approved archaeologist, Native American monitor, and appropriate City personnel. The training shall be conducted concurrent with other environmental or safety awareness and education programs for the Project, provided that the program elements pertaining to archaeological resources is provided by a qualified instructor meeting applicable professional standards.
  - **Mitigation Measure CR-7.** If human remains are exposed during construction, the City Community Development Department shall be notified immediately. The Applicant and City shall comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains pursuant to PRC Section 5097.98. Construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by law.
  - **Mitigation Measure CR-8.** No designated recreational areas, facilities, pedestrian paths, or roadways shall be located with 50 feet of a known prehistoric or tribal cultural resource site.

All archaeological site soils within 100 feet of a known prehistoric or tribal cultural site shall be seeded with shallow rooted native vegetation unless existing natural vegetation (i.e., existing grasslands) can screen the cultural resource from view.

- **Mitigation Measure CR-9.** The Applicant shall retain a qualified professional historic architect meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR Part 61) to review and comment on design and construction drawings and monitor construction to ensure conformance with the Secretary of the Interior’s Standards. The role of the historic architect shall include collaboration on a range of items relating to materials selection, construction methods, design of exterior and interior alterations, and monitoring of construction activities. The historic architect and Applicant shall resolve any unforeseen circumstance in a manner that conforms with the Secretary of the Interior’s Standards. The qualified professional historic architect shall work with the Applicant team to ensure:
  - a. Deteriorated historic features would be repaired to the greatest extent feasible. Where features are deteriorated beyond repair, they would be replaced to exactly match the old.
  - b. All character-defining features are retained.
  - c. Physical treatments to historic material would use the gentlest means possible and would not damage material.
  - d. Reconstruction would be clearly identified as a contemporary re-creation.
  - e. Interpretative signage would clearly provide information regarding the history of the buildings and their reconstruction.

Artifacts, features, and other materials recovered through this process shall be described, illustrated, and analyzed fully in a technical report of findings; the analysis shall include comparative research with other sites of similar age. In addition to the technical report, the findings from this research shall be published in an appropriate scientific journal. The Applicant shall fund all technical reporting and subsequent publication.

- **Mitigation Measure CR-10.** The Applicant shall retain a qualified professional photographer to prepare Historic American Building Survey (HABS) Level II documentation and investigate additional applicable surveys (e.g., oral histories, LIDAR, and/or photogrammetry). This documentation shall record the existing appearance of all seven contributing buildings in large and medium format HABS photographs. HABS Level II documentation shall pertain to the entire Froom Ranch Dairy complex so that functional relationships between the buildings can be documented. All documentation components shall be completed in accordance with the Guidelines for Architectural and Engineering Documentation (HABS standards). The photographs shall consist primarily of large format, 4-inch by 5-inch, black and white negatives (one set), contact prints (one set) and 8-inch by 10-inch prints (two sets), archivally processed and printed on fiber-based paper. The set of original negatives shall be made at the time the photographs are taken. The original, archivally-sound negatives and prints shall be and distributed as follows: (1) the Library of Congress in Washington, DC through the National Park Service (one set of negatives and contact prints).

- **Mitigation Measure CR-11.** The Applicant shall work with the City to develop an interpretive project that documents the potential historic district and its cultural and architectural heritage by means of a pamphlet and/or additional means (e.g., signage, interpretive plan, mobile-friendly content), subject to approval by the City. This interpretive project will highlight the former Froom Ranch Dairy, both primary and secondary contributors, in a social (Froom family) and industrial (dairy industry) context, with an emphasis on how these buildings were used on the dairy farm, and how this property relates to the larger dairy farm context in San Luis Obispo, the Central Coast, and California. Five hundred copies of the pamphlet shall be published. These professionally researched, written and printed materials shall be offered at no cost through the local museums and heritage organizations, and at the trailhead park. After the initial distribution of printed brochures, digital copies shall be available. Throughout the park, interpretive signs that provide information on building history and function (extant and demolished) shall also be incorporated.
- **Mitigation Measure CR-12.** The Applicant shall reuse original material to the greatest extent feasible in the proposed work on the contributing structures to be relocated and/or reconstructed within the proposed public park (main residence, dairy barn, creamery/house, and granary). The Applicant and historic architect shall work with the City to prepare a marketing plan to offer to the public any salvaged historic materials not used during rehabilitation and reconstruction of the primary contributors, and demolition of the secondary contributors. As appropriate, unused or unretained historic materials will be offered to local historical societies and museums, then offered to architectural recycling before being disposed.
- **Mitigation Measure CR-13.** The Applicant and historic architect shall prepare design guidelines and a review process for new construction proximate to historic structures~~the main residence~~. New construction shall be undertaken in such a manner that the essential form and integrity of relocated historic structures ~~the main residence~~ and their ~~its~~ setting would be unimpaired. The design guidelines and review by City Community Development Director shall ensure new construction is compatible with historic structures ~~main residence~~ in material, features, size, scale and proportion, and massing.
- **Mitigation Measure CR-14.** Prior to commencement of Phase 1 construction, a City-approved qualified structural engineer and historical architect shall survey the existing foundations and other structural aspects of the main residence, creamery, dairy barn, and granary, and develop a preservation plan to protect the historic buildings from potential damage during construction activities.

The qualified structural engineer shall identify any necessary temporary structural bracing for the historic structures to avoid damage to these resources during the duration of construction. The qualified structural engineer shall prepare a temporary historic structure stabilization plan identifying these techniques as necessary.

- b. Finding: Implementation of mitigation MM CR-1 through -8 would feasibly reduce Project-specific impacts to cultural and tribal cultural resources to a less than significant level and would



not result in significant cumulative impacts to such resources. Implementation of MM CR-9 through -13 would ensure relocation and restoration of the four individually eligible historical resources would conform to the Secretary of the Interior's Standards, and MM CR-14 would address potential for construction vibration to disturb existing historic buildings during construction. Additionally, these measures would lessen impacts to the potential historic district by ensuring that relocation and reconstruction of the Main Residence, Dairy (Round-Nose) Barn, Creamery/House, and Granary would retain character-defining features that convey the district's historical significance, and that demolished historic structures would be thoroughly documented and curated. However, because the demolition of a portion of a historic district and relocation of a historic district represents an irreversible change to the historical resource, LAFCO finds that the Project's contribution to loss of historic resources within the region would result in a significant and unavoidable impact.

#### **D. HAZARDS, HAZARDOUS MATERIALS, AND WILDFIRE**

1. **Impact HAZ-1:** The Project would exacerbate wildfire risks, exposing Project occupants to wildfire hazards and impairing emergency response. The Project would require wildfire fuel management in the Irish Hills Natural Reserve. The Project site is located in a region with very high to moderate fire hazard potential, including the western 1-mile-long perimeter of the site that borders and includes very high fire hazard areas. Adjacent grassland, coastal sage scrub, oak woodland and chaparral vegetation within the Irish Hills Natural Reserve provides substantial flammable natural fuels for future potential wildfires. The risk of fire ignition from construction activities immediately adjacent to the Very High Fire Hazard Severity Zone (FHSZ) constitutes a potentially significant adverse impact, especially during periods of high fire risk. The Project would exacerbate wildfire risks by developing residential uses in a high fire hazard area, thereby placing structures and people in a permanently high-risk location and contributing to wildfire hazards that would affect existing residents and property, including pollutant concentrations from a wildfire, uncontrolled spread of wildfire, and post-fire flooding, debris flows, and drainage changes. The Project would substantially increase the total number of people and structures within an area designated Moderate FHSZ and adjacent to a High FHSZ at the base of the Froom Creek watershed and the Irish Hills. During periods of maximum occupancy, 1,231 persons could be onsite within the residential and commercial areas (i.e., employees and residents). Although no development is proposed in the Very High FHSZ, the risk of wildfire remains high due to Project location at the wildland-urban interface at the base of steep slopes and ravines in the Irish Hills (Refer to Impact HAZ-1, beginning on page 3.7-24, and the Hazards, Hazardous Materials, and Wildfire Section, beginning on page 5-71 of the Final EIR).
  - a. **Mitigation:** The following mitigation measures are required to reduce Project construction and operational impacts from wildfire hazards to the maximum extent feasible.
    - **Mitigation Measure HAZ-1.** The Applicant shall prepare and submit a Construction Impact Management Plan to SLOFD prior to the issuance of grading permits. The Plan shall list measures taken during construction to reduce the potential for brush or grass fires from use of heavy equipment, welding, vehicles with catalytic converters, and other potential activities. The Plan shall include SLOFD recommended measures including, but not limited to the following:

- All equipment with the potential to work off-road shall be equipped with appropriate mufflers and have extinguishers mounted on each vehicle;
  - In coordination with SLOFD, personnel shall be briefed on the dangers of wildfire and be able to respond accordingly should the need arise;
  - Onsite supervisor(s) shall have a cell phone or other means of initiating a 911 response time in a timely manner in the event of a medical emergency and/or fire;
  - All dead and decadent vegetation immediately surrounding the development area shall be removed to a minimum perimeter of 30 feet;
  - Smoking shall only occur in a designated area;
  - A water tender will be available on each construction site during the entire phase of construction; and
  - A water tender operator shall be available onsite during all construction and remain onsite a minimum of 30 minutes after all construction has finished for the day.
- **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:
- Vegetation coverage and type;
  - Setbacks between structures, sensitive wildlife species, and access routes;
  - Development plan landscaping and planting standards within the setback areas;
  - Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
  - All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to provide adequate structure protection and avoid degradation of sensitive biological habitat; and
  - Invasive species shall be removed and controlled.

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- **Mitigation Measure HAZ-3.** The FRSP shall designate smoking areas, located away from onsite fire hazards areas and within acceptable locations consistent with Chapter 8.16, Smoking Prohibition and Secondhand Smoke Control, of the City Municipal Code. Otherwise, smoking shall be prohibited onsite. The Applicant shall amend the FRSP to include policies to requiring the allowed use of fire-resistant landscaping and hardscaping in areas to reduce mulch/gorilla hair, which is the receptive embers, if determined appropriate by SLOFD.
  
  - **Mitigation Measure HAZ-4.** The Applicant shall prepare and implement an Evacuation Plan, which shall address both Villaggio and Madonna Froom Ranch areas. The Evacuation Plan shall be subject to review by the City and SLOFD, and shall include, but not be limited to:
    - Accommodation for assisted living and special care individuals;
    - Shelter-in-place accommodations;
    - Specified quantity and capacity of vehicles required to accommodate residents and employees of Villaggio, and maintenance of those vehicles;
    - Signage that clearly indicates evacuation routes and meeting areas;
    - Specified egress points for transportation vehicles;
    - A relocation plan from the Project site to a secondary facility, with associated transportation;
    - Contingency plans for changes to the construction schedule or phasing plan that would affect the primary evacuation plan and routes;
    - Periodic updates that would consider potential redevelopment activities or other roadway alterations; and
    - Regular practice drills (e.g., one per year) for implementation of the Evacuation Plan.
  
  - **Mitigation Measure HAZ-5.** The FRSP shall designate fire access routes in at least two locations from the Project site to the Irish Hills Natural Reserve on at least 12-foot wide paths, one extending from Villaggio and one from Madonna Froom Ranch. Fire access routes shall be designed to allow emergency response to wildland area in the Irish Hills to support direct access for firefighting personnel and equipment.
- b. Finding: Security fencing, retaining walls, and closely spaced residential units in Villaggio would limit access for firefighters to attack fires threatening residential units adjacent to the Irish Hills Natural Preserve. The project includes primary and emergency access as reviewed and approved by the City Fire Department, and implementation of mitigation measures would reduce impacts associated with development of the Project in proximity to high fire risk areas and provide for direct emergency access for emergency response vehicles to both the Project site and adjacent lands of the Irish Hills Natural Reserve. Additional mitigation includes requirements for a Community Fire Protection Plan and Evacuation Plan. However, LAFCO finds that while mitigation would reduce the range of wildfire risks, given the location of the site at the base of the Irish Hills (and associated moderate to high fire hazard zones) with slopes, vegetation, and winds that put the Project site and surrounding areas at risk for wildfire impacts, the mitigation measures would not reduce the potential impact to a level of insignificance. Occupants would still be exposed to wildfire hazards and secondary impacts to the Irish Hills would continue to

occur from offsite fuel management. Impacts related to wildland fires with associated threat of damage to structures and loss of life would be significant and unavoidable.

- 2. Cumulative Hazards, Hazardous Materials, and Wildfire Impacts:** The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. Discretionary projects proposed in the City would be required to undergo individual environmental review, including review of potential impacts related to hazards and hazardous materials that are applicable to that particular development site and proposed use. Additionally, projects would also be subject to the local, state, and federal standards which require the safe removal of potentially hazardous building materials and the cleanup of contaminated properties, thus reducing the level of risk on a particular site. Cumulative impacts from hazards and hazardous materials would be less than significant.

Cumulative hazards from wildfire would be exacerbated by additional construction and operation of urban uses within the City and region along the wildland-urban interface. Projects within this area would introduce additional fire hazard-related risks that would place additional people and structures at risk of damage. Further, the heightened potential for future fire hazards from the influence of climate change and warmer conditions would contribute to the potential for a higher frequency, intensity, and size of fires that may occur within the Project site vicinity and overall region.

Cumulative projects within the City and the Project vicinity would have the potential to expose future area residents, employees, and visitors to chemical hazards through development of sites and structures that may be contaminated from either historic or ongoing uses. The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. In addition, several cumulative projects are also within the ALUP Safety Areas, thereby potentially exposing persons to risk of airport safety hazards. These primarily include residential units and commercial developments near the Airport, such as the San Luis Ranch Specific Plan and Avila Ranch Development Plan projects (Refer to Section 3.7.3.4, Cumulative Impacts, beginning on page 3.7-42, and the Hazards, Hazardous Materials, and Wildfire Section, beginning on page 5-71 of the Final EIR).

- a. Mitigation: The following mitigation measures are required to reduce cumulative impacts from and wildfire to the maximum extent feasible. Impacts associated with hazards, hazardous materials, and development within a ALUP Safety Area are less than significant, and no mitigation is required.
- **Mitigation Measure HAZ-1.** The Applicant shall prepare and submit a Construction Impact Management Plan to SLOFD prior to the issuance of grading permits. The Plan shall list measures taken during construction to reduce the potential for brush or grass fires from use of heavy equipment, welding, vehicles with catalytic converters, and other potential activities. The Plan shall include SLOFD recommended measures including, but not limited to the following:

- All equipment with the potential to work off-road shall be equipped with appropriate mufflers and have extinguishers mounted on each vehicle;
  - In coordination with SLOFD, personnel shall be briefed on the dangers of wildfire and be able to respond accordingly should the need arise;
  - Onsite supervisor(s) shall have a cell phone or other means of initiating a 911 response time in a timely manner in the event of a medical emergency and/or fire;
  - All dead and decadent vegetation immediately surrounding the development area shall be removed to a minimum perimeter of 30 feet;
  - Smoking shall only occur in a designated area;
  - A water tender will be available on each construction site during the entire phase of construction; and
  - A water tender operator shall be available onsite during all construction and remain onsite a minimum of 30 minutes after all construction has finished for the day.
- **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:
- Vegetation coverage and type;
  - Setbacks between structures, sensitive wildlife species, and access routes;
  - Development plan landscaping and planting standards within the setback areas;
  - Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
  - All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to provide adequate structure protection and avoid degradation of sensitive biological habitat; and
  - Invasive species shall be removed and controlled.

- **Mitigation Measure HAZ-3.** The FRSP shall designate smoking areas, located away from onsite fire hazards areas and within acceptable locations consistent with Chapter 8.16, Smoking Prohibition and Secondhand Smoke Control, of the City Municipal Code. Otherwise, smoking shall be prohibited onsite. The Applicant shall amend the FRSP to include policies to requiring the allowed use of fire-resistant landscaping and hardscaping in areas to reduce mulch/gorilla hair, which is the receptive embers, if determined appropriate by SLOFD.
  - **Mitigation Measure HAZ-4.** The Applicant shall prepare and implement an Evacuation Plan, which shall address both Villaggio and Madonna Froom Ranch areas. The Evacuation Plan shall be subject to review by the City and SLOFD, and shall include, but not be limited to:
    - Accommodation for assisted living and special care individuals;
    - Shelter-in-place accommodations;
    - Specified quantity and capacity of vehicles required to accommodate residents and employees of Villaggio, and maintenance of those vehicles;
    - Signage that clearly indicates evacuation routes and meeting areas;
    - Specified egress points for transportation vehicles;
    - A relocation plan from the Project site to a secondary facility, with associated transportation;
    - Contingency plans for changes to the construction schedule or phasing plan that would affect the primary evacuation plan and routes;
    - Periodic updates that would consider potential redevelopment activities or other roadway alterations; and
    - Regular practice drills (e.g., one per year) for implementation of the Evacuation Plan.
  - **Mitigation Measure HAZ-5.** The FRSP shall designate fire access routes in at least two locations from the Project site to the Irish Hills Natural Reserve on at least 12-foot wide paths, one extending from Villaggio and one from Madonna Froom Ranch. Fire access routes shall be designed to allow emergency response to wildland area in the Irish Hills to support direct access for firefighting personnel and equipment.
- b. **Finding:** LAFCO finds that implementation of mitigation, required discretionary approval and environmental review for individual projects, and applicability of local, state, and federal regulations would feasibly reduce impacts of the Project with regard to release or risk of upset from hazards and airport safety related risks such that cumulative impacts would be less than significant. However, required mitigation would not fully eliminate or reduce risks associated with development of commercial and residential uses directly adjacent to high fire hazard areas. Given the high potential for wildfire near the City, the potential for cumulative development to exacerbate wildfire hazards is significant and unavoidable.

## **E. LAND USE AND PLANNING**

1. **Impact LU-1:** The Project would allow urban development above the 150-foot elevation within Madonna Froom Ranch and would relocate portions of the Froom Ranch Dairy Complex, which

would potentially conflict with City General Plan policies adopted for the purpose of avoiding impacts to visual, cultural resources, and wildfire hazards. The Project site is highly visible to trail users in the Irish Hills Natural Reserve trail system where sweeping views across the Project site are available, particularly overlooking the southwest portion of the site and the western edge of Madonna Froom Ranch above 150 feet in elevation. Development of the Project would potentially conflict with General Plan Conservation and Open Space Element Policy 9.2.1, *Views to and from public places*, designed to protect public views, including those from such places as the heavily used trail network in the Irish Hills Natural Reserve and the Froom Creek trailhead. In addition, City LUE Policy 6.4.7, *Hillside Planning Areas*, was intended in part to protect sensitive hillside views by prohibiting development above the 150-foot elevation in the Project vicinity. With regard to cultural resources, while four individually eligible structures (i.e., the Main Residence, Creamery/House, Dairy (Round-Nose) Barn, and Granary) would be relocated, restored, and repurposed to maintain their historic integrity, the Project would result in the demolition and permanent loss of three structures identified as contributing to the Froom Ranch Dairy Complex historic district (i.e., the Shed, Bunkhouse, and Old Barn). This loss would be potentially inconsistent with City policy. Lastly, development of the Project would locate residential uses at the wildland-urban interface at the base of the Froom Creek watershed where potential fire risks are considered moderate to high. The Project proposes three emergency access routes that in the event of fire or other emergency would provide adequate ingress/egress for evacuating civilians and emergency response personnel to the Project site; however, security fencing, retaining walls, and closely spaced residential units in Villaggio would limit access for firefighters to attack fires threatening residential units adjacent to the Irish Hills Natural Preserve and secondary impacts to the Irish Hills would continue to occur from offsite fuel management. The proposed land use plan of the Project would avoid development of the most sensitive biological areas of the site, particularly those areas above the 150-foot elevation line in Villaggio, and would not result in major conflicts with City policies adopted for the protection of sensitive biological resources (Refer to Impact LU-1, beginning on page 3.9-63, and the Land Use and Planning Section, beginning on page 5-76, and page 5-63 of the Final EIR).

- a. Mitigation: The following mitigation measures are required to reduce Project construction and operational impacts to cultural resources and from wildfire hazards as they relate to consistency with City policies to the maximum extent feasible. MM CR-13 has been edited to require design guidelines and a review process for new construction proximate to all historic structures (not just the Main Residence), since the Project proposes multi-family development adjacent to all four relocated historic structures (not just the Main Residence). This more stringent mitigation measure will ensure potential indirect impacts to historical resources are minimized to the greatest extent feasible. MM TRANS-20 and MM TRANS-21 have been edited to remove inference to development in the Upper Terrace of Villaggio, as this component is no longer proposed in the FRSP. MM TRANS-20 and MM TRANS-21 would continue to apply to all other portions of the Project site.
  - **Mitigation Measure CR-9.** The Applicant shall retain a qualified professional historic architect meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR Part 61) to review and comment on design and construction drawings and monitor construction to ensure conformance with the Secretary of the Interior’s Standards. The role of the historic architect shall include collaboration on a range of items relating to materials

selection, construction methods, design of exterior and interior alterations, and monitoring of construction activities. The historic architect and Applicant shall resolve any unforeseen circumstance in a manner that conforms with the Secretary of the Interior's Standards. The qualified professional historic architect shall work with the Applicant team to ensure:

- f. Deteriorated historic features would be repaired to the greatest extent feasible. Where features are deteriorated beyond repair, they would be replaced to exactly match the old.
- g. All character-defining features are retained.
- h. Physical treatments to historic material would use the gentlest means possible and would not damage material.
- i. Reconstruction would be clearly identified as a contemporary re-creation.
- j. Interpretative signage would clearly provide information regarding the history of the buildings and their reconstruction.

Artifacts, features, and other materials recovered through this process shall be described, illustrated, and analyzed fully in a technical report of findings; the analysis shall include comparative research with other sites of similar age. In addition to the technical report, the findings from this research shall be published in an appropriate scientific journal. The Applicant shall fund all technical reporting and subsequent publication.

- **Mitigation Measure CR-10.** The Applicant shall retain a qualified professional photographer to prepare Historic American Building Survey (HABS) Level II documentation and investigate additional applicable surveys (e.g., oral histories, LIDAR, and/or photogrammetry). This documentation shall record the existing appearance of all seven contributing buildings in large and medium format HABS photographs. HABS Level II documentation shall pertain to the entire Froom Ranch Dairy complex so that functional relationships between the buildings can be documented. All documentation components shall be completed in accordance with the Guidelines for Architectural and Engineering Documentation (HABS standards). The photographs shall consist primarily of large format, 4-inch by 5-inch, black and white negatives (one set), contact prints (one set) and 8-inch by 10-inch prints (two sets), archivally processed and printed on fiber-based paper. The set of original negatives shall be made at the time the photographs are taken. The original, archivally-sound negatives and prints shall be and distributed as follows: (1) the Library of Congress in Washington, DC through the National Park Service (one set of negatives and contact prints).
- **Mitigation Measure CR-11.** The Applicant shall work with the City to develop an interpretive project that documents the potential historic district and its cultural and architectural heritage by means of a pamphlet and/or additional means (e.g., signage, interpretive plan, mobile-friendly content), subject to approval by the City. This interpretive project will highlight the former Froom Ranch Dairy, both primary and secondary contributors, in a social (Froom family) and industrial (dairy industry) context, with an emphasis on how these buildings were used on the dairy farm, and how this property relates to the larger dairy farm context in San Luis Obispo, the Central Coast, and California. Five hundred copies of the pamphlet shall be published. These professionally researched, written and printed materials



shall be offered at no cost through the local museums and heritage organizations, and at the trailhead park. After the initial distribution of printed brochures, digital copies shall be available. Throughout the park, interpretive signs that provide information on building history and function (extant and demolished) shall also be incorporated.

- **Mitigation Measure CR-12.** The Applicant shall reuse original material to the greatest extent feasible in the proposed work on the contributing structures to be relocated and/or reconstructed within the proposed public park (main residence, dairy barn, creamery/house, and granary). The Applicant and historic architect shall work with the City to prepare a marketing plan to offer to the public any salvaged historic materials not used during rehabilitation and reconstruction of the primary contributors, and demolition of the secondary contributors. As appropriate, unused or unretained historic materials will be offered to local historical societies and museums, then offered to architectural recycling before being disposed.
- **Mitigation Measure CR-13.** The Applicant and historic architect shall prepare design guidelines and a review process for new construction proximate to historic structures~~the main residence~~. New construction shall be undertaken in such a manner that the essential form and integrity of relocated historic structures ~~the main residence~~ and their ~~its~~ setting would be unimpaired. The design guidelines and review by City Community Development Director shall ensure new construction is compatible with historic structures ~~main residence~~ in material, features, size, scale and proportion, and massing.
- **Mitigation Measure CR-14.** Prior to commencement of Phase 1 construction, a City-approved qualified structural engineer and historical architect shall survey the existing foundations and other structural aspects of the main residence, creamery, dairy barn, and granary, and develop a preservation plan to protect the historic buildings from potential damage during construction activities.

The qualified structural engineer shall identify any necessary temporary structural bracing for the historic structures to avoid damage to these resources during the duration of construction. The qualified structural engineer shall prepare a temporary historic structure stabilization plan identifying these techniques as necessary.

- **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management

practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:

- Vegetation coverage and type;
  - Setbacks between structures, sensitive wildlife species, and access routes;
  - Development plan landscaping and planting standards within the setback areas;
  - Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
  - All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to provide adequate structure protection and avoid degradation of sensitive biological habitat; and
  - Invasive species shall be removed and controlled.
- **Mitigation Measure HAZ-3.** The FRSP shall designate smoking areas, located away from onsite fire hazards areas and within acceptable locations consistent with Chapter 8.16, Smoking Prohibition and Secondhand Smoke Control, of the City Municipal Code. Otherwise, smoking shall be prohibited onsite. The Applicant shall amend the FRSP to include policies to requiring the allowed use of fire-resistant landscaping and hardscaping in areas to reduce mulch/gorilla hair, which is the receptive embers, if determined appropriate by SLOFD.
- **Mitigation Measure HAZ-4.** The Applicant shall prepare and implement an Evacuation Plan, which shall address both Villaggio and Madonna Froom Ranch areas. The Evacuation Plan shall be subject to review by the City and SLOFD, and shall include, but not be limited to:
- Accommodation for assisted living and special care individuals;
  - Shelter-in-place accommodations;
  - Specified quantity and capacity of vehicles required to accommodate residents and employees of Villaggio, and maintenance of those vehicles;
  - Signage that clearly indicates evacuation routes and meeting areas;
  - Specified egress points for transportation vehicles;
  - A relocation plan from the Project site to a secondary facility, with associated transportation;
  - Contingency plans for changes to the construction schedule or phasing plan that would affect the primary evacuation plan and routes;
  - Periodic updates that would consider potential redevelopment activities or other roadway alterations; and
  - Regular practice drills (e.g., one per year) for implementation of the Evacuation Plan.

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- **Mitigation Measure HAZ-5.** The FRSP shall designate fire access routes in at least two locations from the Project site to the Irish Hills Natural Reserve on at least 12-foot-wide paths, one extending from Villaggio and one from Madonna Froom Ranch. Fire access routes shall be designed to allow emergency response to wildland area in the Irish Hills to support direct access for firefighting personnel and equipment.
  - **Mitigation Measure TRANS-19.** The Project shall design and install include a landscaped median along LOVR from the terminus of the existing median at northern Project frontage to Calle Joaquin.
  - **Mitigation Measure TRANS-20.** The Project shall include an emergency access point from Villaggio's Lower Area to the Irish Hills Natural Reserve to provide access to the existing dirt road network to fight fires in Irish Hills, specifically to Neil Havlik Way which connects to the four utility power line structures at the top of the ridgeline. This access point may be gated to ensure site security in consultation with SLOFD.
  - **Mitigation Measure TRANS-21.** The Project shall integrate access to the Project site perimeters for defending the Project site development. Specifically, these measures should address access to the wildland area immediately abutting the western boundary of Villaggio's Lower Area. This measure shall include access from the proposed Local Road "C" to the Irish Hills, which may include use of space between proposed buildings for firefighting vehicle access, ramps up proposed retaining walls, and similar vehicle infrastructure to maintain access to the base of the Irish Hills.
- b. **Finding:** Compared to the Draft FRSP analyzed in the Final EIR, and with implementation of MM BIO-1 through MM BIO-14, the Project would result in substantially reduced impacts to biological resources and would be generally consistent with General Plan policies related to the protection of biological resources. With avoidance of the Upper Terrace and implementation of MM HAZ-2 through MM HAZ-5 and MM TRANS-19 through MM TRANS-21, potential land use impacts would be substantially reduced; however, as noted above (see Impact HAZ-1), the impact would be significant and unavoidable. Despite other mitigation to reduce impacts related to aesthetics and cultural resources, implementation of a General Plan Amendment to Hillside Policy 6.4.7, *Hillside Planning Areas*, and development and operation of portions of the Project above the 150-foot elevation would result in substantial impacts associated with inconsistency with City policy related to the protection of aesthetics and avoidance of wildfire hazards. Mitigation would also not avoid the significant loss of historic resources associated with the Froom Ranch Dairy Complex historic district. LAFCO finds that since implementation of feasible mitigation measures would not fully mitigate potential impacts resulting from development above the 150-foot elevation and loss of historical resources, mitigation would not ensure consistency with applicable policies of the City's General Plan in a manner that would ensure potential policy conflicts would be less than significant. Impacts related to land use policy consistency would be significant and unavoidable.
- 2. Cumulative Land Use and Planning Impacts:** The Project is one of many planned and/or proposed residential and commercial developments in undeveloped open or agricultural lands along edges of

the City, such as the San Luis Ranch Specific Plan and Avila Ranch Development projects. Construction of the Project would incrementally contribute to the trend of conversion of the southern end of the City from undeveloped agricultural land and open lands to developed urban uses, with resultant losses of open space and habitats, increases in impervious surfaces, night lighting, noise, and traffic that accompany such development. The Project, in combination with planned buildout of the City's General Plan and implementation of other pending or approved cumulative development within the City, would continue to incrementally contribute to the loss of biological and historical resources and inconsistency with City General Plan policies relating to biological, aesthetic, wildfire, and historic resources (Refer to Section 3.9.4.4., Cumulative Impacts, beginning on page 3.9-68 of the Final EIR and Chapter 5.0 Alternatives of the Final EIR).

a. Mitigation: The following mitigation measures are required to reduce Project impacts to cumulative land use and planning impacts to the maximum extent feasible. MM CR-13 has been clarified to require design guidelines and a review process for new construction proximate to all historic structures (not just the Main Residence), since the Project proposes multi-family development adjacent to all four relocated historic structures (not just the Main Residence). This more stringent mitigation measure will ensure potential indirect impacts to historical resources are minimized to the greatest extent feasible. MM TRANS-20 and MM TRANS-21 have been edited to remove inference to development in the Upper Terrace of Villaggio, as this component is no longer proposed in the FRSP.

— **Mitigation Measure CR-9.** The Applicant shall retain a qualified professional historic architect meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61) to review and comment on design and construction drawings and monitor construction to ensure conformance with the Secretary of the Interior's Standards. The role of the historic architect shall include collaboration on a range of items relating to materials selection, construction methods, design of exterior and interior alterations, and monitoring of construction activities. The historic architect and Applicant shall resolve any unforeseen circumstance in a manner that conforms with the Secretary of the Interior's Standards. The qualified professional historic architect shall work with the Applicant team to ensure:

- a. Deteriorated historic features would be repaired to the greatest extent feasible. Where features are deteriorated beyond repair, they would be replaced to exactly match the old.
- b. All character-defining features are retained.
- c. Physical treatments to historic material would use the gentlest means possible and would not damage material.
- d. Reconstruction would be clearly identified as a contemporary re-creation.
- e. Interpretative signage would clearly provide information regarding the history of the buildings and their reconstruction.

Artifacts, features, and other materials recovered through this process shall be described, illustrated, and analyzed fully in a technical report of findings; the analysis shall include comparative research with other sites of similar age. In addition to the technical report, the

- findings from this research shall be published in an appropriate scientific journal. The Applicant shall fund all technical reporting and subsequent publication.
- **Mitigation Measure CR-10.** The Applicant shall retain a qualified professional photographer to prepare Historic American Building Survey (HABS) Level II documentation and investigate additional applicable surveys (e.g. oral histories, LIDAR, and/or photogrammetry). This documentation shall record the existing appearance of all seven contributing buildings in large and medium format HABS photographs. HABS Level II documentation shall pertain to the entire Froom Ranch Dairy complex so that functional relationships between the buildings can be documented. All documentation components shall be completed in accordance with the Guidelines for Architectural and Engineering Documentation (HABS standards). The photographs shall consist primarily of large format, 4-inch by 5-inch, black and white negatives (one set), contact prints (one set) and 8-inch by 10-inch prints (two sets), archivally processed and printed on fiber-based paper. The set of original negatives shall be made at the time the photographs are taken. The original, archivally-sound negatives and prints shall be and distributed as follows: (1) the Library of Congress in Washington, DC through the National Park Service (one set of negatives and contact prints).
  - **Mitigation Measure CR-11.** The Applicant shall work with the City to develop an interpretive project that documents the potential historic district and its cultural and architectural heritage by means of a pamphlet and/or additional means (e.g., signage, interpretive plan, mobile-friendly content), subject to approval by the City. This interpretive project will highlight the former Froom Ranch Dairy, both primary and secondary contributors, in a social (Froom family) and industrial (dairy industry) context, with an emphasis on how these buildings were used on the dairy farm, and how this property relates to the larger dairy farm context in San Luis Obispo, the Central Coast, and California. Five hundred copies of the pamphlet shall be published. These professionally researched, written and printed materials shall be offered at no cost through the local museums and heritage organizations, and at the trailhead park. After the initial distribution of printed brochures, digital copies shall be available. Throughout the park, interpretive signs that provide information on building history and function (extant and demolished) shall also be incorporated.
  - **Mitigation Measure CR-12.** The Applicant shall reuse original material to the greatest extent feasible in the proposed work on the contributing structures to be relocated and/or reconstructed within the proposed public park (main residence, dairy barn, creamery/house, and granary). The Applicant and historic architect shall work with the City to prepare a marketing plan to offer to the public any salvaged historic materials not used during rehabilitation and reconstruction of the primary contributors, and demolition of the secondary contributors. As appropriate, unused or unretained historic materials will be offered to local historical societies and museums, then offered to architectural recycling before being disposed.
  - **Mitigation Measure CR-13.** The Applicant and historic architect shall prepare design guidelines and a review process for new construction proximate to ~~the main residence~~ historic structures. New construction shall be undertaken in such a manner that the essential

form and integrity of relocated historic structures ~~the main residence~~ and their ~~its~~ setting would be unimpaired. The design guidelines and review by City Community Development Director shall ensure new construction is compatible with historic structures ~~main residence~~ in material, features, size, scale and proportion, and massing.

- **Mitigation Measure CR-14.** Prior to commencement of Phase 1 construction, a City-approved qualified structural engineer and historical architect shall survey the existing foundations and other structural aspects of the main residence, creamery, dairy barn, and granary, and develop a preservation plan to protect the historic buildings from potential damage during construction activities.

The qualified structural engineer shall identify any necessary temporary structural bracing for the historic structures to avoid damage to these resources during the duration of construction. The qualified structural engineer shall prepare a temporary historic structure stabilization plan identifying these techniques as necessary.

- **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:

- Vegetation coverage and type;
- Setbacks between structures, sensitive wildlife species, and access routes;
- Development plan landscaping and planting standards within the setback areas;
- Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
- All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to provide adequate structure protection and avoid degradation of sensitive biological habitat; and
- Invasive species shall be removed and controlled.

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- **Mitigation Measure HAZ-3.** The FRSP shall designate smoking areas, located away from onsite fire hazards areas and within acceptable locations consistent with Chapter 8.16, Smoking Prohibition and Secondhand Smoke Control, of the City Municipal Code. Otherwise, smoking shall be prohibited onsite. The Applicant shall amend the FRSP to include policies to requiring the allowed use of fire resistant landscaping and hardscaping in areas to reduce mulch/gorilla hair, which is the receptive embers, if determined appropriate by SLOFD.
  
  - **Mitigation Measure HAZ-4.** The Applicant shall prepare and implement an Evacuation Plan, which shall address both Villaggio and Madonna Froom Ranch areas. The Evacuation Plan shall be subject to review by the City and SLOFD, and shall include, but not be limited to:
    - Accommodation for assisted living and special care individuals;
    - Shelter-in-place accommodations;
    - Specified quantity and capacity of vehicles required to accommodate residents and employees of Villaggio, and maintenance of those vehicles;
    - Signage that clearly indicates evacuation routes and meeting areas;
    - Specified egress points for transportation vehicles;
    - A relocation plan from the Project site to a secondary facility, with associated transportation;
    - Contingency plans for changes to the construction schedule or phasing plan that would affect the primary evacuation plan and routes;
    - Periodic updates that would consider potential redevelopment activities or other roadway alterations; and
    - Regular practice drills (e.g., one per year) for implementation of the Evacuation Plan.
  
  - **Mitigation Measure HAZ-5.** The FRSP shall designate fire access routes in at least two locations from the Project site to the Irish Hills Natural Reserve on at least 12-foot wide paths, one extending from Villaggio and one from Madonna Froom Ranch. Fire access routes shall be designed to allow emergency response to wildland area in the Irish Hills to support direct access for firefighting personnel and equipment.
  
  - **Mitigation Measure TRANS-19.** The Project shall design and install include a landscaped median along LOVR from the terminus of the existing median at northern Project frontage to Calle Joaquin.
  
  - **Mitigation Measure TRANS-20.** The Project shall include an emergency access point from Villaggio's Lower Area to the Irish Hills Natural Reserve to provide access to the existing dirt road network to fight fires in Irish Hills, specifically to Neil Havlik Way which connects to the four utility power line structures at the top of the ridgeline. This access point may be gated to ensure site security in consultation with SLOFD.
  
  - **Mitigation Measure TRANS-21.** The Project shall integrate access to the Project site perimeters for defending the Project site development. Specifically, these measures should address access to the wildland area immediately abutting the western boundary of

Villaggio's Lower Area. This measure shall include access from the proposed Local Road "C" to the Irish Hills, which may include use of space between proposed buildings for firefighting vehicle access, ramps up proposed retaining walls, and similar vehicle infrastructure to maintain access to the base of the Irish Hills.

- b. Finding: Compared to the Draft FRSP analyzed in the Final EIR, and with implementation of MM BIO-1 through MM BIO-14, the Project would result in substantially reduced impacts to biological resources and would be generally consistent with General Plan policies related to the protection of biological resources. With implementation of MM HAZ-2 through MM HAZ-5 and MM TRANS-19 through MM TRANS-21, potential conflicts with emergency access and development adjacent to a high fire hazard area would be substantially reduced. Despite other mitigation to reduce impacts to aesthetics and cultural resources, implementation of a General Plan Amendment to Hillside Policy 6.4.7, *Hillside Planning Areas*, and development and operation of portions of the Project above the 150-foot elevation would result in substantial impacts associated with inconsistency with City policy related to protection of aesthetics and avoidance of wildfire hazards. Mitigation would also not avoid the significant loss of historic resources associated with the Froom Ranch Dairy complex. LAFCO finds that since implementation of feasible mitigation measures would not fully mitigate potential Project impacts resulting from development above the 150-foot elevation and loss of historical resources, mitigation would not ensure consistency with applicable policies of the City's General Plan in a manner that would ensure potential policy conflicts would be less than significant. Impacts related to land use policy consistency would be significant and unavoidable.

## **F. TRANSPORTATION AND TRAFFIC**

1. **Impact TRANS-2**: Under Existing plus Project conditions, the addition of Project traffic would exacerbate existing queuing and peak hour traffic for automobiles, and poor levels of service for pedestrians and bicycle modes of transportation, causing transportation deficiencies in the Project vicinity (Refer to Impact TRANS-2, beginning on page 3.13-80, and the Transportation and Traffic Section, beginning on page 5-84 of the Final EIR).
- a. Mitigation: The following mitigation measures are required to reduce Project impacts to traffic to the maximum extent feasible. MM TRANS-5 has been edited to remove inference to the Upper Terrace of Villaggio, as that component is no longer proposed by the FRSP. The requirements of MM TRANS-5 would continue to apply to all other portions of the Project site.
- **Mitigation Measure AQ-6**. The Applicant shall revise the FRSP to include measures necessary to reduce the Project's operational, mobile-source emissions, and VMT to the maximum extent feasible, including, but not limited to the following:
- Rideshare and Employee Ridership Programs: The FRSP shall be amended to include measures for encouraging and incentivizing residents and employees of the proposed development participate in the San Luis Obispo Regional Rideshare program.
  - Senior Shuttle Service: Villaggio shall provide clean fuel shuttle services and shall provide sufficient onsite electric vehicle charging infrastructure to support the services.



