IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

Tuesday, April 24, 2024

PRESENT: Supervisors John Peschong, Bruce S. Gibson, Dawn Ortiz-Legg, Jimmy Paulding, and Chairperson Debbie Arnold

ABSENT: None

RESOLUTION NO. 2024-109
RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2021060558) FOR THE DANA RESERVE SPECIFIC PLAN PROJECT, THE ADOPTION OF ENVIRONMENTAL FINDINGS, A MITIGATION MONITORING AND REPORTING PROGRAM, AND A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The following resolution is hereby offered and read:

WHEREAS, the Dana Reserve Specific Plan Project ("DRSP" or "Project") proposes the phased development of a 288-acre master-planned community with up to 1,370 residential units, 110,000-203,000 square feet (floor area) of commercial and non-residential (Visitor Serving/Hotel, Education) uses, a minimum of 55.6 acres of open space and recreation, and related circulation and infrastructure; and

WHEREAS, the Project site consists of 288 acres located within the southwestern portion of the county, adjacent to the northern boundary of the community of Nipomo, in unincorporated San Luis Obispo County; and

WHEREAS, the Project requires approval of a Specific Plan, a General Plan Amendment, an Ordinance Amendment, a Vesting Tentative Tract Map (Tract 3159), a Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces, and annexation into the

Nipomo Community Services District service area to facilitate the provision of water and wastewater services to the Project; and

WHEREAS, pursuant to section 21067 of the Public Resources Code of the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA"), Section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the County of San Luis Obispo ("County") is the lead agency for the proposed Project; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines, the County determined that an Environmental Impact Report ("EIR") should be prepared in order to analyze all potential adverse environmental impacts of the Project, consider feasible alternatives to the project that would reduce potential adverse impacts of the Project, and to identify mitigation measures that would reduce or lessen the potential adverse impacts of the Project; and

WHEREAS, the County issued a Notice of Preparation ("NOP") of an EIR for the Dana Reserve Specific Plan Project on June 24, 2021, and it was transmitted to the State Clearinghouse, local and regional agencies, and posted at the County Clerk's office for a 30-day comment period; and

WHEREAS, in the NOP, comments and participation were sought from the public and interested and affected groups and agencies; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the County held a duly noticed Scoping Meeting on July 19, 2021, to solicit comments on the scope of the environmental review of the proposed Project and received comments; and

WHEREAS, pursuant to Assembly Bill 52 ("AB 52"), on June 29, 2021, the County sent letters to those Native American Tribes who have requested to be informed by the County

through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, inviting them to request consultation pursuant to AB 52; and

WHEREAS, consultation requests were received by two Native American Tribes; the Northern Chumash Tribal Council and the yak tityu tityu yak tiłhini Northern Chumash Tribe of San Luis Obispo County; and

WHEREAS, consultation with each of the Native American Tribes has concluded; and

WHEREAS, pursuant to Senate Bill 610 ("SB 610"), the Project is subject to preparation of a Water Supply Assessment because the project is subject to an EIR and includes a residential subdivision with more than 500 units; and

WHEREAS, a Water Supply Assessment pursuant to SB 610 was prepared for the project; and

WHEREAS, the Water Supply Assessment concluded that the Nipomo Community Services District is projected to have sufficient water supply to serve the existing service area, the proposed project, and reasonably foreseeable future demands during normal, single dry, and multiple dry year conditions. Despite these projections, the specific timing of buildout of the DRSP is not currently known and the reliability of future water supply is uncertain due to the potential for prolonged periods of drought and increasing water demands due to population growth. Mitigation has been included that will require future DRSP developers to provide proof of water rights sufficient to meet the estimated water demand of proposed development based on the demand projections included in the Dana Reserve Water Supply Assessment prior to issuance of development permits for any project development phase; and

WHEREAS, the Nipomo Community Service District is the water provider for the project pursuant to SB 610 and is required to approved the Water Supply Assessment prior to approval of the Final EIR; and

WHEREAS, the Nipomo Community Services District approved the Water Supply Assessment for the Project on March 13, 2024; and

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared, incorporating comments received in response to the NOP; and

WHEREAS, the Draft EIR determined that mitigation measures were required to mitigate impacts to a less than significant level for the following resource areas: aesthetics, agricultural resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire; and

WHEREAS, the Draft EIR further concluded that despite the incorporation of all feasible mitigation measures, the proposed Project would nonetheless result in significant and unavoidable impacts relating to air quality, biological resources, greenhouse gas emissions, land use and planning, population and housing, transportation, and growth-inducing impacts; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on June 16, 2022; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the County provided Notice of Availability of the Draft EIR to the public at the same time that the County sent Notice of Completion to the Office of Planning and Research, on June 16, 2022; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at the County Government Center, on the County's website, and at the Nipomo Library; and

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft EIR was circulated for at least a 45-day public review and comment period from June 16, 2022 to August 1, 2022; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the County consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and other interested parties during the 45-day public review and comment period; and

WHEREAS, the County received 161 written comment letters on the Draft EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the written responses to comments contained within the Final EIR must be provided to any public agency that commented on the EIR at least 10 days prior to the County Board of Supervisor's certification of the Final EIR; and

WHEREAS, on August 4, 2023, the County released the Final EIR ("Final EIR"), which consists of the Draft EIR, all technical appendices prepared in support of the Draft EIR, all written comment letters received on the Draft EIR, written responses to all written comment letters received on the Draft EIR, and errata to the Draft EIR and technical appendices; and

WHEREAS, the "EIR" consists of the Final EIR and its attachments and appendices, as well as the Draft EIR and its attachments and appendices (as modified by the Final EIR); and

WHEREAS, as contained herein, the County Board of Supervisors has endeavored in good faith to set forth the basis for its recommendation on the proposed Project; and

WHEREAS, all the requirements of CEQA and the State CEQA Guidelines have been satisfied by the County in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the County has made certain findings of fact, as set forth in Exhibit A to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by this reference; and

WHEREAS, the County finds that environmental impacts that are identified in the EIR as less than significant and do not require mitigation are described in Section 4 of Exhibit A; and

WHEREAS, the County finds that environmental impacts that are identified in the EIR that are less than significant with incorporation of mitigation measures are described in Section 5 of Exhibit A; and

WHEREAS, the County finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the EIR that are significant and unavoidable are described in Section 6 of Exhibit A; and

WHEREAS, the potential significant irreversible environmental changes that would result from the proposed Project identified in the EIR and set forth herein, are described in Section 7 of Exhibit A; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in Section 8 of Exhibit A; and

WHEREAS, alternatives to the proposed Project that might further reduce the already less than significant environmental impacts are described in Section 9 of Exhibit A; and

WHEREAS, pursuant to Public Resources Code section 21081.6 and State CEQA Guidelines section 15097, the County has prepared a program for reporting on or monitoring the changes which it has either required of the Project or made a condition of approval to mitigate or avoid significant environmental effects (the "Mitigation Monitoring and Reporting Program" or "MMRP"), which is attached hereto as Exhibit B; and

WHEREAS, all of the findings, recommendations, and conclusions made by the County Planning Commission are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, the County evaluated the potential for significant environmental effects of project changes made between circulation of the Draft EIR and preparation of a proposed Final EIR in a new Chapter 10 of the proposed Final EIR, and further evaluated the potential for significant environmental effects of project changes made in response to recommendations made by the County Planning Commission in a new Chapter 11 of the Final EIR; and

WHEREAS, prior to taking action, the County Planning Commission has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including but not limited to the EIR; and

WHEREAS, the County Planning Commission did not receive any comments or additional information that constituted substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on October 23, 2023 and October 24, 2023, the County Planning Commission conducted a duly noticed public hearing, at which time all persons wishing to testify were heard and the project was fully considered; and

WHEREAS, the County Planning Commission recommended that the County Board of Supervisors certify the EIR (State Clearinghouse Number 2021060558) for the Dana Reserve Specific Plan Project, Adopt Environmental Findings, A Mitigation Monitoring and Reporting Program, and a Statement of Overriding Considerations Pursuant to CEQA; and

WHEREAS, all of the findings, recommendations, and conclusions made by the Board of Supervisors are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the County Board of Supervisors heard, was presented with, reviewed, and considered all of the information and data in the administrative record, including but not limited to the EIR, all of which is incorporated herein by reference; and

WHEREAS, the County Board of Supervisors did not receive any comments or additional information that constituted substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, a public hearing was duly noticed and conducted by the County Board of Supervisors on April 23 and April 24, 2024 regarding the Project, at which time all persons wishing to testify were heard and the Project was fully considered, and determination and decision was made on April 24, 2024; and

WHEREAS, at said hearing, the County Board of Supervisors 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 said Project; and

WHEREAS, the County Board of Supervisors has duly considered the Dana Reserve Specific Plan Project EIR, has determined that the EIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines), and finds that, based on the testimony and evidence presented, the EIR should be certified based on the environmental findings and mitigation monitoring reporting program attached hereto as Exhibits A and B; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors 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 Environmental Coordinator, after completion of the initial study, finds that there is substantial evidence that the project may have a significant effect on the environment, and therefore the preparation of an Environmental Impact Report (EIR) is necessary. An EIR was prepared pursuant to Public Resources Code Section 21000 et seq. and California Code of Regulations Section 15000 et seq. for this project. The Final EIR addresses potential impacts on: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. Mitigation measures address these impacts and are included as project conditions of approval. Overriding considerations were determined

necessary based on significant and unavoidable impacts associated with Air Quality, Biological Resources, Greenhouse Gas Emissions, Land Use and Planning, Population and Housing, Transportation, and growth-inducing impacts. Exhibit A details the mandatory Environmental Findings and Statement of Overriding Considerations.

3. That as the approving body for the Project, the County Board of Supervisors has reviewed and considered the EIR and administrative record on file with the County. The County Board of Supervisors finds that the EIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.) and the State CEQA Guidelines).

4. That the County Board of Supervisors finds that the EIR contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the County Board of Supervisors.

5. That the County Board of Supervisors makes all of the findings of fact and determinations set forth in the staff recommendation and in Exhibit A, attached hereto and incorporated by reference herein as though set forth in full.

6. That the County Board of Supervisors adopts a Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B, pursuant to State CEQA Guidelines section 15097. The Mitigation Monitoring and Reporting Program has been designed to ensure compliance during project implementation and that changes to the project and/or mitigation measures have been incorporated into the project and are fully enforceable through permit conditions, agreements, or other measures as required by Public Resources Code section 21081.6.