Electric vehicle charging infrastructure included to meet requirements for personal vehicles may not be used to fulfill this requirement.

- All Electric Small Vehicles: The FRSP shall require all personal small vehicles (e.g., golf carts) be 100 percent electric powered.
  - Promote Carpools, Vanpools, and Electric Vehicle (EV) Vehicles: Provide dedicated parking for carpools, vanpools, and high-efficiency vehicles in exceedance of Cal Green Tier 2 standards.
- **Mitigation Measure TRANS-2.** The Project Applicant shall design and construct the extension of the southbound right-turn pocket at the LOVR/U.S. 101 southbound ramps intersection to provide a storage length of at least 150 feet. In coordination with the Applicant, the City and Caltrans shall also implement traffic signal coordination between the LOVR/Calle Joaquin intersection and adjacent U.S. 101 northbound and southbound ramps and optimize traffic signal timings at these three intersections. In addition, the Applicant shall also pay a fair share mitigation fee towards the improvements that are required to be constructed by the San Luis Ranch development at this intersection, which include extension of the southbound off-ramp through/left-turn pocket to provide a storage length of at least 320 feet. This mitigation measure requires Caltrans approval and coordination.
- **Mitigation Measure TRANS-3.** The Project Applicant pay a fair share mitigation fee towards the improvements to be constructed by the Avila Ranch development project, which include the following: left turn at the South Higuera Street/Vachell Lane intersection, extension of Buckley Road from Vachell Lane to South Higuera Street, and installation of a traffic signal at Buckley Road/South Higuera Street intersection.

If the Buckley Road Extension has not been completed prior to the Madonna Froom Ranch development phase, the Applicant shall be responsible for design and installation of alternate measures to mitigate the Project's proportional share of intersection impacts to the satisfaction of the Public Works Director. Alternative measures may include installation of a center refuge on S. Higuera to allow two-stage left turns from Vachell, installation of left-turn restrictions at South Higuera/Vachell if the planned Earthwood Lane street connection between Vachell and Suburban has been completed, or signalization of the S. Higuera/Vachell intersection. Mitigation may require County coordination.

If the Buckley Road Extension has not been completed prior to the Madonna Froom Ranch development phase, the Applicant shall be responsible for design and installation of alternate measures to mitigate the Project's proportional share of intersection impacts to the satisfaction of the Public Works Director. Alternative measures may include installation of a center refuge on S. Higuera to allow two-stage left turns from Vachell, installation of left-turn restrictions at South Higuera/Vachell if the planned Earthwood Lane street connection between Vachell and Suburban has been completed, or signalization of the S. Higuera/Vachell intersection. Mitigation may require County coordination.

- **Mitigation Measure TRANS-4.** The Project Applicant shall pay a fair share mitigation fee towards improvements to be constructed by the Avila Ranch development, which include

restriping of the westbound approach of the South Higuera Street/Suburban Road intersection to extend the left- and right-turn pocket storage to 250 feet. If planned improvements have not yet been completed prior to issuance of building permits for the Madonna Froom Ranch development, the Applicant shall be responsible for installation of the striping improvements.

- **Mitigation Measure TRANS-5.** The Project Applicant shall pay a fair share mitigation fee towards bicycle improvements at South Higuera/Tank Farm to be constructed by the Avila Ranch development, which include extending the westbound bike lane on Tank Farm Road to the South Higuera Street/Tank Farm Road intersection and installation of a bike box (with loop detection) to facilitate bicycle left-turn movements. Fair share contribution is satisfied through participation in the Citywide Transportation Impact Fee program.

If the planned bicycle improvements have not yet been completed prior to development of the Villaggio Lower Area, the Applicant shall be responsible for design and installation of the bicycle improvements.

- **Mitigation Measure TRANS-6a.** The Project Applicant shall pay fair share mitigation fees towards intersection improvements to be constructed by the Avila Ranch development, which include installation of a second southbound left-turn lane at the South Higuera Street/Tank Farm Road intersection. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.

If installation of dual southbound left-turn lanes has not been completed prior to Madonna Froom Ranch development phase, the Applicant shall coordinate with the City to retime the traffic signal at South Higuera/Tank Farm to mitigate the Project's proportional contribution to queueing impacts.

- **Mitigation Measure TRANS-6b.** The Project Applicant shall pay fair share costs for construction of the Prado Road Overpass/Interchange project. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.
- **Mitigation Measure TRANS-7.** The Project Applicant shall pay a fair share mitigation fee towards the intersection improvements to be constructed by the City at the South Higuera/Prado intersection, which includes installation of a second northbound left-turn lane, a second southbound left-turn lane, a second eastbound through lane, bicycle protected intersection features, traffic signal modifications, and widening of the adjacent Prado Road Creek Bridge west of South Higuera. Fair share contributions for both improvements are satisfied through participation in the Citywide Transportation Impact Fee program.
- **Mitigation Measure TRANS-8.** The Project Applicant shall design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes. Improvement extents shall occur in the northbound direction between Laguna Lane and Diablo Drive, and in the southbound direction between

Diablo Drive and Madonna Road. Some gaps in physical separation may remain due to right-of-way limitations or other design constraints.

- **Mitigation Measure TRANS-9.** The Project Applicant shall design and install ADA-compliant curb, gutter and sidewalk along the west side of LOVR to complete the sidewalk connection between the Irish Hills Plaza and Calle Joaquin. The Project Applicant shall also design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes in the northbound and southbound directions between Madonna Road and South Higuera Street. This mitigation measure requires Caltrans approval and coordination for improvements near the LOVR/U.S. 101 interchange. If Class IV bikeways are not approved for segments within Caltrans right-of-way, or are deemed infeasible for short segments due to other geometric constraints, alternative treatments to improve pedestrian levels of service may be approved to the satisfaction of the Public Works Director. Potential alternative treatments include installation of striped bike lane buffers, street trees or other features that further buffer pedestrians from street traffic.
  - **Mitigation Measure TRANS-10.** The Project Applicant shall pay fair share mitigation fees towards Madonna Road improvements to be constructed by the San Luis Ranch development, which include installation of a Class I Multi-Use Path parallel to Madonna Road between Oceanaire Drive and the U.S. 101 southbound ramps intersection. This project is in construction currently. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.
  - **Mitigation Measure TRANS-11.** The Project is responsible for incorporating traffic calming measures (e.g., speed humps, bulb-outs, chicanes, etc.) into the design of Local Road “A” prior to development of Villaggio’s Lower Area. Traffic calming measures shall be designed to the satisfaction of the City Public Works and Fire Departments.
- b. Finding: LAFCO finds that ten of the identified Existing plus Project impacts would be reduced to a less than significant level through implementation of mitigation, while impacts to the South Higuera Street/Tank Farm Road intersection would be significant and unavoidable. With implementation of MM TRANS-2 through -6a and MM TRANS-7 through -11, impacts under Existing plus Project conditions would be reduced to a less than significant level with mitigation. Similarly, implementation of MM AQ-6, requiring the Applicant for the Villaggio Life Community Plan to provide shuttle services for residents of Villaggio would address the demands of the proposed senior resident population on transit facilities and reduce impacts to a less than significant level with mitigation. However, implementation of MM TRANS-6b requires the completion of the Prado Road Overpass/Interchange project, which cannot be ensured by this Project. Therefore, if Prado Road Overpass/Interchange project is not in place by Project occupancy, impacts would be significant and unavoidable.

Roadway widening for pedestrian or bicycle circulation infrastructure along LOVR, as required per MM TRANS-8 and TRANS-9, may result in secondary impacts on biological resources. The design of the proposed improvements would result in an estimated 19,300 sf of additional

pavement area extending into the Project site, resulting in an estimated 18,425 sf of disturbance to the wetlands and riparian habitat located within the existing LOVR ditch and Calle Joaquin wetlands. Based on the total area of disturbance associated with widening of LOVR to accommodate this improvement, the secondary impact to sensitive riparian and wetland habitat is estimated to be up to 25,000 sf (0.57 acre). Implementation of MM BIO-5 requiring mitigation of direct impacts to wetlands at a 3:1 ratio would reduce the significance of this secondary impact to less than significant with mitigation (see Impact BIO-3).

**2. Impact TRANS-3.** Under Near-Term plus Project (Scenario 2) conditions, the addition of Project traffic would exacerbate existing queuing and peak hour traffic for automobiles and poor levels of service for pedestrians and bike modes of transportation, causing transportation deficiencies in the Project vicinity (Refer to Impact TRANS-3, beginning on page 3.13-102, and the Transportation and Traffic Section, beginning on page 5-84 of the Final EIR).

a. Mitigation: The following mitigation measures are required to reduce Project impacts to the maximum extent feasible. MM TRANS-5 has been edited to remove inference to the Upper Terrace of Villaggio, as that component is no longer proposed by the FRSP. The requirements of MM TRANS-5 would continue to apply to all other portions of the Project site.

— **Mitigation Measure TRANS-2.** The Project Applicant shall design and construct the extension of the southbound right-turn pocket at the LOVR/U.S. 101 southbound ramps intersection to provide a storage length of at least 150 feet. In coordination with the Applicant, the City and Caltrans shall also implement traffic signal coordination between the LOVR/Calle Joaquin intersection and adjacent U.S. 101 northbound and southbound ramps and optimize traffic signal timings at these three intersections. In addition, the Applicant shall also pay a fair share mitigation fee towards the improvements that are required to be constructed by the San Luis Ranch development at this intersection, which include extension of the southbound off-ramp through/left-turn pocket to provide a storage length of at least 320 feet. This mitigation measure requires Caltrans approval and coordination.

— **Mitigation Measure TRANS-5.** The Project Applicant shall pay a fair share mitigation fee towards bicycle improvements at South Higuera/Tank Farm to be constructed by the Avila Ranch development, which include extending the westbound bike lane on Tank Farm Road to the South Higuera Street/Tank Farm Road intersection and installation of a bike box (with loop detection) to facilitate bicycle left-turn movements. Fair share contribution is satisfied through participation in the Citywide Transportation Impact Fee program.

If the planned bicycle improvements have not yet been completed prior to development of the Villaggio Lower Area, the Applicant shall be responsible for design and installation of the bicycle improvements.

— **Mitigation Measure TRANS-6a.** The Project Applicant shall pay fair share mitigation fees towards intersection improvements to be constructed by the Avila Ranch development, which include installation of a second southbound left-turn lane at the South Higuera

Street/Tank Farm Road intersection. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.

If installation of dual southbound left-turn lanes has not been completed prior to Madonna Froom Ranch development phase, the Applicant shall coordinate with the City to retime the traffic signal at South Higuera/Tank Farm to mitigate the Project's proportional contribution to queueing impacts.

- **Mitigation Measure TRANS-6b.** The Project Applicant shall pay fair share costs for construction of the Prado Road Overpass/Interchange project. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.
- **Mitigation Measure TRANS-7.** The Project Applicant shall pay a fair share mitigation fee towards the intersection improvements to be constructed by the City at the South Higuera/Prado intersection, which includes installation of a second northbound left-turn lane, a second southbound left-turn lane, a second eastbound through lane, bicycle protected intersection features, traffic signal modifications, and widening of the adjacent Prado Road Creek Bridge west of South Higuera. Fair share contributions for both improvements are satisfied through participation in the Citywide Transportation Impact Fee program.
- **Mitigation Measure TRANS-8.** The Project Applicant shall design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes. Improvement extents shall occur in the northbound direction between Laguna Lane and Diablo Drive, and in the southbound direction between Diablo Drive and Madonna Road. Some gaps in physical separation may remain due to right-of-way limitations or other design constraints.
- **Mitigation Measure TRANS-9.** The Project Applicant shall design and install ADA-compliant curb, gutter and sidewalk along the west side of LOVR to complete the sidewalk connection between the Irish Hills Plaza and Calle Joaquin. The Project Applicant shall also design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes in the northbound and southbound directions between Madonna Road and South Higuera Street. This mitigation measure requires Caltrans approval and coordination for improvements near the LOVR/U.S. 101 interchange. If Class IV bikeways are not approved for segments within Caltrans right-of-way, or are deemed infeasible for short segments due to other geometric constraints, alternative treatments to improve pedestrian levels of service may be approved to the satisfaction of the Public Works Director. Potential alternative treatments include installation of striped bike lane buffers, street trees or other features that further buffer pedestrians from street traffic.
- **Mitigation Measure TRANS-12.** In coordination with the County, the Project Applicant shall pay a fair share mitigation fee for costs to construct the following future improvements at the LOVR/Foothill Boulevard intersection: widen northbound approach to provide one left-

- turn, two through, and one right-turn lane; widen westbound approach to provide one left-turn lane, one shared through/right-turn lane, and one right-turn lane. Additional improvements include roadway striping and traffic signal modifications needed to accommodate new lane configurations. This mitigation measure requires County approval and coordination.
- **Mitigation Measure TRANS-13.** In coordination with the Applicant, the City shall retime the traffic signal at LOVR/Madonna to implement Lead Pedestrian Intervals for each pedestrian crossing phase.
  - **Mitigation Measure TRANS-14.** In coordination with the City, the Project Applicant shall fund any costs required to implement Lead Pedestrian Intervals for each pedestrian crossing phase at the South Higuera Street/Tank Farm Road intersection.
  - **Mitigation Measure TRANS-15.** The Project Applicant shall pay fair share mitigation fees towards extension of the northbound right-turn pocket storage at the South Higuera/Tank Farm Road intersection to 230 feet. Improvements are to be constructed by the San Luis Ranch Development or as a City-led capital improvement project. Fair share contributions are satisfied through participation in the Citywide Transportation Impact Fee program.
  - **Mitigation Measure TRANS-16.** In coordination with the City and Caltrans, the Project Applicant shall fund costs required to optimize traffic signal timings along the LOVR corridor between Descanso Street and the South Higuera to improve traffic coordination and operations along this roadway segment. These intersections include LOVR/Descanso, LOVR/Royal, LOVR/Laguna, LOVR/Madonna, LOVR/Froom Ranch, LOVR/Auto Park, LOVR/Calle Joaquin, LOVR/U.S. 101 southbound ramps, LOVR/U.S. 101 northbound ramps and LOVR/S. Higuera. This requires coordination with Caltrans.
  - **Mitigation Measure TRANS-17.** The Project Applicant shall pay a fair share mitigation fee to fund restriping modifications at the LOVR/Madonna Road intersection to increase southbound turn pocket storage to 365 feet.
  - **Mitigation Measure TRANS-18.** The Project Applicant shall pay a fair share mitigation fee to fund modifications to the traffic signal at the Madonna Road/Dalidio Drive intersection to provide an eastbound right-turn overlap phase concurrent with the northbound left-turn phase.
- b. Findings: LAFCO finds that eight of the identified impacts would be reduced to a less than significant level with implementation of mitigation, while seven impacts would be significant and unavoidable. With implementation of MM TRANS-2, -5, -8, -9, -13, and -14 through -18, impacts under Near-Term plus Project conditions would be reduced to a less than significant level with mitigation. However, MM TRANS-12 involves improvement of an intersection that is within County jurisdiction. Implementation of these improvements would be outside of the

City's control and cannot be ensured. If these improvements could not be agreed to with the County or could not be implemented, impacts would be significant and unavoidable.

Similarly, implementation of MM TRANS-6b requires the completion of the Prado Road Overpass/Interchange project, which cannot be ensured prior to occupancy of this Project. While MM TRANS-2, -6a, -13, and -15 would mitigate Project-related impacts to the maximum extent feasible, seven impacts if the Prado Road Overpass/Interchange is not in place by Project occupancy under Near-Term plus Project conditions, impacts would be significant and unavoidable.

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## CLASS II - SIGNIFICANT BUT MITIGABLE IMPACTS

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### A. VISUAL IMPACTS

1. **Impact VIS-1:** Project implementation would change views of scenic resources, including hillsides, rock outcroppings, open space, and historic buildings, from an eligible State Scenic Highway or local scenic roadway. The Project site is not clearly visible or is only intermittently visible for northbound and southbound drivers as views of the lower elevation areas of the site from U.S. 101 are largely obstructed by intervening development, vegetation, and topography. The impact on views from Los Osos Valley Road (LOVR) and the LOVR Overpass would be substantial due to the potential loss of vegetation currently providing visual shielding for the Project site, as well as the loss of distant views of the Froom Ranch Dairy complex. Therefore, because LOVR and the LOVR Overpass are considered scenic roadways by the City and the Project would expose viewers to a replacement of open space and vegetation with urban development, the impact to scenic resources would be potentially significant (Refer to Impact VIS-1, beginning on page 3.1-24 of the Final EIR).
  - a. Mitigation: The following mitigation measure is required to reduce impacts to scenic resources viewed from an eligible State Scenic Highway or local scenic roadway as a result of development of the Project.
    - **Mitigation Measure VIS-1.** The Draft FRSP shall be revised to include the following Landscape Screening Guidelines to provide effective screening of proposed structural massing as experienced from public views along LOVR and the LOVR Overpass. The Project landscape plan shall be prepared by a qualified landscape architect and include the following:
      1. Maximize protection of existing vegetation along the Project site boundary to provide visual screening during Project construction and operation.
      2. Retain existing vegetation fronting the Project site along LOVR to the greatest extent feasible to screen construction activities.
      3. Specify a plant palette and landscape plan that ensure a vegetated site boundary of sufficient height and density to provide visual screening of the proposed development from public views. Robust riparian planting shall be included in landscape plans to achieve visual screening along the proposed realigned Froom Creek.

4. Native tree specimens and shrubs capable of reaching or exceeding the heights of the adjacent proposed structures shall be planted along Project site boundaries visible from public views.
  5. Screening planting specimen selection and location shall emphasize the ability to interrupt the contiguous massing of structures as experienced from area roadways and scenic vistas. Spacing shall be sufficient to minimize views of structures within the Project site.
  6. Screening planting specimen selection shall emphasize the ability of planting species to effectively establish and thrive over the life of the Project, such that smaller sizes shall be considered rather than exclusively larger box sizes. Planting establishment rates shall be considered but shall not preclude the use of slower-growing species, such as coast valley oak and willows.
  7. Native tree specimens capable of reaching or exceeding the heights of adjacent structures shall be planted adjacent to multi-family and commercial structures located within the interior of the Specific Plan area consistent with the specifications above.
  8. A bond for screening landscaping and irrigation shall be provided to ensure establishment of plantings. The bond shall be revoked upon satisfactory establishment of screen planting vegetation according to the plan.
- b. Finding: LAFCO finds that the mitigation measure will reduce impacts to scenic resources viewed from scenic highways or roadways to a less than significant degree.

## **B. AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

1. **Impact AQ-1**: The Project would result in potentially significant construction-related emissions, including dust and air pollutant emissions. Modeled emissions for the Project were found to be above SLO County APCD daily and Tier 1 and Tier 2 Quarterly thresholds for construction emissions of Reactive Organic Gases (ROG) and nitrogen oxides (NOx), and above SLO County APCD Daily and Tier 1 Quarterly thresholds for Diesel Particulate Matter (DPM) (Refer to Impact AQ-1, beginning on page 3.3-27 of the Final EIR).
  - a. Mitigation: The following mitigation measures would reduce impacts associated with construction air emissions to less than significant level.
    - **Mitigation Measure AQ-1**. A Construction Activity Management Plan (CAMP) shall be included as part of Project grading and building plans and shall be submitted to SLO County APCD and to the City for review and approval prior to the start of construction. The plan shall include but not be limited to the following elements:
      1. A Dust Control Management Plan that encompasses the following dust control measures:
        - Reduce the amount of disturbed area where possible;



- Water trucks or sprinkler trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. At a minimum, this would require twice-daily applications. Increased watering frequency would be required when wind speeds exceed 15 miles per hour (mph). Reclaimed water or the onsite water well (non-potable) shall be used when possible. The contractor or builder shall consider the use of a SLO County APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control;
- All dirt stock-pile areas shall be sprayed daily as needed;
- Permanent dust control measures identified in the approved Project revegetation and landscape plans of any development within the Specific Plan area should be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by SLO County APCD;
- 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;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard in accordance with California Vehicle Code Section 23114;
- Designate access points and require all employees, subconsultants, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track-out, located at the point of intersection of any unpaved area and a paved road. If utilized, rumble strips or steel plate devices shall be cleaned periodically. If paved roadways accumulate tracked-out soils, the track-out prevention device shall be modified or replaced to prevent track-out;
- 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;
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- The contractor or builder shall designate a person or persons to monitor the fugitive dust control emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone

- number of such persons shall be provided to SLO County APCD Compliance Division prior to the start of any grading, earthwork or demolition.
2. Implementation of the following Best Available Control Technology (BACT) for diesel-fueled construction equipment. The BACT measures shall include:
    - Use of at least Tier 3 off-road equipment and 2010 on-road compliant engines;
    - Repowering equipment with the cleanest engines available; and
    - Installing California Verified Diesel Emission Control Strategies.
  3. Implementation of the following standard air quality measures to minimize diesel emissions:
    - Maintain all construction equipment in proper tune according to manufacturer's specifications;
    - Fuel all off-road and portable diesel-powered equipment with California Air Resources Board (CARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
    - Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation;
    - 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 NO<sub>x</sub> exempt area fleets) may be eligible by proving alternative compliance;
    - On- and off-road diesel equipment shall not be allowed to idle for more than five minutes. Signs shall be posted in the designated queuing areas to remind drivers and operators of the five-minute idling limit;
    - Diesel idling within 1,000 feet of sensitive receptors is not permitted;
    - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
    - Electrify equipment when feasible;
    - Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
    - Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
  4. Tabulation of on- and off-road construction equipment (age, horse-power, and miles and/or hours of operation);
  5. Schedule construction truck trips during non-peak hours (as determined by the Public Works Director) to reduce peak hour emissions; and
  6. Limit the length of the construction work-day period to 8 hours max.
- **Mitigation Measure AQ-2:** To reduce ROG and NO<sub>x</sub> levels during the architectural coating phase, low or no Volatile Organic Compound (VOC)-emission paint shall be used with levels of 50 grams per liter (g/L) or less (Odorless, Zero VOC Paint). The schedule for architectural coatings application shall be extended, limiting the daily coating activity to a level determined acceptable by SLO County APCD.
- **Mitigation Measure AQ-3:** If required, an offsite mitigation strategy shall be developed and agreed upon by the Applicant, City, and SLO County APCD at least three months prior to the

issuance of grading permits. Offsite mitigation strategies may be in the form of cash payment, circulation improvements above the Project's fair share, or funding for ongoing transit improvements. The Applicant may provide appropriate funding necessary to offset the Project's residual construction-related ROG+NO<sub>x</sub> emissions beyond SLO County APCD's daily threshold; in the event funding is required, it shall be provided at least two months prior to the start of construction to help facilitate emission offsets that are as real-time as possible. If required, cash payment of offsite mitigation fees shall be calculated based on the most current CARB-approved Carl Moyer Guidelines at the time of commencement of each Project phase. Offsite mitigation strategies shall include one or more of the following:

- Develop or improve park-and-ride lots;
- Fund a program to buy and scrap older, higher emission passenger and heavy-duty vehicles;
- Retrofit or repower heavy-duty construction equipment, or on-road vehicles;
- Subsidize vanpool programs;
- Contribute to funding of new bike lanes;
- Replace/repower San Luis Obispo Regional Transit Authority (SLORTA) transit buses;
- Purchase Verified Diesel Emission Control Strategies (VDECS) for transit buses or construction fleets; and
- Fund expansion of existing SLORTA transit services.

- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project to a less than significant level.

### **C. BIOLOGICAL RESOURCES**

1. **Impact BIO-1:** Project implementation would impact sensitive riparian, wetland, and native grassland habitats identified as sensitive natural communities under state and City policy. Based on the land use plan included in the Applicant-Revised Alternative 1, a total of 2.43 acres of sensitive natural communities would be directly impacted within the Project site, including the loss of 0.80 acres of serpentine bunchgrass grasslands, 0.5 acres of Coast and Valley Freshwater Marsh, and 1.13 acres of Arroyo Willow Riparian Scrub. Project construction over a 5-year period could also expose onsite and adjacent habitats to sustained disturbance and indirect impacts from vegetation clearing, construction staging and storage, dust generation, erosion and sedimentation, risk of spills of fuel or motor oils, and increased human presence in currently natural areas. Indirect impacts would affect onsite and adjacent habitats, such as those within the Irish Hills Natural Reserve along the boundary of the Project site. Once operational, the Project would require maintenance and clearance of vegetation to maintain permanent wildfire buffers both onsite and offsite that would extend into known existing sensitive natural communities. While buffer management would entail strategic vegetation management to balance sensitive habitats with wildfire fuel reduction, damage to or direct removal of sensitive vegetative communities as a result of fire management activities (e.g., vegetation clearing for fire clearance within the Irish Hills Natural Reserve) is considered adverse and potentially significant. The exact location, width, and area of these buffers will be subject to coordination, review, and approval of the City Natural Resources Manager, SLOFD, CALFIRE, and the

Applicant based on Project development and management plans. This coordination has the potential to result in a reduced size of or need for a wildfire buffer and fuel management zone around the proposed development; however, potential remains that adverse impacts to sensitive communities may occur. Realignment of Froom Creek also has potential to adversely affect the character or quality of the Calle Joaquin wetlands through changes in frequency and quantity of waters entering the wetlands, potential for migration of the Froom Creek corridor through the wetlands, and increased sedimentation of the wetlands under typical storm conditions (Refer to Impact BIO-1, beginning on page 3.4-40 and Biological Resources, beginning on page 5-58 of the Final EIR).

- a. **Mitigation:** The following mitigation measures are required to reduce Project construction and operational impacts to sensitive natural communities to the maximum extent feasible. MM BIO-3 has been edited to eliminate reference to the Upper Terrace in Villaggio since the Project no longer proposes development in the Upper Terrace. Removal of development within the Upper Terrace would substantially reduce potential impacts; MM BIO-3 would continue to apply to all other portions of the Project site. MM BIO-Alt. 1 has been edited to remove reference to the southern emergency access route entering the site from Calle Joaquin, as this component is not proposed as part of the Project. Following further review of the Project, the City Fire Department concluded that the access and emergency access roads shown in the proposed Project are adequate and meet Fire Code regulations. Removal of this emergency access route would avoid additional impacts to onsite drainages and Froom Creek; MM BIO-Alt. 1 would continue to apply to all other portions of the Project site.

- **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:

- Vegetation coverage and type;
- Setbacks between structures, sensitive wildlife species, and access routes;
- Development plan landscaping and planting standards within the setback areas;

- Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
  - All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to provide adequate structure protection and avoid degradation of sensitive biological habitat; and
  - Invasive species shall be removed and controlled.
- **Mitigation Measure BIO-1.** The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures for impacts to sensitive natural communities. The Biological Mitigation and Monitoring Plan shall include Best Management Practices (BMPs) to avoid or minimize impacts to biological resources, and implementation of on and offsite habitat replacement as follows:
1. The Biological Mitigation and Monitoring Plan shall include the following construction-related measures and BMPs:
    - a. Construction equipment and vehicles shall be stored at least 100 feet away from existing and proposed drainage features and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area approved by the City.
    - b. Prior to commencement of construction, Drainages 1, 2, 3, and 4 and all associated springs, seeps, and wetlands shall be protected with construction fencing located a minimum of 25 feet from the edge of the stream channel or top of bank and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing shall be maintained throughout the construction period for each phase of development. Fencing and signage shall be removed following completion of construction.
    - c. During any construction activities within 50 feet of the existing Froom Creek channel, realigned Froom Creek channel, LOVR ditch, Drainages 1, 2, 3, or 4, or other existing or proposed drainage features, a City-approved biological monitor shall be present and have the authority to stop or redirect work as needed to protect biological resources.
    - d. All construction materials (e.g., fuels, chemicals, building materials) shall be stored at designated construction staging areas, which shall be located outside of designated sensitive areas. Should spills occur, or if any unanticipated hazardous materials are discovered, materials and/or contaminants shall be cleaned immediately and recycled or disposed of to the satisfaction of the RWQCB, Department of Toxic Substances Control, and/or San Luis Obispo County Public Health Environmental Services, as applicable.
    - e. All trash and construction debris shall be properly disposed at the end of each day and dumpsters shall be covered either with locking lids or with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.

- f. The Applicant shall implement measures designed to minimize construction-related erosion and retain sediment on the Project site, including installation of silt fencing, straw wattles, or other acceptable construction erosion control devices. Such measures shall be installed along the perimeter of disturbed areas and along the top of the bank of the existing and proposed Froom Creek channel and other existing or proposed drainage features and 25 feet from the edge of Drainages 1, 2, 3, and 4. All drainage shall be directed to sediment basins designed to retain all sediment onsite.
  - g. Concrete truck and tool washout shall occur in a designated location such that no runoff will reach the creek, onsite drainages, or other sensitive areas.
  - h. All open trenches shall be constructed with appropriate exit ramps to allow species that fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.
  - i. Existing disturbed areas shall be used for construction staging and storage to the maximum extent possible to minimize disturbance of undeveloped habitats. All construction access roads and staging areas shall be located to avoid known/mapped habitat and minimize habitat fragmentation.
- **Mitigation Measures BIO-2.** The Applicant shall retain a qualified Environmental Coordinator/qualified biologist, subject to review and approval by the City to oversee compliance with the Biological Mitigation and Monitoring Plan. The Applicant’s Environmental Coordinator shall monitor all construction activities, conduct a biological resources education program for all construction workers prior to the initiation of any clearing or construction activities, and provide quarterly reports to the City regarding construction activities, enforcement issues, and remedial measures. The Applicant’s Environmental Coordinator shall be responsible for conducting inspections of the work area each work day to ensure that excavation areas and sensitive or restored habitats do not exhibit construction-related impacts or hazards to wildlife. If any exposure risk is identified, the Environmental Coordinator shall implement measures that could include, but not be limited to, hazing, fencing, and wildlife removals to eliminate the exposure risk.

In addition, the Applicant’s Environmental Coordinator shall monitor and regulate all construction occurring within 50 feet of the existing and proposed Froom Creek channel, other existing or proposed drainage features, riparian habitat, Drainages 1, 2, 3, and 4, and seasonal or permanent wetlands. During appropriate flowering, nesting, breeding, migration, and dispersal seasons, the Environmental Coordinator shall also conduct sensitive species surveys immediately prior to construction activities and shall monitor construction activities in the vicinity of habitats to be avoided.

The work area boundaries and other off-limit areas shall be identified by the biologist and/or Environmental Coordinator on a daily basis. The biologist and/or Environmental

Coordinator shall inspect construction and sediment control fencing each work day during construction activities. Any vegetation clearing activities shall be monitored by the biologist and/or Environmental Coordinator.

- **Mitigation Measure BIO-3.** The Biological Mitigation and Monitoring Plan shall include a Habitat Mitigation and Monitoring Plan (HMMP) with details on timing and implementation of required habitat restoration, enhancement, or creation measures. The Biological Mitigation and Monitoring Plan and HMMP shall be prepared under the direction of, and approved by, the City's Natural Resources Manager in conjunction with regulatory agencies with permitting authority over the Project. The HMMP shall contain, at a minimum, the following components (or as otherwise modified by regulatory agency permitting conditions):
  - a. Pre-construction surveys and delineation of vegetation communities, habitat, and wetland features, including clear maps and a summary of onsite habitats to be protected and acreage, design, and locations of required habitat mitigation sites.
  - b. A description of the location and boundaries of the mitigation site and description of existing site conditions.
  - c. A description of measures to be undertaken to enhance the mitigation site for the target species and to protect sensitive resources.
  - d. Record necessary replacement of disturbed, altered, and/or lost area of habitat.
  - e. A binding long-term agreement with the Applicant to implement and maintain protected and restored sensitive habitats, including native bunch grassland, wetlands, springs, seeps, tributary drainages, and other sensitive or restored native habitats. These measures shall identify typical performance and success criteria deemed acceptable by the City and California Department of Fish and Wildlife (CDFW) based on measurable goals and objectives. Said criteria for restored habitats shall be, at a minimum, at least 70-percent survival of container plants and 70-percent relative cover by vegetation type.
  - f. A description of habitat and species restoration and monitoring measures, including specific and objective performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule. (At a minimum, success criteria shall be at least 70-percent survival of container plants and 70-percent relative cover by vegetation type and will include a replacement ratio of 2:1 and determination by a City-approved biologist that the mitigation site provides ecological functions and values for the focal species equal to or exceeding the impacted habitat).
  - g. Plan requirements that ensure mitigation elements that do not meet performance or final success criteria within 5 years are completed through an extension of the plan for an additional 2 years or at the discretion of the City Natural Resources Manager with the goal of completing all mitigation requirements prior to the HMMP end date.
  - h. Monitoring of the mitigation and maintenance areas shall occur for the period established in the HMMP, or until success criteria are met; an endowment may be required in some cases as determined by the City. If success criteria cannot be met through the HMMP, the City Natural Resources Manager shall specify appropriate

- commensurate measures (e.g., onsite or offsite restoration, endowment, or bond to the City for completion of necessary mitigation).
- i. A binding long-term agreement with the Villaggio Life Plan Community to fund and retain a qualified biologist to train all landscaping crew staff hired over the life of the development on sensitive plant species and habitat within the vicinity of the development, including the identification and avoidance of sensitive plants and habitat. The qualified biologist shall conduct annual monitoring of vegetation surrounding the development and prepare a report summarizing the avoidance or disturbance of sensitive resources from operational activities of the Villaggio development, and identifying necessary replacement or restoration of affected resources. Necessary mitigation shall be subject to the same standards for performance, monitoring, and success identified in subitems b through h, above. The report shall be submitted to the City annually for review and approval.
  - j. A plan for fencing and/or signage around the ~~Upper Terrace of the Villaggio~~ development, prohibiting residents, guests, and employees from accessing and disturbing the surrounding sensitive resources.
  - k. Requirements for payment of annual fees to the City to fund City review and inspection of the site and Biological Mitigation and Monitoring Plan and HMMP requirements.
- **Mitigation Measure BIO-4.** The Biological Mitigation and Monitoring Plan shall require avoidance of sensitive natural communities outside approved development footprints such as the Nassella pulchra Herbaceous Alliance, Central Coast Arroyo Willow Scrub Community, Coastal and Central Valley Freshwater Marsh, and wetland areas to the maximum extent feasible. Mitigation for impacted sensitive natural communities that cannot be avoided shall be achieved through one or more of the following options, subject to City approval:
- a. Onsite restoration, enhancement, or creation of suitable replacement habitat, if feasible onsite restoration opportunities exist and at ratios consistent with those identified in MM BIO-5;
  - b. Offsite restoration or creation of suitable habitat for the impacted species at the minimum replacement ratio of 2:1 for sensitive natural communities, native grasslands, and riparian habitat;
  - c. Financial contribution to an in-lieu fee program that results in restoration or creation of suitable habitat for the impacted natural communities and/or species; and/or
  - d. Purchase of mitigation credits at a USFWS- and/or CDFW-approved mitigation bank.
- **Mitigation Measure BIO-5.** The Biological Mitigation and Monitoring Plan shall require all temporary and permanent direct and indirect impacts to wetlands, grasslands, and riparian habitat be mitigated, as follows:
- a. Temporary direct impacts to wetland, native grassland, and riparian habitat shall be mitigated at a minimum 1:1 mitigation ratio (area of restored habitat to impacted habitat).



- b. Permanent direct impacts to sensitive natural communities, such as native grasslands, and riparian habitat shall be mitigated at a 2:1 ratio (area of restored and enhanced habitat to impacted habitat).
- c. Permanent direct impacts to wetlands shall be mitigated at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) (as appropriate).
- d. Potential indirect impacts to the Calle Joaquin wetlands affected by the Froom Creek realignment and changes to site hydrology shall be mitigated as follows. As a part of the HMMP prepared for the Project, the Applicant shall prepare and implement a Long-Term Wetland Monitoring Plan that is designed to quantitatively and qualitatively assess the effectiveness of the HMMP over time to ensure its objectives are achieved. The Long-Term Wetland Monitoring Plan shall be supported by a Baseline Conditions Assessment that identifies the pre-construction condition of the Calle Joaquin wetlands and establishes success criteria for sustained wetland conditions. The Baseline Conditions Assessment shall provide qualitative and quantitative information that will be used in comparing data obtained during subsequent monitoring years to determine if a significant deviance from baseline conditions has occurred at the site. The Long-Term Wetland Monitoring Plan will establish the parameters of a significant deviance from baseline conditions. A significant deviance from baseline may be defined as a “change in wetland area greater than 10%”. The Baseline Conditions Assessment shall be updated prior to the start of construction to support agency permitting and guide implementation of the Long-Term Wetland Monitoring Plan. This updated baseline shall be considered in combination with existing and past baseline documentation to provide an expanded baseline reflective of a range of acceptable conditions to compare post Project conditions. The Baseline Conditions Assessment shall include a focused description of the site’s hydrologic setting, vegetative cover and composition, quantified wetland areas and classifications, and shall establish the threshold for a significant deviance from wetland area based on the presence of hydrophytic plant species, hydric soil indicators, and wetland hydrology.

At minimum, the condition of the wetland shall be evaluated on an annual basis through completion of a wetland assessment using a regulatory agency approved model (such as, but not limited to, the California Rapid Assessment Method [CRAM]) to document and facilitate long-term monitoring of changes to the wetland. The annual evaluation shall determine and document any degree of change to the wetland as a result of the proposed changes to site hydrology and development throughout build-out under the Specific Plan. Reports documenting the annual wetland assessment shall be provided to the City and relevant regulatory agencies.

Long-Term Wetland Monitoring for the Calle Joaquin wetlands shall occur continuously for a period of no less than 7 years following Phase I build-out of the FRSP area. After the initial 7-years of minimum annual monitoring, the frequency of long-term evaluations shall be determined in coordination with regulatory agencies and per the requirements of the Long-Term Wetland Monitoring Plan.