7. That the Draft EIR identifies that the Project has significant effects with regards to air quality, biological resources, greenhouse gas emissions, land use and planning, population and

housing, transportation, and growth-inducing impacts that will remain significant despite the implementation of all feasible mitigation measures. Therefore, in order to approve the Project, the County Board of Supervisors must first adopt a Statement of Overriding Considerations that indicates the benefits of the project outweigh the significant and unavoidable environmental effects as required by State CEQA Guidelines Section 15093. The County Board of Supervisors adopts a Statement of Overriding Considerations that reflects the Board's balancing of Project benefits against significant unavoidable impacts.

8. That based on the entire record before the County Board of Supervisors and all written and oral evidence presented, the County Board of Supervisors has considered the Final EIR and certifies the Dana Reserve Specific Plan Project EIR.

9. The County Board of Supervisors directs staff to file a Notice of Determination with the County of San Luis Obispo Clerk's Office and the State Clearinghouse within five (5) working days of the Project approval.

Upon motion of Supervisor Peschong, seconded by Supervisor Chairperson Arnold, and on the following roll call vote, to wit:

AYES: Supervisors Peschong, Ortiz-Legg, and Chairperson Arnold

NOES: Supervisors Gibson and Paulding

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted on the 24th day of April, 2024.

Debbie Arnold

Chairperson of the Board of Supervisors

ATTEST:

REBECCA CAMPBELL
Ex-Officio Clerk of the Board of Supervisors

By: Annette Ramirez
Deputy Clerk

[SEAL]

APPROVED AS TO LEGAL FORM AND EFFECT:
RITA L. NEAL
County Counsel

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: April 8, 2024

Exhibit A	Environmental Findings and Statement of Overriding Considerations
Exhibit B	Mitigation Monitoring and Reporting Program
Exhibit C	Final Environmental Impact Report (State Clearinghouse Number 2021060558)

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **REBECCA CAMPBELL**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on May 9, 2024.

REBECCA CAMPBELL,
Acting County Administrative Officer and Ex-Officio Clerk of the Board of Supervisors

By:
Deputy Clerk of the Board of Supervisors

EXHIBIT A – CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

DANA RESERVE SPECIFIC PLAN GENERAL PLAN AMENDMENT AND ORDINANCE AMENDMENT (LRP2020-00007); VESTING TENTATIVE TRACT MAP AND CONDITIONAL USE PERMIT (SUB2020-00047; Tract 3159)

SECTION 1. INTRODUCTION AND RECORD OF PROCEEDINGS

A. INTRODUCTION

The Board of Supervisors for the County of San Luis Obispo (County) considers and relies on the Final Environmental Impact Report (EIR; State Clearinghouse Number 2021060558) for the 2024 Dana Reserve Specific Plan (DRSP) in determining whether to carry out the project. The Final EIR consists of the Draft EIR, responses to comments on the Draft EIR, a list of persons and agencies commenting on the Draft EIR, a Mitigation Monitoring and Reporting Program, and technical appendices. The Board of Supervisors has received, reviewed, considered, and relied on the information contained in the Final EIR, as well as information provided at hearings and submissions of testimony from official participating agencies, the public, and other agencies and organizations.

Section 15091 of the State California Environmental Quality Act (CEQA) Guidelines (14 California Code of Regulations [CCR]) and Section 21081 of the Public Resources Code (PRC) require a lead agency to adopt findings for each significant environmental impact disclosed in an EIR. Specifically, for each significant impact, the lead agency must make one or more of the following findings:

- *Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects identified in the Final EIR;*
- *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by that agency; or*
- *Specific economic, social, legal, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the mitigation measures or project alternatives identified in the Final EIR infeasible.*

Title 14 CCR Section 15091(b) requires that the County's findings be supported by substantial evidence in the record. Accordingly, the lead agency's record supporting these findings consists of but is not limited to the following, which are located at the County Department of Planning and Building office, San Luis Obispo, California:

- *Documentary and oral evidence, testimony and staff comments and responses received and reviewed by the Lead Agency during public review and the public hearings on the Dana Reserve Specific Plan Project.*
- *The County of San Luis Obispo Dana Reserve Specific Plan Project Final Environmental Impact Report (April 2024).*

In addition to making a finding for each significant impact, if the lead agency decision-making body (e.g., a board of supervisors) approves a project without mitigating all of the significant impacts, that body must prepare a statement of overriding considerations, in which it balances the benefits of the project against the unavoidable environmental risks. The statement of overriding considerations must explain the social, economic, or other reasons for approving the project despite its environmental impacts (14 CCR 15093, PRC 21081).

B. RECORD OF PROCEEDINGS

This document contains the findings and statement of overriding considerations for the approval of the DRSP and expressly reflects the County's independent review and judgment (refer to Section 12). This document incorporates by reference the Final EIR. The EIR, DRSP, and other portions of the administrative record constitute the record of proceedings in compliance with PRC

Sections 21081.6(a)(2) and 21167.6(e) and State CEQA Guidelines Section 15091(e). The EIR and DRSP are available for review at:

County of San Luis Obispo Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408
Contact: Airlin Singewald

Having received, reviewed and considered the foregoing information, as well as any and all information in the record including testimony at the public hearing, the Board of Supervisors of the County of San Luis Obispo hereby makes these Findings pursuant to, and in accordance with, PRC Section 21081.

SECTION 2. PROJECT DESCRIPTION

A. PROJECT OBJECTIVES

As required by the County's General Plan, the DRSP is intended to contain policies and standards that will facilitate appropriate development of land, protection of open space, and provision of adequate public facilities. The DRSP is more detailed than the County's General Plan but less precise than subdivision maps or construction plans. The overall objective of the project is to adopt a specific plan for the DRSP project site, pursuant to the County's General Plan. The County's objectives for the DRSP include:

1. *Implementing the County's stated land use goals.*
2. *Dedication of an open space easement, neighborhood park, and trail system.*
3. *Providing the County with anticipated increased sales tax, property tax, and transient occupancy tax revenues.*
4. *Providing for affordable housing in furtherance of the County's Housing Element and housing goals and to assist in meeting the County's Regional Housing Needs Allocation.*
5. *Providing a portion of the site to be developed as a business park, commercial area, or such related uses, in support of the County's further economic development.*
6. *Permanent conservation of 388 acres of oak woodlands or similar habitat located off-site.*

B. PROPOSED PROJECT

The DRSP project consists of the DRSP, General Plan Amendment, Ordinance Amendment, Vesting Tentative Tract Map, Conditional Use Permit for oak tree removal and grading/drainage, and a Development Agreement for the 288-acre project site. The DRSP would organize the DRSP area into seven land use types, including framework roadways and in-tract roadways that would connect the residential uses throughout the DRSP area. These include Residential Single-Family-1 (DR-SF1), Residential Single-Family-2 (DR-SF2), Residential Multi-Family (DR-MF), Village Commercial (DR-VC), Flex Commercial (DR-FC), Recreation (DR-REC), and Open Space (DR-OS).

The 2024 DRSP would allow a maximum density of 1,370 dwelling units in the DRSP area (excluding accessory dwelling units [ADUs] as allowed by state law). A minimum of 100 ADUs would be constructed with build-out of the DRSP area. The Village Commercial land use designation within the DRSP area permits neighborhood commercial uses including day care, general retail, health/fitness, lodging, markets, offices, restaurants, and schools. The Flex Commercial land use designation within the DRSP area permits job-generating businesses including animal hospitals, building and hardware related businesses, day cares, drive-through businesses, furniture, lodging, offices, schools, and small-scale warehouses.

The DRSP would designate approximately 2 percent, or 6.34 acres, of the DRSP area for recreational use and approximately 19 percent, or about 55 acres, of the DRSP area for open space uses.

The proposed street network within the DRSP area consists primarily of collector and local streets.

These project elements are further described in the EIR, specifically Chapter 2, *Project Description*, and Chapter 11, *Supplemental Analysis of 2024 DRSP*. The 2024 DRSP is included in the EIR as Appendix A.

C. SELECTION OF A PREFERRED PROJECT

In the Draft EIR, the County considered the 2022 DRSP and six alternatives (No Project, Applicant Preferred, General Plan La Cañada Ranch, Residential Cluster Subdivisions, Development on Non-Native Grassland, Gradual Transition Along the Fringe). However, in response to comments received during the public comment period, County staff identified a preferred project not expressly identified in the analyzed project or one of the six alternatives. This preferred project is reflected in a revised DRSP (2024 DRSP) and reflects staff-requested revisions, minor modifications and clarifications, changes that reduce impacts to oak trees by relocating certain neighborhoods and roadways, and an increase in the total number of deed-restricted affordable units from 104 to 156. As such, environmental impacts related to the preferred project are described in Final EIR Chapter 11, *Supplemental Analysis of 2024 DRSP.* These findings and statement of overriding considerations reflect the 2024 DRSP (hereafter referenced as DRSP).

SECTION 3. CEQA REVIEW AND PUBLIC OUTREACH

A. BACKGROUND

The Final EIR was prepared in compliance with CEQA and State CEQA Guidelines. In accordance with Section 15121 of the State CEQA Guidelines, the purpose of this Final EIR is to serve as an informational document for the public and County decision makers. Although the project is a specific plan, the Final EIR contains a project-level environmental review that fulfills the requirement of a project-level EIR. As defined in State CEQA Guidelines Section 15161, a project-level EIR:

> *…examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.*

Pursuant to State CEQA Guidelines Section 15182, where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan, as long as the residential project is within the scope of the EIR, no new environmental effects are anticipated to occur, and no new mitigation measures are required for the residential project.

The County distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public scoping period starting on June 24, 2021 and ending on July 23, 2021. In addition, the County held an EIR Scoping Meeting on July 19, 2021 to solicit input on the proposed project. Due to Covid-19 County Health regulations, the Scoping Meeting was held via a Zoom webinar. The NOP was posted in the San Luis Obispo County Clerk's office for 30 days and comments on the NOP were accepted through July 23, 2021. The NOP was also submitted to the California Office of Planning and Research (State Clearinghouse) to officially solicit participation in determining the scope of the EIR. Information requested and input provided during the NOP comment period regarding the scope of the EIR are included in the EIR.