The Long-Term Wetland Monitoring Plan shall include (at minimum) the following requirements. Additional detailed criteria and performance standards will be

established in the HMMP prepared for the project and approved by regulatory agencies, but they shall not be any less stringent than the following criteria and performance standards:

- i. Annual monitoring shall evaluate and track the wetland health and biological integrity of the Calle Joaquin wetlands.
- ii. Annual evaluations shall utilize intensive site assessments to provide a more thorough and detailed measure of wetland condition by gathering direct measurements of biological taxa and hydrogeomorphic functions.
- iii. Typical industry standards for the quantitative evaluation of plant cover will be used (e.g., Bonham 1989 and Daubenmire 1968) to evaluate plant composition and structure as well as direct inspections of soil conditions and hydrologic functions.
- iv. Annual or semi-annual evaluations shall observe and document the following, at a minimum:
  - whether groundwater recharge from Froom Creek to the shallow aquifer is being sustained,
  - whether the onsite artesian well has been discharging to the wetland,
  - evidence of overflows entering the Calle Joaquin wetland from the realigned Froom Creek,
  - excessive ponding, as evidenced by changes in vegetation related to increased duration of ponding,
  - measured depth to groundwater in the onsite artesian well and the relationship of these conditions with conditions in the wetland,
  - specific conductance and temperature in the wetland and other surface sources,
  - the presence or absence of salt efflorescences in the wetland,
  - any persistent green vegetation patches or changes in willow/grass ecotone, and
  - representative photo points.
- v. Monitoring of the realigned creek's hydrology would be required following large storm events during the rain season that are sufficient to initiate flowing water through the site. If after the 3rd year of monitoring, vegetation has successfully established along the creek corridor and sedimentation and erosion are not observed beyond what is determined to be a normal level, then the rainy season monitoring could be scaled back to occur on a quarterly or as-needed basis for the remainder of the monitoring schedule, upon review and approval of the City's Natural Resources Manager and applicable regulatory agencies and consistent with the Long-Term Wetland Monitoring Plan.
- vi. Success criteria to determine whether the Calle Joaquin wetland functions are sustained shall include the following, at a minimum:
  - The constructed bank between the realigned Froom Creek channel and the Calle Joaquin wetlands remains functional and does not recurrently scour or fill to a degree that impairs its operation or impedes circulation through the wetland,
  - Excessive surface water does not pond for periods of long duration,
  - Salts do not accumulate such that discernible increases in salt efflorescences at the ground surface are not visible,

- Evidence of deposition by high flows is not found within the wetland (e.g., silt, organics, or other flood deposits).
- vii. If success criteria are not achieved within the 7-year initial monitoring period, a hydrologic assessment will be conducted by a U.S. Army Corps of Engineers (USACE) approved specialist in groundwater supported wetlands to establish whether non-attainment is attributable to onsite conditions or actions beyond the effective control of the Project Applicant. The specialist shall be a registered hydrologist or certified hydrogeologist with statewide expertise, familiarity with groundwater supported wetlands in central coastal California and verifiable experience conducting functional analyses of such wetlands. Recommendations for remedial actions will be submitted by the groundwater specialist to the USACE for review and written approval prior to implementation. If wetland failures are determined to be directly related to the realignment of Froom Creek and development within the Froom Creek Specific Plan area, possible remedial actions would include, at minimum, the following:
- Engineering controls include biotechnical erosion controls such as the installation of willow wattles and brush matting and addition of native cobble to reinforce the low flow berm separating the creek channel from the wetland area to help contain flows into the wetland area.
  - If vegetation establishment is taking longer than expected, remedial measures such as re-seeding bare soils, replanting areas of mortality, and increased maintenance and monitoring may be prescribed.
  - If there is significant evidence of scouring, collapse, or filling of the overflow bank between the realigned low-flow Froom Creek channel and the Calle Joaquin wetlands, a registered professional engineer shall re-evaluate bank type, size, and slope and recommend a solution, such as augmentation or replacement.
  - If there is excessive ponding (spatial or temporal), a registered professional engineer shall assess access to and capacity of existing drainage outlets and recommend a solution, such as augmentation or replacement if necessary.
  - If salt efflorescence is observed and specific conductance in the wetland is greater than baseline conditions, a registered professional engineer shall re-evaluate the bank type, slope, size, and conveyance between the realigned Froom Creek low-flow channel and the Calle Joaquin wetlands to increase the frequency of salt flushing, such as altering surface flows to more frequently overflow to the wetland area.
- viii. If through monitoring it is determined that the Project does not adversely impact the Calle Joaquin wetland areas (as defined above), the Applicant shall provide documentation annually (at minimum) to the City, for review and approval by the City's Natural Resources Manager, that no significant signs of hydrological interruption, erosion (including bank failure), or sedimentation have occurred, that the wetland is sustained in biological integrity and health with existing hydrologic inputs, and that channel migration has not adversely affected existing wetland features adjacent to Calle Joaquin.

- ix. If through monitoring it is determined that the Project adversely impacts the Calle Joaquin wetland area, recommendations shall be made for modifications to the Project design in consultation with the City and appropriate regulatory agencies for review and concurrence, as described in subsection viii above. The annual reports would detail the issue or problem area and proposed remedial actions.
  - x. If through monitoring it is determined that the Calle Joaquin wetland condition and function cannot be remediated with implementation of all feasible remedial actions and recommendations identified through long-term monitoring and as described in subsection vii above and the Long-Term Wetland Monitoring Plan, then adversely affected wetland areas shall be delineated and mitigated on- or offsite at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, NMFS, and USFWS (as appropriate), consistent with subsection (c) above.
  - xi. Funding for long-term wetland monitoring, adaptive management, and any recommended contingency measures shall be the responsibility of the Applicant. Payment of a bond by the Applicant would be required to ensure the availability of adequate funds to ensure successful implementation and completion of the Long-Term Wetland Monitoring Plan throughout build-out under the Specific Plan.
  - e. Habitat revegetation or creation shall occur in the fall or winter no more than 1 year following habitat disturbance. Revegetation shall be monitored monthly for 7 years with a goal of at least 70-percent survival of container plants and 70-percent relative cover by vegetation type at the end of the 7-year period. Irrigation shall be provided during this period or until otherwise determined necessary by the Applicant's Environmental Coordinator.
  - f. Riparian vegetation along Froom Creek shall be maintained in perpetuity to the satisfaction of the City by the Applicant or a City-approved designee. Froom Creek conditions shall be monitored annually following winter storm seasons to assess damage to riparian vegetation and need for maintenance restoration. Monitoring and maintenance of riparian vegetation conditions shall be conducted consistent with the requirements of the Habitat Mitigation and Monitoring Plan outlined in MM BIO-3.
- **Mitigation Measure BIO-6.** The Biological Mitigation and Monitoring Plan shall detail timing and implementation of required habitat restoration and shall be submitted to the City's Natural Resources Manager for review and approval, including requirements for consultation with CDFW, NMFS, and USACE as needed. A copy of the final plan shall be submitted to the City for review and approval. The plan shall be implemented by the Project Applicant, under supervision by the City and the Applicant's Environmental Coordinator, and shall:
- a. Describe replacement of sensitive natural community habitats removed, lost, or adversely impacted by the Project, including a list of the soil, plants, and other materials that will be necessary for successful habitat restoration/ replacement, and a description of planting methods, location, spacing, erosion protection, and irrigation measures that will be needed. Restoration and habitat enhancement shall be limited to use of appropriate native species. Habitat restoration or enhancement areas shall be designed

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- to facilitate establishment of appropriate native plants such as willows, cottonwoods, bunchgrass, and rushes.
- b. Habitat restoration or enhancement areas shall be established within the Project boundaries, adjacent to and contiguous with existing habitats to the maximum extent possible.
  - c. Habitat restoration or enhancement sites shall be placed within existing or additional necessary deed-restricted area(s) and shall be maintained and monitored for a minimum of 7 years. If sufficient onsite mitigation area is not practicable, an offsite mitigation plan shall be prepared as part of the Biological Mitigation and Monitoring Plan and approved by permitting agencies.
  - d. The Biological Mitigation and Monitoring Plan shall identify appropriate restoration and enhancement activities to compensate for impacts to creek, wetland, native bunch grass and riparian habitat, including a detailed planting plan and maintenance plans using locally obtained native species, and shall include habitat enhancement to support native wildlife and plant species.
  - e. A weed management plan and weed identification list shall be included in the Biological Mitigation and Monitoring Plan.
  - f. Habitat restoration or enhancement areas shall be maintained weekly for the first three years after Project completion and quarterly thereafter. Maintenance shall include replacement of unsuccessful planted specimens and eradication of noxious weeds found on California Department of Food and Agriculture (CDFA) Lists A and B. Noxious weeds on CDFA List C may be eradicated or otherwise managed.
  - g. Quarterly and annual reports documenting site inspections and site recovery status shall be prepared and sent to the City and appropriate agencies.
- **Mitigation Measure BIO-7.** Utility line installation shall be timed so that sensitive habitat areas are not disturbed (e.g., prior to the development and restoration of the new Froom Creek realignment, after removal of riparian areas along the LOVR Ditch due to LOVR widening). In the event a utility line is proposed to be installed across the existing or realigned Froom Creek, or the sensitive riparian areas along the LOVR Ditch, while these features are in their natural or restored conditions, installation shall be via horizontal directional drilling (HDD) to avoid impacts to sensitive habitats. Prior to installation of utility lines, a site-specific geotechnical investigation and frac-out clean-up plan shall be completed in areas proposed for HDD. The geotechnical investigation shall provide recommendations for avoidance of frac-outs and/or other HDD related impacts and to determine appropriate HDD methods (i.e., appropriate drilling mud mixtures for specific types of sediments). The investigation shall include results from at least three borings, a geologic cross-section, a discussion of drilling conditions, and frac-out clean-up plan. The frac-out clean-up plan shall identify methods for minimizing potential for frac-outs and addressing any necessary clean-up or remediation in case of a frac-out. The boring operation would be stopped immediately if a frac-out occurs and steps would be taken to contain and minimize the effects of any spill of drilling mud. The Applicant shall comply with all recommendations of the geotechnical investigation.

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- **Mitigation Measure BIO-8.** The Applicant shall submit a Froom Creek restoration plan that identifies measures for securing the proposed low-flow channel berm along the stretch of Froom Creek proposed adjacent to the Calle Joaquin wetlands to protect the bank from erosion and prevent migration of the Froom Creek channel into these wetlands. Measures for securing the bank may include a mix of natural and biotechnical measures capable of preventing erosion based on the anticipated erosive velocity of the creek under 100-year storm conditions.
  
  - **Mitigation Measure BIO-Alt. 1.** The additional emergency access roadway across Froom Creek and the LOVR ditch ~~and the southern emergency access route entering the site from Calle Joaquin~~ shall be reviewed by the City’s Public Works Department, Community Development Department, Natural Resources Manager, and Fire Department prior to adoption of the Final FRSP and approval of the Vesting Tentative Tract Map to ensure that design is adequate for City emergency ingress/egress standards and minimizes impacts to riparian vegetation and wildlife passage, and that adequate on- and offsite mitigation of impacted riparian and wetland vegetation is provided. The City shall ensure review and approval of these features as part of the Final FRSP considers the siting, alignment, width, materials, and access controls.
- b. Finding: LAFCO finds that implementation of MM BIO-1 through MM BIO-8 and MM BIO-Alt. 1 would reduce impacts to sensitive vegetation communities and bring the Project into partial compliance with relevant goals and policies of the City General Plan Conservation and Open Space Element, including Conservation and Open Space Element Policy 7.5.4, *Preservation of Grassland Communities and Other Habitat Types*. Further, MM HAZ-2 would require preparation of a Community Fire Protection Plan and use of a City-qualified biologist to identify and preserve the integrity of vegetation and habitat surrounding proposed development to the maximum extent feasible, also reducing impacts. Implementation of these measures would reduce potential impacts to sensitive riparian and wetland habitats within the Villaggio and Madonna Froom Ranch development areas (e.g., LOVR ditch and Calle Joaquin wetlands) to a less than significant level. Because the Project would avoid development above the 150-foot elevation line within the southwest area of the site, where the most sensitive habitats are present, the Project would substantially avoid disturbance, alteration, or removal of high value habitats, such as serpentine bunchgrass grasslands and unique seeps and spring-fed wetlands, compared to the Draft FRSP. With implementation of mitigation, Project impacts would be reduced to a less than significant level.
2. **Impact BIO-2:** Project implementation would have substantial direct and indirect adverse impacts on candidate, sensitive, or special-status species that are known to occur or have the potential to occur on the Project site. Potentially suitable habitat exists within the Project site for several designated special-status species, particularly in serpentine outcrops, Froom Creek, and seeps, springs, and drainages within the higher elevation areas of the southwest portion of the site, as well as within the adjacent Irish Hills Natural Reserve. The higher elevation areas of the southwest portion of the site support a rich assemblage of sensitive habitats and 12 documented occurrences of special-status plant species, some of which occur in close proximity to or within the planned Villaggio development/disturbance footprint. Documented rare plant occurrences that may directly

be affected by proposed development include Brewer's spineflower (*Chorizanthe breweri*), San Luis Obispo owl's-clover (*Castilleja densiflora ssp. Obispoensis*), Congdon's tarplant (*Centromadia parryi ssp. Congdonii*), Mouse-gray dudleya (*dudleya abramsii ssp. murina*). However, the Project would substantially avoid sensitive habitats in the higher elevation areas of the southwest area of the site, which is the most biologically diverse and sensitive area of the site. Woodland areas and other habitats within this area would not be impacted by proposed development or fire clearance, protecting foraging, roosting, and nesting habitat for several Species of Special Concern, including bats and birds. Additionally, avoidance of development within this area would protect the majority of Drainages 1, 2, and 3 where these drainages support a federally endangered species and provide water to sensitive plant and animal species. Direct and indirect impacts to wildlife species and sensitive habitats supporting special-status plant and animal species on- and offsite would occur under the Project as a result of construction noise, increased human presence, and potential exposure to pollutants and hazardous materials (Refer to page Impact BIO-2, beginning on 3.4-70 and Biological Resources, beginning on page 5-58 of the Final EIR).

- a. Mitigation: The following mitigation would be required to reduce impacts to special-status species to a less than significant level.
  - **Mitigation Measure HAZ-2.** In accordance with PRC Section 4291, the Applicant shall hire a City-qualified team that consists of appropriate specialists (i.e., fire management professionals, biologists) to prepare a Community Fire Protection Plan to design the creation and maintenance of required fire buffers and fuel management zones around developable areas and detail methods for achieving fire safety around new buildings while preserving the integrity and function of affected native plant communities to the maximum extent feasible, and that ensures that consistent fire fuel management practices are applied throughout the City. The Plan shall incorporate management strategies in coordination with adjacent property owners, including Mountainbrook Church and the Irish Hills Natural Reserve. The Plan shall outline the removal and control of invasive, non-native vegetation, and conservation of sensitive habitats and rare species, while developing fire fuel management practices that will discourage or prevent non-native grasses and other non-native invasive species from dominating surrounding areas. Landscaping shall be maintained by the Applicant and periodically inspected by the SLOFD during fire inspections in each of the fuel management zones to avoid the buildup of deadwood and leaf litter, which, if left to accumulate, would reduce the mitigating effect of the Plan. Specifically, the Plan shall include, but not be limited to, the following elements:
    - Vegetation coverage and type;
    - Setbacks between structures, sensitive wildlife species, and access routes;
    - Development plan landscaping and planting standards within the setback areas;
    - Native trees and shrubs, such as coast live oak, coastal scrub, and grassland shall be thinned and limbed up but left in place;
    - All allowable weed abatement techniques, qualifications, and requirements for weed abatement contractors, as well as measures and techniques that ensure the required fuel management and vegetation clearance, shall be designed and implemented to

- provide adequate structure protection and avoid degradation of sensitive biological habitat; and
- Invasive species shall be removed and controlled.
- **Mitigation Measure BIO-1.** The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures for impacts to sensitive natural communities. The Biological Mitigation and Monitoring Plan shall include Best Management Practices (BMPs) to avoid or minimize impacts to biological resources, and implementation of on and offsite habitat replacement as follows:
1. The Biological Mitigation and Monitoring Plan shall include the following construction-related measures and BMPs:
    - a. Construction equipment and vehicles shall be stored at least 100 feet away from existing and proposed drainage features and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area approved by the City.
    - b. Prior to commencement of construction, Drainages 1, 2, 3, and 4 and all associated springs, seeps, and wetlands shall be protected with construction fencing located a minimum of 25 feet from the edge of the stream channel or top of bank and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing shall be maintained throughout the construction period for each phase of development. Fencing and signage shall be removed following completion of construction.
    - c. During any construction activities within 50 feet of the existing Froom Creek channel, realigned Froom Creek channel, LOVR ditch, Drainages 1, 2, 3, or 4, or other existing or proposed drainage features, a City-approved biological monitor shall be present and have the authority to stop or redirect work as needed to protect biological resources.
    - d. All construction materials (e.g., fuels, chemicals, building materials) shall be stored at designated construction staging areas, which shall be located outside of designated sensitive areas. Should spills occur, or if any unanticipated hazardous materials are discovered, materials and/or contaminants shall be cleaned immediately and recycled or disposed of to the satisfaction of the RWQCB, Department of Toxic Substances Control, and/or San Luis Obispo County Public Health Environmental Services, as applicable.
    - e. All trash and construction debris shall be properly disposed at the end of each day and dumpsters shall be covered either with locking lids or with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.
    - f. The Applicant shall implement measures designed to minimize construction-related erosion and retain sediment on the Project site, including installation of silt fencing, straw wattles, or other acceptable construction erosion control devices. Such measures shall be installed along the perimeter of disturbed areas and along the top of the bank of the existing and proposed Froom Creek channel and other existing or



- proposed drainage features and 25 feet from the edge of Drainages 1, 2, 3, and 4. All drainage shall be directed to sediment basins designed to retain all sediment onsite.
- g. Concrete truck and tool washout shall occur in a designated location such that no runoff will reach the creek, onsite drainages, or other sensitive areas.
  - h. All open trenches shall be constructed with appropriate exit ramps to allow species that fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.
  - i. Existing disturbed areas shall be used for construction staging and storage to the maximum extent possible to minimize disturbance of undeveloped habitats. All construction access roads and staging areas shall be located to avoid known/mapped habitat and minimize habitat fragmentation.
- **Mitigation Measure BIO-9.** Construction and grading of the realigned portion of Froom Creek, including planting of riparian vegetation, watering, and bank stabilization, shall be conducted prior to removal of the existing creek segment to ensure a habitat for special-status species within the creek is maintained through the Project site with no interruption during construction. Project phasing shall be adjusted as needed to accommodate this sequence of construction activities.
- **Mitigation Measure BIO-10.** Prior to issuance of grading and building permits, the Applicant shall submit or fund a site survey for special-status plants, including Chorro Creek bog thistle, and:
- 1. All individual locations of special-status species, including Chorro Creek bog thistle, and suitable habitat areas shall be mapped using GPS coordinates. No construction activities or disturbance shall occur within 50 feet of mapped special-status species, including Chorro Creek bog thistle, or suitable habitat areas. This setback shall be delineated and maintained with construction fencing and clear signage for the duration of grading and construction. If the site survey results identify Chorro Creek bog thistle that may be disturbed or lost from Project construction, the Project shall be redesigned to ensure a minimum 50-foot buffer from mapped Chorro Creek bog thistle occurrences.
  - 2. Development adjacent to Drainages 1, 2, and 3 shall be set back a minimum of 50 feet from the top of the bank of these drainages and the edge of delineated associated wetlands.
  - 3. Drainages 1, 2, and 3 and associated wetlands shall be fenced a minimum of 50 feet from the top of the bank or edge of delineated wetland during construction. The Applicant shall ensure and demonstrate to the City through frequent reporting requirements approved by the City that these areas are managed and maintained in perpetuity to maintain wetland and Chorro Creek bog thistle habitat values to the extent feasible.

4. If the site survey results identify special-status plant species, including Chorro Creek bog thistle, or suitable habitat that may be disturbed or lost from Project construction, the Project shall be redesigned to ensure a minimum 50-foot buffer from mapped individual occurrences and suitable habitat areas. If buffers cannot be maintained, then consultation with CDFW shall occur to determine appropriate minimization and mitigation measures for impacts to special-status plant species, or in the case of plant species listed pursuant to CESA or the Native Plant Protection Act, to determine if take can be avoided. If take cannot be avoided, take authorization prior to any ground-disturbing activities may be warranted. Take authorization would occur through issuance of an ITP by CDFW, pursuant to Fish and Game Code section 2081(b).
- **Mitigation Measure BIO-11.** The Biological Mitigation and Monitoring Plan shall address special-status wildlife species management. Grading and construction activities shall avoid the rainy season (typically October 15 to April 15) to the extent practicable, particularly within 50 feet of the existing and proposed Froom Creek channel, and other existing or proposed drainage features, riparian or wetland habitat, and any suitable nesting sites as determined by the City-approved biologist. Injury, mortality to, or significant disturbance of onsite sensitive species, including the California red-legged frog, south-central California coast steelhead, and white-tailed kite, shall be avoided. The plan shall include the following measures: pre-construction surveys; worker awareness; cessation of work in occupied areas if individuals are identified; relocation (if necessary) of frogs and steelhead from the work area by a professional biologist authorized by the USFWS and/or CDFW; and monitoring of construction activities within the vicinity of sensitive habitats by a qualified biologist during construction, consistent with MM BIO-2. Necessary permits shall be obtained from the state (CDFW) and federal (USACE and USFWS) regulatory agencies with jurisdiction and/or permitting authority over a portion of the Project. Any other sensitive species observed during the pre-construction surveys shall be relocated by the qualified biologist into the nearest suitable habitat outside the disturbance area as determined in consultation with the appropriate jurisdictional resource agency.
  - **Mitigation Measure BIO-12.** The Biological Mitigation and Monitoring Plan shall address the habitation and movement of special-status wildlife species, as follows:
    1. Migratory and Nesting/Burrowing Bird Management. Grading and construction activities shall avoid the breeding season (typically from February 15 to August 15) to the extent practicable, particularly within 50 feet of riparian or wetland habitat and mature trees and within onsite grasslands. If Project activities must be conducted during this period and within the vicinity of riparian or wetland habitat, grasslands, and/or mature trees, pre-construction nesting bird surveys shall take place no more than one week prior to habitat disturbance associated with each phase; if active nests or burrows are located during these surveys, the following measures shall be implemented:
      - a. Construction activities within 50 feet of active nests shall be restricted until chicks have fledged, unless the nest belongs to a raptor or burrowing owl, in which case a minimum 500-foot activity restriction buffer shall be observed.
      - b. Construction shall be limited to daylight hours (7:00 AM to 7:00 PM or sunset, whichever is sooner).

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- c. A pre-construction survey report shall be submitted to the City immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. If any sensitive species are observed during pre-construction surveys, the Project biologist shall coordinate with appropriate resource agencies to determine appropriate procedure for handling or avoidance of the specimen.
  - d. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions and the species involved. A report of findings and recommendations for bird protection shall be submitted to the City prior to vegetation removal. If sensitive or special-status species are observed during pre-construction surveys, the Project biologist shall coordinate with appropriate resource agencies to determine appropriate procedures for handling or avoidance of the specimen.
  - e. If burrowing owls are found onsite and avoidance is not possible, burrow exclusion shall be conducted by City-approved qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) To avoid recolonization, ongoing surveillance shall be provided by the City-approved Project biologists throughout Project construction at a rate that is sufficient to detect burrowing owls if they return.
2. Bat Colony Management. Prior to removal of any trees over 20 inches diameter-at-breast-height (DBH) or demolition/relocation of existing onsite structures, a survey shall be conducted by a City and CDFW-approved biologist to determine if any tree or structure proposed for removal, trimming, demolition, or relocation harbors sensitive bat species or maternal bat colonies. Maternal bat colonies shall not be disturbed, and grading and construction activities shall avoid the bat breeding season to the extent feasible. If disturbance of structures must occur during the bat breeding season, buildings must be inspected and deemed clear of bat colonies/roosts within 7 days of demolition and an appropriately trained and approved biologist must conduct a daily site-clearance during demolition. If bats are roosting in a structure or tree in the Project site during the daytime but are not part of an active maternity colony, then exclusion measures shall be utilized and must include one-way valves that allow bats to leave but are designed so that the bats may not re-enter the structure. For each occupied roost removed, one bat box shall be installed in similar habitat as determined by the Project biologist and shall have similar cavities or crevices to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. If a bat colony would be eliminated from the Project site, appropriate alternate bat habitat shall be installed within the Project site. To the extent practicable, alternate bat house installation shall occur near onsite drainages.
- b. Finding: LAFCO finds that implementation of mitigation measures, including pre-construction surveys and relocation of animal species, would minimize potential impacts to the maximum

extent feasible and result in less severe impacts compared to the Draft FRSP analyzed in the Final EIR due to the Project's avoidance of development of sensitive habitat areas above the 150-foot elevation line and around Drainage 1, 2, and 3 in the southwest area of the site. MM BIO-1 and MM BIO-9 through MM BIO-12 would reduce impacts to listed, candidate, or special-status wildlife species and assure compliance with Conservation and Open Space Element Policies 7.3.1, *Protect Listed Species*, and 7.3.2, *Species of Local Concern*. Implementation of MM HAZ-2 requiring preparation of a Community Fire Protection Plan and use of a City-qualified biologist and Applicant's Environmental Coordinator to identify and preserve the integrity of vegetation and habitat, as well as the maximum feasible avoidance of designated special-status species, would also reduce impacts. Thus, impacts would be reduced to a less than significant level.

- 3. Impact BIO-3:** Project implementation would have a substantial adverse impact on state and federally protected wetlands. The Project would have potentially significant adverse impacts on the Calle Joaquin wetlands and the LOVR ditch, resulting in the loss of up to 1.54 acres of CDFW jurisdictional features, 0.32 acre of USACE jurisdictional wetlands, and 0.73 acre of USACE Other Waters (2.58 acres total). These losses would occur primarily from construction of LOVR frontage improvements and relocation of the LOVR ditch, realignment of the Froom Creek channel, and construction of LOVR widening improvements. Impacts may also occur to wetlands through construction of an emergency access road connecting to LOVR. Compared to the Draft FRSP analyzed in the Final EIR, impacts associated with utility line installation would be reduced under the Project, as utilities extending from Villaggio to LOVR would be constructed across the proposed emergency access road and would not occur underneath existing wetlands to the extent feasible. The gravity sewer line may still need to be constructed under the creek. In addition to direct physical loss and disturbance of existing wetlands, realignment of Froom Creek would substantially alter onsite hydrology and drainage with potential to change the characteristics and dynamics of the Calle Joaquin wetlands. While it is the intention of the Project to maintain or improve wetland habitat onsite, realignment of Froom Creek has potential to affect the 5.81-acre Calle Joaquin wetlands by changing the frequency and quantity of water supporting the wetlands, increasing potential for migration of the Froom Creek corridor through these wetlands, increasing potential for sedimentation of the wetlands, and altering the effects from severe storm and post-fire flood conditions (Refer to Residual Impacts, beginning on page 3.4-68, Impact BIO-3, beginning on page 3.4-83, and Biological Resources, beginning on page 5-58 of the Final EIR).

  - a. Mitigation: The following mitigation measures are required to reduce impacts to wetland features associated with construction of the Project and realignment of Froom Creek. MM BIO-3 has been edited to eliminate reference to the Upper Terrace in Villaggio since the Project no longer proposes development in the Upper Terrace. Removal of development within the Upper Terrace would substantially reduce potential impacts; MM BIO-3 would continue to apply to all other portions of the Project site. MM BIO-Alt. 1 has been edited to remove reference to the southern emergency access route entering the site from Calle Joaquin, as this component is not proposed as part of the Project. Following further review of the Project, the City Fire Department concluded that the access and emergency access roads shown in the proposed Project are adequate and meet Fire Code regulations. Removal of this emergency access route

would avoid additional impacts to onsite drainages and Froom Creek; MM BIO-Alt. 1 would continue to apply to all other portions of the Project site.

- **Mitigation Measure BIO-1.** The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures for impacts to sensitive natural communities. The Biological Mitigation and Monitoring Plan shall include Best Management Practices (BMPs) to avoid or minimize impacts to biological resources, and implementation of on and offsite habitat replacement as follows:
  1. The Biological Mitigation and Monitoring Plan shall include the following construction-related measures and BMPs:
    - a. Construction equipment and vehicles shall be stored at least 100 feet away from existing and proposed drainage features and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area approved by the City.
    - b. Prior to commencement of construction, Drainages 1, 2, 3, and 4 and all associated springs, seeps, and wetlands shall be protected with construction fencing located a minimum of 25 feet from the edge of the stream channel or top of bank and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing shall be maintained throughout the construction period for each phase of development. Fencing and signage shall be removed following completion of construction.
    - c. During any construction activities within 50 feet of the existing Froom Creek channel, realigned Froom Creek channel, LOVR ditch, Drainages 1, 2, 3, or 4, or other existing or proposed drainage features, a City-approved biological monitor shall be present and have the authority to stop or redirect work as needed to protect biological resources.
    - d. All construction materials (e.g., fuels, chemicals, building materials) shall be stored at designated construction staging areas, which shall be located outside of designated sensitive areas. Should spills occur, or if any unanticipated hazardous materials are discovered, materials and/or contaminants shall be cleaned immediately and recycled or disposed of to the satisfaction of the RWQCB, Department of Toxic Substances Control, and/or San Luis Obispo County Public Health Environmental Services, as applicable.
    - e. All trash and construction debris shall be properly disposed at the end of each day and dumpsters shall be covered either with locking lids or with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.
    - f. The Applicant shall implement measures designed to minimize construction-related erosion and retain sediment on the Project site, including installation of silt fencing, straw wattles, or other acceptable construction erosion control devices. Such measures shall be installed along the perimeter of disturbed areas and along the top of the bank of the existing and proposed Froom Creek channel and other existing or proposed drainage features and 25 feet from the edge of Drainages 1, 2, 3, and 4.

All drainage shall be directed to sediment basins designed to retain all sediment onsite.

- g. Concrete truck and tool washout shall occur in a designated location such that no runoff will reach the creek, onsite drainages, or other sensitive areas.
- h. All open trenches shall be constructed with appropriate exit ramps to allow species that fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.
- i. Existing disturbed areas shall be used for construction staging and storage to the maximum extent possible to minimize disturbance of undeveloped habitats. All construction access roads and staging areas shall be located to avoid known/mapped habitat and minimize habitat fragmentation.

- **Mitigation Measures BIO-2.** The Applicant shall retain a qualified Environmental Coordinator/qualified biologist, subject to review and approval by the City to oversee compliance with the Biological Mitigation and Monitoring Plan. The Applicant's Environmental Coordinator shall monitor all construction activities, conduct a biological resources education program for all construction workers prior to the initiation of any clearing or construction activities, and provide quarterly reports to the City regarding construction activities, enforcement issues, and remedial measures. The Applicant's Environmental Coordinator shall be responsible for conducting inspections of the work area each work day to ensure that excavation areas and sensitive or restored habitats do not exhibit construction-related impacts or hazards to wildlife. If any exposure risk is identified, the Environmental Coordinator shall implement measures that could include, but not be limited to, hazing, fencing, and wildlife removals to eliminate the exposure risk.

In addition, the Applicant's Environmental Coordinator shall monitor and regulate all construction occurring within 50 feet of the existing and proposed Froom Creek channel, other existing or proposed drainage features, riparian habitat, Drainages 1, 2, 3, and 4, and seasonal or permanent wetlands. During appropriate flowering, nesting, breeding, migration, and dispersal seasons, the Environmental Coordinator shall also conduct sensitive species surveys immediately prior to construction activities and shall monitor construction activities in the vicinity of habitats to be avoided.

The work area boundaries and other off-limit areas shall be identified by the biologist and/or Environmental Coordinator on a daily basis. The biologist and/or Environmental Coordinator shall inspect construction and sediment control fencing each work day during construction activities. Any vegetation clearing activities shall be monitored by the biologist and/or Environmental Coordinator.

- **Mitigation Measure BIO-3.** The Biological Mitigation and Monitoring Plan shall include a Habitat Mitigation and Monitoring Plan (HMMP) with details on timing and implementation

of required habitat restoration, enhancement, or creation measures. The Biological Mitigation and Monitoring Plan and HMMP shall be prepared under the direction of, and approved by, the City's Natural Resources Manager in conjunction with regulatory agencies with permitting authority over the Project. The HMMP shall contain, at a minimum, the following components (or as otherwise modified by regulatory agency permitting conditions):

- a. Pre-construction surveys and delineation of vegetation communities, habitat, and wetland features, including clear maps and a summary of onsite habitats to be protected and acreage, design, and locations of required habitat mitigation sites.
  - a. A description of the location and boundaries of the mitigation site and description of existing site conditions.
  - b. A description of measures to be undertaken to enhance the mitigation site for the target species and to protect sensitive resources.
  - c. Record necessary replacement of disturbed, altered, and/or lost area of habitat.
  - d. A binding long-term agreement with the Applicant to implement and maintain protected and restored sensitive habitats, including native bunch grassland, wetlands, springs, seeps, tributary drainages, and other sensitive or restored native habitats. These measures shall identify typical performance and success criteria deemed acceptable by the City and California Department of Fish and Wildlife (CDFW) based on measurable goals and objectives. Said criteria for restored habitats shall be, at a minimum, at least 70-percent survival of container plants and 70-percent relative cover by vegetation type.
  - e. A description of habitat and species restoration and monitoring measures, including specific and objective performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule (At a minimum, success criteria shall be at least 70-percent survival of container plants and 70-percent relative cover by vegetation type and will include a replacement ratio of 2:1 and determination by a City-approved biologist that the mitigation site provides ecological functions and values for the focal species equal to or exceeding the impacted habitat).
  - f. Plan requirements that ensure mitigation elements that do not meet performance or final success criteria within 5 years are completed through an extension of the plan for an additional 2 years or at the discretion of the City Natural Resources Manager with the goal of completing all mitigation requirements prior to the HMMP end date.
  - g. Monitoring of the mitigation and maintenance areas shall occur for the period established in the HMMP, or until success criteria are met; an endowment may be required in some cases as determined by the City. If success criteria cannot be met through the HMMP, the City Natural Resources Manager shall specify appropriate commensurate measures (e.g., onsite or offsite restoration, endowment, or bond to the City for completion of necessary mitigation).
  - h. A binding long-term agreement with the Villaggio Life Plan Community to fund and retain a qualified biologist to train all landscaping crew staff hired over the life of the development on sensitive plant species and habitat within the vicinity of the

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- development, including the identification and avoidance of sensitive plants and habitat. The qualified biologist shall conduct annual monitoring of vegetation surrounding the development and prepare a report summarizing the avoidance or disturbance of sensitive resources from operational activities of the Villaggio development, and identifying necessary replacement or restoration of affected resources. Necessary mitigation shall be subject to the same standards for performance, monitoring, and success identified in subitems b through h, above. The report shall be submitted to the City annually for review and approval.
- i. A plan for fencing and/or signage around the ~~Upper Terrace of the~~ Villaggio development, prohibiting residents, guests, and employees from accessing and disturbing the surrounding sensitive resources.
  - j. Requirements for payment of annual fees to the City to fund City review and inspection of the site and Biological Mitigation and Monitoring Plan and HMMP requirements.
- **Mitigation Measure BIO-4.** The Biological Mitigation and Monitoring Plan shall require avoidance of sensitive natural communities outside approved development footprints such as the Nassella pulchra Herbaceous Alliance, Central Coast Arroyo Willow Scrub Community, Coastal and Central Valley Freshwater Marsh, and wetland areas to the maximum extent feasible. Mitigation for impacted sensitive natural communities that cannot be avoided shall be achieved through one or more of the following options, subject to City approval:
- e. Onsite restoration, enhancement, or creation of suitable replacement habitat, if feasible onsite restoration opportunities exist and at ratios consistent with those identified in MM BIO-5;
  - f. Offsite restoration or creation of suitable habitat for the impacted species at the minimum replacement ratio of 2:1 for sensitive natural communities, native grasslands, and riparian habitat;
  - g. Financial contribution to an in-lieu fee program that results in restoration or creation of suitable habitat for the impacted natural communities and/or species; and/or
  - h. Purchase of mitigation credits at a USFWS- and/or CDFW-approved mitigation bank.
- **Mitigation Measure BIO-5.** The Biological Mitigation and Monitoring Plan shall require all temporary and permanent direct and indirect impacts to wetlands, grasslands, and riparian habitat be mitigated, as follows:
- a. Temporary direct impacts to wetland, native grassland, and riparian habitat shall be mitigated at a minimum 1:1 mitigation ratio (area of restored habitat to impacted habitat).
  - b. Permanent direct impacts to sensitive natural communities, such as native grasslands, and riparian habitat shall be mitigated at a 2:1 ratio (area of restored and enhanced habitat to impacted habitat).
  - c. Permanent direct impacts to wetlands shall be mitigated at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW,



RWQCB, National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) (as appropriate).

- d. Potential indirect impacts to the Calle Joaquin wetlands affected by the Froom Creek realignment and changes to site hydrology shall be mitigated as follows. As a part of the HMMP prepared for the Project, the Applicant shall prepare and implement a Long-Term Wetland Monitoring Plan that is designed to quantitatively and qualitatively assess the effectiveness of the HMMP over time to ensure its objectives are achieved. The Long-Term Wetland Monitoring Plan shall be supported by a Baseline Conditions Assessment that identifies the pre-construction condition of the Calle Joaquin wetlands and establishes success criteria for sustained wetland conditions. The Baseline Conditions Assessment shall provide qualitative and quantitative information that will be used in comparing data obtained during subsequent monitoring years to determine if a significant deviance from baseline conditions has occurred at the site. The Long-Term Wetland Monitoring Plan will establish the parameters of a significant deviance from baseline conditions. A significant deviance from baseline may be defined as a “change in wetland area greater than 10%”. The Baseline Conditions Assessment shall be updated prior to the start of construction to support agency permitting and guide implementation of the Long-Term Wetland Monitoring Plan. This updated baseline shall be considered in combination with existing and past baseline documentation to provide an expanded baseline reflective of a range of acceptable conditions to compare post Project conditions. The Baseline Conditions Assessment shall include a focused description of the site’s hydrologic setting, vegetative cover and composition, quantified wetland areas and classifications, and shall establish the threshold for a significant deviance from wetland area based on the presence of hydrophytic plant species, hydric soil indicators, and wetland hydrology.

At minimum, the condition of the wetland shall be evaluated on an annual basis through completion of a wetland assessment using a regulatory agency approved model (such as, but not limited to, the California Rapid Assessment Method [CRAM]) to document and facilitate long-term monitoring of changes to the wetland. The annual evaluation shall determine and document any degree of change to the wetland as a result of the proposed changes to site hydrology and development throughout build-out under the Specific Plan. Reports documenting the annual wetland assessment shall be provided to the City and relevant regulatory agencies.

Long-Term Wetland Monitoring for the Calle Joaquin wetlands shall occur continuously for a period of no less than 7 years following Phase I build-out of the FRSP area. After the initial 7-years of minimum annual monitoring, the frequency of long-term evaluations shall be determined in coordination with regulatory agencies and per the requirements of the Long-Term Wetland Monitoring Plan.

The Long-Term Wetland Monitoring Plan shall include (at minimum) the following requirements. Additional detailed criteria and performance standards will be established in the HMMP prepared for the project and approved by regulatory agencies,

but they shall not be any less stringent than the following criteria and performance standards:

- i. Annual monitoring shall evaluate and track the wetland health and biological integrity of the Calle Joaquin wetlands.
- ii. Annual evaluations shall utilize intensive site assessments to provide a more thorough and detailed measure of wetland condition by gathering direct measurements of biological taxa and hydrogeomorphic functions.
- iii. Typical industry standards for the quantitative evaluation of plant cover will be used (e.g., Bonham 1989 and Daubenmire 1968) to evaluate plant composition and structure as well as direct inspections of soil conditions and hydrologic functions.
- iv. Annual or semi-annual evaluations shall observe and document the following, at a minimum:
  - whether groundwater recharge from Froom Creek to the shallow aquifer is being sustained,
  - whether the onsite artesian well has been discharging to the wetland,
  - evidence of overflows entering the Calle Joaquin wetland from the realigned Froom Creek,
  - excessive ponding, as evidenced by changes in vegetation related to increased duration of ponding,
  - measured depth to groundwater in the onsite artesian well and the relationship of these conditions with conditions in the wetland,
  - specific conductance and temperature in the wetland and other surface sources,
  - the presence or absence of salt efflorescences in the wetland,
  - any persistent green vegetation patches or changes in willow/grass ecotone, and
  - representative photo points.
- v. Monitoring of the realigned creek's hydrology would be required following large storm events during the rain season that are sufficient to initiate flowing water through the site. If after the 3rd year of monitoring, vegetation has successfully established along the creek corridor and sedimentation and erosion are not observed beyond what is determined to be a normal level, then the rainy season monitoring could be scaled back to occur on a quarterly or as-needed basis for the remainder of the monitoring schedule, upon review and approval of the City's Natural Resources Manager and applicable regulatory agencies and consistent with the Long-Term Wetland Monitoring Plan.
- vi. Success criteria to determine whether the Calle Joaquin wetland functions are sustained shall include the following, at a minimum:
  - The constructed bank between the realigned Froom Creek channel and the Calle Joaquin wetlands remains functional and does not recurrently scour or fill to a degree that impairs its operation or impedes circulation through the wetland,
  - Excessive surface water does not pond for periods of long duration,
  - Salts do not accumulate such that discernible increases in salt efflorescences at the ground surface are not visible,

- Evidence of deposition by high flows is not found within the wetland (e.g., silt, organics, or other flood deposits).
- vii. If success criteria are not achieved within the 7-year initial monitoring period, a hydrologic assessment will be conducted by a U.S. Army Corps of Engineers (USACE) approved specialist in groundwater supported wetlands to establish whether non-attainment is attributable to onsite conditions or actions beyond the effective control of the Project Applicant. The specialist shall be a registered hydrologist or certified hydrogeologist with statewide expertise, familiarity with groundwater supported wetlands in central coastal California and verifiable experience conducting functional analyses of such wetlands. Recommendations for remedial actions will be submitted by the groundwater specialist to the USACE for review and written approval prior to implementation. If wetland failures are determined to be directly related to the realignment of Froom Creek and development within the Froom Creek Specific Plan area, possible remedial actions would include, at minimum, the following:
- Engineering controls include biotechnical erosion controls such as the installation of willow wattles and brush matting and addition of native cobble to reinforce the low flow berm separating the creek channel from the wetland area to help contain flows into the wetland area.
  - If vegetation establishment is taking longer than expected, remedial measures such as re-seeding bare soils, replanting areas of mortality, and increased maintenance and monitoring may be prescribed.
  - If there is significant evidence of scouring, collapse, or filling of the overflow bank between the realigned low-flow Froom Creek channel and the Calle Joaquin wetlands, a registered professional engineer shall re-evaluate bank type, size, and slope and recommend a solution, such as augmentation or replacement.
  - If there is excessive ponding (spatial or temporal), a registered professional engineer shall assess access to and capacity of existing drainage outlets and recommend a solution, such as augmentation or replacement if necessary.
  - If salt efflorescence is observed and specific conductance in the wetland is greater than baseline conditions, a registered professional engineer shall re-evaluate the bank type, slope, size, and conveyance between the realigned Froom Creek low-flow channel and the Calle Joaquin wetlands to increase the frequency of salt flushing, such as altering surface flows to more frequently overflow to the wetland area.
- viii. If through monitoring it is determined that the Project does not adversely impact the Calle Joaquin wetland areas (as defined above), the Applicant shall provide documentation annually (at minimum) to the City, for review and approval by the City's Natural Resources Manager, that no significant signs of hydrological interruption, erosion (including bank failure), or sedimentation have occurred, that the wetland is sustained in biological integrity and health with existing hydrologic inputs, and that channel migration has not adversely affected existing wetland features adjacent to Calle Joaquin.