In accordance with Section 15087 of the State CEQA Guidelines, the Draft EIR was circulated for a 45-day public review period that began June 16, 2022, and concluded on August 1, 2022. The document and the Notice of Completion (NOC) were distributed to the California Office of Planning and Research, State Clearinghouse. Relevant agencies also received copies of the document. A Notice of Availability (NOA) was distributed to approximately 140 agencies, and community stakeholders, and 250 individuals. The NOA informed them of where they could view the document and how to comment. An electronic copy of the document was also posted online,

and hard copies were made available by request. The NOA was filed with the County Clerk on June 16, 2022.

A public meeting was held during the Draft EIR public review period to solicit comments from interested parties on the content of the Draft EIR. Information regarding the public meeting was included in the NOA, which was widely distributed, as described above. The meeting was held on July 14, 2022 at the County Planning Commission.

Responses to each written and verbal comment that the County received during the 45-day comment period on the Draft EIR are included in the Responses to Comments section of the Final EIR. A total of 161 written comment letters were received. The Draft EIR and Responses to Comments collectively comprise the Final EIR for the project.

B. IMPACT ANALYSIS

Three categories of impacts are identified in the Environmental Impact Report:

Class I — Class I impacts are significant and unavoidable. To approve a project resulting in Class I impacts, the State CEQA Guidelines require decision makers to make findings of overriding consideration that "specific legal, technological, economic, social, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR."

Class II — Class II impacts are significant but can be mitigated to a level of insignificance by measures identified in the Final EIR. When approving a project with Class II impacts, the decision makers must make findings that changes or alternatives to the project have been incorporated that reduce the impacts to a less than significant level.

Class III — Class III impacts are adverse but not significant.

SECTION 4. FINDINGS FOR LESS THAN SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT

The findings below are for Class III impacts. Class III impacts are adverse but not significant.

The County determined, based upon the threshold criteria for significance, the environmental analysis presented in the Final EIR, and the comments received by the public on the Draft EIR, no substantial evidence was submitted to or identified by the County which indicated that the project would have a significant impact on the following environmental areas:

A. AESTHETICS

1. **AES Impact 1:** The project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant (Class III). (Refer to pages 4.1-22 through 4.1-24 of the Final EIR.)
2. **AES Impact 2:** Off-site improvements would not have an adverse effect on a scenic vista. Impacts would be less than significant (Class III). (Refer to page 4.1-24 of the Final EIR.)
3. **AES Impact 4:** Off-site improvements would not substantially degrade the visual character of the off-site improvement areas and their surroundings. Impacts would be less than significant (Class III). (Refer to page 4.1-27 through 4.1-28 of the Final EIR.)
4. **AES Impact 5:** The project would create a new source of nighttime lighting or glare. Impacts would be less than significant (Class III). (Refer to page 4.1-28 through 4.1-29 of the Final EIR.)
5. **AES Impact 6**: Off-site improvements would create a new source of nighttime lighting or glare. Impacts would be less than significant (Class III). (Refer to page 4.1-29 of the Final EIR.)

6. **AES Impact 7:** The project would contribute to cumulative aesthetic and visual resource impacts. Impacts would be less than significant (Class III). (Refer to page 4.1-29 through 4.1-30 of the Final EIR.)

B. AGRICULTURAL RESOURCES

1. **AG Impact 1:** The project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use. Impacts would be less than significant (Class III). (Refer to pages 4-2.21 through 4.2-22 of the Final EIR.)
2. **AG Impact 2:** Off-site improvements would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the FMMP, to non-agricultural use. Impacts would be less than significant (Class III). (Refer to pages 4-2.22 through 4.2-23 of the Final EIR.)
3. **AG Impact 3:** The project would not conflict with existing zoning for agricultural use or a Williamson Act contract. Impacts would be less than significant (Class III). (Refer to pages 4.2-23 through 4.2-24 of the Final EIR.)
4. **AG Impact 4:** Off-site improvements would not conflict with existing zoning for agricultural use or a Williamson Act contract. Impacts would be less than significant (Class III). (Refer to page 4-2.24 of the Final EIR.)
5. **AG Impact 7:** The project would not result in a cumulatively considerable impact to agricultural resources. Impacts would be less than cumulatively considerable and less than significant (Class III). (Refer to pages 4-2.27 through 4.2-28 of the Final EIR.)

C. AIR QUALITY

1. **AQ Impact 2:** Off-site improvements would not conflict with an applicable air quality plan. Impacts would be less than significant (Class III). (Refer to pages 4-3.29 through 4.3-30 of the Final EIR.)

D. ENERGY

1. **EN Impact 5:** The project would not result in a cumulatively considerable impact to energy resources. Impacts would be less than cumulatively considerable and less than significant (Class III). (Refer to page 4.6-17 of the Final EIR.)