- ix. If through monitoring it is determined that the Project adversely impacts the Calle Joaquin wetland area, recommendations shall be made for modifications to the Project design in consultation with the City and appropriate regulatory agencies for review and concurrence, as described in subsection viii above. The annual reports would detail the issue or problem area and proposed remedial actions.
  - x. If through monitoring it is determined that the Calle Joaquin wetland condition and function cannot be remediated with implementation of all feasible remedial actions and recommendations identified through long-term monitoring and as described in subsection vii above and the Long-Term Wetland Monitoring Plan, then adversely affected wetland areas shall be delineated and mitigated on- or offsite at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, NMFS, and USFWS (as appropriate), consistent with subsection (c) above.
  - xi. Funding for long-term wetland monitoring, adaptive management, and any recommended contingency measures shall be the responsibility of the Applicant. Payment of a bond by the Applicant would be required to ensure the availability of adequate funds to ensure successful implementation and completion of the Long-Term Wetland Monitoring Plan throughout build-out under the Specific Plan.
  - e. Habitat revegetation or creation shall occur in the fall or winter no more than 1 year following habitat disturbance. Revegetation shall be monitored monthly for 7 years with a goal of at least 70-percent survival of container plants and 70-percent relative cover by vegetation type at the end of the 7-year period. Irrigation shall be provided during this period or until otherwise determined necessary by the Applicant's Environmental Coordinator.
  - f. Riparian vegetation along Froom Creek shall be maintained in perpetuity to the satisfaction of the City by the Applicant or a City-approved designee. Froom Creek conditions shall be monitored annually following winter storm seasons to assess damage to riparian vegetation and need for maintenance restoration. Monitoring and maintenance of riparian vegetation conditions shall be conducted consistent with the requirements of the Habitat Mitigation and Monitoring Plan outlined in MM BIO-3.
- **Mitigation Measure BIO-6.** The Biological Mitigation and Monitoring Plan shall detail timing and implementation of required habitat restoration and shall be submitted to the City's Natural Resources Manager for review and approval, including requirements for consultation with CDFW, NMFS, and USACE as needed. A copy of the final plan shall be submitted to the City for review and approval. The plan shall be implemented by the Project Applicant, under supervision by the City and the Applicant's Environmental Coordinator, and shall:
- a. Describe replacement of sensitive natural community habitats removed, lost, or adversely impacted by the Project, including a list of the soil, plants, and other materials that will be necessary for successful habitat restoration/ replacement, and a description of planting methods, location, spacing, erosion protection, and irrigation measures that will be needed. Restoration and habitat enhancement shall be limited to use of appropriate native species. Habitat restoration or enhancement areas shall be designed

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- to facilitate establishment of appropriate native plants such as willows, cottonwoods, bunchgrass, and rushes.
- b. Habitat restoration or enhancement areas shall be established within the Project boundaries, adjacent to and contiguous with existing habitats to the maximum extent possible.
  - c. Habitat restoration or enhancement sites shall be placed within existing or additional necessary deed-restricted area(s) and shall be maintained and monitored for a minimum of 7 years. If sufficient onsite mitigation area is not practicable, an offsite mitigation plan shall be prepared as part of the Biological Mitigation and Monitoring Plan and approved by permitting agencies.
  - d. The Biological Mitigation and Monitoring Plan shall identify appropriate restoration and enhancement activities to compensate for impacts to creek, wetland, native bunch grass and riparian habitat, including a detailed planting plan and maintenance plans using locally obtained native species, and shall include habitat enhancement to support native wildlife and plant species.
  - e. A weed management plan and weed identification list shall be included in the Biological Mitigation and Monitoring Plan.
  - f. Habitat restoration or enhancement areas shall be maintained weekly for the first three years after Project completion and quarterly thereafter. Maintenance shall include replacement of unsuccessful planted specimens and eradication of noxious weeds found on California Department of Food and Agriculture (CDFA) Lists A and B. Noxious weeds on CDFA List C may be eradicated or otherwise managed.
  - g. Quarterly and annual reports documenting site inspections and site recovery status shall be prepared and sent to the City and appropriate agencies.
- **Mitigation Measure BIO-7.** Utility line installation shall be timed so that sensitive habitat areas are not disturbed (e.g., prior to the development and restoration of the new Froom Creek realignment, after removal of riparian areas along the LOVR Ditch due to LOVR widening). In the event a utility line is proposed to be installed across the existing or realigned Froom Creek, or the sensitive riparian areas along the LOVR Ditch, while these features are in their natural or restored conditions, installation via horizontal directional drilling (HDD) to avoid impacts to sensitive habitats. Prior to installation of utility lines, a site-specific geotechnical investigation and frac-out clean-up plan shall be completed in areas proposed for HDD. The geotechnical investigation shall provide recommendations for avoidance of frac-outs and/or other HDD related impacts and to determine appropriate HDD methods (i.e., appropriate drilling mud mixtures for specific types of sediments). The investigation shall include results from at least three borings, a geologic cross-section, a discussion of drilling conditions, and frac-out clean-up plan. The frac-out clean-up plan shall identify methods for minimizing potential for frac-outs and addressing any necessary clean-up or remediation in case of a frac-out. The boring operation would be stopped immediately if a frac-out occurs and steps would be taken to contain and minimize the effects of any spill of drilling mud. The Applicant shall comply with all recommendations of the geotechnical investigation.

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- **Mitigation Measure BIO-8.** The Applicant shall submit a Froom Creek restoration plan that identifies measures for securing the proposed low-flow channel berm along the stretch of Froom Creek proposed adjacent to the Calle Joaquin wetlands to protect the bank from erosion and prevent migration of the Froom Creek channel into these wetlands. Measures for securing the bank may include a mix of natural and biotechnical measures capable of preventing erosion based on the anticipated erosive velocity of the creek under 100-year storm conditions.
  
  - **Mitigation Measure BIO-Alt. 1.** The additional emergency access roadway across Froom Creek and the LOVR ditch ~~and the southern emergency access route entering the site from Calle Joaquin~~ shall be reviewed by the City’s Public Works Department, Community Development Department, Natural Resources Manager, and Fire Department prior to adoption of the Final FRSP and approval of the Vesting Tentative Tract Map to ensure that design is adequate for City emergency ingress/egress standards and minimizes impacts to riparian vegetation and wildlife passage, and that adequate on- and offsite mitigation of impacted riparian and wetland vegetation is provided. The City shall ensure review and approval of these features as part of the Final FRSP considers the siting, alignment, width, materials, and access controls.
- b. Finding: LAFCO finds that implementation of mitigation measures would substantially reduce impacts to federal- and state-protected wetland areas through avoidance to the maximum extent feasible, long-term monitoring of wetlands onsite, on- or offsite wetland restoration, and full replacement of equivalent wetland values affected by proposed future development of the site at a 3:1 ratio unless otherwise required by appropriate regulatory agencies. The Project would avoid impacts to the unique seep-fed wetlands in the Upper Terrace, which the EIR determined would be difficult to mitigate through replacement due to the extent and variety of rare plant species supported by those wetlands (refer to page 3.4-88 of the Final EIR). The Calle Joaquin wetland and LOVR Ditch support hydrophytic wetland vegetation but do not support rare plant species. Therefore, replacement of these wetlands (if necessary after long-term monitoring) would be feasible and would reduce impacts to a less than significant level. Implementation of these measures would reduce potential impacts to wetland habitats within the Lower Area (e.g., LOVR ditch and Calle Joaquin wetlands) to a less than significant level. Impacts to wetlands in the higher elevation area of the southwest portion of the site would be avoided compared to the Draft FRSP analyzed in the Final EIR.
4. **Impact BIO-4:** Project construction and operation would have a substantial adverse impact on the movement of resident or migratory fish or wildlife species or resident and migratory wildlife corridors along Froom Creek, Drainages 1, 2, and 3, and across open grasslands in the southwest portion of the Project site. The Project site is designated in the City General Plan Conservation and Open Space Element as both a Wildlife Zone and Wildlife Corridor providing the conditions necessary to allow wildlife to move safely through urban areas, particularly those on the urban-rural interface of the City’s boundary. Implementation of the Project would disrupt wildlife utilization of and movement across the Project site. Development of the Project would largely isolate the restored Froom Creek channel and the Calle Joaquin wetlands from wildlife in the Irish Hills Natural Reserve, replacing the existing broad open grasslands and ecotones that currently link these

habitats with intensive development, confining wildlife movement to a relatively narrow restored creek channel extending between the proposed development and LOVR. While the realigned and restored Froom Creek corridor may provide enhanced riparian habitat, it would be a relatively urbanized creek corridor – compared to its current more natural state – bordered by relatively intensive development. The Project would not disrupt wildlife utilization of and movement across the higher elevation areas of the southwest portion of the site or along Drainages 1, 2, and 3 and their confluence with Froom Creek (Refer to Impact BIO-4, beginning on page 3.4-88, and Biological Resources, beginning on page 5-58 of the Final EIR).

- a. **Mitigation:** The following mitigation would be required to reduce impacts to the movement of wildlife species and migratory wildlife corridors to a less than significant level. MM BIO-3 has been edited to eliminate reference to the Upper Terrace in Villaggio since the Project no longer proposes development in the Upper Terrace. Removal of development within the Upper Terrace would substantially reduce potential impacts; MM BIO-3 would continue to apply to all other portions of the Project site. MM BIO-Alt. 1 has been edited to remove reference to the southern emergency access route entering the site from Calle Joaquin, as this component is not proposed as part of the Project. Following further review of the Project, the City Fire Department concluded that the access and emergency access roads shown in the proposed Project are adequate and meet Fire Code regulations. Removal of this emergency access route would avoid additional impacts to onsite drainages and Froom Creek; MM BIO-Alt. 1 would continue to apply written to all other portions of the Project site.

– **Mitigation Measure BIO-1.** The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures for impacts to sensitive natural communities. The Biological Mitigation and Monitoring Plan shall include Best Management Practices (BMPs) to avoid or minimize impacts to biological resources, and implementation of on and offsite habitat replacement as follows:

1. The Biological Mitigation and Monitoring Plan shall include the following construction-related measures and BMPs:
  - a. Construction equipment and vehicles shall be stored at least 100 feet away from existing and proposed drainage features and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area approved by the City.
  - b. Prior to commencement of construction, Drainages 1, 2, 3, and 4 and all associated springs, seeps, and wetlands shall be protected with construction fencing located a minimum of 25 feet from the edge of the stream channel or top of bank and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing shall be maintained throughout the construction period for each phase of development. Fencing and signage shall be removed following completion of construction.
  - c. During any construction activities within 50 feet of the existing Froom Creek channel, realigned Froom Creek channel, LOVR ditch, Drainages 1, 2, 3, or 4, or other existing or proposed drainage features, a City-approved biological monitor

- shall be present and have the authority to stop or redirect work as needed to protect biological resources.
- d. All construction materials (e.g., fuels, chemicals, building materials) shall be stored at designated construction staging areas, which shall be located outside of designated sensitive areas. Should spills occur, or if any unanticipated hazardous materials are discovered, materials and/or contaminants shall be cleaned immediately and recycled or disposed of to the satisfaction of the RWQCB, Department of Toxic Substances Control, and/or San Luis Obispo County Public Health Environmental Services, as applicable.
  - e. All trash and construction debris shall be properly disposed at the end of each day and dumpsters shall be covered either with locking lids or with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.
  - f. The Applicant shall implement measures designed to minimize construction-related erosion and retain sediment on the Project site, including installation of silt fencing, straw wattles, or other acceptable construction erosion control devices. Such measures shall be installed along the perimeter of disturbed areas and along the top of the bank of the existing and proposed Froom Creek channel and other existing or proposed drainage features and 25 feet from the edge of Drainages 1, 2, 3, and 4. All drainage shall be directed to sediment basins designed to retain all sediment onsite.
  - g. Concrete truck and tool washout shall occur in a designated location such that no runoff will reach the creek, onsite drainages, or other sensitive areas.
  - h. All open trenches shall be constructed with appropriate exit ramps to allow species that fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.
  - i. Existing disturbed areas shall be used for construction staging and storage to the maximum extent possible to minimize disturbance of undeveloped habitats. All construction access roads and staging areas shall be located to avoid known/mapped habitat and minimize habitat fragmentation.
- **Mitigation Measures BIO-2.** The Applicant shall retain a qualified Environmental Coordinator/qualified biologist, subject to review and approval by the City to oversee compliance with the Biological Mitigation and Monitoring Plan. The Applicant's Environmental Coordinator shall monitor all construction activities, conduct a biological resources education program for all construction workers prior to the initiation of any clearing or construction activities, and provide quarterly reports to the City regarding construction activities, enforcement issues, and remedial measures. The Applicant's Environmental Coordinator shall be responsible for conducting inspections of the work area each work day to ensure that excavation areas and sensitive or restored habitats do not exhibit construction-related impacts or hazards to wildlife. If any exposure risk is identified,



the Environmental Coordinator shall implement measures that could include, but not be limited to, hazing, fencing, and wildlife removals to eliminate the exposure risk.

In addition, the Applicant's Environmental Coordinator shall monitor and regulate all construction occurring within 50 feet of the existing and proposed Froom Creek channel, other existing or proposed drainage features, riparian habitat, Drainages 1, 2, 3, and 4, and seasonal or permanent wetlands. During appropriate flowering, nesting, breeding, migration, and dispersal seasons, the Environmental Coordinator shall also conduct sensitive species surveys immediately prior to construction activities and shall monitor construction activities in the vicinity of habitats to be avoided.

The work area boundaries and other off-limit areas shall be identified by the biologist and/or Environmental Coordinator on a daily basis. The biologist and/or Environmental Coordinator shall inspect construction and sediment control fencing each work day during construction activities. Any vegetation clearing activities shall be monitored by the biologist and/or Environmental Coordinator.

- **Mitigation Measure BIO-3.** The Biological Mitigation and Monitoring Plan shall include a Habitat Mitigation and Monitoring Plan (HMMP) with details on timing and implementation of required habitat restoration, enhancement, or creation measures. The Biological Mitigation and Monitoring Plan and HMMP shall be prepared under the direction of, and approved by, the City's Natural Resources Manager in conjunction with regulatory agencies with permitting authority over the Project. The HMMP shall contain, at a minimum, the following components (or as otherwise modified by regulatory agency permitting conditions):
  - b. Pre-construction surveys and delineation of vegetation communities, habitat, and wetland features, including clear maps and a summary of onsite habitats to be protected and acreage, design, and locations of required habitat mitigation sites.
  - k. A description of the location and boundaries of the mitigation site and description of existing site conditions.
  - l. A description of measures to be undertaken to enhance the mitigation site for the target species and to protect sensitive resources.
  - m. Record necessary replacement of disturbed, altered, and/or lost area of habitat.
  - n. A binding long-term agreement with the Applicant to implement and maintain protected and restored sensitive habitats, including native bunch grassland, wetlands, springs, seeps, tributary drainages, and other sensitive or restored native habitats. These measures shall identify typical performance and success criteria deemed acceptable by the City and California Department of Fish and Wildlife (CDFW) based on measurable goals and objectives. Said criteria for restored habitats shall be, at a minimum, at least 70-percent survival of container plants and 70-percent relative cover by vegetation type.
  - o. A description of habitat and species restoration and monitoring measures, including specific and objective performance criteria, monitoring methods, data analysis, reporting requirements, and monitoring schedule (At a minimum, success criteria

- shall be at least 70-percent survival of container plants and 70-percent relative cover by vegetation type and will include a replacement ratio of 2:1 and determination by a City-approved biologist that the mitigation site provides ecological functions and values for the focal species equal to or exceeding the impacted habitat).
- p. Plan requirements that ensure mitigation elements that do not meet performance or final success criteria within 5 years are completed through an extension of the plan for an additional 2 years or at the discretion of the City Natural Resources Manager with the goal of completing all mitigation requirements prior to the HMMP end date.
  - q. Monitoring of the mitigation and maintenance areas shall occur for the period established in the HMMP, or until success criteria are met; an endowment may be required in some cases as determined by the City. If success criteria cannot be met through the HMMP, the City Natural Resources Manager shall specify appropriate commensurate measures (e.g., onsite or offsite restoration, endowment, or bond to the City for completion of necessary mitigation).
  - r. A binding long-term agreement with the Villaggio Life Plan Community to fund and retain a qualified biologist to train all landscaping crew staff hired over the life of the development on sensitive plant species and habitat within the vicinity of the development, including the identification and avoidance of sensitive plants and habitat. The qualified biologist shall conduct annual monitoring of vegetation surrounding the development and prepare a report summarizing the avoidance or disturbance of sensitive resources from operational activities of the Villaggio development, and identifying necessary replacement or restoration of affected resources. Necessary mitigation shall be subject to the same standards for performance, monitoring, and success identified in subitems b through h, above. The report shall be submitted to the City annually for review and approval.
  - s. A plan for fencing and/or signage around the ~~Upper Terrace of the Villaggio~~ development, prohibiting residents, guests, and employees from accessing and disturbing the surrounding sensitive resources.
  - t. Requirements for payment of annual fees to the City to fund City review and inspection of the site and Biological Mitigation and Monitoring Plan and HMMP requirements.
- **Mitigation Measure BIO-4.** The Biological Mitigation and Monitoring Plan shall require avoidance of sensitive natural communities outside approved development footprints such as the Nassella pulchra Herbaceous Alliance, Central Coast Arroyo Willow Scrub Community, Coastal and Central Valley Freshwater Marsh, and wetland areas to the maximum extent feasible. Mitigation for impacted sensitive natural communities that cannot be avoided shall be achieved through one or more of the following options, subject to City approval:
- a. Onsite restoration, enhancement, or creation of suitable replacement habitat, if feasible onsite restoration opportunities exist and at ratios consistent with those identified in MM BIO-5;

- b. Offsite restoration or creation of suitable habitat for the impacted species at the minimum replacement ratio of 2:1 for sensitive natural communities, native grasslands, and riparian habitat;
  - c. Financial contribution to an in-lieu fee program that results in restoration or creation of suitable habitat for the impacted natural communities and/or species; and/or
  - d. Purchase of mitigation credits at a USFWS- and/or CDFW-approved mitigation bank.
- **Mitigation Measure BIO-5.** The Biological Mitigation and Monitoring Plan shall require all temporary and permanent direct and indirect impacts to wetlands, grasslands, and riparian habitat be mitigated, as follows:
- a. Temporary direct impacts to wetland, native grassland, and riparian habitat shall be mitigated at a minimum 1:1 mitigation ratio (area of restored habitat to impacted habitat).
  - b. Permanent direct impacts to sensitive natural communities, such as native grasslands, and riparian habitat shall be mitigated at a 2:1 ratio (area of restored and enhanced habitat to impacted habitat).
  - c. Permanent direct impacts to wetlands shall be mitigated at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, National Marine Fisheries Service (NMFS), and U.S. Fish and Wildlife Service (USFWS) (as appropriate).
  - d. Potential indirect impacts to the Calle Joaquin wetlands affected by the Froom Creek realignment and changes to site hydrology shall be mitigated as follows. As a part of the HMMP prepared for the Project, the Applicant shall prepare and implement a Long-Term Wetland Monitoring Plan that is designed to quantitatively and qualitatively assess the effectiveness of the HMMP over time to ensure its objectives are achieved. The Long-Term Wetland Monitoring Plan shall be supported by a Baseline Conditions Assessment that identifies the pre-construction condition of the Calle Joaquin wetlands and establishes success criteria for sustained wetland conditions. The Baseline Conditions Assessment shall provide qualitative and quantitative information that will be used in comparing data obtained during subsequent monitoring years to determine if a significant deviance from baseline conditions has occurred at the site. The Long-Term Wetland Monitoring Plan will establish the parameters of a significant deviance from baseline conditions. A significant deviance from baseline may be defined as a “change in wetland area greater than 10%”. The Baseline Conditions Assessment shall be updated prior to the start of construction to support agency permitting and guide implementation of the Long-Term Wetland Monitoring Plan. This updated baseline shall be considered in combination with existing and past baseline documentation to provide an expanded baseline reflective of a range of acceptable conditions to compare post Project conditions. The Baseline Conditions Assessment shall include a focused description of the site’s hydrologic setting, vegetative cover and composition, quantified wetland areas and classifications, and shall establish the threshold for a significant deviance from wetland area based on the presence of hydrophytic plant species, hydric soil indicators, and wetland hydrology.

At minimum, the condition of the wetland shall be evaluated on an annual basis through completion of a wetland assessment using a regulatory agency approved model (such as, but not limited to, the California Rapid Assessment Method [CRAM]) to document and facilitate long-term monitoring of changes to the wetland. The annual evaluation shall determine and document any degree of change to the wetland as a result of the proposed changes to site hydrology and development throughout build-out under the Specific Plan. Reports documenting the annual wetland assessment shall be provided to the City and relevant regulatory agencies.

Long-Term Wetland Monitoring for the Calle Joaquin wetlands shall occur continuously for a period of no less than 7 years following Phase I build-out of the FRSP area. After the initial 7-years of minimum annual monitoring, the frequency of long-term evaluations shall be determined in coordination with regulatory agencies and per the requirements of the Long-Term Wetland Monitoring Plan.

The Long-Term Wetland Monitoring Plan shall include (at minimum) the following requirements. Additional detailed criteria and performance standards will be established in the HMMP prepared for the project and approved by regulatory agencies, but they shall not be any less stringent than the following criteria and performance standards:

- i. Annual monitoring shall evaluate and track the wetland health and biological integrity of the Calle Joaquin wetlands.
- ii. Annual evaluations shall utilize intensive site assessments to provide a more thorough and detailed measure of wetland condition by gathering direct measurements of biological taxa and hydrogeomorphic functions.
- iii. Typical industry standards for the quantitative evaluation of plant cover will be used (e.g., Bonham 1989 and Daubenmire 1968) to evaluate plant composition and structure as well as direct inspections of soil conditions and hydrologic functions.
- iv. Annual or semi-annual evaluations shall observe and document the following, at a minimum:
  - whether groundwater recharge from Froom Creek to the shallow aquifer is being sustained,
  - whether the onsite artesian well has been discharging to the wetland,
  - evidence of overflows entering the Calle Joaquin wetland from the realigned Froom Creek,
  - excessive ponding, as evidenced by changes in vegetation related to increased duration of ponding,
  - measured depth to groundwater in the onsite artesian well and the relationship of these conditions with conditions in the wetland,
  - specific conductance and temperature in the wetland and other surface sources,
  - the presence or absence of salt efflorescences in the wetland,
  - any persistent green vegetation patches or changes in willow/grass ecotone, and
  - representative photo points.
- v. Monitoring of the realigned creek's hydrology would be required following large storm events during the rain season that are sufficient to initiate flowing water through the site. If after the 3rd year of monitoring, vegetation has successfully

established along the creek corridor and sedimentation and erosion are not observed beyond what is determined to be a normal level, then the rainy season monitoring could be scaled back to occur on a quarterly or as-needed basis for the remainder of the monitoring schedule, upon review and approval of the City's Natural Resources Manager and applicable regulatory agencies and consistent with the Long-Term Wetland Monitoring Plan.

- vi. Success criteria to determine whether the Calle Joaquin wetland functions are sustained shall include the following, at a minimum:
- The constructed bank between the realigned Froom Creek channel and the Calle Joaquin wetlands remains functional and does not recurrently scour or fill to a degree that impairs its operation or impedes circulation through the wetland,
  - Excessive surface water does not pond for periods of long duration,
  - Salts do not accumulate such that discernible increases in salt efflorescences at the ground surface are not visible,
  - Evidence of deposition by high flows is not found within the wetland (e.g., silt, organics, or other flood deposits).
- vii. If success criteria are not achieved within the 7-year initial monitoring period, a hydrologic assessment will be conducted by a U.S. Army Corps of Engineers (USACE) approved specialist in groundwater supported wetlands to establish whether non-attainment is attributable to onsite conditions or actions beyond the effective control of the Project Applicant. The specialist shall be a registered hydrologist or certified hydrogeologist with statewide expertise, familiarity with groundwater supported wetlands in central coastal California and verifiable experience conducting functional analyses of such wetlands. Recommendations for remedial actions will be submitted by the groundwater specialist to the USACE for review and written approval prior to implementation. If wetland failures are determined to be directly related to the realignment of Froom Creek and development within the Froom Creek Specific Plan area, possible remedial actions would include, at minimum, the following:
- Engineering controls include biotechnical erosion controls such as the installation of willow wattles and brush matting and addition of native cobble to reinforce the low flow berm separating the creek channel from the wetland area to help contain flows into the wetland area.
  - If vegetation establishment is taking longer than expected, remedial measures such as re-seeding bare soils, replanting areas of mortality, and increased maintenance and monitoring may be prescribed.
  - If there is significant evidence of scouring, collapse, or filling of the overflow bank between the realigned low-flow Froom Creek channel and the Calle Joaquin wetlands, a registered professional engineer shall re-evaluate bank type, size, and slope and recommend a solution, such as augmentation or replacement.
  - If there is excessive ponding (spatial or temporal), a registered professional engineer shall assess access to and capacity of existing drainage outlets and recommend a solution, such as augmentation or replacement if necessary.

- If salt efflorescence is observed and specific conductance in the wetland is greater than baseline conditions, a registered professional engineer shall re-evaluate the bank type, slope, size, and conveyance between the realigned Froom Creek low-flow channel and the Calle Joaquin wetlands to increase the frequency of salt flushing, such as altering surface flows to more frequently overflow to the wetland area.
- viii. If through monitoring it is determined that the Project does not adversely impact the Calle Joaquin wetland areas (as defined above), the Applicant shall provide documentation annually (at minimum) to the City, for review and approval by the City's Natural Resources Manager, that no significant signs of hydrological interruption, erosion (including bank failure), or sedimentation have occurred, that the wetland is sustained in biological integrity and health with existing hydrologic inputs, and that channel migration has not adversely affected existing wetland features adjacent to Calle Joaquin.
- ix. If through monitoring it is determined that the Project adversely impacts the Calle Joaquin wetland area, recommendations shall be made for modifications to the Project design in consultation with the City and appropriate regulatory agencies for review and concurrence, as described in subsection viii above. The annual reports would detail the issue or problem area and proposed remedial actions.
- x. If through monitoring it is determined that the Calle Joaquin wetland condition and function cannot be remediated with implementation of all feasible remedial actions and recommendations identified through long-term monitoring and as described in subsection vii above and the Long-Term Wetland Monitoring Plan, then adversely affected wetland areas shall be delineated and mitigated on- or offsite at a minimum 3:1 ratio unless otherwise directed by state and federal agencies, including but not limited to the CDFW, RWQCB, NMFS, and USFWS (as appropriate), consistent with subsection (c) above.
- xi. Funding for long-term wetland monitoring, adaptive management, and any recommended contingency measures shall be the responsibility of the Applicant. Payment of a bond by the Applicant would be required to ensure the availability of adequate funds to ensure successful implementation and completion of the Long-Term Wetland Monitoring Plan throughout build-out under the Specific Plan.
- e. Habitat revegetation or creation shall occur in the fall or winter no more than 1 year following habitat disturbance. Revegetation shall be monitored monthly for 7 years with a goal of at least 70-percent survival of container plants and 70-percent relative cover by vegetation type at the end of the 7-year period. Irrigation shall be provided during this period or until otherwise determined necessary by the Applicant's Environmental Coordinator.
- f. Riparian vegetation along Froom Creek shall be maintained in perpetuity to the satisfaction of the City by the Applicant or a City-approved designee. Froom Creek conditions shall be monitored annually following winter storm seasons to assess damage to riparian vegetation and need for maintenance restoration. Monitoring and maintenance of riparian vegetation conditions shall be conducted consistent with the requirements of the Habitat Mitigation and Monitoring Plan outlined in MM BIO-3.

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- **Mitigation Measure BIO-6.** The Biological Mitigation and Monitoring Plan shall detail timing and implementation of required habitat restoration and shall be submitted to the City’s Natural Resources Manager for review and approval, including requirements for consultation with CDFW, NMFS, and USACE as needed. A copy of the final plan shall be submitted to the City for review and approval. The plan shall be implemented by the Project Applicant, under supervision by the City and the Applicant’s Environmental Coordinator, and shall:
    - a. Describe replacement of sensitive natural community habitats removed, lost, or adversely impacted by the Project, including a list of the soil, plants, and other materials that will be necessary for successful habitat restoration/ replacement, and a description of planting methods, location, spacing, erosion protection, and irrigation measures that will be needed. Restoration and habitat enhancement shall be limited to use of appropriate native species. Habitat restoration or enhancement areas shall be designed to facilitate establishment of appropriate native plants such as willows, cottonwoods, bunchgrass, and rushes.
    - b. Habitat restoration or enhancement areas shall be established within the Project boundaries, adjacent to and contiguous with existing habitats to the maximum extent possible.
    - c. Habitat restoration or enhancement sites shall be placed within existing or additional necessary deed-restricted area(s) and shall be maintained and monitored for a minimum of 7 years. If sufficient onsite mitigation area is not practicable, an offsite mitigation plan shall be prepared as part of the Biological Mitigation and Monitoring Plan and approved by permitting agencies.
    - d. The Biological Mitigation and Monitoring Plan shall identify appropriate restoration and enhancement activities to compensate for impacts to creek, wetland, native bunch grass and riparian habitat, including a detailed planting plan and maintenance plans using locally obtained native species, and shall include habitat enhancement to support native wildlife and plant species.
    - e. A weed management plan and weed identification list shall be included in the Biological Mitigation and Monitoring Plan.
    - f. Habitat restoration or enhancement areas shall be maintained weekly for the first three years after Project completion and quarterly thereafter. Maintenance shall include replacement of unsuccessful planted specimens and eradication of noxious weeds found on California Department of Food and Agriculture (CDFA) Lists A and B. Noxious weeds on CDFA List C may be eradicated or otherwise managed.
    - g. Quarterly and annual reports documenting site inspections and site recovery status shall be prepared and sent to the City and appropriate agencies.
  
  - **Mitigation Measure BIO-9.** Construction and grading of the realigned portion of Froom Creek, including planting of riparian vegetation, watering, and bank stabilization, shall be conducted prior to removal of the existing creek segment to ensure a habitat for special-status species within the creek is maintained through the Project site with no interruption during construction. Project phasing shall be adjusted as needed to accommodate this sequence of construction activities.

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- **Mitigation Measure BIO-11.** The Biological Mitigation and Monitoring Plan shall address special-status wildlife species management. Grading and construction activities shall avoid the rainy season (typically October 15 to April 15) to the extent practicable, particularly within 50 feet of the existing and proposed Froom Creek channel, and other existing or proposed drainage features, riparian or wetland habitat, and any suitable nesting sites as determined by the City-approved biologist. Injury, mortality to, or significant disturbance of onsite sensitive species, including the California red-legged frog, south-central California coast steelhead, and white-tailed kite, shall be avoided. The plan shall include the following measures: pre-construction surveys; worker awareness; cessation of work in occupied areas if individuals are identified; relocation (if necessary) of frogs and steelhead from the work area by a professional biologist authorized by the USFWS and/or CDFW; and monitoring of construction activities within the vicinity of sensitive habitats by a qualified biologist during construction, consistent with MM BIO-2. Necessary permits shall be obtained from the state (CDFW) and federal (USACE and USFWS) regulatory agencies with jurisdiction and/or permitting authority over a portion of the Project. Any other sensitive species observed during the pre-construction surveys shall be relocated by the qualified biologist into the nearest suitable habitat outside the disturbance area as determined in consultation with the appropriate jurisdictional resource agency.
  
  - **Mitigation Measure BIO-12.** The Biological Mitigation and Monitoring Plan shall address the habitation and movement of special-status wildlife species, as follows:
    1. Migratory and Nesting/Burrowing Bird Management. Grading and construction activities shall avoid the breeding season (typically from February 15 to August 15) to the extent practicable, particularly within 50 feet of riparian or wetland habitat and mature trees and within onsite grasslands. If Project activities must be conducted during this period and within the vicinity of riparian or wetland habitat, grasslands, and/or mature trees, pre-construction nesting bird surveys shall take place no more than one week prior to habitat disturbance associated with each phase; if active nests or burrows are located during these surveys, the following measures shall be implemented:
      - a. Construction activities within 50 feet of active nests shall be restricted until chicks have fledged, unless the nest belongs to a raptor or burrowing owl, in which case a minimum 500-foot activity restriction buffer shall be observed.
      - b. Construction shall be limited to daylight hours (7:00 AM to 7:00 PM or sunset, whichever is sooner).
      - c. A pre-construction survey report shall be submitted to the City immediately upon completion of the survey. The report shall detail appropriate fencing or flagging of the buffer zone and make recommendations on additional monitoring requirements. A map of the Project site and nest locations shall be included with the report. If any sensitive species are observed during pre-construction surveys, the Project biologist shall coordinate with appropriate resource agencies to determine appropriate procedure for handling or avoidance of the specimen.
      - d. The Project biologist conducting the nesting survey shall have the authority to reduce or increase the recommended buffer depending upon site conditions and



- the species involved. A report of findings and recommendations for bird protection shall be submitted to the City prior to vegetation removal. If sensitive or special-status species are observed during pre-construction surveys, the Project biologist shall coordinate with appropriate resource agencies to determine appropriate procedures for handling or avoidance of the specimen.
- e. If burrowing owls are found onsite and avoidance is not possible, burrow exclusion shall be conducted by City-approved qualified biologists and only during the non-breeding season, before breeding behavior is exhibited and after the burrow is confirmed empty through non-invasive methods, such as surveillance. CDFW recommends replacement of occupied burrows with artificial burrows at a ratio of one burrow collapsed to one artificial burrow constructed (1:1) To avoid recolonization, ongoing surveillance shall be provided by the City-approved Project biologists throughout Project construction at a rate that is sufficient to detect burrowing owls if they return.
  2. **Bat Colony Management.** Prior to removal of any trees over 20 inches diameter-at-breast-height (DBH) or demolition/relocation of existing onsite structures, a survey shall be conducted by a City and CDFW-approved biologist to determine if any tree or structure proposed for removal, trimming, demolition, or relocation harbors sensitive bat species or maternal bat colonies. Maternal bat colonies shall not be disturbed, and grading and construction activities shall avoid the bat breeding season to the extent feasible. If disturbance of structures must occur during the bat breeding season, buildings must be inspected and deemed clear of bat colonies/roosts within 7 days of demolition and an appropriately trained and approved biologist must conduct a daily site-clearance during demolition. If bats are roosting in a structure or tree in the Project site during the daytime but are not part of an active maternity colony, then exclusion measures shall be utilized and must include one-way valves that allow bats to leave but are designed so that the bats may not re-enter the structure. For each occupied roost removed, one bat box shall be installed in similar habitat as determined by the Project biologist and shall have similar cavities or crevices to those which are removed, including access, ventilation, dimensions, height above ground, and thermal conditions. If a bat colony would be eliminated from the Project site, appropriate alternate bat habitat shall be installed within the Project site. To the extent practicable, alternate bat house installation shall occur near onsite drainages.
- **Mitigation Measure BIO-13.** The Applicant shall amend the FRSP to establish a 300-foot development buffer on the centerline of the confluence of Drainage 1, 2, and 3 and the realigned Froom Creek to maintain natural vegetation, ecological, hydrologic, and wildlife connectivity between the Irish Hills Natural Reserve and the Froom Creek corridor. The required buffer shall extend from the point at which the proposed realigned Froom Creek exits the Specific Plan area, upstream along the centerlines of Drainages 1, 2, and 3 for 600 linear feet. The Applicant shall relocate residential uses to areas outside of this buffer and should not exacerbate biological resource impacts in other areas of the site (This measure has been incorporated into the design of the Project and reflected on the Project land use plan).

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- **Mitigation Measure BIO-14.** Proposed roadway/pathway crossings over any drainage shall be designed to ensure adequate passage for wildlife, consistent with the design standards and guidelines of the Federal Highway Administration Wildlife Crossing Structure Handbook.
  - **Mitigation Measure BIO-Alt.1.** The additional emergency access roadway across Froom Creek and the LOVR ditch ~~and the southern emergency access route entering the site from Calle Joaquin~~ shall be reviewed by the City’s Public Works Department, Community Development Department, Natural Resources Manager, and Fire Department prior to adoption of the Final FRSP and approval of the Vesting Tentative Tract Map to ensure that design is adequate for City emergency ingress/egress standards and minimizes impacts to riparian vegetation and wildlife passage, and that adequate on- and offsite mitigation of impacted riparian and wetland vegetation is provided. The City shall ensure review and approval of these features as part of the Final FRSP considers the siting, alignment, width, materials, and access controls.
- b. Finding: LAFCO finds that the Project would avoid development of much of the most sensitive and important wildlife movement corridors of the site and would result in less severe impacts compared to the Draft FRSP analyzed in the Final EIR. With implementation of mitigation measures, potential impacts to resident or migratory wildlife and resident or migratory corridors would be reduced by ensuring the ability of resident or migratory wildlife to access high quality habitats. Impacts would be reduced to a less than significant level.
5. **Impact BIO-5:** Project construction would result in the potential disturbance, trimming, or removal of up to 75 mature trees. On the northwestern side of the site, potentially affected trees are located in the developed/disturbed area adjacent to the existing quarry and construction business. Mature trees in the southwest portion of the Project site adjacent to Drainages 1, 2, and 3 would also be potentially affected. The land use map for Project would designate residential and commercial areas to avoid direct and indirect disturbance to much of the woodland areas, reducing indirect fire clearance impacts to coast live oak and California bay woodlands. Based on the Project land use plan, approximately 19 mature western sycamore, Fremont cottonwood, arroyo willow, Peruvian pepper tree, and eucalyptus trees would be directly affected by development of the site. Trimming or work within the rootzone of mature trees for construction or wildfire buffering could indirectly impact additional mature trees within the vicinity of Drainages 1, 2, and 3 (Refer to Impact BIO-5, beginning on page 3.4-94, and Biological Resources, beginning on page 5-58 of the Final EIR).
- a. Mitigation: The following mitigation would be required to reduce impacts to native trees to a less than significant level.
- **Mitigation Measure BIO-15:** Native Tree Protection. To ensure protection of native protected trees with respect to the tree trunk, canopy, and root zone, the Applicant shall hire a City-approved arborist or qualified biologist to conduct a daily, pre-construction survey of all activities occurring within the protected root zones of protected trees, and shall make recommendations for avoidance, and for any necessary remedial work to ensure the health and safety of trees that are encroached, and any measures necessary to reduce and/or remove potential safety hazards posed by any of these trees. Following construction,

the health of affected trees shall be monitored by the arborist or qualified biologist for up to 5 years if necessary and as determined at the discretion of the City.

Should Project activities result in the compromised health of native trees resulting from encroachment, the Applicant shall submit a native tree replacement planting program, prepared by a qualified biologist, arborist, or other resource specialist, which specifies replacement tree locations, tree or seedling size, planting specifications, and a monitoring program to ensure that the replacement planting program is successful, including performance standards for determining whether replacement trees are healthy and growing normally, and procedures for periodic monitoring and implementation of corrective measures in the event that the health of replacement trees declines.

Where the worsened health of a tree results in the loss of protected tree species, mitigation measures in the native tree replacement program shall include the planting of replacement trees on the Project site, if suitable area exists. Riparian trees 4 inches or greater measured at DBH shall be replaced in-kind at a minimum ratio of 3:1 (replaced: removed). Trees 24 inches or greater inches DBH shall be replaced in-kind at a minimum ratio of 10:1. Willows and cottonwoods may be planted from live stakes following guidelines provided in the California Salmonid Stream Habitat Restoration Manual for planting dormant cuttings and container stock (CDFW 2010).

- Tree replacement shall be conducted in accordance with a Natural Habitat Restoration and Enhancement Plan to be approved by the City's Natural Resources Manager.
- The Natural Habitat Restoration and Enhancement Plan shall prioritize the planting of replacement trees on-site where feasible, but shall allow that replacement trees may be planted off-site with approval of the City's Natural Resources Manager.
- Replacement trees may be planted in the fall or winter of the year in which trees were removed. All replacement trees will be planted no more than 1 year following the date upon which the native trees were removed.

Where onsite mitigation through planting replacement trees is not feasible, mitigation shall be provided by one of the following methods:

- Off-site mitigation shall be provided by planting no less than 10:1, at a suitable site that is restricted from development or is public parkland. The Applicant shall plant seedlings – less than 1-year old – in an area providing suitable habitat. In the case of oak trees, the seedlings shall be grown from acorns collected in the area; or
- An in-lieu fee shall be provided for the unavoidable impacts of the loss of native tree habitat. The fee shall be based on the type, size and age of the tree(s) removed.

- b. Finding: LAFCO finds the above described mitigations would reduce potential impacts to mature trees to a less than significant level.

#### **D. CULTURAL AND TRIBAL CULTURAL RESOURCES**

1. **Impact CR-1.** Project grading and construction would occur within areas of prehistoric archaeological sensitivity with the potential to impact subsurface cultural or tribal cultural resources. Per the technical studies completed for the Draft FRSP and the City's Archeological Resource Preservation

Program Guidelines, there are two known prehistoric sites and archaeologically sensitive areas within the Project site that may contain undiscovered cultural resources that would be impacted by construction under this alternative, including within the higher elevation areas of the southwest portion of the site and a 200-foot area around the top of banks of Froom Creek (Refer to Impact CR-1, beginning on page 3.5-24, and the Cultural and Tribal Cultural Resources Section, beginning on 5-67 of the Final EIR).

- a. Project Mitigation: The following mitigation measures would be required to reduce potential construction related impacts to subsurface resources.
  - **Mitigation Measure CR-1.** A Phase 2 – Subsurface Archaeological Resource Evaluation (SARE) investigation shall be conducted prior to any grading or development proposed within 200 feet of the recorded P-40-000783 and P-40-001195 sites, or the unrecorded site comprising three mapped stone isolates, to evaluate the potential for unknown buried resources within these “archaeologically sensitive” areas, including but not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites, consistent with City Archeological Resource Preservation Program Guidelines. If discovery of unknown buried archaeological resources occurs through the SARE, a City-approved archaeologist shall evaluate the significance of the discovery pursuant to City Archaeological Resource Preservation Program Guidelines and CEQA. If the discovery is found to be a significant cultural resource, Project design shall be modified to avoid modification, disturbance, or destruction of the archeological resource. If the Phase 2 SARE investigations do not discover unknown buried archaeological resources but conclude there is a possibility that cultural resources exist within the archaeologically sensitive areas that were evaluated, the Community Development Department Director shall require that the Applicant retain a City-approved archaeologist and local Native American observer to monitor construction activities to identify and protect archaeological resources in accordance with the Archaeological Monitoring Plan described in MM CR-3.
  - **Mitigation Measure CR-2.** If any ground disturbing activities are proposed within 100 feet of the recorded sites P-40-000783, P-40-0011195, or the unrecorded site comprising three mapped stone isolates, on preparation of construction plans, the plans shall delineate a 50-foot buffer surrounding the boundaries of the recorded sites. The area shall be labeled as an “Environmentally Sensitive Area”. Highly visible temporary construction fencing shall be installed along the boundary of the 50-foot buffer and shall remain in place until the archaeological monitor recommends removal. If feasible, no ground disturbance, construction worker foot traffic, storage of materials, or storage or use of equipment shall occur within the “Environmentally Sensitive Area”. Archaeological monitoring shall occur during all construction activities occurring within 50 feet of the delineated boundary. Upon completion of archaeological monitoring, an archaeological monitoring report shall be prepared and submitted to the City Community Development Department and the Central Coast Information Center at the University of California Santa Barbara.

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- **Mitigation Measure CR-3.** Prior to issuance of grading or building permits, and recordation of the final map, an Archaeological Monitoring Plan (AMP) shall be prepared. The AMP should include, but not be limited to, the following:
    - A list of personnel involved in the monitoring activities;
    - Description of Native American involvement;
    - Description of how the monitoring shall occur;
    - Description of location and frequency of monitoring (e.g., full time, part time, spot checking);
    - Description of what resources are expected to be encountered;
    - Description of circumstances that would result in the halting of work at the project site;
    - Description of procedures for halting work on the site and notification procedures;
    - Description of monitoring reporting procedures; and
    - Provide specific, detailed protocols for what to do in the event of the discovery of human remains.
  
  - **Mitigation Measure CR-4.** The Applicant shall retain a City-approved archaeologist and local Native American observer to monitor Project-related ground-disturbing activities that have the potential to encounter previously unidentified archaeological resources, as outlined in the AMP prepared to satisfy MM CR-3. Archaeological and tribal monitoring may cease only if the City-approved archaeologist determines in coordination with the Applicant, Community Development Director, and the Native American monitor that Project activities do not have the potential to encounter and/or disturb unknown resources.
  
  - **Mitigation Measure CR-5.** In the event of any inadvertent discovery of prehistoric archaeological resources, including but not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or historic-period archaeological resources, all work within 100 feet of the discovery shall immediately cease (or greater or lesser distance as needed to protect the discovery and determined in the field by the City-approved archaeologist). The Applicant and/or contractor shall immediately notify the City Community Development Department. The City-approved archaeologist shall evaluate the significance of the discovery pursuant to City Archaeological Resource Preservation Program Guidelines prior to resuming any activities that could impact the site/discovery. If the City-approved archaeologist or Native American monitor determine that the find may qualify for listing in the CRHR or as a tribal cultural resource, the site shall be avoided or shall be subject to a Phase II or III mitigation program consistent with City Archeological Resource Preservation Program Guidelines and funded by the Applicant. Work shall not resume until authorization is received from the City.
  
  - **Mitigation Measure CR-6.** Prior to construction of each phase, workers shall receive education regarding the recognition of possible buried cultural remains and protection of all cultural resources, including prehistoric and historic resources, during construction. Such training shall provide construction personnel with direction regarding the procedures to be followed in the unlikely event that previously unidentified archaeological materials, including Native American burials, are discovered during construction. Training shall also inform construction personnel that unauthorized collection or disturbance of artifacts or

- other cultural materials is not allowed. The training shall be prepared by a City-approved archaeologist and shall provide a description of the cultural resources that may be encountered in the Project site, specify areas of known sensitivity, outline steps to follow in the event that a discovery is made, and provide contact information for the City-approved archaeologist, Native American monitor, and appropriate City personnel. The training shall be conducted concurrent with other environmental or safety awareness and education programs for the Project, provided that the program elements pertaining to archaeological resources is provided by a qualified instructor meeting applicable professional standards.
- **Mitigation Measure CR-7.** If human remains are exposed during construction, the City Community Development Department shall be notified immediately. The Applicant and City shall comply with State Health and Safety Code Section 7050.5, which states that no further disturbance shall occur until the County Coroner has been notified and can make the necessary findings as to origin and disposition of the remains pursuant to PRC Section 5097.98. Construction shall halt around the discovery of human remains, the area shall be protected, and consultation and treatment shall occur as prescribed by law.
- b. Finding: LAFCO finds that the mitigation measures will reduce impacts from construction-related activities for the Project on cultural and tribal cultural resources to a less than significant degree.
2. **Impact CR-2.** Compared to the Draft FRSP analyzed in the Final EIR, operational impacts associated with recreational activities of future residents in sensitive open space areas would be substantially reduced under the Project. By avoiding development in the Upper Terrace, proposed residential development would be located over 250 feet from known archaeological resources and, therefore, less subject to potential indirect disturbance by future residents. The nearest residential structures in Villaggio would be enclosed by a security fence that would further limit access to archaeologically sensitive areas in the Upper Terrace. However, it is reasonable to assume that Villaggio residents would use open space areas and the private recreational area for passive recreation or to access the Irish Hills trails network. Increased passive recreational use of the open space by Project residential populations and domesticated animals could result in indirect adverse impacts to prehistoric resources, including illicit artifact collection and erosion from hiking, dog walking, etc. (Refer to Impact CR-2, beginning on page 3.5-32, and the Cultural and Tribal Cultural Resources Section, beginning on page 5-67 of the Final EIR).
- a. Mitigation: The following mitigation measure would be required to reduce potential operational damage to archaeological resources in the vicinity of residential area.
- **Mitigation Measure CR-8.** No designated recreational areas, facilities, pedestrian paths, or roadways shall be located with 50 feet of a known prehistoric or tribal cultural resource site. All archaeological site soils within 100 feet of a known prehistoric or tribal cultural site shall be seeded with shallow rooted native vegetation unless existing natural vegetation (i.e., existing grasslands) can screen the cultural resource from view.
- b. Finding: LAFCO finds that the mitigation measure will reduce impacts from operational residential activity on the site to archaeological resources to a less than significant level.

## **E. GEOLOGY AND SOILS**

1. **Impact GEO-5:** Project construction could uncover paleontological resources in geologic deposits during earthwork activities. The geologic deposits underlying the Project site, including Quaternary-aged alluvial deposits and meta-sediments of the Franciscan Complex, have a low potential for containing paleontological resources. Surficial deposits of Holocene age or previously disturbed sediments are determined to have a low paleontological sensitivity because they are either too young or unlikely to preserve fossilized remains. However, if paleontological resources were uncovered during Project construction and were then improperly handled, such unknown paleontological resources could be damaged or destroyed (Refer to Impact GEO-5, beginning on page 3.6-26, and the Geology and Soils Section, beginning on page 5-69 of the Final EIR).
  - a. **Mitigation:** The following mitigation measure would be required to reduce risk of potential damage to paleontological resources in earthwork activities to less than significant.
    - **Mitigation Measure GEO-1.** Prior to construction of each phase, workers shall receive education regarding the recognition of possible paleontological resources, during grading and excavation. Such training shall provide construction personnel with direction regarding the procedures to be followed in the unlikely event that previously unidentified paleontological materials are discovered during construction. Training shall also inform construction personnel that unauthorized collection or disturbance of paleontological resources is not allowed. The training shall be prepared by a City-approved paleontologist and shall provide a description of paleontological resources that may be encountered in the Project site, outline steps to follow in the event that a discovery is made, and provide contact information for the Project paleontologist and appropriate City personnel. The training shall be conducted concurrent with other environmental or safety awareness and education programs for the Project, provided that the program elements pertaining to paleontological resources is provided by a qualified instructor meeting applicable professional qualifications standards. In order to prevent inadvertent potential significant impacts to paleontological resources that may be encountered during ground disturbance or construction activities, in the event of any inadvertent discovery of paleontological resources during construction, all work within the vicinity of the resource shall temporarily cease. If a paleontological resource is discovered, the City-approved paleontologist shall be notified to assess the significance of the find and provide recommendations as necessary for its proper disposition.
  - b. **Finding:** LAFCO finds that the mitigation measure will reduce impacts from earthwork construction activities to a less than significant level.

## **F. HYDROLOGY AND WATER QUALITY**

1. **Impact HYD-1:** Project construction activities would result in impacts to water quality due to polluted runoff and increased erosion and/or siltation. Construction would include excavation,

grading, and other earthwork that would disturb soils across the Project site, including construction of a new realigned channel for Froom Creek and installation of the proposed stormwater drainage basin, along with supporting stormwater management infrastructure such as the Home Depot ditch and LOVR ditch. During this time when soils are disturbed or stockpiled onsite, rainfall has the potential to cause substantial soil erosion and sediment transport into Froom Creek due to runoff waters moving over exposed areas and newly created slopes and entering the new drainage system leading to the realigned Froom Creek and the Calle Joaquin wetlands. In addition, soil erosion could result in the creation of onsite rills and gully systems, clog existing and planned drainage channels, breach erosion control measures, and transport soil into down-gradient areas on the Project site (Refer to Impact HYD-1, beginning on page 3.8-24, and the Hydrology and Water Quality Section, beginning on page 5-74 of the Final EIR).

- a. Project Mitigation: The following mitigation measures would be required to reduce adverse effects to water quality to a less than significant level.
- **Mitigation Measure HYD-1.** Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a Notice of Intent (NOI) for discharge from the Project site to the California SWRCB Storm Water Permit Unit.
  - **Mitigation Measure HYD-2.** For each phase of construction, the Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of 1 acre, or where the area of disturbance is less than 1 acre but is part of the Project's plan of development that in total disturbs 1 or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include specific BMPs to control the discharge of material from the site, including, but not limited to:
    - Temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers shall be used.
    - Sufficient physical protection and pollution prevention measures to prevent sedimentation, siltation, and/or debris from entering the Calle Joaquin wetlands.
    - Soil stockpiles and graded slopes shall be covered after 14 days of inactivity and 24 hours prior to and during inclement weather conditions.
    - Fiber rolls shall be placed along the top of exposed slopes and at the toes of graded areas to reduce surface soil movement, as necessary.
    - A routine monitoring plan shall be implemented to ensure success of all onsite erosion and sedimentation control measures.
    - Dust control measures shall be implemented to ensure success of all onsite activities to control fugitive dust.
    - Streets surrounding the Project site shall be cleaned daily or as necessary.



- BMPs shall be strictly followed to prevent spills and discharges of pollutants onsite (material and container storage, proper trash disposal, construction entrances, etc.).
- Sandbags, or other equivalent techniques, shall be utilized along graded areas to prevent siltation transport to the surrounding areas.

Additional BMPs shall be implemented for any fuel storage or fuel handling that could occur onsite during construction. The SWPPP must be prepared in accordance with the guidelines adopted by the SWRCB. The SWPPP shall be submitted to the City along with grading/development plans for review and approval. The Applicant shall file a Notice of Completion for construction of the development, identifying that pollution sources were controlled during the construction of the Project and implementing a closure SWPPP for the site.

- **Mitigation Measure HYD-3.** Installation of the stormwater management system shall occur during the dry season (May through October), including realignment and restoration of Froom Creek, installation of hydrological connections for the stormwater detention basin, construction of onsite retention basins, and the installation of the Home Depot and LOVR ditches. Stormwater management system features shall be fully installed and restored to ensure soil stabilization and adequate stormwater conveyance capacity prior to the storm season (October through April).

- b. Finding: LAFCO finds the mitigation measure will reduce impacts to water quality from construction activities to a less than significant level.

2. **Impact HYD-2:** The Project would potentially exacerbate flooding and erosion hazards onsite and in areas downstream, particularly related to the proposed realignment and design of Froom Creek and developed areas of the site. Project development would substantially alter onsite drainage patterns through realignment of Froom Creek, reconstruction of LOVR ditch, installation of the Home Depot ditch, replacement of the existing onsite detention basin with the proposed stormwater detention basin on Mountainbrook Church property, increases in development and impervious surfaces, and fill of the Villaggio and Madonna Froom Ranch areas to raise site elevation by approximately one foot. In addition, Project construction and proposed stormwater conveyance systems would substantially alter the volume and velocity of surface water flows and runoff flowing to the realigned Froom Creek channel, which could experience unstable banks and erosion over time. Implementation of proposed stormwater treatment and retention measures would adequately attenuate all Project stormwater peak flows and even slightly reduce peak flows at the U.S. 101 double box culvert. Considering proposed stormwater management system improvements and the Preliminary Hydrologic and Hydraulic Calculations prepared by RRM Design Group for the project, stormwater would be adequately managed, maintained, and attenuated through on- and offsite stormwater control features, which are designed consistent with the requirements of the City Drainage Design Manual and State Post Construction Requirements. Based on the Preliminary Hydrologic and Hydraulic Calculations, projected flow rates would not destabilize banks or cause substantial erosion of the realigned Froom Creek. Further, though the lower elevation areas of the Project site are located within a designated floodplain, the Project would relocate and redesign Froom Creek to provide additional flood-flow capacity and would fill the Villaggio and Madonna

Froom Ranch portions of the site within these flood zones to engineered elevations above the 100-year floodplain. Implementation of the proposed improvements would remove the site development area from the FEMA floodplain and require a Conditional Letter of Map Revision/Letter of Map Revision from FEMA (Refer to Impact HYD-2, beginning on page 3.8-29, and the Hydrology and Water Quality Section, beginning on page 5-74 of the Final EIR).

- a. Mitigation: The following mitigation measure would be required to reduce the Project's impacts on flooding and erosion to a less than significant level.
  - **Mitigation Measure HYD-4**. The Applicant shall submit final Froom Creek Realignment plans and supporting technical studies that provide a refined bio-engineering approach to ensure creek bank and channel bottom stability and avoidance or reduction of further erosion. Final creek design plans and a supporting engineering study shall address appropriate boulder sizes and bank protection measures necessary to prevent dislodgement or remobilization of in-channel or toe-slope protection rock. Natural methods (e.g., additional rock) shall be employed as needed to maintain the proposed creek alignment and downslope bank location between the channel and LOVR and the Calle Joaquin wetlands, and to protect mid-to upper-bank areas and top-of-bank from erosion from flood flows and aid in maintenance of riparian vegetation.
- b. Finding: LAFCO finds with implementation of mitigation measures, the Project would not exacerbate flood hazards or erosion hazards onsite and impacts would be reduced to a less than significant level.

## G. NOISE

1. **Impact NO-1**: Project construction, including site grading and heavy truck trips, would generate noise levels that exceed thresholds established in the City's General Plan Noise Element and Noise Guidebook resulting in potentially significant impacts from rough grading, heavy truck trips, and construction in areas of the site proximate to sensitive receptors (such as hotels along Calle Joaquin, the Irish Hills Natural Reserve, and Mountainbrook Church). Noise would also occur from sources such as backup warning devices, which would be audible offsite. Construction activities proximate to Calle Joaquin include realignment of Froom Creek and construction of the proposed stormwater detention basin. Overall, Project construction maximum noise levels could reach as high as 89 to 92 dBA at surrounding sensitive uses, including hotels along Calle Joaquin, Mountainbrook Church, and within the Irish Hills Natural Reserve. The City Municipal Code permits construction noise up to 70 dBA for commercial sensitive receptors and up to 20 dBA above normally acceptable levels for any instantaneous noise event. Project construction activities could exceed these thresholds both in peak noise and duration (Refer to Impact NO-1, beginning on page 3.10-25, and the Noise Section, beginning on page 5-79 of the Final EIR).
  - a. Mitigation: The following mitigation measures would be required to reduce construction-generated noise levels to a less than significant level.

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- **Mitigation Measure NO-1.** Except for emergency repair of public service utilities, or where an exception is issued by the Community Development Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur between the hours of 7:00 PM and 7:00 AM, or any time on Sundays, holidays, or after sunset, such that the sound creates a noise disturbance that exceeds 75 dBA for single-family residential uses, 80 dBA for multi-family residential uses, and 85 dBA for mixed residential/commercial land uses, as shown in Table 3.10-9 and Table 3.10-10 of the Final EIR, across a residential or commercial property line.
  
  - **Mitigation Measure NO-2.** For all construction activity at the Project site, noise attenuation techniques shall be employed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include:
    - Sound blankets on noise-generating equipment.
    - Stationary construction equipment that generates noise levels above 65 dBA at the Project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25.
    - All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
    - Temporary sound barriers shall be constructed between construction sites and affected uses.
  
  - **Mitigation Measure NO-3.** The Applicant shall inform landowners and business operators at properties within 300 feet of the Project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance or nuisance complaints related to construction noise no less than 10 days prior to initiation of any grading and construction activity for any Phase. The notice shall include the name and contact information of the Project's construction manager and contact information for the City's Community Development Department.
- b. Finding: LAFCO finds that with implementation of mitigation measures, construction noise generation would be reduced to a less than significant level consistent with the City's General Plan Noise Element and Noise Guidebook.
- 2. Impact NO-4.** Periodic high noise levels from nearby commercial uses (e.g., delivery trucks, forklifts, backup alarms) may exceed City thresholds for residential land uses. The 2020 Acoustic Assessment concluded that existing Community Noise Equivalent Level (CNEL) levels of approximately 70 dBA may occur at the northern boundary of the Project site during a 24-hour scenario with a maximum amount of activity and noise from adjacent businesses such as Costco, Home Depot, TJ Maxx, and Whole Foods. These levels would decrease to 60 dBA further into the Project site as distance from these adjacent businesses increases. The 60-dBA contour was determined to extend approximately 150 feet from the Project site's northern border with Irish Hills Plaza. Such operational noise could exceed exterior noise standards for the public park and multi-family residential uses of Madonna

Froom Ranch (Refer to Impact NO-4, beginning on page 3.10-34, and the Noise Section, beginning on page 5-79 of the Final EIR).

- a. Mitigation: The following mitigation measure would be required to reduce operational noise from nearby commercial use to a less than significant level.

- **Mitigation Measure NO-4.** Prior to approval of park and residential development within the Madonna Froom Ranch area of the Specific Plan, the Applicant shall submit a project-specific noise study that evaluates the potential for noise exposure from adjacent commercial uses and identifies project-specific design measures to attenuate exterior and interior noise consistent with the City's Noise Element and Noise Ordinance. If necessary to reduce noise within acceptable levels, noise reduction measures may include a planted earthen berm, sound wall, or similar noise attenuating feature along the site boundary with Irish Hills Plaza, consistent with Policy 1.8.2 of the Noise Element.

- b. Finding: LAFCO finds noise generation from nearby commercial uses would be reduced with implementation of mitigation requiring installation of noise attenuation (e.g., sound wall) to below acceptable noise levels and impacts would be reduced to a less than significant level.

**3. Cumulative Noise Impacts:** The Project would contribute to a marginal increase in both construction-related and operational stationary and mobile noise sources contributing to the existing noise environment. Though increases in noise under the Project would be marginal, the Project, in combination with approved, pending, and proposed development within the City, would contribute to an increase of long-term traffic and associated traffic noise, as well as operational noise from the proposed new development which has potential to exceed acceptable City noise standards. The City's Noise Element and Municipal Code contain policies and programs that would address and mitigate potential site-specific impacts for individual projects in the future, including Noise Guidebook Policy 1.4, which requires noise created by all new development be individually mitigated by each project so as not to exceed acceptable outdoor noise levels (Refer to Section 3.10.3.4, Cumulative Impacts, beginning on page 3.10-37, and the Noise Section, beginning on page 5-79 of the Final EIR).

- a. Mitigation: The following mitigation measures would be required to reduce the Project's contribution to cumulative noise impacts to a less than significant level.

- **Mitigation Measure NO-1.** Except for emergency repair of public service utilities, or where an exception is issued by the Community Development Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur between the hours of 7:00 PM and 7:00 AM, or any time on Sundays, holidays, or after sunset, such that the sound creates a noise disturbance that exceeds 75 dBA for single-family residential uses, 80 dBA for multi-family residential uses, and 85 dBA for mixed residential/commercial land uses, as shown in Table 3.10-9 and Table 3.10-10 of the Final EIR, across a residential or commercial property line.

- **Mitigation Measure NO-2.** For all construction activity at the Project site, noise attenuation techniques shall be employed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include:
    - Sound blankets on noise-generating equipment.
    - Stationary construction equipment that generates noise levels above 65 dBA at the Project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25.
    - All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
    - Temporary sound barriers shall be constructed between construction sites and affected uses.
  
  - **Mitigation Measure NO-3.** The Applicant shall inform landowners and business operators at properties within 300 feet of the Project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance or nuisance complaints related to construction noise no less than 10 days prior to initiation of any grading and construction activity for any Phase. The notice shall include the name and contact information of the Project’s construction manager and contact information for the City’s Community Development Department.
  
  - **Mitigation Measure NO-4.** Prior to approval of park and residential development within the Madonna Froom Ranch area of the Specific Plan, the Applicant shall submit a project-specific noise study that evaluates the potential for noise exposure from adjacent commercial uses and identifies project-specific design measures to attenuate exterior and interior noise consistent with the City’s Noise Element and Noise Ordinance. If necessary to reduce noise within acceptable levels, noise reduction measures may include a planted earthen berm, sound wall, or similar noise attenuating feature along the site boundary with Irish Hills Plaza, consistent with Policy 1.8.2 of the Noise Element.
- b. **Finding:** Due to requirement for compliance with existing regulations, implementation of Project-specific noise mitigation measures, and nominal increases in the ambient noise environment from proposed cumulative development, LAFCO finds that, with identified Project-specific mitigation, cumulative noise impacts of the Project would be reduced to a less than significant level.

#### **H. PUBLIC SERVICES AND RECREATION**

1. **Impact PS-4:** The Project would increase the demand for public parkland and neighborhood parks from increased residential population. The City’s General Plan Parks and Recreation Element requires Expansion Areas and all residential annexation areas such as the Project site to provide developed neighborhood parks at the rate of five acres per 1,000 residents and at least ten acres of developed parkland for each 1,000 new residents. The Project site is an Expansion Area defined by the General Plan and would be an annexation to the City. As such, City policies would require

additional parkland to serve the Project's future residential populations. The Project proposes onsite amenities to partially serve the unique needs of its future senior resident population, as well as a 3.6-acre public park that would provide the basic elements of a neighborhood park as defined within the General Plan Parks and Recreation Element. The Project increases the size of the neighborhood park by 0.7 acres compared to the Draft FRSP. Even so, the proposed park facilities would not meet the requirements for provision of neighborhood park and parklands for new annexations provided under City Parks and Recreation Element Policy 3.13.1 and Policy 5.0.2. As it relates to the Villaggio development, the Project's increase of 732 independent living residents would require development of an additional 7.32 acres of parkland, including at least 3.66 acres of neighborhood park within the City. Based exclusively on the increase of 406 residents anticipated for Madonna Froom Ranch, at least 4.06 acres of public parkland would be required to meet the General Plan Parks and Recreation Element Policies 3.13.1, 3.15.1, and 5.0.2, of which approximately 2.03 acres would need to be a neighborhood park. In total, the Project would increase demand for recreation area and amenities from an increase in 1,138 residents (discounting 93 assisted living residents that would be served by onsite amenities provided by Villaggio). Together, the Project would be required to provide 11.38 acres of public parkland with 5.69 acres dedicated as neighborhood park, consistent with General Plan Parks and Recreation Element Policies 3.13.1, 3.15.1, and 5.0.2. Without this required parkland, the Project's residents would substantially increase demand and use of recreation facilities in the City, contributing to accelerated deterioration and need for maintenance of existing recreation areas and facilities. The Project proposes 3.6 acres of neighborhood park, which would offset the Project's demand for public parkland and neighborhood park. As a result, the Project would necessitate an additional 7.78 acres of parkland, including 2.09 acres of neighborhood park. Ultimately, parkland and neighborhood park calculations and requirements would be confirmed through subsequent review of specific development plans within the Specific Plan area, based on the actual number of units proposed and associated increase in population (Refer to Impact PS-4, beginning on page 3.12-20, and the Public Services and Recreation Section, beginning on page 5-82 of the Final EIR).

- a. Mitigation: The following mitigation measures would be required to address the increased demand for parkland from residential population increase. MM PS-1 and MM PS-2 have been edited to update the acreage of required parkland and neighborhood park to reflect a proposed increase in the onsite public trailhead park from 2.9 acres, as analyzed in the Final EIR for the Draft FRSP, to 3.6 acres as proposed in the Project. The adjusted acreages would remain compliant with the City's Parks and Recreation Element Policy 3.13.1 and Policy 5.0.2.

— **Mitigation Measure PS-1. Public Parkland Requirements for Villaggio.** Mitigation shall be calculated based on actual buildout populations within Madonna Froom Ranch. At the discretion of the Community Development Department and City of San Luis Obispo Parks and Recreation Department, and to ensure that parkland would satisfy the needs of the proposed population of Villaggio, the Applicant shall either:

- a. Identify, purchase, and develop up to 7.32 acres of parkland, including 2.09 acres ~~2.79 acres~~ of neighborhood park (in addition to the 3.6 acres ~~2.9 acres~~ of public parkland proposed by the Project), within the City's Sphere of Influence, consistent with City General Plan Parks and Recreation Element Policies 3.13.1, 3.15.1, 5.0.1, and 5.0.2. If

feasible, land for development of neighborhood park space should be identified within interior areas of the City Sphere of Influence to maximize use and access; or

- b. Provide a contribution of fees in-lieu of dedication of parkland, restricted solely for parkland acquisition and improvement.

— **Mitigation Measure PS-2. Public Parkland Requirements for Madonna Froom Ranch.** The Applicant shall identify, designate, dedicate, and/or develop up to 0.46 acres ~~1.16 acres~~ of public parkland into the Froom Ranch Specific Plan to be operational at the time of buildout of the Project, in addition to parkland required under MM PS-1. Mitigation shall be calculated based on actual buildout populations within Madonna Froom Ranch and may be implemented using one of the following options, at the discretion of the Community Development Department and City Parks and Recreation Department:

- a. The Applicant shall designate an additional area of up to 0.46 acres ~~1.16 acres~~ of public facilities land use with the intention of providing parkland, within the Specific Plan area, consistent with City General Plan Parks and Recreation Element Policies 3.13.1, 3.15.1, 5.0.1, and 5.0.2, or
- b. The Applicant shall identify and purchase or dedicate up to 0.46 acres ~~1.16 acres~~ of parkland within the City's Sphere of Influence, or
- c. The Applicant shall provide a contribution of fees in-lieu of dedication of up to 0.46 acres ~~1.16 acres~~ of parkland, restricted solely for parkland acquisition and improvement.

- b. **Finding:** LAFCO finds that with implementation of mitigation measures and provision or designation of additional land to be developed for and parkland and neighborhood park consistent with the City's General Plan, the Project's increase in residential population and associated demand on parks and recreation would be reduced to a less than significant level.

**2. Cumulative Public Services and Recreation Impacts:** Public services within the Project vicinity are primarily provided by the City, supplemented by interagency mutual aid agreements between SLOFD and CALFIRE for fire protection services, and a Memorandum of Understanding between SLOPD, the County Sheriff's Department, and Cal Poly's California State University (CSU)-operated University Police Department. The Project, in conjunction with approved, pending, or proposed development projects in the City, proposed land use changes under the LUCE Update, and associated population growth would incrementally increase overall demand for public services, including fire protection, police protection, schools, and parks.

#### **Police Services**

Please refer to the above discussion. The Project would result in less than significant cumulative impacts to police services that would not require mitigation (Refer to Section 3.12.3.4, Cumulative Impacts, beginning on page 3.12-25, and the Public Services and Recreation Section, beginning on page 5-82 of the Final EIR).

#### **Fire Protection**

Please refer to the above discussion. The Project would result in less than significant cumulative impacts to fire protection services that would not require mitigation (Refer to

Section 3.12.3.4, Cumulative Impacts, beginning on page 3.12-25, and the Public Services and Recreation Section, beginning on page 5-82 of the Final EIR).

#### Schools

Please refer to the above discussion. The Project would result in less than significant cumulative impacts to schools or school services that would not require mitigation (Refer to Section 3.12.3.4, Cumulative Impacts, beginning on page 3.12-25, and the Public Services and Recreation Section, beginning on page 5-82 of the Final EIR).

#### Parks and Recreation

The Project would contribute to increased demand for parks and recreational facilities due to approved, pending, or proposed citywide development and associated population growth. The implementation of cumulative development projects in the City, in combination with the Project, would result in substantial increased use of, and demand for, parks and recreational facilities. The future population of 56,868 individuals as projected under development of land uses permitted under the General Plan LUE would require a projected need of approximately 363 acres of additional parkland. The Project would cumulatively contribute to this increased demand citywide.

- a. Mitigation: The following mitigation measures would be required to address the increased demand for parkland from additional residents. MM PS-1 and MM PS-2 have been edited to update the acreage of required parkland and neighborhood park to reflect a proposed increase in onsite public park from 2.9 acres, as analyzed in the Final EIR for the Draft FRSP, to 3.6 acres as proposed in the FRSP. The adjusted acreages would remain compliant with the City's Parks and Recreation Element Policy 3.13.1 and Policy 5.0.2.
  - **Mitigation Measure PS-1. Public Parkland Requirements for Villaggio.** Mitigation shall be calculated based on actual buildout populations within Madonna Froom Ranch. At the discretion of the Community Development Department and City of San Luis Obispo Parks and Recreation Department, and to ensure that parkland would satisfy the needs of the proposed population of Villaggio, the Applicant shall either:
    - a. Identify, purchase, and develop up to 7.32 acres of parkland, including 2.09 acres ~~2.79 acres~~ of neighborhood park (in addition to the 3.6 acres ~~2.9 acres~~ of public parkland proposed by the Project), within the City's Sphere of Influence, consistent with City General Plan Parks and Recreation Element Policies 3.13.1, 3.15.1, 5.0.1, and 5.0.2. If feasible, land for development of neighborhood park space should be identified within interior areas of the City Sphere of Influence to maximize use and access; or
    - b. Provide a contribution of fees in-lieu of dedication of parkland, restricted solely for parkland acquisition and improvement.
  - **Mitigation Measure PS-2. Public Parkland Requirements for Madonna Froom Ranch.** The Applicant shall identify, designate, dedicate, and/or develop up to 0.46 acres ~~1.16 acres~~ of public parkland into the Froom Ranch Specific Plan to be operational at the time of buildout of the Project, in addition to parkland required under MM PS-1. Mitigation shall be



calculated based on actual buildout populations within Madonna Froom Ranch and may be implemented using one of the following options, at the discretion of the Community Development Department and City Parks and Recreation Department:

- a. The Applicant shall designate an additional area of up to 0.46 acres ~~1.16 acres~~ of public facilities land use with the intention of providing parkland, within the Specific Plan area, consistent with City General Plan Parks and Recreation Element Policies 3.13.1, 3.15.1, 5.0.1, and 5.0.2, or
  - b. The Applicant shall identify and purchase or dedicate up to 0.46 acres ~~1.16 acres~~ of parkland within the City's Sphere of Influence, or
  - c. The Applicant shall provide a contribution of fees in-lieu of dedication of up to 0.46 acres ~~1.16 acres~~ of parkland, restricted solely for parkland acquisition and improvement.
- b. Finding: LAFCO finds that with the implementation of mitigation measures, the Project would not result in a considerable contribution to cumulatively considerable impacts as the Project would mitigate its potential impact and provide adequate parkland consistent with City standards along with payment of development impact fees to accommodate the recreational needs of future Project residents. Further, other projects in the area, such as the San Luis Ranch Specific Plan and Avila Ranch Development Plan projects, would also be contributing additional parkland for the City to support the associated population increases in each area. Ultimately, the Project would not result in cumulatively considerable deterioration of existing facilities or service levels and implementation of MM PS-1 and PS-2 would reduce the Project's contribution to a less than significant level.

## **I. TRANSPORTATION AND TRAFFIC**

1. **Impact TRANS-1**: Project construction activities would potentially create traffic impacts due to congestion from construction vehicles (e.g., construction trucks, construction worker vehicles, equipment, etc.), as well as temporary travel lane and sidewalk closures (Refer to Impact TRANS-1, beginning on page 3.13-75, and the Transportation and Traffic Section, beginning on page 5-84 of the Final EIR).
  - a. Mitigation: The following mitigation measures would be required to reduce traffic impacts from construction vehicles and temporary closures. MM TRANS-1 has been edited to remove references to development in the Upper Terrace of Villaggio, as this component is no longer proposed in the FRSP. MM TRANS-1 would continue to apply to all other portions of the Project site.
    - **Mitigation Measure TRANS-1**. The Applicant shall prepare a Construction Transportation Management Plan for all phases of the Project for review and approval by the City prior to issuance of grading or building permits to address and manage traffic during construction. The Applicant shall coordinate with SLO Regional Rideshare for the development of the Plan. The Plan shall be designed to:
      - Prevent traffic impacts on the surrounding roadway network;

- Restrict construction staging to within the Project site;
- Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;
- Ensure safety for both those construction vehicles and works and the surrounding community;
- Prevent substantial truck traffic through residential neighborhoods; and
- Provide strategies to reduce single-occupancy vehicle trips made by resident and employees.

The Construction Transportation Management Plan shall be subject to review and approval by the Public Works Director to ensure that the Plan has been designed in accordance with this mitigation measure. The Applicant shall identify a point of contact to coordinate Plan implementation. This review shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:

Ongoing Requirements throughout the Duration of Construction:

- A detailed Construction Transportation Management Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Plan shall include specific information regarding the Project's construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such Plan shall be reviewed and approved by the Community Development Department and implemented in accordance with this approval.
- ~~Heavy haul construction vehicles and cement trucks shall not pass through Villaggio's Lower Area access roads once any of the Lower Area residences become occupied, and must utilize access from Calle Joaquin to access the Upper Terrace after that time.~~
- Work within the public right-of-way shall be reviewed and approved by the City on a case-by-case basis based on the magnitude and type of construction activity. Work shall generally be performed between 8:30 AM and 4:00 PM. This work includes dirt hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit administered by the Building and Safety Division. Additional restrictions may be put in place by Public Works Department depending on particular construction activities and conditions.
- Streets and equipment shall be cleaned in accordance with established Public Works requirements.
- Trucks shall only travel on a City-approved construction route. Limited queuing may occur on the construction site itself.
- Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be onsite, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit.

- Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.
- Where construction activities require closure of bike lanes or sidewalks along LOVR, temporary bicycle and pedestrian pathways shall be provided where feasible with physical separation provided between users and adjacent vehicle traffic consistent with Public Works requirements.

Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction:

- The traveling public shall be advised of impending construction activities that may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, and implementation of an approved Construction Impact Mitigation Plan).
- A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained.
- Timely notification of construction schedules shall be provided to all affected agencies (e.g., Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 0.25 mile.
- Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.
- Public Works Department approval of any haul routes for construction materials and equipment deliveries shall be obtained.
- Construction traffic plans, routes, and schedules shall be shared with the City Active Transportation Committee, County Public Works Department (for distribution to the County Bicycle Advisory Committee), the Los Verdes Park 1 and 2 Homeowners Associations, and local bicycle advocacy groups, such as Bike SLO County and the SLO Bicycle Club.

- b. Finding: LAFCO finds implementation of mitigation measures would reduce impacts associated with Project construction traffic to a less than significant level.

2. **Impact TRANS-4**: The Project would result in traffic safety impacts and inadequate emergency access and evacuation options, resulting in potential for structural damage, injuries, or loss of life due to wildland fires or other emergency situations (Refer to Impact TRANS-4, beginning on page 3.13-116, and the Transportation and Traffic Section, beginning on page 5-84 of the Final EIR).

- a. Mitigation: The following mitigation measures would be required ensure adequate emergency access and evacuation options to a less than significant level. MM TRANS-20 and MM TRANS-21 have been edited to remove inference to development in the Upper Terrace of Villaggio, as this component is no longer proposed in the FRSP. MM TRANS-20 and MM TRANS-21 would continue to apply to all other portions of the Project site.

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- **Mitigation Measure HAZ-4.** The Applicant shall prepare and implement an Evacuation Plan, which shall address both Villaggio and Madonna Froom Ranch areas. The Evacuation Plan shall be subject to review by the City and SLOFD, and shall include, but not be limited to:
    - Accommodation for assisted living and special care individuals;
    - Shelter-in-place accommodations;
    - Specified quantity and capacity of vehicles required to accommodate residents and employees of Villaggio, and maintenance of those vehicles;
    - Signage that clearly indicates evacuation routes and meeting areas;
    - Specified egress points for transportation vehicles;
    - A relocation plan from the Project site to a secondary facility, with associated transportation;
    - Contingency plans for changes to the construction schedule or phasing plan that would affect the primary evacuation plan and routes;
    - Periodic updates that would consider potential redevelopment activities or other roadway alterations; and
    - Regular practice drills (e.g., one per year) for implementation of the Evacuation Plan.
  