E. GEOLOGY AND SOILS

1. **GEO Impact 2:** Off-site improvements could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground shaking, or seismic-related ground failure. Impacts would be less than significant with mitigation (Class III). (Refer to pages 4.7-24 through 4.7-25 of the Final EIR.)
2. **GEO Impact 3:** The project could result in substantial soil erosion or the loss of topsoil during future construction activities. Impacts would be less than significant (Class III). (Refer to pages 4.7-25 through 4.7-26 of the Final EIR.)
3. **GEO Impact 4:** Off-site improvements could result in substantial soil erosion or the loss of topsoil during future construction activities. Impacts would be less than significant (Class III). (Refer to page 4.7-26 through 4.7-27 of the Final EIR.)
4. **GEO Impact 6:** The project may be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts would be less than significant with mitigation (Class III). (Refer to page 4.7-30 of the Final EIR.)
5. **GEO Impact 7:** Off-site improvements may be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life

or property. Impacts would be less than significant (Class III). (Refer to page 4.7-31 of the Final EIR.)

F. GREENHOUSE GAS EMISSIONS

1. **GHG Impact 4:** Off-site improvements could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be less than significant (Class III). (Refer to page 4.8-32 of the Final EIR.)

G. HAZARDS AND HAZARDOUS MATERIALS

1. **HAZ Impact 1:** The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant (Class III). (Refer to pages 4.9-16 through 4.9-17 of the Final EIR.)
2. **HAZ Impact 2:** Off-site improvements would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant (Class III). (Refer to pages 4.9-17 through 4.9-18 of the Final EIR.)
3. **HAZ Impact 5:** The project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant (Class III). (Refer to page 4.9-21 of the Final EIR.)
4. **HAZ Impact 6:** Off-site improvements could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Impacts would be less than significant (Class III). (Refer to pages 4.9-21 through 4.9-22 of the Final EIR.)
5. **HAZ Impact 8:** The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant (Class III). (Refer to pages 4.9-24 through 4.9-25 of the Final EIR.)
6. **HAZ Impact 9:** Off-site improvements would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant (Class III). (Refer to pages 4.9-25 through 4.9-26 of the Final EIR.)
7. **HAZ Impact 10:** The project would not result in a cumulatively considerable impact to hazards and hazardous materials. Impacts would be less than cumulatively considerable and less than significant (Class III). (Refer to pages 4.9-26 through 4.9-27 of the Final EIR.)

H. HYDROLOGY AND WATER QUALITY

1. **HYD Impact 1:** The project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be less than significant (Class III). (Refer to pages 4.10-19 through 4.10-21 of the Final EIR.)
2. **HYD Impact 3:** The project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Impacts would be less than significant (Class III). (Refer to pages 4.10-25 through 4.10-26 of the Final EIR.)
3. **HYD Impact 4:** Off-site improvements could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Impacts would be less than significant (Class III). (Refer to page 4.10-26 of the Final EIR.)
4. **HYD Impact 5:** The project could substantially alter the existing drainage pattern of the site or increase surface water runoff in a manner that would result in substantial erosion or

siltation, flooding, or an exceedance of stormwater drainage systems. Impacts would be less than significant (Class III). (Refer to pages 4.10-27 through 4.10-28 of the Final EIR.)

5. **HYD Impact 7:** The project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant (Class III). (Refer to page 4.10-30 of the Final EIR.)
6. **HYD Impact 8:** Off-site improvements would not risk the release of pollutants due to project inundation. Impacts would be less than significant (Class III). (Refer to page 4.10-31 of the Final EIR.)
7. **HYD Impact 9:** The project would not result in a cumulatively considerable impact to hydrology and water quality. Impacts would be less than cumulatively considerable and less than significant (Class III). (Refer to page 4.10-32 of the Final EIR.)

I. LAND USE AND PLANNING

1. **LUP Impact 1:** The project would not physically divide an established community. Impacts would be less than significant (Class III). (Refer to page 4.11-28 of the Final EIR.)
2. **LUP Impact 2:** Off-site improvements would not physically divide an established community. Impacts would be less than significant (Class III). (Refer to pages 4.11-28 through 4.11-29 of the Final EIR.)
3. **LUP Impact 6:** The project could be inconsistent with Policy 2.2, Goal 2/Objective B, and Policies 6.4, 6.9, and 6.10 of the County of San Luis Obispo General Plan Parks and Recreation Element and three Public Facilities, Services, and Resources policies in the South County Inland Area Plan. Impacts would be less than significant (Class III). (Refer to pages 4.11-40 through 4.11-41 of the Final EIR.)
4. **LUP Impact 9:** Off-site improvements would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Impacts would be less than significant (Class III). (Refer to page 4.11-43 of the Final EIR.)

J. MINERAL RESOURCES

1. **MR Impact 1:** The project would not result in a cumulatively considerable impact to mineral resources. Impacts would be less than significant (Class III). (Refer to pages 4.12-6 through 4.12-7 of the Final EIR.)

K. NOISE

1. **N Impact 3:** The project would not result in the generation of excessive short- or long-term groundborne vibration or noise levels. Therefore, impacts would be less than significant (Class III). (Refer to page 4.13-21 of the Final EIR.)
2. **N Impact 4:** Off-site improvements would not result in the generation of excessive short- or long-term groundborne vibration or noise levels. Therefore, impacts would be less than significant (Class III). (Refer to page 4.13-22 of the Final EIR.)
3. **N Impact 5:** The project would not result in a cumulatively considerable impact to noise. Impacts would be less than cumulatively considerable and less than significant (Class III). (Refer to pages 4.13-22 through 4.13-23 of the Final EIR.)

L. POPULATION AND HOUSING

1. **PH Impact 2:** Off-site improvements would not result in substantial unplanned population growth. Impacts would be less than significant (Class III). (Refer to pages 4.14-26 through 4.14-27 of the Final EIR.)
2. **PH Impact 3:** The project would not displace existing people or housing. Impacts would be less than significant (Class III). (Refer to page 4.14-28 of the Final EIR.)

3. **PH Impact 4:** Off-site improvements would not displace existing people or housing. Impacts would be less than significant (Class III). (Refer to page 4.14-28 of the Final EIR.)

M. PUBLIC SERVICES

1. **PS Impact 2:** The project would not contribute to the existing need for expanded police protection services within the project area. Impacts would be less than significant (Class III). (Refer to pages 4.15-21 through 4.15-23 of the Final EIR.)
2. **PS Impact 3:** The project could increase demand on existing LMUSD facilities. Impacts would be less than significant (Class III). (Refer to pages 4.15-23 through 4.15-26 of the Final EIR.)
3. **PS Impact 4:** The project could result in an increased demand on public park facilities. Impacts would be less than significant (Class III). (Refer to pages 4.15-26 through 4.15-28 of the Final EIR.)
4. **PS Impact 5:** The project could increase demand on library services. Impacts would be less than significant (Class III). (Refer to pages 4.15-28 through 4.15-29 of the Final EIR.)
5. **PS Impact 6:** Off-site improvements would not result in an increased need for fire protection services. Impacts would be less than significant (Class III). (Refer to page 4.15-29 of the Final EIR.)
6. **PS Impact 7:** Off-site improvements would not contribute to the existing need for expanded police protection services within the project area. Impacts would be less than significant (Class III). (Refer to page 4.15-30 of the Final EIR.)
7. **PS Impact 8:** Off-site improvements would not increase demand on existing LMUSD facilities. Impacts would be less than significant (Class III). (Refer to pages 4.15-30 through 4.15-31 of the Final EIR.)
8. **PS Impact 9:** Off-site improvements would not result in an increased demand on public park facilities. Impacts would be less than significant (Class III). (Refer to page 4.15-31 of the Final EIR.)
9. **PS Impact 10:** Off-site improvements would not increase demand on library services. Impacts would be less than significant (Class III). (Refer to pages 4.15-31 through 4.15-32 of the Final EIR.)

N. RECREATION

1. **REC Impact 1:** The project could increase the use of existing neighborhood, community, or regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would be less than significant (Class III). (Refer to pages 4.16-20 through 4.16-22 of the Final EIR.)
2. **REC Impact 2:** Off-site improvements would not increase the use of existing neighborhood or regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would be less than significant (Class III). (Refer to page 4.16-22 of the Final EIR.)

O. TRANSPORTATION

1. **TR Impact 1:** Phased implementation of the Specific Plan Area could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant (Class III). (Refer to pages 4.17-36 through 4.17-37 of the Final EIR.)
2. **TR Impact 2:** Off-site improvements could conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Impacts would be less than significant (Class III). (Refer to page 4.17-38 of the Final EIR.)

3. **TR Impact 4:** Off-site improvements would not generate VMT in a manner that would be inconsistent with State CEQA Guidelines Section 15064.3(b). Impacts would be less than significant (Class III). (Refer to pages 4.17-43 through 4.17-44 of the Final EIR.)
4. **TR Impact 5:** Phased buildout of the Specific Plan Area would not substantially increase hazards due to a geometric design feature or incompatible uses. Impacts would be less than significant (Class III). (Refer to page 4.17-44 of the Final EIR.)
5. **TR Impact 6:** Off-site improvements would not substantially increase hazards due to a geometric design feature or incompatible uses. Impacts would be less than significant (Class III). (Refer to page 4.17-45 of the Final EIR.)
6. **TR Impact 7:** Phased buildout of the Specific Plan Area would not result in inadequate emergency access. Impacts would be less than significant (Class III). (Refer to pages 4.17-46 through 4.17-47 of the Final EIR.)
7. **TR Impact 8:** Off-site improvements would not result in inadequate emergency access. Impacts would be less than significant (Class III). (Refer to page 4.17-47 of the Final EIR.)

P. UTILITIES AND SERVICE SYSTEMS

1. **USS Impact 4:** Off-site improvements would not result in an increase in demand on water supply. Impacts would be less than significant (Class III). (Refer to pages 4.19-41 through 4.19-42 of the Final EIR.)
2. **USS Impact 5:** The NCSD could have adequate capacity to treat wastewater generated by the project. Impacts would be less than significant (Class III). (Refer to pages 4.19-42 through 4.19-44 of the Final EIR.)
3. **USS Impact 6:** Off-site improvements would not result in an increase in demand on wastewater services. Impacts would be less than significant (Class III). (Refer to page 4.19-45 of the Final EIR.)
4. **USS Impact 7:** The project could generate solid waste in excess of the capacity of local infrastructure or otherwise impair state or local solid waste reduction goals. Impacts would be less than significant (Class III). (Refer to pages 4.19-45 through 4.19-47 of the Final EIR.)
5. **USS Impact 8:** Off-site improvements could generate solid waste in excess of the capacity of local infrastructure or otherwise impair state or local solid waste reduction goals. Impacts would be less than significant (Class III). (Refer to page 4.19-47 of the Final EIR.)
6. **USS Impact 9:** The project would comply with federal, state, and local solid waste reduction goals. Impacts would be less than significant (Class III). (Refer to pages 4.19-48 through 4.19-49 of the Final EIR.)
7. **USS Impact 10:** Off-site improvements would comply with federal, state, and local solid waste reduction goals. Impacts would be less than significant (Class III). (Refer to page 4.19-49 of the Final EIR.)