  - **Mitigation Measure TRANS-19.** The Project shall design and install a landscaped median along LOVR from the terminus of the existing median at northern Project frontage to Calle Joaquin.
  
  - **Mitigation Measure TRANS-20.** The Project shall include an emergency access point from Villaggio's Lower Area to the Irish Hills Natural Reserve to provide access to the existing dirt road network to fight fires in Irish Hills, specifically to Neil Havlik Way which connects to the four utility power line structures at the top of the ridgeline. This access point may be gated to ensure site security in consultation with SLOFD.
  
  - **Mitigation Measure TRANS-21.** The Project shall integrate access to the Project site perimeters for defending the Project site development. Specifically, these measures should address access to the wildland area immediately abutting the western boundary of Villaggio's Lower Area. This measure shall include access from the proposed Local Road "C" to the Irish Hills, which may include use of space between proposed buildings for firefighting vehicle access, ramps up proposed retaining walls, and similar vehicle infrastructure to maintain access to the base of the Irish Hills.
- b. Finding: LAFCO finds that with implementation of mitigation measures, the Project would ensure adequate emergency and evacuation access, reducing associated impacts to a less than significant level.
3. **Impact TRANS-5:** Onsite circulation would result in safety impacts to pedestrian and bicycle access. While the specific locations and design of onsite access driveways have not been developed at a level necessary to conduct detailed review as part of the Project's Transportation Impact Study (TIS), future connections to proposed private and public roadways would be designed per City Engineering

Standards and Access Management Policies. However, the following items comprise potentially significant safety issues associated with onsite pedestrian circulation:

- At the Project's LOVR/Auto Park Way entry intersection, children and the elderly may not be able to safely cross the intersection due to the crosswalk's length and timing between light cycles;
- Within the site, signage and limited lines of sight from driveways may cause pedestrian safety impacts to the Project's potential population; and
- The Project currently does not adhere with the existing City standards for sidewalks or Americans with Disabilities Act (ADA) requirements for a comfortable walking environment.

With regard to bicycle circulation deficiencies, the following items comprise potentially significant safety issues associated with onsite bicycle circulation:

- Within the Project site, signage and limited lines of sight from driveways may cause bicycle safety impacts to the Project's potential population; and
  - The Project does not provide consistency with City-adopted best practices for high-quality bicycle facility design for users of all ages and ability levels (Refer to page 3.13-121 of the Final EIR).
- a. Mitigation: The following mitigation is required to safely accommodate all uses of the street system and provide pedestrian and bicycle facility connectivity between the Project and nearby land uses to a less than significant level.

— **Mitigation Measure TRANS-22**. To address pedestrian and bicycle circulation safety issues, the Project Applicant shall incorporate the following elements into public improvement plans based on design guidance published by National Association of City Transportation Officials and the Federal Highway Administration:

- Install pedestrian refuges within center medians at north and south legs of the LOVR/Auto Park Way intersection;
- Install a single northbound left-turn lane at the LOVR/Auto Park Way intersection in lieu of dual left-turn lanes, as currently proposed, to shorten pedestrian crossing distance at the south leg of the intersection.
- Minimize the amount of roadway widening required along LOVR to the extent practicable by reducing turn pocket lengths at the LOVR/Auto Park intersection to the minimum extent required per applicable traffic engineering standards;
- Install a bulb-out at the southwest corner of the intersection to shorten pedestrian crossing distance at the south leg of the LOVR/Auto Park Way intersection;
- Install Lead Pedestrian Intervals at all pedestrian crossings at the LOVR/Auto Park Way intersection;
- Install protected bicycle intersection features as part of signalization and intersection improvements at the LOVR/Auto Park Way intersection, conceptually consistent with planned improvements at the nearby LOVR/Froom Ranch Way and Madonna Road/Dalidio Drive intersections, and as illustrated in the Bob Jones Trail (Calle Joaquin to Oceanaire) Project Study Report;

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- Provide physically protected bicycle lanes (Class IV bikeway) along LOVR approaching/departing the Auto Park Way intersection and along Commercial Collector "A". The Class IV bikeways shall be installed on-street with a physical barrier between cyclists and vehicular traffic or by constructing raised bicycle facilities at the sidewalk level adjacent to pedestrian sidewalks;
  - Sidewalks shall be provided within the Madonna Froom Ranch development area of the Project site as per City standards; and
  - Sidewalk design shall meet ADA requirements for a comfortable walking environment.
- b. Finding: LAFCO finds that with implementation of mitigation measures Project site circulation and access would safely accommodate all users of the street system and provide a complete and connected pedestrian facility between the Project site circulation system and nearby land uses. Widening or adjustments to pedestrian or bicycle circulation infrastructure may result in secondary impacts on biological resources (see Impact BIO-1). Impacts would be reduced to a less than significant level.
4. **Cumulative Impact TRANS-6**: Under long-term Cumulative plus Project conditions, Project-generated traffic would result in a cumulatively considerable contribution to traffic for automobiles and poor levels of service for pedestrians and bike modes of transportation, causing transportation deficiencies in the Project vicinity. Potentially significant operational impacts to multi-modal transportation would occur at occupation of Madonna Froom Ranch, including 13 separate intersections and roadway segments due to increased automobile, pedestrian, and bicycle traffic under Cumulative plus Project conditions. These include automobile impacts at five locations, bicycle and pedestrian related impacts at six locations. No cumulative impacts to transit facilities or services were identified (Refer to Section 3.13.3.4, Cumulative Impacts, beginning on page 3.13-124, and the Transportation and Traffic Section, beginning on page 5-84 of the Final EIR).
- a. Mitigation: The following mitigation is required to reduce the Project's contribution to cumulatively significant impacts on automobile, pedestrian, and bicycle facilities within the Project vicinity to a less than significant level.
- **Mitigation Measure TRANS-2**. The Project Applicant shall design and construct the extension of the southbound right-turn pocket at the LOVR/U.S. 101 southbound ramps intersection to provide a storage length of at least 150 feet. In coordination with the Applicant, the City and Caltrans shall also implement traffic signal coordination between the LOVR/Calle Joaquin intersection and adjacent U.S. 101 northbound and southbound ramps and optimize traffic signal timings at these three intersections. In addition, the Applicant shall also pay a fair share mitigation fee towards the improvements that are required to be constructed by the San Luis Ranch development at this intersection, which include extension of the southbound off-ramp through/left-turn pocket to provide a storage length of at least 320 feet. This mitigation measure requires Caltrans approval and coordination.
  - **Mitigation Measure TRANS-8**. The Project Applicant shall design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes. Improvement extents shall occur in the northbound

direction between Laguna Lane and Diablo Drive, and in the southbound direction between Diablo Drive and Madonna Road. Some gaps in physical separation may remain due to right-of-way limitations or other design constraints.

- **Mitigation Measure TRANS-9.** The Project Applicant shall design and install ADA-compliant curb, gutter and sidewalk along the west side of LOVR to complete the sidewalk connection between the Irish Hills Plaza and Calle Joaquin. The Project Applicant shall also design and install Class IV bikeways (protected bike lanes) along LOVR to provide a physical buffer between the sidewalk and vehicular traffic lanes in the northbound and southbound directions between Madonna Road and South Higuera Street. This mitigation measure requires Caltrans approval and coordination for improvements near the LOVR/U.S. 101 interchange. If Class IV bikeways are not approved for segments within Caltrans right-of-way, or are deemed infeasible for short segments due to other geometric constraints, alternative treatments to improve pedestrian levels of service may be approved to the satisfaction of the Public Works Director. Potential alternative treatments include installation of striped bike lane buffers, street trees or other features that further buffer pedestrians from street traffic.
- **Mitigation Measure TRANS-12.** In coordination with the County, the Project Applicant shall pay a fair share mitigation fee for costs to construct the following future improvements at the LOVR/Foothill Boulevard intersection: widen northbound approach to provide one left-turn, two through, and one right-turn lane; widen westbound approach to provide one left-turn lane, one shared through/right-turn lane, and one right-turn lane. Additional improvements include roadway striping and traffic signal modifications needed to accommodate new lane configurations. This mitigation measure requires County approval and coordination.
- **Mitigation Measure TRANS-13.** In coordination with the Applicant, the City shall retime the traffic signal at LOVR/Madonna to implement Lead Pedestrian Intervals for each pedestrian crossing phase.
- **Mitigation Measure TRANS-14.** In coordination with the City, the Project Applicant shall fund any costs required to implement Lead Pedestrian Intervals for each pedestrian crossing phase at the South Higuera Street/Tank Farm Road intersection.
- **Mitigation Measure TRANS-16.** In coordination with the City and Caltrans, the Project Applicant shall fund costs required to optimize traffic signal timings along the LOVR corridor between Descanso Street and the South Higuera to improve traffic coordination and operations along this roadway segment. These intersections include LOVR/Descanso, LOVR/Royal, LOVR/Laguna, LOVR/Madonna, LOVR/Froom Ranch, LOVR/Auto Park, LOVR/Calle Joaquin, LOVR/U.S. 101 southbound ramps, LOVR/U.S. 101 northbound ramps and LOVR/S. Higuera. This requires coordination with Caltrans.

- **Mitigation Measure TRANS-18.** The Project Applicant shall pay a fair share mitigation fee to fund modifications to the traffic signal at the Madonna Road/Dalidio Drive intersection to provide an eastbound right-turn overlap phase concurrent with the northbound left-turn phase.
  - **Mitigation Measure TRANS-23.** The Project Applicant shall pay a fair share mitigation fee to fund striping modifications to extend the northbound left-turn pocket at the LOVR/Royal Way intersection to 150 feet. This mitigation measure requires Caltrans approval and coordination.
  - **Mitigation Measure TRANS-24.** In coordination with the Applicant, the City shall retime the traffic signal at LOVR/Calle Joaquin to implement Lead Pedestrian Intervals for each pedestrian crossing phase. Requires Caltrans coordination.
  - **Mitigation Measure TRANS-25.** The Project Applicant shall pay its fair share mitigation fees to fund intersection striping improvements to extend the southbound left-turn pocket storage at the South Higuera Street/Tank Farm Road intersection to 300 feet.
- b. Finding: LAFCO finds that implementation of mitigation measures that require payment of fair share contributions to fund offsite improvements would generally not result in significant residual impacts, as these improvements would occur within existing roadway rights-of-way, or within urbanized paved/landscaped areas immediately adjacent to existing roadway rights-of-way. The Project's fair share contribution has been identified for all intersections and improvements in the TIS. The Project's equitable share is calculated using the method for calculating equitable mitigation measures outlined in the Caltrans Guide for the Preparation of Traffic Impact Studies. LAFCO finds that with implementation of mitigation measures the Project's contribution to cumulative impacts would be reduced to a less than significant level.

## **J. UTILITIES AND ENERGY CONSERVATION**

1. **Impact UT-1:** The Project would require the expansion of utility infrastructure to serve new development, including water, sewer, natural gas, and electricity into the site; the construction of which could cause environmental effects. Potential onsite construction would include trenching for utility installation, transport of pipes and other material to the site, and associated increases in construction-related traffic. Onsite trenching could impact sensitive biological or subsurface cultural resources, lead to increased erosion and possible sedimentation, and generate air emissions and noise. Offsite trenching would occur along LOVR and may adversely affect traffic, cause delays or congestion, and generate air emissions (Refer to Impact UT-1, beginning on page 3.14-30, and the Utilities and Energy Conservation Section, beginning on page 5-87 of the Final EIR).
- a. Mitigation: The following mitigation measures would be required to address necessary utility infrastructure expansion under the Project to a less than significant level. MM TRANS-1 has been edited to remove references to development in the Upper Terrace of Villaggio, as this component is no longer proposed in the FRSP. MM TRANS-1 would continue to apply to all other portions of the Project site.



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- **Mitigation Measure AQ-1.** A Construction Activity Management Plan (CAMP) shall be included as part of Project grading and building plans and shall be submitted to SLO County APCD and to the City for review and approval prior to the start of construction. The plan shall include but not be limited to the following elements:
1. A Dust Control Management Plan that encompasses the following dust control measures:
    - Reduce the amount of disturbed area where possible;
    - Water trucks or sprinkler trucks shall be used during construction to keep all areas of vehicle movement damp enough to prevent dust from leaving the site and from exceeding the APCD’s limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. At a minimum, this would require twice-daily applications. Increased watering frequency would be required when wind speeds exceed 15 miles per hour (mph). Reclaimed water or the onsite water well (non-potable) shall be used when possible. The contractor or builder shall consider the use of a SLO County APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control;
    - All dirt stock-pile areas shall be sprayed daily as needed;
    - Permanent dust control measures identified in the approved Project revegetation and landscape plans of any development within the Specific Plan area should be implemented as soon as possible following completion of any soil disturbing activities;
    - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established;
    - All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by SLO County APCD;
    - 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;
    - Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
    - All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least 2 feet of freeboard in accordance with California Vehicle Code Section 23114;
    - Designate access points and require all employees, subconsultants, and others to use them. Install and operate a “track-out prevention device” where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track-out, located at the point of intersection of any unpaved area and a paved road. If utilized, rumble strips or steel plate devices shall be cleaned periodically. If paved roadways accumulate tracked-out soils, the track-out prevention device shall be modified or replaced to prevent track-out;

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- 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;
  - All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
  - The contractor or builder shall designate a person or persons to monitor the fugitive dust control emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to SLO County APCD Compliance Division prior to the start of any grading, earthwork or demolition.
2. Implementation of the following BACT for diesel-fueled construction equipment. The BACT measures shall include:
    - Use of at least Tier 3 off-road equipment and 2010 on-road compliant engines;
    - Repowering equipment with the cleanest engines available; and
    - Installing California Verified Diesel Emission Control Strategies.
  3. Implementation of the following standard air quality measures to minimize diesel emissions:
    - Maintain all construction equipment in proper tune according to manufacturer's specifications;
    - Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
    - Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation;
    - 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 NO<sub>x</sub> exempt area fleets) may be eligible by proving alternative compliance;
    - On- and off-road diesel equipment shall not be allowed to idle for more than five minutes. Signs shall be posted in the designated queuing areas to remind drivers and operators of the five-minute idling limit;
    - Diesel idling within 1,000 feet of sensitive receptors is not permitted;
    - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
    - Electrify equipment when feasible;
    - Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
    - Use alternatively fueled construction equipment onsite where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
  4. Tabulation of on- and off-road construction equipment (age, horse-power, and miles and/or hours of operation);
  5. Schedule construction truck trips during non-peak hours (as determined by the Public Works Director) to reduce peak hour emissions; and
  6. Limit the length of the construction work-day period to 8 hours max.

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- **Mitigation Measure MM BIO-1.** The Applicant shall prepare and implement a Biological Mitigation and Monitoring Plan that identifies both construction and operational related avoidance, reduction, and mitigation measures for impacts to sensitive natural communities. The Biological Mitigation and Monitoring Plan shall include Best Management Practices (BMPs) to avoid or minimize impacts to biological resources, and implementation of on and offsite habitat replacement as follows:
1. The Biological Mitigation and Monitoring Plan shall include the following construction-related measures and BMPs:
    - a. Construction equipment and vehicles shall be stored at least 100 feet away from existing and proposed drainage features and adjacent riparian habitat, and all construction vehicle maintenance shall be performed in a designated offsite vehicle storage and maintenance area approved by the City.
    - b. Prior to commencement of construction, Drainages 1, 2, 3, and 4 and all associated springs, seeps, and wetlands shall be protected with construction fencing located a minimum of 25 feet from the edge of the stream channel or top of bank and signed to prohibit entry of construction equipment and personnel unless authorized by the City. Fencing shall be maintained throughout the construction period for each phase of development. Fencing and signage shall be removed following completion of construction.
    - c. During any construction activities within 50 feet of the existing Froom Creek channel, realigned Froom Creek channel, LOVR ditch, Drainages 1, 2, 3, or 4, or other existing or proposed drainage features, a City-approved biological monitor shall be present and have the authority to stop or redirect work as needed to protect biological resources.
    - d. All construction materials (e.g., fuels, chemicals, building materials) shall be stored at designated construction staging areas, which shall be located outside of designated sensitive areas. Should spills occur, or if any unanticipated hazardous materials are discovered, materials and/or contaminants shall be cleaned immediately and recycled or disposed of to the satisfaction of the RWQCB, Department of Toxic Substances Control, and/or San Luis Obispo County Public Health Environmental Services, as applicable.
    - e. All trash and construction debris shall be properly disposed at the end of each day and dumpsters shall be covered either with locking lids or with plastic sheeting at the end of each workday and during storm events. All sheeting shall be carefully secured to withstand weather conditions.
    - f. The Applicant shall implement measures designed to minimize construction-related erosion and retain sediment on the Project site, including installation of silt fencing, straw waddles, or other acceptable construction erosion control devices. Such measures shall be installed along the perimeter of disturbed areas and along the top of the bank of the existing and proposed Froom Creek channel and other existing or proposed drainage features and 25 feet from the edge of Drainages 1, 2, 3, and 4. All drainage shall be directed to sediment basins designed to retain all sediment onsite.

- g. Concrete truck and tool washout shall occur in a designated location such that no runoff will reach the creek, onsite drainages, or other sensitive areas.
  - h. All open trenches shall be constructed with appropriate exit ramps to allow species that fall into a trench to escape. All open trenches shall be inspected at the beginning of each work day to ensure that no wildlife species is present. Any sensitive wildlife species found during inspections shall be gently encouraged to leave the Project site by a qualified biologist or otherwise trained and City-approved personnel. Trenches will remain open for the shortest period necessary to complete required work.
  - i. Existing disturbed areas shall be used for construction staging and storage to the maximum extent possible to minimize disturbance of undeveloped habitats. All construction access roads and staging areas shall be located to avoid known/mapped habitat and minimize habitat fragmentation.
- **Mitigation Measure CR-2.** If any ground disturbing activities are proposed within 100 feet of the recorded sites P-40-000783, P-40-0011195, or the unrecorded site comprising three mapped stone isolates, on preparation of construction plans, the plans shall delineate a 50-foot buffer surrounding the boundaries of the recorded sites. The area shall be labeled as an “Environmentally Sensitive Area”. Highly visible temporary construction fencing shall be installed along the boundary of the 50-foot buffer and shall remain in place until the archaeological monitor recommends removal. If feasible, no ground disturbance, construction worker foot traffic, storage of materials, or storage or use of equipment shall occur within the “Environmentally Sensitive Area”. Archaeological monitoring shall occur during all construction activities occurring within 50 feet of the delineated boundary. Upon completion of archaeological monitoring, an archaeological monitoring report shall be prepared and submitted to the City Community Development Department and the Central Coast Information Center at the University of California Santa Barbara.
- **Mitigation Measure CR-3.** Prior to issuance of grading or building permits, and recordation of the final map, an Archaeological Monitoring Plan (AMP) shall be prepared. The AMP should include, but not be limited to, the following:
- A list of personnel involved in the monitoring activities;
  - Description of Native American involvement;
  - Description of how the monitoring shall occur;
  - Description of location and frequency of monitoring (e.g., full time, part time, spot checking);
  - Description of what resources are expected to be encountered;
  - Description of circumstances that would result in the halting of work at the project site;
  - Description of procedures for halting work on the site and notification procedures;
  - Description of monitoring reporting procedures; and
  - Provide specific, detailed protocols for what to do in the event of the discovery of human remains.

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- **Mitigation Measure CR-4.** The Applicant shall retain a City-approved archaeologist and local Native American observer to monitor Project-related ground-disturbing activities that have the potential to encounter previously unidentified archaeological resources, as outlined in the AMP prepared to satisfy MM CR-3. Archaeological and tribal monitoring may cease only if the City-approved archaeologist determines in coordination with the Applicant, Community Development Director, and the Native American monitor that Project activities do not have the potential to encounter and/or disturb unknown resources.
  
  - **Mitigation Measure CR-5.** In the event of any inadvertent discovery of prehistoric archaeological resources, including but not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or historic-period archaeological resources, all work within 100 feet of the discovery shall immediately cease (or greater or lesser distance as needed to protect the discovery and determined in the field by the City-approved archaeologist). The Applicant and/or contractor shall immediately notify the City Community Development Department. The City-approved archaeologist shall evaluate the significance of the discovery pursuant to City Archaeological Resource Preservation Program Guidelines prior to resuming any activities that could impact the site/discovery. If the City-approved archaeologist or Native American monitor determine that the find may qualify for listing in the CRHR or as a tribal cultural resource, the site shall be avoided or shall be subject to a Phase II or III mitigation program consistent with City Archeological Resource Preservation Program Guidelines and funded by the Applicant. Work shall not resume until authorization is received from the City.
  
  - **Mitigation Measure HAZ-1.** The Applicant shall prepare and submit a Construction Impact Management Plan to the City of San Luis Obispo Fire Department (SLOFD) prior to the issuance of grading permits. The Plan shall list measures taken during construction to reduce the potential for brush or grass fires from use of heavy equipment, welding, vehicles with catalytic converters, and other potential activities. The Plan shall include SLOFD recommended measures including, but not limited to the following:
    - All equipment with the potential to work off-road shall be equipped with appropriate mufflers and have extinguishers mounted on each vehicle;
    - In coordination with SLOFD, personnel shall be briefed on the dangers of wildfire and be able to respond accordingly should the need arise;
    - Onsite supervisor(s) shall have a cell phone or other means of initiating a 911 response time in a timely manner in the event of a medical emergency and/or fire;
    - All dead and decadent vegetation immediately surrounding the development area shall be removed to a minimum perimeter of 30 feet;
    - Smoking shall only occur in a designated area;
    - A water tender will be available on each construction site during the entire phase of construction; and
    - A water tender operator shall be available onsite during all construction and remain onsite a minimum of 30 minutes after all construction has finished for the day.
  
  - **Mitigation Measure HYD-1.** Prior to the issuance of any construction/grading permit and/or the commencement of any clearing, grading, or excavation, the Applicant shall submit a

Notice of Intent (NOI) for discharge from the Project site to the California SWRCB Storm Water Permit Unit.

- **Mitigation Measure HYD-2.** For each phase of construction, the Applicant shall require the building contractor to prepare and submit a Storm Water Pollution Prevention Plan (SWPPP) to the City 45 days prior to the start of work for approval. The contractor is responsible for understanding the State General Permit and instituting the SWPPP during construction. A SWPPP for site construction shall be developed prior to the initiation of grading and implemented for all construction activity on the Project site in excess of 1 acre, or where the area of disturbance is less than 1 acre but is part of the Project's plan of development that in total disturbs 1 or more acres. The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include specific BMPs to control the discharge of material from the site, including, but not limited to:
  - Temporary detention basins, straw bales, sand bagging, mulching, erosion control blankets, silt fencing, and soil stabilizers shall be used.
  - Sufficient physical protection and pollution prevention measures to prevent sedimentation, siltation, and/or debris from entering the Calle Joaquin wetlands.
  - Soil stockpiles and graded slopes shall be covered after 14 days of inactivity and 24 hours prior to and during inclement weather conditions.
  - Fiber rolls shall be placed along the top of exposed slopes and at the toes of graded areas to reduce surface soil movement, as necessary.
  - A routine monitoring plan shall be implemented to ensure success of all onsite erosion and sedimentation control measures.
  - Dust control measures shall be implemented to ensure success of all onsite activities to control fugitive dust.
  - Streets surrounding the Project site shall be cleaned daily or as necessary.
  - BMPs shall be strictly followed to prevent spills and discharges of pollutants onsite (material and container storage, proper trash disposal, construction entrances, etc.).
  - Sandbags, or other equivalent techniques, shall be utilized along graded areas to prevent siltation transport to the surrounding areas.

Additional BMPs shall be implemented for any fuel storage or fuel handling that could occur onsite during construction. The SWPPP must be prepared in accordance with the guidelines adopted by the SWRCB. The SWPPP shall be submitted to the City along with grading/development plans for review and approval. The Applicant shall file a Notice of Completion for construction of the development, identifying that pollution sources were controlled during the construction of the Project and implementing a closure SWPPP for the site.

- **Mitigation Measure NO-1.** Except for emergency repair of public service utilities, or where an exception is issued by the Community Development Department, no operation of tools or equipment used in construction, drilling, repair, alteration, or demolition work shall occur between the hours of 7:00 PM and 7:00 AM, or any time on Sundays, holidays, or after sunset, such that the sound creates a noise disturbance that exceeds 75 dBA for single-

- family residential uses, 80 dBA for multi-family residential uses, and 85 dBA for mixed residential/commercial land uses, as shown in Table 3.10-9 and Table 3.10-10 of the Final EIR, across a residential or commercial property line.
- **Mitigation Measure NO-2.** For all construction activity at the Project site, noise attenuation techniques shall be employed to ensure that noise levels are maintained within levels allowed by the City of San Luis Obispo Municipal Code, Title 9, Chapter 9.12 (Noise Control). Such techniques shall include:
    - Sound blankets on noise-generating equipment.
    - Stationary construction equipment that generates noise levels above 65 dBA at the Project boundaries shall be shielded with a barrier that meets a sound transmission class (a rating of how well noise barriers attenuate sound) of 25.
    - All diesel equipment shall be operated with closed engine doors and shall be equipped with factory-recommended mufflers.
    - Temporary sound barriers shall be constructed between construction sites and affected uses.
  
  - **Mitigation Measure NO-3.** The Applicant shall inform landowners and business operators at properties within 300 feet of the Project site of proposed construction timelines and noise complaint procedures to minimize potential annoyance or nuisance complaints related to construction noise no less than 10 days prior to initiation of any grading and construction activity for any Phase. The notice shall include the name and contact information of the Project's construction manager and contact information for the City's Community Development Department.
  
  - **Mitigation Measure NO-4.** Prior to approval of park and residential development within the Madonna Froom Ranch area of the Specific Plan, the Applicant shall submit a project-specific noise study that evaluates the potential for noise exposure from adjacent commercial uses and identifies project-specific design measures to attenuate exterior and interior noise consistent with the City's Noise Element and Noise Ordinance. If necessary to reduce noise within acceptable levels, noise reduction measures may include a planted earthen berm, sound wall, or similar noise attenuating feature along the site boundary with Irish Hills Plaza, consistent with Policy 1.8.2 of the Noise Element.
  
  - **Mitigation Measure TRANS-1.** The Applicant shall prepare a Construction Transportation Management Plan for all phases of the Project for review and approval by the City prior to issuance of grading or building permits to address and manage traffic during construction. The Applicant shall coordinate with SLO Regional Rideshare for the development of the Plan. The Plan shall be designed to:
    - Prevent traffic impacts on the surrounding roadway network;
    - Restrict construction staging to within the Project site;
    - Minimize parking impacts both to public parking and access to private parking to the greatest extent practicable;

- Ensure safety for both those construction vehicles and works and the surrounding community;
- Prevent substantial truck traffic through residential neighborhoods; and
- Provide strategies to reduce single-occupancy vehicle trips made by resident and employees.

The Construction Transportation Management Plan shall be subject to review and approval by the Public Works Director to ensure that the Plan has been designed in accordance with this mitigation measure. The Applicant shall identify a point of contact to coordinate Plan implementation. This review shall occur prior to issuance of grading or building permits. It shall, at a minimum, include the following:

Ongoing Requirements throughout the Duration of Construction:

- A detailed Construction Transportation Management Plan for work zones shall be maintained. At a minimum, this shall include parking and travel lane configurations; warning, regulatory, guide, and directional signage; and area sidewalks, bicycle lanes, and parking lanes. The Plan shall include specific information regarding the Project's construction activities that may disrupt normal pedestrian and traffic flow and the measures to address these disruptions. Such Plan shall be reviewed and approved by the Community Development Department and implemented in accordance with this approval.
- ~~Heavy haul construction vehicles and cement trucks shall not pass through Villaggio's Lower Area access roads once any of the Lower Area residences become occupied, and must utilize access from Calle Joaquin to access the Upper Terrace after that time.~~
- Work within the public right-of-way shall be reviewed and approved by the City on a case-by-case basis based on the magnitude and type of construction activity. Work shall generally be performed between 8:30 AM and 4:00 PM. This work includes dirt hauling and construction material delivery. Work within the public right-of-way outside of these hours shall only be allowed after the issuance of an after-hours construction permit administered by the Building and Safety Division. Additional restrictions may be put in place by Public Works Department depending on particular construction activities and conditions.
- Streets and equipment shall be cleaned in accordance with established Public Works requirements.
- Trucks shall only travel on a City-approved construction route. Limited queuing may occur on the construction site itself.
- Materials and equipment shall be minimally visible to the public; the preferred location for materials is to be onsite, with a minimum amount of materials within a work area in the public right-of-way, subject to a current Use of Public Property Permit.
- Provision of off-street parking for construction workers, which may include the use of a remote location with shuttle transport to the site, if determined necessary by the City.
- Where construction activities require closure of bike lanes or sidewalks along LOVR, temporary bicycle and pedestrian pathways shall be provided where feasible with physical separation provided between users and adjacent vehicle traffic consistent with Public Works requirements.



Project Coordination Elements That Shall Be Implemented Prior to Commencement of Construction:

- The traveling public shall be advised of impending construction activities that may substantially affect key roadways or other facilities (e.g., information signs, portable message signs, media listing/notification, and implementation of an approved Construction Impact Mitigation Plan).
  - A Use of Public Property Permit, Excavation Permit, Sewer Permit, or Oversize Load Permit, as well as any Caltrans permits required for any construction work requiring encroachment into public rights-of-way, detours, or any other work within the public right-of-way shall be obtained.
  - Timely notification of construction schedules shall be provided to all affected agencies (e.g., Police Department, Fire Department, Public Works Department, and Community Development Department) and to all owners and residential and commercial tenants of property within a radius of 0.25 mile.
  - Construction work shall be coordinated with affected agencies in advance of start of work. Approvals may take up to two weeks per each submittal.
  - Public Works Department approval of any haul routes for construction materials and equipment deliveries shall be obtained.
  - Construction traffic plans, routes, and schedules shall be shared with the City Active Transportation Committee, County Public Works Department (for distribution to the County Bicycle Advisory Committee), the Los Verdes Park 1 and 2 Homeowners Associations, and local bicycle advocacy groups, such as Bike SLO County and the SLO Bicycle Club.
- **Mitigation Measure UT-1.** The Applicant shall amend the FRSP to require that the size, location, and alignment of all on- and offsite water supply, recycled water, wastewater, and energy infrastructure shall be subject to review and approval by the City's Public Works and Utilities Departments. The Applicant shall be responsible for constructing all required onsite and offsite utility improvements, as well as for repaving of damaged roadways.
- b. **Finding:** LAFCO finds implementation of mitigation measures would ensure utility installation would avoid significant impacts to onsite natural resources (e.g., horizontal directional drilling below wetland areas to avoid disturbance, onsite monitoring for cultural resources), minimize risk of hazardous materials release, and control construction traffic, noise, and air emissions. MM UT-1 would ensure Project utilities are engineered consistent with City standards. With implementation of MM UT-1, as well as construction-related mitigation measures for air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic, impacts would be reduced to a less than significant level.
- 2. Impact UT-3:** Project-generated wastewater would contribute to demand for wastewater collection facilities and remaining available and planned capacity of the City's Water Resource Recovery Facility (WRRF). Wastewater generated at the Project site would be conveyed to the Calle Joaquin

lift station, through a force main north to the Laguna lift station, and then conveyed to the City's WRRF for treatment. The City notes the gravity main that extends under U.S. 101 to the Laguna lift station currently experiences capacity issues and needs replacement to accommodate new development within the service area of this lift station, particularly the recently approved San Luis Ranch development. Operation of the Project and associated new wastewater flows to this lift station would contribute towards existing capacity constraints, resulting in need for upsizing the gravity main under U.S. 101. Further, based on the Project's anticipated wastewater generation, the Project's impact on the operating capacity of the WRRF would be nominal. As the Project would require the connection to the City collection system, the Applicant would be subject to development impact fees implemented by the City for utility services to offset any impacts to capacity at the City's WRRF. Payment of these fees as a condition for Project approval would ensure that the Applicant pays a fair share of costs associated with the wastewater infrastructure needed to serve the Project and ensure adequate WRRF capacity to serve the development (Refer to Impact UT-3, beginning on page 3.14-35, and the Utilities and Energy Conservation Section, beginning on page 5-87 of the Final EIR).

- a. Mitigation: The following mitigation is required to address the Project's contribution to existing capacity constraints of the Laguna lift station to a less than significant level.
  - **Mitigation Measure UT-2.** The Applicant shall pay fair share costs for replacement of the Laguna lift station or construction of capacity improvements through negotiation of a private reimbursement agreement with the City.
- b. Finding: LAFCO finds implementation of mitigation would adequately address impacts to the Laguna lift station via a fair share payment fee, and impacts would be reduced to a less than significant level.

3. **Cumulative Utility and Energy Conservation Impacts:** As discussed above in Section 5, the Project would result in less than significant cumulative impacts to water supply, stormwater, solid waste, and energy resources or facilities. For cumulative impacts to wastewater collection and treatment, the WRRF's capacity to process and treat up to 5.4 million gallons per day (MGD) of wastewater would be sufficient for flows generated by the Project and the City at General Plan buildout, including the cumulative projects, under dry-weather conditions. Under wet-weather conditions, cumulative development could exacerbate the deficiency of the WRRF to process and treat peak flows that can exceed 20 MGD. Since peaks in wastewater flow may result in permit violations and release of effluent to San Luis Obispo Creek, the contribution of the Project's wastewater plus effluent generated from future pending projects could be cumulatively considerable. However, as described above, any new pipes installed by cumulative projects would be consistent with City standards, including the requirement for seamed sewer lines, and therefore would not result in a considerable contribution to the wet-weather issues that cause peak wet-weather flows due to inflow and infiltration. The WRRF Upgrade Project which would increase capacity to handle both wet-weather and dry-weather flows would help to alleviate the impact of cumulative development on the WRRF's capacity to sufficiently treat the City's wastewater to meet RWQCB standard and avoid periodic spills into San Luis Obispo Creek.

Further, a gravity sewer main to the Laguna lift station serving the southwestern portions of the City (including the Project site) currently experiences capacity issues. Cumulative development within this portion of the City, including the San Luis Ranch development, would contribute towards exceedance of capacity of the wastewater collection system. However, the Project, along with other cumulative development approved within the City and which would be served by this infrastructure, would be required to pay its fair share towards the upsizing of the gravity sewer main (Refer to Section 3.14.3.4, Cumulative Impacts, beginning on page 3.14-46, and the Utilities and Energy Conservation Section, beginning on page 5-87 of the Final EIR).

- a. **Mitigation:** The following mitigation measure would be required to reduce the Project's cumulative impact on City wastewater collection, conveyance, and treatment facilities.
  - **Mitigation Measure UT-2.** The Applicant shall pay fair share costs for replacement of the Laguna lift station or construction of capacity improvements through negotiation of a private reimbursement agreement with the City.
- b. **Finding:** LAFCO finds with implementation of mitigation measures, mandatory compliance with existing regulations and policies, and expansion of the WRRF facility, the Project's contribution to cumulative impacts to wastewater facilities are would be reduced to a less than significant level.

#### 4. Findings regarding Alternatives Analyzed in the EIR

This section evaluates the effectiveness of the alternatives in reducing the significant and unavoidable impacts.

1. **Significant and Unavoidable Air Quality Impacts.** The Project would result in significant and unavoidable project impacts related to operational emissions, and project and cumulative impacts related to state and local GHG reduction goals and Clean Air Plan inconsistency. Under the No Project Alternative, no development would occur, and no additional vehicle trips would be generated; therefore, air quality impacts would be substantially reduced. Under the Draft FRSP and Alternative 1, construction and operation would result in a similar level of air quality emissions; therefore, air quality impacts would remain significant and unavoidable. Under Alternative 2, vehicle trip generation would be slightly reduced due to removal of commercial development from Madonna Froom Ranch, decreasing potential air quality and GHG emission impacts compared to the Project. Although residential units would be approximately the same as under the Project, this alternative would decrease onsite commercial development, substantially reducing vehicle trips and GHGs and other air pollutant emissions associated with operations of commercial development. Additionally, the Project would continue to be required to implement mitigation measures to further reduce potential impacts to air quality. Despite substantial reductions as compared to the Project, impacts to air quality from implementation of Alternative 2 remain significant due to inability to feasibly predict reductions in long-term operational (particularly mobile-source) emissions from required mitigation. Under Alternative 3, impacts to air quality and GHG emissions would be substantially reduced as overall commercial development would be reduced by half and residential development would be reduced by 378 units as compared to the Project. Alternative 3

would reduce anticipated population increases by more than half, and corresponding reductions in vehicle trips associated with reductions in residential, commercial, and senior residential land uses. These reductions in development would also result in a decrease in emissions generated onsite. Additionally, this alternative would be required to implement applicable mitigation measures to further reduce potential impacts to air quality. As a result, impacts to air quality from construction and operation of this alternative are estimated to be lower than SLO County APCD thresholds and would no longer be considered significant. However, similar to the determination in the LUCE Update EIR, implementation of the City's General Plan would not be consistent with the assumptions contained in the Clean Air Plan. Therefore, specific to consistency with the Clean Air Plan and potential impacts related to GHG emissions from mobile sources, it is expected Alternative 3 would result in significant and unavoidable impacts.

- 2. Significant and Unavoidable Biological Resource Impacts.** The Project would result in significant and unavoidable impacts as a result of direct and indirect loss of protected wetlands and cumulative loss of biological resources through conversion of agricultural and open lands to developed urban uses. Under the No Project Alternative, no development would occur, and the site would continue to support sensitive biological resources; therefore, impacts would be avoided. Under the Draft FRSP, development of the Upper Terrace would result in substantially greater impacts to biological resources due to the presence of highly sensitive and unique resources within that area, the mitigation of which is not considered feasible. Alternative 1 and Alternative 2 would result in similar impacts to the Project due to a similar development footprint, and significant and unavoidable impacts associated with cumulative loss of biological resources would remain; however, unlike the Project, mitigation for redesign of Villaggio to preserve the integrity of the confluence of Drainages 1, 2, 3, and Froom Creek would be required (MM BIO-13). Cumulative impacts would remain significant and unavoidable under Alternatives 1 and 2. Alternative 3 would result in substantially reduced impacts due to avoidance of development above the 150-foot elevation line and a smaller development footprint. Reduced development onsite would minimize impacts to sensitive species, drainages, and onsite wetlands that would occur under the Project, although there is potential for sensitive species to occur within the development footprint of Alternative 3. Under Alternative 3, impacts would be reduced to less than significant with implementation of required mitigation.
- 3. Significant and Unavoidable Cultural and Tribal Cultural Resource Impacts.** The Project would result in significant and unavoidable impacts due to loss of three contributing structures to the Froom Ranch Dairy Complex historic district. Under the No Project Alternative, the site would not be redeveloped and identified historic structures would remain in place. While the No Project Alternative would not involve the physical alteration of any onsite historic structures affecting their significance or eligibility, these historic resources would not receive the same benefits as under the Project. Eligible historic structures/resources would not be rehabilitated and preserved, nor would they be relocated outside the potential active fault zone to more geologically stable locations. Under the No Project Alternative, these resources would continue to be utilized for storage and construction business operations, with no specialized maintenance or upkeep. As such, these structures may further deteriorate and continue to be at risk of failure or collapse. Over time, the deterioration of the structures may result in a loss of integrity while remaining on site and a loss of the resource value entirely when deterioration results in removal of the structures. Retention of these structures in their current place and status would not result in any changes to the eligibility of

the resources or the potential historic district in the short-term, which would less impacts compared to the Project, but in the long-term, the No Project Alternative would inevitably result in negligence of the buildings and eventual loss of eligible structures. Therefore, impacts under the No Project Alternative would be greater than the Project, and would remain significant and unavoidable. Under the Draft FRSP and Alternatives 1, 2, and 3, onsite historic structures would receive similar treatment as under the Project. Although mitigation measures would be implemented under all of these alternatives, relocation of dairy structures and the loss of three contributing structures to the Froom Ranch Dairy Complex historic district would remain significant and unavoidable.

- 4. Significant and Unavoidable Hazards, Hazardous Materials, and Wildfire Impacts.** The Project would result in significant and unavoidable impacts associated with the individual and cumulative exacerbation of wildfire risks. The No Project Alternative would not construct new development and would avoid exacerbation of wildfire hazards, by both reducing the potential for ignition and keeping residential land uses out of high fire hazard areas at the urban wildland interface. The Draft FRSP, Alternative 1, and Alternative 2 all proposed development of residential uses directly adjacent to high fire risk areas and within the urban-wildland interface. Though Alternatives 1 and 2 would avoid development above the 150-foot elevation line, where wildfire risks are the greatest, neither of these alternatives would fully avoid or reduce significant wildfire risks, and impacts would remain significant and unavoidable. Under Alternative 3, reduction of development areas to already disturbed portions of the site in the northeast corner would reduce urban-wildland interface by approximately 75 percent, reducing defensible space requirements and increasing the distance between proposed residential units and wildfires originating from western upland areas with very high fire hazard potential. However, as under the Project, Alternative 3 would be located in an area highly susceptible to potential fire hazards, particularly at the base of the Froom Creek watershed where steep slopes and prevailing winds increase potential for a fire in the Irish Hills to move towards the site, and impacts would remain significant and unavoidable.
- 5. Significant and Unavoidable Land Use and Planning Impacts:** The Project would result in significant and unavoidable project-specific and cumulative impacts associated with potential inconsistencies with City General Plan policies adopted for the purpose of protecting aesthetic and scenic quality, cultural resources, and reducing or avoiding risks from wildfire hazards. The No Project Alternative would not result in development of the site but would result in continued discrepancies between the existing agricultural uses and the General Plan LUE intent for the area to provide substantial number of residential uses, Neighborhood Commercial or Retail Commercial uses, and preserved open space; however, the existing use would continue to be consistent with the County General Plan. This alternative would result in less than significant impacts related to consistency with General Plan LUE policies as no development would conflict with policies relating to Froom Creek, development above the 150-foot elevation contour, and development on agricultural and biologically sensitive lands. However, the City's housing supply, particularly for senior units, would not be expanded, and conflicts with Housing Element goals for provision of such housing could potentially occur. The Draft FRSP would result in greater inconsistency with the General Plan as a result of development above the 150-foot elevation line and within areas of high biological value, for which several policies are established for the protection of such resources. Alternative 1, 2, and 3 would result in similar impacts to the Project due to proposed similar land use plans and continued

inconsistency with policies adopted for the protection or preservation of historic resources and reduction of wildfire risks.

- 6. Significant and Unavoidable Transportation Impacts.** The Project would result in project-level and cumulative transportation impacts associated with exacerbation of queuing and peak hour traffic for automobiles and poor levels of service for pedestrians and bicycle modes under both Existing plus Project and Near-Term plus Project conditions. Under the No Project Alternative, no development would occur; therefore, the significant and unavoidable transportation impacts would be avoided. The Draft FRSP and Alternative 1 would implement the same mitigation measures identified for the Project, but would result the same impacts due to a similar number of trips and demand for multi-modal facilities generated by proposed development. Alternative 2 would generate slightly fewer trips and VMT due to the lack of proposed commercial development; however, trip generation and demand for multi-modal facilities and associated impacts would be similar to the Project. Alternative 3 would have substantially reduced impacts to transportation as compared to the Project, as the development footprint would be considerably minimized, and trips would be reduced. This alternative would reduce residential units by 65 percent and commercial square footage by 50 percent compared to the Project. This large reduction in development footprint would be significantly lower anticipated addition of trips to internal and area roadways and demand for multi-modal facilities. Therefore, impacts under Alternative 3 would be considered less than significant.

## **ENVIRONMENTALLY SUPERIOR ALTERNATIVE AND FEASIBILITY OF PROJECT ALTERNATIVES**

- 1. Finding:** The Draft FRSP, which comprised Section 2.0, *Project Description* of the Final EIR, would result in greater physical environmental impacts and inconsistency with City policies when compared to the Project. The Draft FRSP would result in a greater development footprint compared to the Project due to development of the Upper Terrace above the 150-foot elevation line, resulting in a greater amount of grading and associated construction emissions, impacts to biological resources, and more adverse changes in views from the Irish Hills Natural Reserve. The originally proposed Draft FRSP would not reduce or avoid any of the significant and unavoidable impacts of the Project; however, the Draft FRSP would meet all the Project objectives. As a result, the City finds that the Draft FRSP is feasible, and would satisfy all the Project objectives, but would result in greater environmental impacts.
- 2. Finding:** The No Project Alternative is environmentally superior overall, since no development would occur within the City's jurisdiction. However, the No Project Alternative fails to meet the City's objectives for the Project area as well as any of the Project objectives. As a result, the City finds that the No Project Alternative would be infeasible to implement.
- 3. Finding:** Alternative 1 would result in similar physical environmental impacts when compared to the Project. With a similar degree of residential and commercial development and development footprint, this alternative would result in similar significant and unavoidable impacts associated with operational air quality emissions, consistency with state and local GHG reduction goals, consistency with the 2001 Clean Air Plan, cumulative loss of sensitive biological resources, loss of historic

structures contributing to a historic district, exacerbation of wildfire risks, inconsistency with City plans and policies, and transportation and traffic. Alternative 1 would meet all of the Project objectives. As a result, the City finds that Alternative 1 is feasible, and would satisfy all of the Project objectives, but would not reduce significant environmental impacts compared to the Project.

4. **Finding:** Alternative 2 would result in similar physical environmental impacts when compared to the Project. With a similar degree of residential and commercial development and development footprint, this alternative would result in similar significant and unavoidable impacts associated with operational air quality emissions, consistency with state and local GHG reduction goals, consistency with the 2001 Clean Air Plan, cumulative loss of sensitive biological resources, loss of historic structures contributing to a historic district, exacerbation of wildfire risks, inconsistency with City plans and policies, and transportation and traffic. Alternative 2 does not proposed development of commercial uses and would therefore not meet Project objectives for developing a mix of uses and providing commercial retail uses that compliment residential uses. As a result, the City finds that Alternative 2 is feasible, but would not satisfy all of the Project objectives and would not reduce significant environmental impacts compared to the Project.
5. **Finding:** Alternative 3 would result in less physical environmental impacts when compared to the Project. This alternative would result in a substantial reduction in the development capacity of the Project, compliant with the minimum development standards for the Project site identified in the City's LUE. This alternative would result in less environmental impacts associated with development of the site compared to the Project, such as operational air emissions, biological resources, and transportation and traffic; however, Alternative 3 would continue to result in significant and unavoidable impacts associated with consistency with state and local GHG reduction goals, consistency with the 2001 Clean Air Plan, loss of historic structures contributing to a historic district, exacerbation of wildfire risks, and inconsistency with City plans and policies. Under Alternative 3, residential units would decrease by 378 units (65 percent) and commercial development area would decrease by 50,000 square feet (50 percent). Additionally, senior housing units would not be provided within a Life Plan Community. Froom Creek would not be realigned under Alternative 3, reducing potential impacts to noise and other affected resources; however, lack of realignment of the creek would not support restoration or improvement of the creek corridor to provide improved steelhead habitat or alleviate flood capacity constraints downstream at U.S. 101. As such, Alternative 3 would fail to meet the objectives of the Project related to these aspects. As a result, the City finds that Alternative 3 is feasible, would reduce some, but not all, significant environmental impacts compared to the Project, and would not satisfy all of the Project objectives.

## **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 annexation proposal. 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 City's annexation request, LAFCO reviewed and considered the EIR prepared and certified by the City.

The City, acting as the Lead Agency, adopted a Statement of Overriding Considerations for the proposed project (EIR SCH# 2017071033).

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 City to eliminate or substantially mitigate the environmental impacts, particularly the various mitigation measures in the EIR.

For the reasons set forth below, the Commission determines that any significant environmental impacts caused by the Froom Ranch Specific Plan has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the City and region. 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 City's implementation of the proposed project and 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. **Consistent with LAFCO policies and proceedings.** LAFCO establishes Spheres of Influence which identifies areas of possible future development and encourages opportunities for logical development of the City. The Annexation is within the SOI and provides the opportunity for creating a range of housing choices, setting aside open space, and providing for affordable housing. The annexation is consistent with LAFCO policies.
2. **Municipal Service Review Consistency.** The annexation is consistent with the City's existing Municipal Service Review and Sphere of Influence (SOI) which was updated in October 2016.
3. **Review of Records.** LAFCO has reviewed and considered the Statement of Overriding Considerations approved by the City of San Luis Obispo and the evidence that supports that Statement as set forth in the Environmental Documentation and has concluded that any adverse environmental effects of the project are outweighed by the benefits of the project.
4. **Logical expansion.** Annexation and development of these properties is a logical and planned expansion of the City of San Luis Obispo and has been anticipated,
5. **Provision of Residential and Commercial Uses to Implement the General Plan.** The Project will develop a new multi-family residential neighborhood and senior residential community that fulfills a portion of the City's and regions unmet housing needs identified in the Housing Element (refer to FRSP, Table 1-1 Project Summary and City Housing Element, Appendix B



Housing Needs, Tables B-3 Regional Housing Needs Plan for the County of San Luis Obispo and B-18 Summary of Housing Needs, City of San Luis Obispo).

6. **Provision of a Variety of Housing Types for all Income Levels.** The Project will provide a variety of housing types to meet the needs of renters and buyers with a variety of income-levels, including multi-family housing and inclusionary affordable housing for residents with moderate and low income levels, consistent with General Plan Land Use Element Policy 1.11.2 and Housing Element Policies 2.3 and 2.4 (refer to FRSP, Table 1-1 Project Summary and Section 2.3 Affordable Housing).
7. **Open Space and Agricultural Protection:** Implementation of the Project would preserve approximately 66.2 acres of land as open space in the Upper Terrace location where biological resource values are highest (refer to FRSP Section 3.2 Natural Open Space and Figure 3-1 Site Constraints Map, and Final EIR Section 3.4 Biological Resources). Approximately
8. **Protection and Restoration of Froom Creek.** The Project will realign and restore sensitive biological resources within Froom Creek, improving the overall quality of this habitat over the long term, improving flood capacity of the creek, and helping to alleviate flood capacity constraints downstream at U.S. 101 (refer to Final EIR Section 3.4 Biological Resources, and Section 3.8 Hydrology and Water Quality).
9. **Provision of Park and Recreational Facilities.** The Project will provide a variety of park and recreational facilities for residents of the Project site and City, such as parks, trails, pathways, a formal trailhead parking area for the Irish Hills Natural Reserve, and other recreational facilities, as well as passive recreational opportunities within open space (trail along the realigned Froom Creek and Calle Joaquin wetlands), both by constructing facilities on site and providing needed funding for enhancement of existing offsite City park and recreational facilities (refer to FRSP, Table 1-1 Project Summary, and FRSP Section 3.4 Recreation Resources, FRSP Figure 5-11 Pedestrian, Bicycle, and Transit Network, and FRSP Section 5.5.2 Public Trails).
10. **Well-Planned Neighborhood Would Reduce Per-Capita Vehicle Trips:** The Project would develop a new residential neighborhood to meet the City's housing needs and that designates sufficient land for neighborhood serving commercial uses to reduce vehicle trips and provide for the convenience of area residents (refer to FRSP Figure 1-5 Conceptual Site Plan and Table 2-1 Land Use/Zoning Summary).
11. **Provision of New Jobs:** The Project would create new construction-related and permanent jobs in the Project area (refer to Final EIR Section 3.11 Population and Housing, pg. 3.11-19 to 3.11-22). Planned Neighborhood Commercial development would provide jobs in close proximity to housing (see FRSP Figure 2-1 Zoning/Land Use Map), consistent with Community Goal 34 in the General Plan Land Use Element and Land Use Element Policy 1.5, which states that the gap between housing demand and supply should not increase (refer to Final EIR Section 3.11 Population and Housing, pg. 3.11-22).

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12. **Sales Tax:** Development of neighborhood commercial uses would contribute sales tax revenues that help fund needed City services.
  13. **Cultural & Historic Resources:** The project avoids impacts to recorded prehistoric sites and archaeologically sensitive areas within the project site by limiting most development below the 150-foot contour elevation. The project will retain and adaptively reuse four existing historic buildings and structures within the project consistent with Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
  14. **Economic Public Benefits:** The project will provide significant economic benefits to the public from a variety of one time and continuing revenue sources. One-time revenue sources include activities such as construction jobs and purchase of construction materials and supplies. Continuing revenue sources include property taxes, sales taxes on locally procured materials and supplies and other revenues.

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

# Exhibit B: Map of Annexation No. 82 and Legal Description

**ANNEXATION NO. 82**  
**into the City of San Luis Obispo**

Those portions of Lots 60, 68 and 69 of the Rancho Canada de Los Osos and La Laguna, according to the Map filed in Book A of Maps at Page 83 in the Office of the County Recorder, County of San Luis Obispo, State of California, described as follows:

BEGINNING at the southwesterly terminus of the course described as "N29°04'38"W, 53.11 feet" in Annexation No. 62A of the Certificate of Completion recorded in Document No. 2001-030312 of Official Records in the Office of the County Recorder of said county; thence,

Along said Annexation No. 62A the following 23 courses:

North 29°04'38" West, a distance of 53.11 feet; thence,

North 20°53'43" West, a distance of 50.00 feet; thence,

North 43°17'17" East, a distance of 91.34 feet; thence,

North 2°15'09" East, a distance of 177.34 feet to a curve concave to the southwest having a radius of 600.00 feet; thence,

Northeasterly along said curve through a central angle of 16°04'08", an arc distance of 168.27 feet; thence,

North 13°48'59" West, a distance of 164.25 feet to a non-tangent curve concave to the southwest having a radius of 3,702.38 feet, the radial bearing to said point being North 67°46'38" East; thence,

Northeasterly along said curve through a central angle of 10°28'46", an arc distance of 677.17 feet; thence,

North 57°17'46" East, a distance of 22.58 feet to a non-tangent curve concave to the southwest having a radius of 2,915.00 feet, the radial bearing to said point being North 58°16'11" East; thence,

Northwesterly along said non-tangent curve through a central angle of 0°53'13", an arc distance of 45.12 feet (described as a central angle of 03°53' 13", and an arc distance of 45.12 feet in said Annexation 62A); thence,

North 32°37'02" West, a distance of 354.62 feet; thence,

North 37°09'36" West, a distance of 391.41 feet; thence,

North 34°15'32" West, a distance of 23.52 feet (described as N34°15'32"W, 41.53 feet in said Annexation 62A); thence,

South 57°01'52" West, a distance of 757.12 feet (described as S57°01 '52"W, 757.26 feet in said Annexation 62A); thence,

North 32°58'08" West, a distance of 15.96 feet to a non-tangent curve concave to the north having a radius of 64.00 feet, the radial bearing to said point being South 23°04'27" East; thence,

Southwesterly and westerly along said curve through a central angle of 38°59'27", an arc distance of 43.55 feet; thence,

North 74°05'00" West, a distance of 30.00 feet to a curve concave to the south having a radius of 16.00 feet; thence,

Westerly and Southwesterly along said curve through a central angle of 48°53'08", an arc distance of 13.65 feet; thence,

South 57°01'52" West, a distance of 165.11 feet to a curve concave to the north having a radius of 65.00 feet; thence,

Southwesterly, westerly and northwesterly along said curve through a central angle of 62°58'08", an arc distance of 71.44 feet; thence,

North 60°00'00" West, a distance of 87.77 feet; thence,

South 82°20'32" West, a distance of 143.16 feet; thence,

North 77°26'25" West, a distance of 207.79 feet; thence,

North 81°36'50" West, a distance of 220.62 feet to the northerly terminus of the course described as North 5°38'24" West 572.48 feet in the Grant Deed to the City of San Luis Obispo recorded in Document No. 2010-035547 of Official Records in the Office of the County Recorder of said county; thence,

Leaving said Annexation No. 62A and along the easterly line of said Grant Deed the following 14 courses:

South 5°38'24" East, a distance of 572.48 feet; thence,

North 81°25'27" East, a distance of 478.62 feet; thence,

South 75°16'10" East, a distance of 87.71 feet; thence,

North 79°42'16" East, a distance of 199.67 feet; thence,

South 83°22'25" East, a distance of 193.28 feet; thence,

South 61°08'09" East, a distance of 147.85 feet; thence,

South 24°09'55" East, a distance of 283.57 feet; thence,

South 8°26'04" East, a distance of 121.76 feet; thence,

South 45°01'35" West, a distance of 138.85 feet; thence,

South 30°11'38" West, a distance of 216.04 feet; thence,

South 61°57'20" West, a distance of 1,437.80 feet; thence,

South 11°33'10" West, a distance of 364.72 feet; thence,

South 62°00'45" West, a distance of 322.83 feet; thence,

South 28°46'30" East, a distance of 1,070.79 feet to the southeasterly line of that portion of said Lot 69, said southeasterly line described as N 49°13'58" E 2374.84' shown on the map filed in Book 71 of Record of Survey at Page 87 in the Office of the County Recorder of said county; thence,

Along the southeasterly line of the land shown on said Record of Survey the following 2 courses:

North 49°13'58" East, a distance of 1,874.84 feet; thence,

North 59°37'35" East, a distance of 1152.19 feet, portion of said course also being along Course No. 50 of Los Osos Road No. 1 described in the annexation document recorded in Book 1460, Page 306 of Official Records in the Office of the County Recorder of said county to the POINT OF BEGINNING.

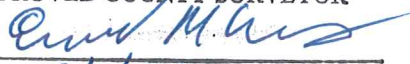
The land described contains 109.34 acres.

Prepared by:   
Steven B. Webster, LS 7561

Date: 02/24/2021



APPROVED COUNTY SURVEYOR

By:   
Date: 3/4/2021  
San Luis Obispo County Dept. of Public Works

APN 033-510-006

CITY LIMITS  
COUNTY LIMITS

PTN. OF LOT 60  
A.M.A.S. 83

NORTHERLY TERMINUS OF THE COURSE DESCRIBED AS NORTH 5.3822' WEST 572.48 FEET IN THE GRANT DOCUMENT NO. 2010-035547 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER

ANNEXATION NO. 62A OF THE CERTIFICATE OF COMPLETION DOC. 2001-030312

APN 033-510-012

APN 033-510-017

APN 033-510-016

PA. SLO 00041  
55 PARCEL MAPS 82

DOC. 2010-035547  
APN 067-241-032

PTN. OF LOT 68  
A.M.A.S. 83

APN 067-241-031

APN 067-241-030

APN 067-241-021

DOC. 2010-035547  
APN 067-241-032

S28°46'30"E 1070.75'

S62°00'45"W 322.83'

227°39'34"E 1232.115'

N4°13'58"E 874.84'

SOUTHEASTERLY LINE OF THAT PORTION OF SAID LOT 69, SAID SOUTHWESTERLY LINE DESCRIBED AS N 81°12'38" E 232.76' AS SHOWN ON PARCEL MAPS 82, 83 AND 84 AT PAGE 87 IN THE OFFICE OF THE COUNTY RECORDER.

APN 067-241-021

COUNTY LIMITS  
CITY LIMITS

APN 033-171-022

APN 033-171-029

LOS OSOS ROAD NO. 1  
ANNEXATION DOCUMENT  
BOOK 1460, PAGE 306 OF  
OFFICIAL RECORDS

CALLE JOAQUIN

CALLE JOAQUIN

U.S. HIGHWAY 101

AUTO PARKWAY

LOS OSOS VALLEY ROAD

CALLE JOAQUIN

CALLE JOAQUIN

CALLE JOAQUIN

CALLE JOAQUIN

CALLE JOAQUIN

CALLE JOAQUIN

CALLE JOAQUIN

CALLE JOAQUIN

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MAP PREPARED ON:  
FEBRUARY 24, 2021

MAP PREPARED BY:  
STEVE WEBSTER, LS 7561  
RRM DESIGN GROUP  
3765 S. HIGHERA ST., STE. 102  
SAN LUIS OBISPO, CA 93401  
PH (805) 543-1794  
www.rmdesign.com



APPROVED COUNTY SUPERVISOR  
Steve Webster  
3/1/2021  
San Luis Obispo County Dept. of Public Works

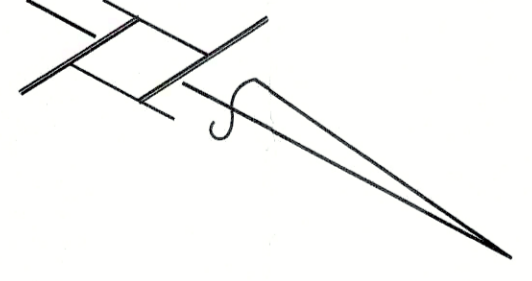
# ANNEXATION NO. 82

## INTO THE CITY OF SAN LUIS OBISPO

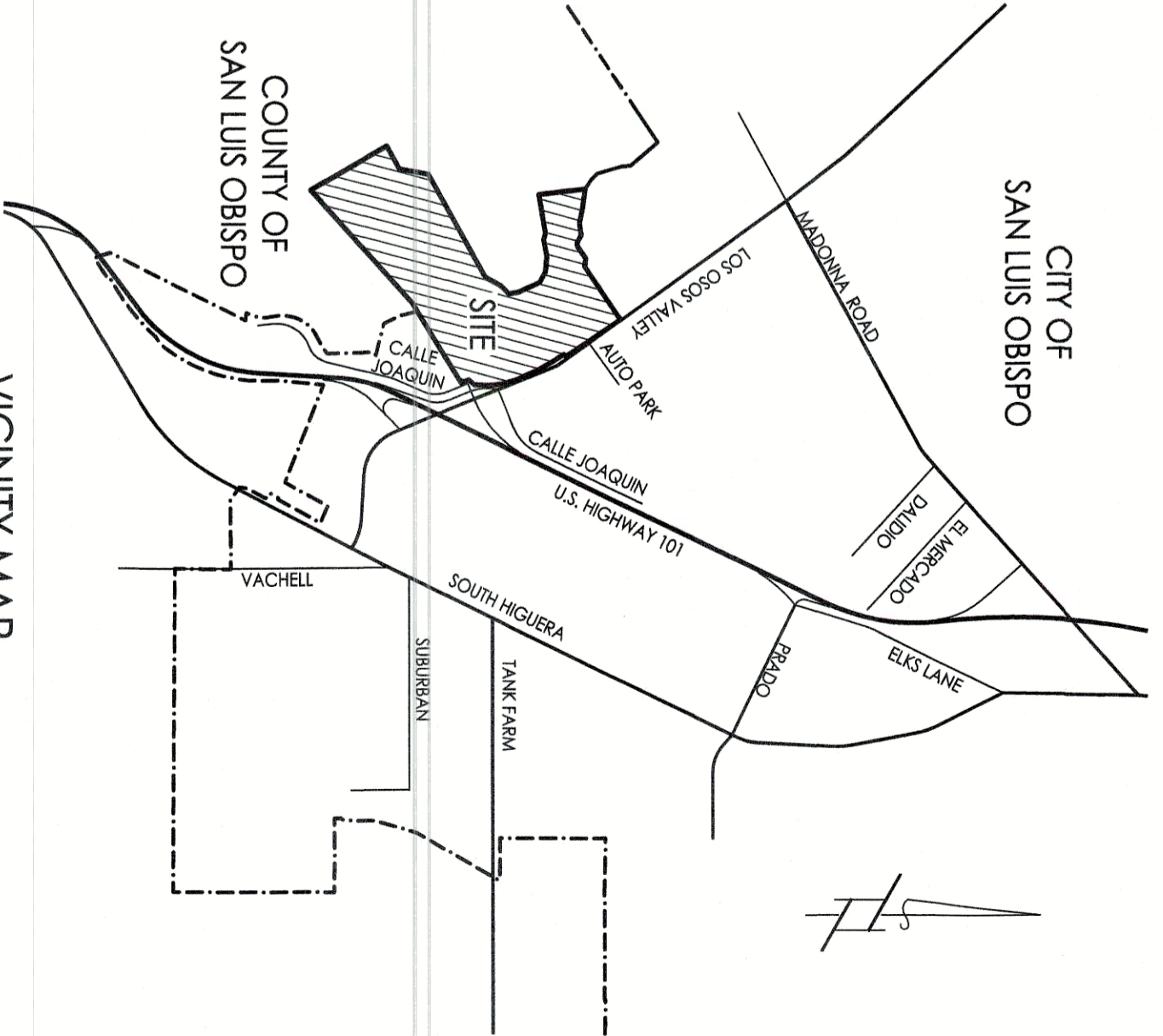
BEING PORTIONS OF LOTS 60, 68 AND 69 OF THE RANCHO CANADA DE LOS OSOS AND LA LAGUNA, ACCORDING TO THE MAP FILED IN BOOK A OF MAPS AT PAGE 83 IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

LEGEND:  
--- PROPOSED ANNEXATION BOUNDARY  
- - - EXISTING CITY/COUNTY LIMIT LINE

SCALE 1" = 250'  
0 125 250  
GRAPHIC SCALE



VICINITY MAP  
NO SCALE



# Attachment B

LAFCO Legislative Factors-Government Code Section 56668



## ATTACHMENT B

### LAFCO Proposal Review Factors - Government Code 56668

#### Froom Ranch Specific Plan Annexation to the

#### City of San Luis Obispo 1-R-21

**Factor (a)** Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

**Response.** The Froom Ranch Specific Plan annexation involves 109 acres bounded by Los Osos Valley Road and HWY 101. Many of these factors are addressed in the staff report. The proposed annexation area is within the City's Sphere of Influence as approved by LAFCO in October 2016. The Specific Plan approved by the City provides policies and development standards to ensure the orderly development of these areas in three phases. The Environmental Impact Report (EIR) evaluated full buildout of the Specific Plan, which would allow for the development of 578 residential units and 100,000 square feet of commercial space. As such, the project is expected to result in additional growth within the city and add approximately 1,231 people to the City and create 332 jobs. However, the City is prepared to provide services and has approved the Specific Plan with the goal of providing for the planned and well organized growth, as described in the staff report and Plan for Services.

Based on the 2050 Regional Growth Forecast, San Luis Obispo Council of Governments (SLOCOG) projects a continuation of the low to moderate growth rates experienced by the City since 2010, with a medium growth rate of 0.46 percent annual growth projected to 2050. According to SLOCOG's medium growth population projections, the City would experience a population increase of 1,264 residents between 2015 and 2020, and the addition of 1,387 new residents between 2020 and 2025. Population growth is considered significant only if it is unplanned or unanticipated by the City. The proposed annexation has been evaluated in detail by the City and has determined that it has the ability to serve the development. The total increase in population under the Project would be well below the projected population under the existing General Plan by 2035, which plans for a future additional population of 10,652. Therefore, population increases resulting from the Project would remain within planned growth under the general plan.

City Population	2015	2020	2025	2040	2050
City of SLO	45,950	47,214	48,861	51,105	51,672

The Project site encompasses highly varied topography. The southwest portion of the site is approximately 100 to 120 feet higher in elevation than the eastern portion of the site along lower Froom Creek adjacent to Los Osos Valley Road. Upper elevations of the site have steeper slopes and drainages that transition to the Irish Hills Natural Reserve in the hills above. Relatively flat grassland, disturbed areas, the Froom Creek channel, and wetlands occur in lower elevations of the Project site.

The total secured assessed value of the annexation area as determined by the County Assessor is \$2,804,191.00. This assessed valuation was used as the basis for property tax negotiations between the City and County.

**Factor (b)** 1) The need for organized community services, the present cost and adequacy of governmental services and controls in the area, probable future needs for those services and controls, probable effect of the proposed incorporation, formation, annexation, or exclusion and alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

2) "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

**Response.** The project would create a need for community services. The present cost and adequacy of governmental services and controls in the area is technically the County's responsibility, however, in emergency response situations the City is normally the first responder due to the proximity of City services. The entitlements approved by the City will identify the impact fees to be paid and other financing issues. Future developers will be responsible for payment of fees, and the approximate \$12 million infrastructure improvement costs. The probable need for future services is certain given the urban nature of the surrounding area, the pre-zoning and the Specific Plan already approved by the City. If the annexation is approved, the area would then be able to receive urban level services that can be provided by the City. It is not anticipated that rates would increase, as the relative population of this project when compared to the city is comparatively small, and the developer would offset impacts by the provision of new infrastructure or payment of impact mitigation fees. The City would provide a higher level of service to the area in terms of water and wastewater services as well as fire and police. As shown in the Plan for Services, the City is able to provide all necessary services to the annexation area beyond those described herein.

**Factor (c)** The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

**Response.** The proposed action would allow the proposal approved by the City to be implemented upon compliance with the conditions of approval. The area would be removed from the County's unincorporated area and be within the City's incorporated service area. The eventual impact would be an increase of population for the City. The City would be responsible for providing services to the area. The new residential and commercial development would increase the population and the economic activity in the area and contribute to local businesses, social and economic interests. It is anticipated the project would generate a residential population of 1,264 people and 332 jobs. The City has the ability to serve the development while minimizing impacts to the existing community, as described in the Plan for Services, financing plan, Specific Plan and EIR.

**Factor (d)** The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

**Response.** The City prepared the Specific Plan that provides for the planned, orderly and efficient development of the area coupled with the City approving the entitlements and environmental documentation regarding this proposal both provide detailed documents that address a variety of issues, including:

- Open Space and Parks
- Utilities and Services
- Plan Implementation
- Development Standards
- Circulation/Transportation
- Housing Affordability
- Land Use
- Design
- Public Services
- Public Facilities
- Financing

The City has also completed an EIR that evaluates the impacts of the proposal. The following are the San Luis Obispo LAFCO Policies for City Annexations and a brief analysis of the proposal under these policies:

**Policy 1.** The boundaries of a proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.

**Analysis.** The boundaries are definite and certain and adhere to assessor parcel lines. The annexation map has been approved by the County Surveyor.

**Policy 2.** The boundaries of an area to be annexed will not result in any areas difficult to serve.

**Analysis.** The properties are adjacent to /surrounded by to the City and are not difficult for the provision of City services. In fact, annexing this area would take in an semi-island of unincorporated territory and encourages the orderly development of the City and supports the implementation of the Plan that has been approved by the City.

**Policy 3.** There is a demonstrated need for governmental services and controls in the area proposed for annexation.

**Analysis.** The City will be able to provide an increased level of service and controls for these areas as detailed in the Plan for Services, EIR and Specific Plan. The Specific Plan approved by the City address the provision of governmental services, financing of improvements, a plan for services and improved sales tax revenues.

**Policy 4.** The municipality has the resources capable of meeting the need for services in the area proposed for annexation and has submitted studies and information documenting its ability to serve.

**Analysis.** The City has demonstrated its ability to serve the area as detailed in the Plan for Services, EIR and Specific Plan.

**Policy 5.** There is a mutual social and economic community of interest between the residents of the municipality and the proposed territory.

**Analysis.** The proposed annexation would become part of the social and economic fabric of the City of San Luis Obispo. The Area is adjacent to / surrounded by the City and its social and economic communities of interest. The annexation of this area will promote the implementation of the Specific Plan which address the development of this area in detail and call for incorporate this area into the City, as well as provided a needed land use, including senior and affordable housing.

**Policy 6.** The proposed annexation is compatible with the municipality's General Plan. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

**Analysis.** The proposed annexation is consistent with the City General Plan and implements the Specific Plan prepared by the City for this area.

Government Code Section 56377 states:

56377. In reviewing and approving or disapproving proposals which could reasonably be expected to include, facilitate, or lead to the conversion of

existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing sphere of influence or the local agency.

The annexation to the City promotes the development of lands proximate to the City, while providing for the preservation of open space and agricultural lands on the same site.

**Factor (e)** The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

**Response.** The area includes two parcels, under common ownership. The area is unincorporated and has seen limited development under County agricultural zoning consisting of a ranch complex (house and barn). While the site contains prime soils, there is an active mine on the site and it has not been used for active agriculture production. The site would result in on-site conservation of both prime and non-prime lands. The project will be conditioned under LAFCOs approval to establish that a prime agricultural land being converted by the project will be mitigated.

**Factor (f)** The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

**Response.** The annexation boundary follows lines of assessment and does not create an island or corridor of unincorporated territory.

**Factor (g)** A regional transportation plan adopted pursuant to Section 65080.

**Response.** The Project would be consistent with all applicable City policies and Standards, and the land use strategy in SLOCOG's 2019 Regional Transportation Plan.

**Factor (h)** Consistency with City or County General and Specific Plans.

**Response.** The annexation is consistent with the City's General Plan and Policies. The City has approved the Specific Plan and certified the EIR.

**Factor (i)** The Sphere of Influence of any local agency which may be applicable to the proposal being reviewed.

**Response.** The proposal site is within the City of San Luis Obispo's current Sphere of Influence which was updated in 2016. The proposal does not conflict with the Sphere of Influence of any other jurisdiction.

**Factor (j)** The comments of any affected local agency or other public agency.

**Response.** No agency comments were provided on the proposed annexation. Various agency comments were provided to the City during the public review period of the EIR and were addressed accordingly.

**Factor (k)** The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

**Response.** The City of San Luis Obispo is capable of providing services to all of the properties within the annexation area. This is documented in Specific Plan, the completed EIR, Plan for Services, and other studies completed by the City. The property tax agreement has been approved by the City and the County of San Luis Obispo. The City has also approved an impact fee structure as part of the Specific Plan to offset the costs of future development of these areas. Additional sales tax and TOT is expected to be produced for the City.

**Factor (l)** Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

**Response.** This is discussed in detail in the water service section of the staff report, EIR and Specific Plan, there is adequate, reliable and sustainable water supplies for the proposed annexation.

**Factor (m)** The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

**Response.** The annexation proposal includes the Froom Ranch Specific Plan which will include a variety of housing types and densities. The development plan would include housing types that would help the City meet its regional housing needs and Housing Element targets, including senior housing and deed restricted affordable housing.

**Factor (n)** Any information or comments from the landowner or landowners, voters, or residents of the affected territory.

**Response.** The single land owner affected by this action has provided written consent.

**Factor (o)** Any information relating to existing land use designations.

**Response.** The existing land use is addressed in the staff report.

**Factor (p)** The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

**Response.** The residential units are available for purchase to people of all races, cultures and incomes. With regards to the location of public facilities and the provisions of public services, (pipelines and other infrastructure) associated with development will be located within public roadways or on the site. The City services such as police and fire are capable of serving the site and have adequate resources to serve all residents of the City of San Luis Obispo. The annexation of the area shall not require the construction of facilities in locations that unfairly impact races, cultures and incomes.

**Factor Q** Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined

that such information is relevant to the area that is the subject of the proposal.

**Response.** The annexation site is located adjacent to the Irish Hills open space area, which is considered to be a high fire hazard area. As per the EIR, this is considered to be a significant and unavoidable impact. However, various mitigation measures are proposed to reduce potential impacts as detailed in Chapter 3.7 of the EIR.



# Attachment C

Environmental Impact Report – Froom Ranch Specific Plan

***NOTE: Due to file size, we have made this document available on the LAFCO website at [www.slolafco.com](http://www.slolafco.com)***

# Attachment D

## Plan for Services

# Froom Ranch – Plan for Services

Updated June 2021

## Introduction

In accordance Government Code 56653, the following Plan for Services has been prepared for the Froom Ranch property, located at 12165 and 12393 Los Osos Valley Road (APNs: 067-241-030 and 067-241-031), in anticipation of its annexation into the City of San Luis Obispo. The sections below follow the key provisions included in Government Code 56653.

### A. Services to be extended to the affected territory.

The City will provide the full range of urban services to the annexation site including the following:

1. Police
2. Fire Protection
3. Parks and Recreation
4. Public Facilities Maintenance
5. Public Transit
6. Solid Waste and Recycling (through franchise vendor – San Luis Garbage Co.)
7. Municipal Services, Development Review and Code Enforcement
8. Traffic and Circulation
9. Water and Wastewater
10. Storm Water Facilities
11. Affordable Housing

### B. The level and range of those services.

#### 1. Police

Police services for the Specific Plan Area will be provided by the City of San Luis Obispo and will be based out of the San Luis Obispo Police Department (SLOPD) offices located at 1042 Walnut Street in San Luis Obispo. The Department divides the City into 13 neighborhoods and assigns officers dedicated to assist with a variety of issues including public education, crime prevention, and neighborhood specific problems. Currently, two such officers are assigned to the neighborhood in which the Specific Plan area occurs. As documented in the Froom Ranch EIR dated July 2020, there are currently 1.30 police officers per 1,000 San Luis Obispo residents.

Existing SLOPD staff levels exceed the City's Safety Element standard of 30-percent available-sworn officer time for patrol response with levels at 32-34 percent. Current and projected police staff levels would be sufficient to serve development at Froom Ranch. needed.

## 2. Fire Protection

The San Luis Obispo City Fire Department (SLOFD) will provide fire protection services to the Specific Plan Area. Development will primarily be served by Fire Station No. 4 located at the intersection of Madonna Road and Los Osos Valley Road, approximately one-half mile away from the Specific Plan Area. This station is staffed by a 3-person paramedic engine company. However, the Department deploys resources and personnel from up to four fire stations to maintain a response time goal of a four-minute travel time to 95% of all emergencies. The City's current levels of fire protection are sufficient to serve the Specific Plan area.

The San Luis Obispo Fire Department provides paramedic services from all four fire stations. In addition, San Luis Ambulance has two crew stations located within the City of San Luis Obispo. Ambulances respond to emergency, non-emergency, and Critical Care Transport calls. As a senior citizen community, it can be anticipated that residents of the Life Plan Community will generate calls for both paramedic and ambulance services. This will increase the call volume and have an incremental impact on fire services to the community. However, the proximity of Fire Station No. 4, as well as the provision of on-site skilled nursing and other medical staff at the Life Plan Community, will address the anticipated demand for services.

## 3. Parks & Recreation

The City of San Luis Obispo requires a minimum dedication of ten (10) acres of parkland per 1,000 residents in annexation areas. Based on the estimated 130 Specific Plan area dwelling units outside of the Life Plan Community at 2.29 persons per unit, a total of 2.9 acres of parkland is required. The Specific Plan area meets this requirement by providing 3.6 acres of parkland in the form of a public trailhead park. Villaggio, the Life Plan Community within the Specific Plan Area, will be meeting their parkland commitment by paying in-lieu fees.

## 4. Public Facilities Maintenance

The City will maintain public facilities in the annexation area for which it accepts title and maintenance responsibility, including public streets and appropriate utility infrastructure. The on-going maintenance of a variety of facilities, including but not limited to storm drainage, sewer laterals, private streets, parking lots, pedestrian/bike

paths, street lighting, landscaping, and common area improvements for individual developments within the Specific Area will be handled through maintenance agreements.

The developer will be required to construct all infrastructure shown on the subdivision map, outlined in the Froom Ranch Specific Plan (FRSP) and FEIR for the Project, and included in conditions of approval for the Project. Infrastructure shall include, but shall not be limited to, improvements for streets and sidewalks, parks and recreation facilities, stormwater management and wetlands, grading and floodplain management, storm drain, sanitary sewer, domestic and recycled water infrastructure, and transit facilities to support the development of the Project as shown in the approved entitlements. Chapter 8 of the FRSP contains a detailed accounting of public improvement costs and phasing of the development.

#### 5. Public Transit

Public transit service to the Specific Plan area is provided by existing SLO Transit stops. These stops are within a five-minute to ten-minute walk from most of the Specific Plan area. The project proposes a new transit stop just south of the Los Osos Valley Road and Auto Park Way intersection to improve access to existing transit services for Plan Area residents, employees, and visitors.

#### 6. Solid Waste & Recycling

The Life Plan Community will have a centralized trash compactor and will perform its own pick-up of trash and recycling from the independent living housing units, assisted units, and other ancillary facilities within the development. San Luis Garbage will collect materials at the centralized facility at least once a week, and more often if demand warrants it.

For the Madonna development located in the northern portion of the site, typical enclosures that provide areas for trash, recycling, and food waste materials will be required. Specific design of these facilities will be reviewed along with detailed project plans as site are developed out in the future.

Solid waste generated by new development will be delivered to Cold Canyon Landfill. Based on current disposal rates, this facility has a capacity to accept solid waste until at least the year 2040 (SLO LUCE EIR, Appendix D pg. 5-63). San Luis Garbage has reviewed conceptual plans and will provide solid waste, recycling, and green waste pick-up service to the Specific Plan area.

## 7. Municipal Services, Development Review, & Code Enforcement

The City of San Luis Obispo will provide for municipal services within the annexation area such as elections, public notices, development review, building permits and inspections, subdivision review, permitting and inspecting public improvements, and code enforcement. San Luis Obispo City government will provide for development review of all new development projects in accordance with the approved specific plans, and will coordinate with the County of San Luis Obispo with respect to on-going construction projects and active construction permits. Code enforcement activities in the annexed territory will be provided by a full-time staff member in the Community Development Department, in coordination with the Police Department and the City Attorney's Office.

The level of service provided to the annexed territory will be the same as provided to the rest of the City and will be subject to applicable service fees. Government services are based at City Hall, 919 Palm Street, within the City of San Luis Obispo.

## 8. Traffic & Circulation

The City of San Luis Obispo operates and maintains a comprehensive multi-modal transportation network. The City's General Plan Circulation Element describes how the city plans to provide for the transportation of people and materials within San Luis Obispo with connections to county areas and beyond. While the Land Use Element describes the City's desired character and size, the Circulation Element describes how transportation will be provided in the community envisioned by the Land Use Element. The vision of San Luis Obispo described by the Land Use Element is influenced by the layout and capacity of streets and the location of other transportation facilities described in the Circulation Element. Transportation facilities and programs influence the character of neighborhoods, the location of specific land uses, and the overall form of the city.

The FRSP provides a functional and efficient circulation network for automobiles, bicyclists, and pedestrians. The intent is to provide links from surrounding streets and development into the Specific Plan area. The street system is comprised of a network of arterial, collector, and local streets designed to accommodate traffic generated by future residents and commercial destinations. Interior public roads within the Specific Plan area are limited to Commercial Collector Road A, which provides access to Los Osos Valley Road, Local Road A which provides access to the Trailhead Park and portions of Local Road B. Public roads are to be maintained by the City of San Luis Obispo. Roads within the Life Plan Community are proposed as private roads to be maintained by the Life Plan Community.

The Final EIR for the FRSP analyzes the project transportation-related impacts and includes mitigation measures to address those impacts. As a result of this analysis, the Specific Plan was modified to include a variety of roadways, bikeways, pedestrian facilities, and transit infrastructure to offset potential impacts. With proposed transportation improvements, the City will achieve an acceptable multi-modal level of service.

## 9. Water & Wastewater

The City of San Luis Obispo Utilities Department provides potable and recycled water to the community and is responsible for water supply, treatment, distribution, and resource planning. The City is the sole water provider within the City and the City's potable water is supplied from multiple surface water sources. In addition, groundwater and recycled water are used to supplement irrigation demand. Recycled water may also be used for all approved uses consistent with the City's Master Permit and Title 22.

### *a. Potable Water*

Potable water for the Specific Plan Area will be supplied from the existing City infrastructure. Table 1 on the following page describes the water use factors and demand calculations for the anticipated land uses in the project, including private landscaping for the Madonna Froom Ranch R-3 housing and the Life Plan Community independent living units. The demand is estimated at 134.5 acre-feet per year (AFY).

The City has reviewed water demands for the Specific Plan Area and has determined that there is an adequate and reliable water supply for complete buildout of the Specific Plan Area. New development will incorporate water conservation features such as low-flow faucets and showerheads, drought-tolerant landscaping, and drip irrigation systems.

The water system is proposed to be comprised of 8" public water main lines to provide fire suppression to the development areas outside of the Life Plan Community and will be routed in the public roads. The fire suppression / domestic water system within the Life Plan Community will be private and include a 6" main line routed throughout the community from the public main in Los Osos Valley Road via public collector roads to the main private entry street to the development. The private main line system is proposed to be protected at each connection to the public system with a reduced pressure backflow preventer.

**Table 1 Project Water Use**

Land Use Category	Quantity	Units	Water Use Factor (ac ft/yr) <sup>1</sup>	Potable Water Demand (ac ft/yr) <sup>2</sup>
<b>Madonna Froom Ranch</b>				
R-3 Housing	130	dwellings	0.3/unit	39.0
R-4 Apartments	44	apartments	0.18/unit	4.7
Commercial - Retail	30,000	square feet	0.06/1,000 sf	1.3
Hotel with restaurant	120	rooms	0.43/1,000 sf	36.1
<b>Subtotal</b>				<b>81.1</b>
<b>Life Plan Community</b>				
Independent Living	61	dwellings	0.3/unit	18.3
Garden, Village Suites and standard apartments	301	Units	0.1/unit	18.3
Assisted Living Units	40	apartments	0.1/unit	2.4
Memory Care and Skilled Nursing (beds)	51	occupants	0.08/unit	2.4
Commercial - mixed use	51,500	square feet	0.06/1,000 sf	2.2
Maintenance Office	5,300	square feet	0.032/1,000 sf	0.1
Restaurants	8,000	square feet	1.32/1,000 sf	7.4
Fitness Facility with pool	13,000	square feet	0.26/1,000 sf	2.4
<b>Subtotal</b>				<b>53.4</b>
<b>Project Total</b>				<b>134.5</b>

Domestic service for the development sites outside of the Life Plan Community are proposed to utilize City standard water services and meters. The Life Plan Community is proposed to include a 6” water meter at the point of connection to the public main with a system of 6” domestic / fire suppression system water main lines for distribution within the community. Service connections to the various facilities and residential units will connect to the 6” domestic main line. Waterlines are proposed to be routed within streets or easements. Fire hydrants will be located adjacent to travel ways and spacing will be no greater than 500 feet.

<sup>1</sup> Water Use factors: City of San Luis Obispo, September 1999; factors include both interior and outdoor landscaping needs.

<sup>2</sup> Potable water demand for Froom R-3 housing & Life Plan Community independent units includes both interior and landscaping water needs. Other uses will rely on recycled water for landscaping; various uses have different percentage factors used for determining recycled water needs.



*b. Recycled Water*

Non-potable water for public landscaping will be provided through the City’s water reuse project. The project will connect to the City’s water reuse system in Los Osos Valley Road. New development will also utilize a dual-water system to allow use of City recycled water for public landscaping in parks, landscaped buffers, the commercial mixed-use area, and common outdoor areas in multifamily residential projects. Commercial mixed-use and multifamily development projects will include reclaimed water irrigation systems in their landscaping plans. Any irrigation needed to establish or maintain vegetation in the stormwater detention and riparian enhancement areas will be required to use recycled water.

**Table 2 Project Recycled Water Use**

<b>Land Use Category</b>	<b>Quantity</b>	<b>Units</b>	<b>Recycled Water Demand (ac ft/yr) *</b>
<b>Madonna Froom Ranch</b>			
R-4 Apartments	44	apartments	1.0
Commercial - Retail	30,000	square feet	0.7
Hotel with restaurant	120	rooms	1.2
Basin Planting	2.8	acres	3.8
Parks, Trails, Parkways & Open Space (including creek planting)	11.3	acres	18.9
<b>Subtotal</b>			<b>25.4</b>
<b>Life Plan Community</b>			
Common Area landscaping	8.7	acres	12.0
<b>Subtotal</b>			<b>12.0</b>
<b>Project Total</b>			<b>37.4</b>

\* Recycled water demand is based upon preliminary landscape plans and calculations prepared for this project, dated July 3, 2020.

c. *Wastewater*

Wastewater generated within the Specific Plan Area will be conveyed to existing City connections along Los Osos Valley Road. Buildout of the development would generate an estimated 97 acre-feet of wastewater per year based on average flow rates (see Table 3). A calculation was also included for potential peak water flows; that number was 242 acre-feet based on a City provided peaking factor of 2.5.

**Table 3 Project Wastewater Generation**

Land Use Category	Quantity	Units	Wastewater Use Factor	Annual Demand (ac ft/yr) <sup>3</sup>	Gallons per Day (GPD) <sup>4</sup>
<b>Madonna Froom Ranch</b>					
R-3 Housing	130	dwellings	150/unit	21.8	19,462
R-4 Apartments	44	apartments	105/unit	5.2	4,642
Commercial - Retail	30,000	square feet	60/1,000 sf	2.0	1,785
Hotel with restaurant	120	rooms	70/1,000 sf	9.4	8,392
Public Park Restroom	1	unit	400/unit	0.4	357
<b>Subtotal</b>				<b>38.9</b>	<b>34,728</b>
<b>Life Plan Community</b>					
Independent Living	61	dwellings	150/unit	10.2	9,106
Garden, Village Suite and Standard apartments	301	units	105/unit	35.4	31,603
Assisted Living Units (apartments)	38	units	105/unit	4.5	4,017
Memory Care and Skilled Nursing (beds)	51	occupants	70/unit	4.0	3,571
Commercial - mixed use	51,500	square feet	54/1,000 sf	3.1	2,767
Maintenance Office	5,300	square feet	54/1,000 sf	0.3	268
Restaurants	8,000	square feet	60/1,000 sf	0.5	446
<b>Subtotal</b>				<b>58.1</b>	<b>51,868</b>
<b>Project Wastewater Average Flow Total</b>				<b>97.0</b>	<b>86,596</b>
<b>Project Wastewater Peak Flow Total<sup>5</sup></b>				<b>242.4</b>	<b>216,400</b>

<sup>3</sup> Wastewater flow rates are in gallons per day (GPD) and are based on City of San Luis Obispo, Infrastructure Renewal Strategy (Dec. 2015)

<sup>4</sup> Gallons per day were converted to acre feet per year (ac ft/yr). 1 ac ft is equal to 325, 851 gallons.).

<sup>5</sup> Peaking Factor of 2.5 provided by City of San Luis Obispo, Utilities Dept. 04/13/17.

The City's recent wastewater treatment plant expansion has enough capacity to serve development needs anticipated through General Plan build-out. The cost of providing the additional capacity is incorporated into the City's Wastewater Impact Fee structure.

## 10. Stormwater

### *a. Froom Creek*

With development, the proposal is to restore Froom Creek to a more historic drainage pattern where it will flow east across the site toward LOVR before it curves to parallel the Calle Joaquin corridor on the border of the site's jurisdictional wetlands. The creek channel will be sized to handle up to a 100-year storm event with one foot of freeboard. The creek corridor is proposed to be developed in a manner consistent with the City of San Luis Obispo Waterways Management Plan.

The San Luis Obispo Waterways Management Plan (WMP) sets forth criteria for drainage design for the Specific Plan areas tributary to San Luis Obispo Creek. The WMP indicates that storm water detention should be used in areas where there are downstream capacity limitations, which has been an issue in this area of the City.

The drainage plan proposed for the Specific Plan Area complies with the WMP. The restored Froom Creek corridor conveys flows from the project and the offsite upper reaches of the existing creek to the southeast corner of the property to connect to the existing creek bed that ultimately leads to a double box culvert going under Highway 101. Implementation of the Specific Plan drainage program will remove the site development areas from the FEMA flood plain. The project proposes to formalize the removal of the project development area from the FEMA flood plain through the Conditional Letter of Map Revision (CLOMR)/Letter of Map Revision (LOMR) process.

### *b. Off-Site Drainage Basin*

A component of the proposed development plan is to remove the existing Irish Hills Plaza detention basin on the Froom Ranch property and replace it with a new off-site basin. The proposed basin will be adequate to meet storage volume of runoff consistent with the Regional Water Quality Control Board (RWQCB) requirements for the developed project as well as storage volume to accommodate the Irish Hills Plaza. The off-site basin is anticipated to assist in metering flows to the box culverts and enhance the box culvert functionality while providing larger area and volume within the existing flood plain. The off-site basin is proposed to be placed in a drainage and maintenance easement and maintained by the project.

The off-site basin is located on property owned by the Mountainbrook Church adjacent to Calle Joaquin, south of the Specific Plan Area. Access to the basin will be provided via an existing access road from Calle Joaquin. An access easement will be created to allow City and applicant maintenance of the access road and the basin as needed. A basin access ramp will be provided into the bottom of the basin and a walkable graded bench at the top of the basin embankment will be provided to allow access around the perimeter of the basin.

The off-site drainage basin located on the Mountainbrook Church property, which is under County jurisdiction. The City and County would do a joint review of the basin design, with the City taking the lead with the plan review process, and the County performing the final approval sign-off.

#### 11. Affordable Housing

The City's General Plan Land Use Element requires that specific plans for residential expansion areas include sites suitable for affordable housing. The minimum requirement states that a total of 15% of new housing within the Specific Plan area be affordable, and that affordable housing be provided onsite. This 15% consists of 5% of the new units being rented or sold at prices affordable to low-income households and 10% to moderate income households.

The affordable housing requirement will be met either by dedicating land to the San Luis Obispo Housing Authority, or other City recognized low-income housing developer, or by building affordable units as part of the development. When land is dedicated in-lieu of providing affordable housing units, all frontage improvements and off-site improvements required to serve affordable housing development shall be installed by market-rate housing developers.

An affordable housing project constructed by a qualified low-income housing developer is proposed on a portion of the R-4-SP site near Los Osos Valley Road. This project is intended to satisfy the Inclusionary Housing requirements of the entire Specific Plan area, including R-3-SP housing and commercial development proposed in the northern portion of the site, as well as the Life Plan Community. Final Inclusionary numbers will be dependent on actual residential units developed within the project.

**C. Timing to Extend Service to the Project Area.**

Specific approvals (e.g. building permits) can be issued only when adequate wastewater, water supply, and stormwater facilities and supplies are available for the proposed development. Chapter 9 of the FRSP includes a project phasing plan. Figure 1 identifies the areas anticipated to make up the Froom Ranch Specific Plan development phases.



Figure 1

These phases address goals to accommodate orderly development and provision of services. They represent a reasonable approach to extending services and infrastructure throughout the Specific Plan Area. The Figure 1 legend explains the relatively simple phasing plan for the Specific Plan Area which includes:

- Phase 1 – The first phase includes the installation of the site’s backbone infrastructure and utilities. It also includes overall rough grading of the site including the work to effectuate the Froom Creek realignment and restoration. In addition, the offsite drainage basin will be created.
- Phase 2 - This phase is where the Life Plan Community for senior citizens will be developed. It will include variety of different unit types for independent senior housing as well as access to higher levels of care such as Assisted Living, Memory Care, and Skilled Nursing, if they are eventually needed. The community will include ancillary services for residents such as a common areas, recreational facility, restaurants, and movie theaters.
- Phase 3 – The last phase is described as the Madonna Froom portion of the site is in the northern portion of the Specific Plan area, just south of the Irish Hills Plaza. It will contain the project’s commercial uses, which are envisioned as a hotel and some retail with offices above. Residential development will be multiple-family workforce housing possibly subdivided into small lots. The High Density residential (R-4) portion of the site is planned to accommodate an affordable housing project as well as additional units. A trailhead park will provide a staging area and connection to open space trails and other park amenities. The park area will also include some historic structures which are adaptively reused for City facilities.

In some cases, property owners may wish to develop in an earlier phase than identified. This may be permitted provided the necessary infrastructure to serve the proposed development is already in place, or if the project can construct the required infrastructure prior to development.

**D. Financing for Services.**

All on-site and off-site infrastructure and utility improvements will be the responsibility of the developer. Chapter 8 of the FRSP provides details on the timing and payment of facilities and fees. The phasing plan for public facilities was developed to accomplish two key goals. First, to ensure that the public facilities needed to serve Specific Plan Area development are constructed as soon as possible for the benefit of future FRSP residents. And second, to ensure that facilities are phased in as fees become available to pay for their construction, which will reduce financing costs and help lower the cost of constructing new housing in the FRSP Area.

A Final EIR was adopted for the project which includes a robust range of mitigation measures for utilities and street improvements. Developers in the Specific Plan Area will pay City established water and wastewater development impact fees to offset impacts to those services. Mitigation measures require certain offsite improvements as well as contributing fair-share costs to facilities in the vicinity that the project impacts. In addition to mitigation measures, there are additional project conditions that further describe the details of improvements.

In summary, Chapter 8 includes the following information:

- A description of public facilities required to serve future development in the FRSP area.
- An overview of the costs of required public facilities, including an allocation of the costs to the proposed project phases.
- Identification of the total one-time burdens (impact fees) to be collected within the Project area to fund facilities on a pay-as-you-go basis.
- A summary of implementation measures that must be enacted by the City.

The total cost for the improvements required for the FRSP is estimated to be approximately \$12 million as summarized in Table 4 below. Final mitigation fee costs may be adjusted in the future based on the sizes and numbers of units ultimately developed in the project and the actual construction costs of improvements.

**Table 4 - Infrastructure Cost Estimate**

<b>Improvement</b>	<b>Gross Cost</b>	<b>Net Cost</b>	<b>Financing Responsibility/ Liability</b>
Transportation	\$ 9,699,541	\$ 3,787,677	\$ 92,500
Pedestrian and Bicycle	\$ 4,500,000	\$ 2,000,000	\$ 2,000,000
Parks and Recreation	\$ 6,175,000	\$ 6,175,000	0
<b>Total</b>	<b>\$ 20,374,541</b>	<b>\$ 11,962,677</b>	<b>\$ 2,092,500</b>

# Attachment E

Froom Ranch Specific Plan

***NOTE: Due to file size, we have made this document available on the LAFCO website at [www.slolafco.com](http://www.slolafco.com)***



# Attachment F

City of San Luis Obispo Resolution of Application

**ORDINANCE NO. 1689 (2020 SERIES)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, ESTABLISHING PRE-ZONING AND AMENDMENT OF THE CITY'S ZONING MAP TO APPLY UPON ANNEXATION OF PROPERTIES WITHIN THE FROOM RANCH SPECIFIC PLAN AREA (SPEC-0143-2017, SBDV-0955-2017, GENP-0737-2019, ANNX-0335-2020, EID-0738-2019; SPECIFIC PLAN AREA 3; 12165 AND 12393 LOS OSOS VALLEY ROAD)**

**WHEREAS**, City General Plan Land Use Element Policies 1.13.3 (Annexation Purpose and Timing), 1,13,6 (Required Plans), and 8.1.1 (Specific Plan/General Plan Amendment) require the preparation of a Specific Plan for the Froom Ranch (Madonna on LOVR) area prior to annexation and further development; and

**WHEREAS**, a Draft Specific Plan has been prepared for the Froom Ranch (Madonna of LOVR) area pursuant to the General Plan and the State Government Code; and

**WHEREAS**, on August 12, 2020 the Planning Commission held a public hearing to consider the recommendation of staff and consider the Specific Plan map, text, and necessary changes to the General Plan Map and Zoning Map to implement the Specific Plan for the purpose of making a recommendation to the City Council; and

**WHEREAS**, on August 12, 2020 the Planning Commission recommended that the City Council certify the Final Environmental Impact Report for the Froom Ranch Specific Plan with findings of significant environmental effects, mitigation measures, and the statement of overriding considerations; and

**WHEREAS**, on September 15, 2020, the City Council held a public hearing to consider the recommendations of the Planning Commission and staff, and to consider the Specific Plan map, text, and necessary changes to the General Plan Map and Text and Zoning Map to implement the Specific Plan; and

**WHEREAS**, the Specific Plan is consistent with the City's General Plan, as amended; and

**WHEREAS**, as a result of its deliberations, the City Council has decided to adopt the Froom Ranch Specific Plan and an ordinance is required to implement the zoning identified in the Specific Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of San Luis Obispo as follows:

**SECTION 1. Environmental Determination.** The City Council has certified the Final Environmental Impact Report (EIR) for the Froom Ranch Specific Plan and finds that the EIR adequately addresses the potential significant environmental impacts of the proposed Zoning Map amendment, and reflects the independent judgement of the City Council.

**SECTION 2. Zoning Map Amendment and Pre-zoning.** The City Council hereby pre-zones the properties as shown in “Exhibit A” such that the zoning becomes effective upon annexation.

**SECTION 3. Summary.** A summary of this ordinance, approved by the City Attorney, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage in a newspaper published and circulated in the City of San Luis Obispo. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

**INTRODUCED** on the 15<sup>th</sup> day of September 2020, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the 6<sup>th</sup> day of October 2020, on the following vote:

AYES: Council Member Christianson, Pease, Stewart, Vice Mayor Gomez, and Mayor Harmon  
NOES: None  
ABSENT: None

DocuSigned by:  
*Heidi Harmon*  
1E92864773C14EC...  
Mayor Heidi Harmon

ATTEST:

DocuSigned by:  
*Teresa Purrington*  
B98BADBF9C78436...  
Teresa Purrington  
City Clerk

APPROVED AS TO FORM:

DocuSigned by:  
*J. Christine Dietrick*  
7844EA5BC6BC44E...  
J. Christine Dietrick  
City Attorney

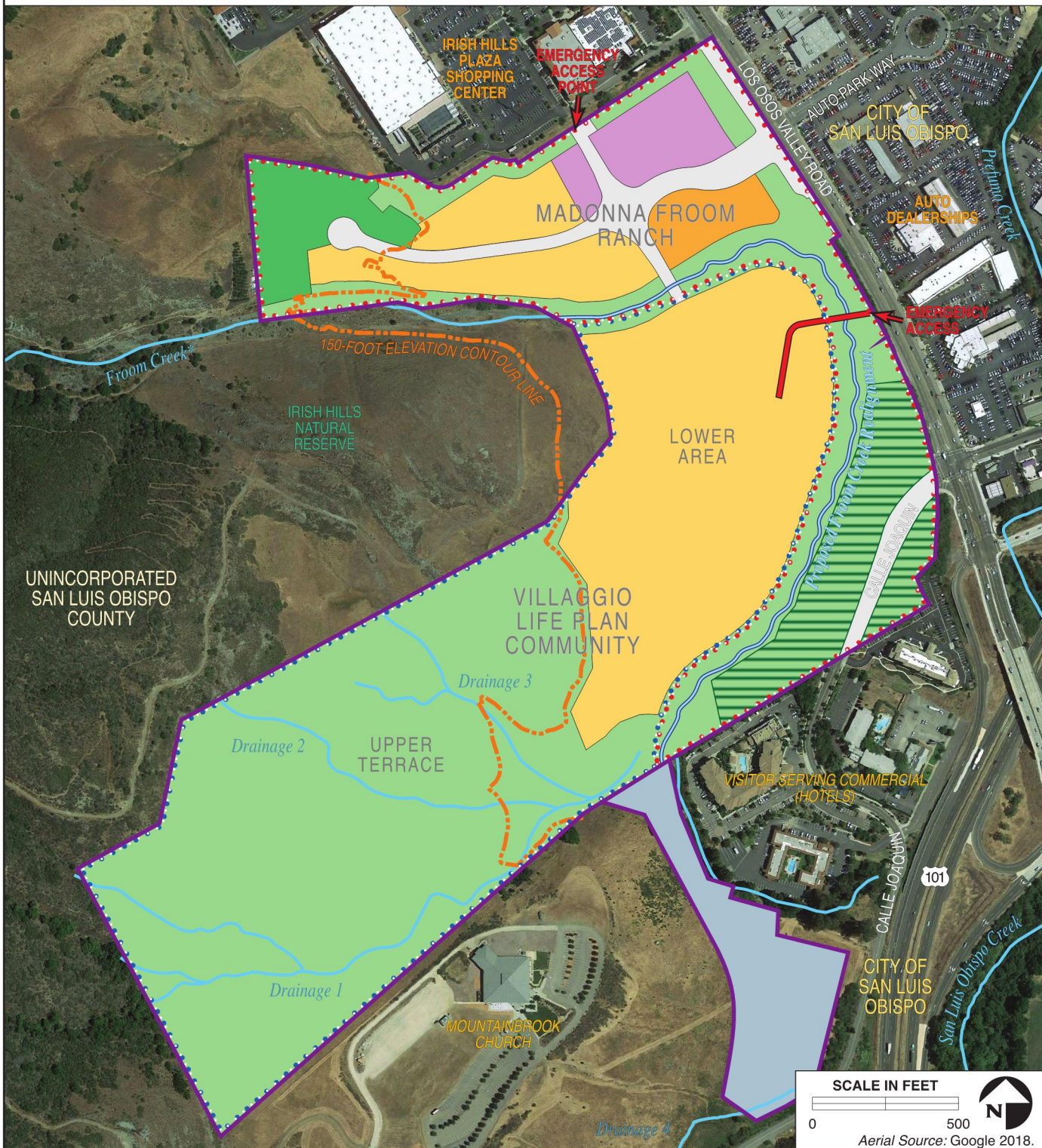
**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on 10/8/2020 | 9:22 AM PDT.

DocuSigned by:  
*Teresa Purrington*  
B98BADBF9C78436...  
Teresa Purrington  
City Clerk

**LEGEND**

Project Site	Public Site Access Roadways: 5.9 acres	C-R-SP – Retail Commercial/General Commercial: 3.0 acres	R-3-SP – Medium-High Density Residential: 29.2 acres
<i>Proposed Specific Plan Land Use</i>	Easement for Relocated Stormwater Basin: 7.1 acres	C/OS-SP – Conservation/Open Space: 66.2 acres	R-4-SP – High Density Residential: 1.8 acres
Villaggio (Private)	Reconfigured Open Space and Agricultural Conservation Easement	PF-SP – Public Facilities: 3.6 acres	
Madonna Froom Ranch			

\*Notes: Roadways within Villaggio are private and are included as part of the medium high density residential land use. Froom Creek would be realigned.

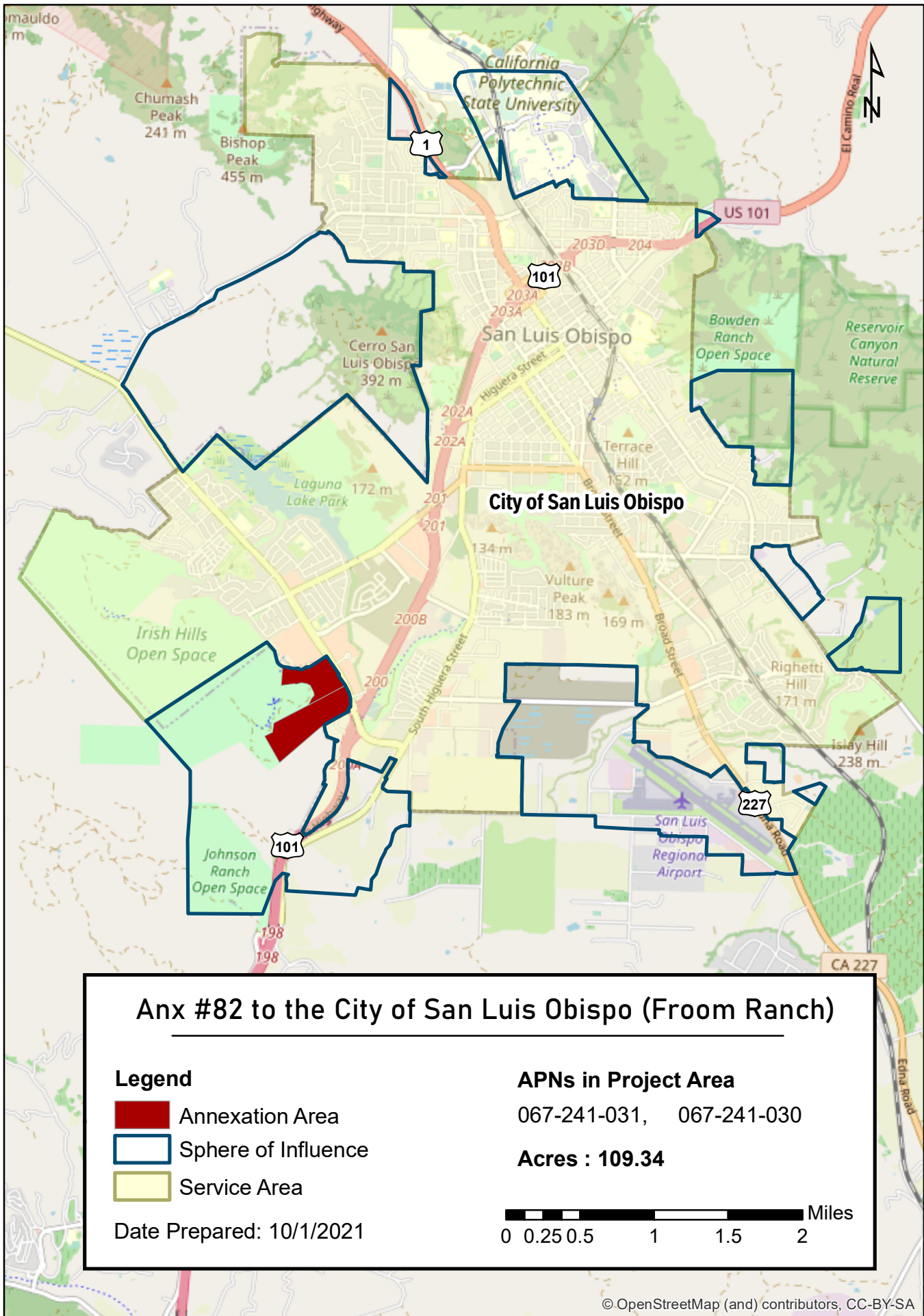


Project Land Use Plan

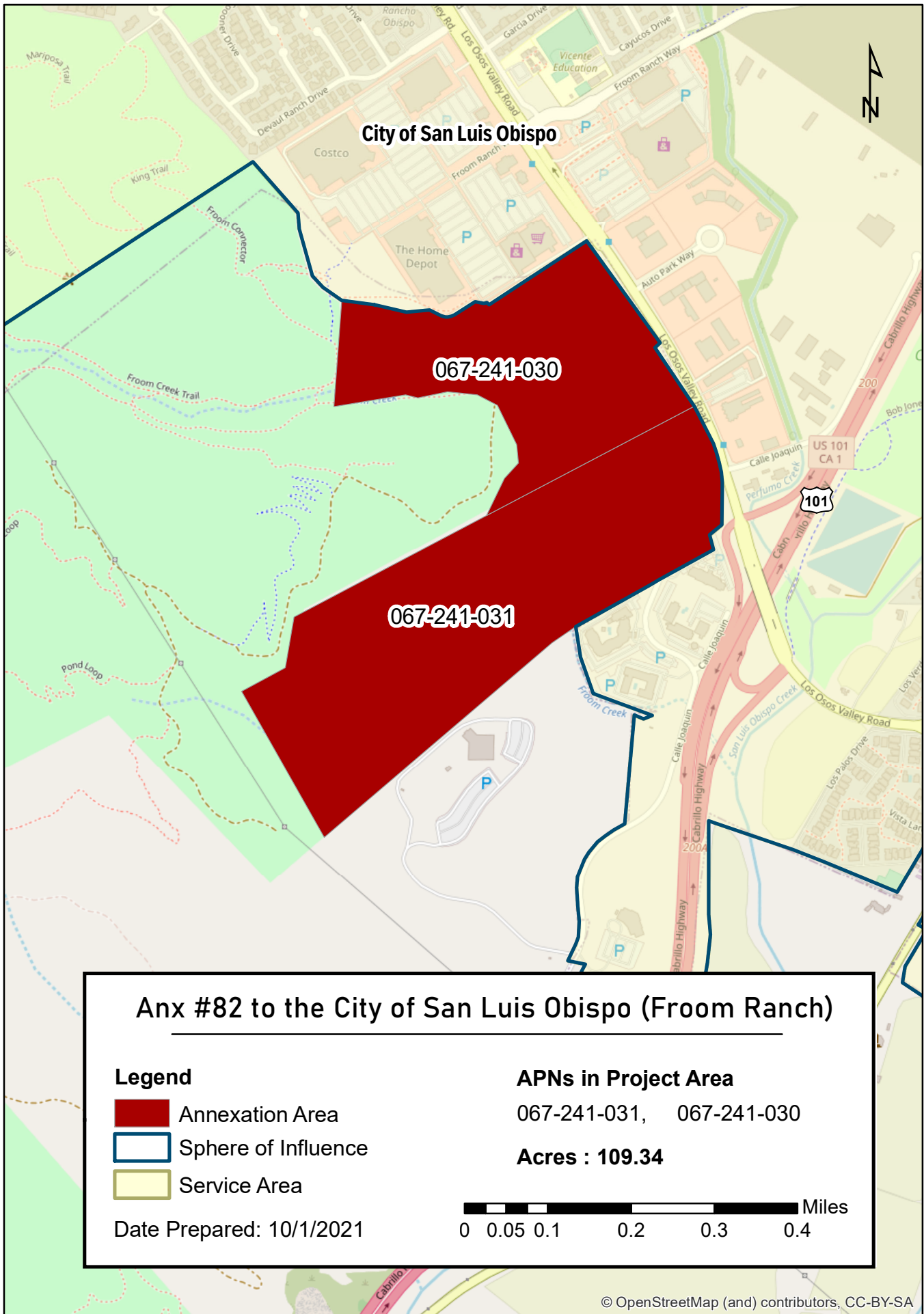
**FIGURE 1**

# Attachment G

## Annexation Boundary Maps



Document Path: C:\Users\imarq\OneDrive\LAFCO Files\LAFCO Proposals\BY CITY\SAN LUIS OBISPO\ANNEXATIONS\1-R-21 #82 to SLO (FROM RANCH)\GIS\SLO\_From Anx Bndy.mxd



**Anx #82 to the City of San Luis Obispo (Froom Ranch)**

**Legend**

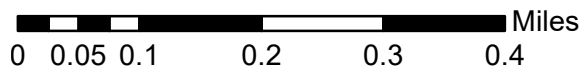
- Annexation Area
- Sphere of Influence
- Service Area

**APNs in Project Area**

067-241-031, 067-241-030

**Acres : 109.34**

Date Prepared: 10/1/2021



© OpenStreetMap (and) contributors, CC-BY-SA



**LAFCO - San Luis Obispo - Local Agency Formation Commission**  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

**TO: MEMBERS OF THE COMMISSION**

**FROM: ROB FITZROY, EXECUTIVE OFFICER**

**DATE: OCTOBER 21, 2021**

**SUBJECT: PROCESS TO APPOINT A REGULAR PUBLIC MEMBER LAFCO COMMISSIONER TO THE COMMISSION**

**Recommendation.** It is respectfully recommended that the Commission authorize the process for selecting a new regular Public Members to serve on the Local Agency Formation Commission.

**Discussion.** The San Luis Obispo Local Agency Formation Commission (LAFCO) is seeking a Regular Public Member to serve on the Commission. LAFCO is an independent government agency charged with encouraging the orderly formation and development of local governmental agencies, preserving agricultural and open space resources, discouraging urban sprawl, and encouraging the efficient provision of local government services. The State Law that governs LAFCO is the Cortese-Knox-Hertzberg Act. The Commission is composed of seven voting members representing local government and the public: two members are from the County Board of Supervisors, two members represent the City Councils, two members represent Special Districts, and one representative serves as the Public Member.

The Public Member is selected by the other Commission members who serve on the Commission. To be elected to the Commission as a Public Member an applicant must receive at least one vote from each Commissioner Category. In other words, at least one vote from a City, County and Special District commissioner is needed to be elected to the Commission.

The Cortese-Knox-Hertzberg Act allows the alternate Public Member to serve until the selection process is completed. This means that current alternate Public Member, Heather Jensen, may sit on LAFCO until the selection process is concluded by the Commission.

**Process**

Authorizing the selection process would include the following steps:

1. Authorize the opening of the application period. San Luis Obispo LAFCO should authorize the Executive Officer to open the application period for interested persons to apply for the regular and alternate Public Members.

**COMMISSIONERS**

Chairperson  
ROBERT ENNS  
Special District Member

Vice-Chair  
ED WAAGE  
City Member

DEBBIE ARNOLD  
County Member

LYNN COMPTON  
County Member

MARSHALL OCHYLSKI  
Special District Member

STEVE GREGORY  
City Member

TOM MURRAY  
Public Member

**ALTERNATES**

ED EBY  
Special District Member

CHARLES BOURBEAU  
City Member

HEATHER JENSEN  
Public Member

JOHN PESCHONG  
County Member

**STAFF**

ROB FITZROY  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Analyst

CELINE VUONG  
Commission Clerk



The notice is proposed to be a 30-day period and would be sent out on November 8, 2021 to December 7, 2021.

2. Authorize sending the notice for the public position to the City Clerks and District's General Managers via email and posting a notice in the newspaper.
3. Authorize interviews of the candidates at the next available LAFCO meeting, likely to be January 20, 2022.
4. The Cortese-Knox-Hertzberg Act allows the Commission to take action on the appointment after a minimum of a 21-day notice period.

### **Candidate Criteria**

- Interested individuals must be residents of San Luis Obispo County and be able to regularly attend LAFCO meetings which are held on the third Thursday of each month at 9:00 am.
- The individuals selected cannot be a current officer or employee of the County, a City or Special District within the county.
- Previous involvement in or experience with local government service and / or land use planning in San Luis Obispo County is helpful.
- The public member is considered a public official and is required to file a standard financial disclosure statement annually with the California Fair Political Practices Commission. Candidates for the position have completed the attached application form and resume indicating applicable experience and qualifications.
- The terms would end December 2024. The regular Public Member appointed would serve as a "voting member".

The notice for the public position will be sent to the City Clerks and District's General Managers via email. The Commission may take action on the appointment after the 21-day notice period. The process is consistent with the Cortese-Knox-Hertzberg Act as described in Government Code Section 56325 (d).

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**Attachment A:** Notice of Selection

**Attachment B:** Application Form



## NOTICE OF SELECTION OF PUBLIC MEMBER COMISSIONER FOR THE SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION

The San Luis Obispo Local Agency Formation Commission (LAFCO) is selecting a **Regular Public Member** to serve on the Commission. LAFCO is an independent government agency charged with encouraging the orderly formation and development of local governmental agencies, preserving agricultural resources, discouraging urban sprawl, and encouraging the efficient provision of local government services. The key State Law that governs LAFCO is the Cortese-Knox-Hertzberg Act as well as other laws. The Commission has the authority to approve or disapprove all annexations of land to and from cities and special districts in San Luis Obispo County.

LAFCO has the authority to approve or disapprove the incorporation of new cities and the formation of new special districts, among other powers. LAFCO also establishes Spheres of Influences (a 20-year growth boundary) for all City's and Special Districts in the County. The Commission is composed of seven voting members representing local government and the public: two members are from the County Board of Supervisors, two members represent the City Councils, two members represent Special Districts, and one representative serves as the Public Member.

The Public Member is to be selected by the six other Commission members at the January 20,2022, LAFCO meeting. The application period starts November 8, 2021. Applications are due by 5:00 p.m. on December 8, 2021. The term lasts until December 2024. The regular public member appointed would serve as a "voting member".

Interested individuals must be residents of San Luis Obispo County and be able to regularly attend LAFCO meetings which are held on the third Thursday of each month. The individuals selected cannot be a current officer or employee of the County, a City or Special District within the county. Previous involvement in or experience with local government issues in San Luis Obispo County is helpful. The public member is a public official and is required to file a standard financial disclosure statement annually with the California Fair Political Practices Commission.

Candidates for the position must complete an application form and provide a resume indicating applicable experience and qualifications. Application forms are available at the LAFCO office or online at [www.slolafco.com](http://www.slolafco.com). Application materials must be received by San Luis Obispo LAFCO, 1042 Pacific Street, Suite A, San Luis Obispo, CA 93401, on or before December 8, 2021at 5:00 pm. The application may be submitted via e-mail to LAFCO Executive Officer, Rob Fitzroy at [rfitzroy@slolafco.com](mailto:rfitzroy@slolafco.com). For more information, please call 805-788-2096 or by e-mail [rfitzroy@Slolafco.com](mailto:rfitzroy@Slolafco.com). Thank you for your interest.



**San Luis Obispo  
Local Agency Formation Commission**

1042 Pacific Street, Suite A, San Luis Obispo, CA 93401

Telephone: (805) 781-5795 | Fax: (805) 788-2072 |

Email: [rfitzroy@slolafco.com](mailto:rfitzroy@slolafco.com)

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**APPLICATION: PUBLIC MEMBER**

Candidates for the position of public member must complete this application and provide a supplemental resume. All application materials must be received by San Luis Obispo LAFCO, 1042 Pacific Street, Suite A, San Luis Obispo, CA 93401, on or before **December 8, 2021 at 5:00pm**. Also, you may email your application to [rfitzroy@slolafco.com](mailto:rfitzroy@slolafco.com).

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Present Occupation: \_\_\_\_\_

Please consider this application for:  Regular Member  Alternate Member  Either Position

Are you an officer or employee of the county, a city, or a special district within the San Luis Obispo County?

\_\_\_\_\_

Due to your current employment or occupation, do you anticipate any conflicts of interest regarding decisions you will be asked to make as a LAFCO Member? If so, please explain.

\_\_\_\_\_

\_\_\_\_\_

Organization Membership(s): \_\_\_\_\_

Two (2) References (name and phone number):

\_\_\_\_\_

\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_