Q. WILDFIRE

1. **WF Impact 2:** Off-site improvements could impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant (Class III). (Refer to pages 4.20-14 through 4.20-15 of the Final EIR.)
2. **WF Impact 4:** The project could exacerbate wildfire risks due to development within a high fire hazard severity zone. Impacts would be less than significant with mitigation (Class III). (Refer to page 4.20-18 of the Final EIR.)
3. **WF Impact 5:** The project would require installation of internal roads, public utility easements, and utility infrastructure that may exacerbate fire risk. Impacts would be less than significant (Class III). (Refer to pages 4.20-19 through 4.20-20 of the Final EIR.)

4. **WF Impact 6:** Off-site improvements could exacerbate fire risk. Impacts would be less than significant (Class III). (Refer to pages 4.20-20 through 4.20-21 of the Final EIR.)
5. **WF Impact 7:** The project could expose people or structures to risk associated with downslope or downstream flooding or landslides. Impacts would be less than significant (Class III). (Refer to page 4.20-21 of the Final EIR.)
6. **WF Impact 8:** The project could expose people or structures to risk associated with downslope or downstream flooding or landslides. Impacts would be less than significant (Class III). (Refer to page 4.20-22 of the Final EIR.)
7. **WF Impact 9:** The project would not result in a cumulatively considerable impact related to wildfire. Impacts would be less than significant (Class III). (Refer to pages 4.20-22 through 4.20-23 of the Final EIR.)

SECTION 5. FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT THAT HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

Class II impacts are significant but can be mitigated to a level of insignificance by measures identified in the EIR. When approving a project with Class II impacts, the decision-makers must make findings that changes or alterations to the project have been incorporated that reduce the impacts to a less than significant level.

This section presents the project's significant environmental impacts and feasible mitigation measures. State CEQA Guidelines Section 15091 (14 CCR) and PRC Section 21081 require a lead agency to make findings for each significant environmental impact disclosed in an EIR. Specifically, for each significant impact, the lead agency must make the following Finding:

1. *Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects identified in the Final EIR;*
2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by that agency; or*
3. *Specific economic, social, legal, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the mitigation measures or project alternatives identified in the Final EIR infeasible.*

Each of these findings must be supported by substantial evidence in the administrative record. The County determined and makes the finding, based upon the environmental analysis presented in the Final EIR and the comments received by the public on the Draft EIR, that the following impacts can be fully avoided or reduced to a less-than-significant level through the incorporation of feasible mitigation measures into the project, as identified in the Final EIR. For each of these identified impacts, changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects identified in the Final EIR.

A. AESTHETICS

1. **AES Impact 3:** The project would substantially degrade the visual character of the site and its surroundings. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.1-25 through 4.1-27 of the Final EIR.)

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

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

The screening zone shall be in addition to the minimum 20-foot width of the utility easement, totaling a minimum width of 40 feet for the U.S. Route 101 Visual Screening Zone. Existing trees in this zone shall be preserved.

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

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

b. Finding: The County finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2 are feasible, are adopted, and will further reduce impacts regarding visual character. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding visual character, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding visual character. (Refer to pages 4.1-25 through 4.1-27 of the Final EIR.)

B. AGRICULTURAL RESOURCES

1. **AG Impact 5:** The project could involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.2-25 through 4.2-26 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures AQ/mm-3.2 and AQ/mm-3.3 are feasible, are adopted, and will further reduce agricultural impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding agricultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.2-25 through 4.2-26 of the Final EIR.)

2. **AG Impact 6:** Off-site improvements could involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.2-26 through 4.2-27 of the Final EIR.)

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

b. Finding: The County finds that Mitigation Measure AQ/mm-3.2 is feasible, is adopted, and will further reduce agricultural impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding agricultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.2-26 through 4.2-27 of the Final EIR.)

C. AIR QUALITY

1. **AQ Impact 4:** Off-site improvements could result in a cumulatively considerable net increase of criteria pollutants in exceedance of established SLOAPCD emissions thresholds. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.3-37 through 4.3-38 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.3-37 through 4.3-38 of the Final EIR.)

2. **AQ Impact 5:** The project could expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.3-38 through 4.3-40 of the Final EIR.)

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

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

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

   b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, and AQ/mm-5.1 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.3-38 through 4.3-40 of the Final EIR.)

3. **AQ Impact 6:** Off-site improvements could expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.3-40 through 4.3-41 of the Final EIR.)

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

    b. Finding: The County finds that Mitigation Measures AQ/mm-3.1 and AQ/mm-3.2 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.3-40 through 4.3-41 of the Final EIR.)

4. **AQ Impact 7:** The project could result in other emissions (such as those leading to odors) that may adversely affect a substantial number of people. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.3-41 through 4.3-42 of the Final EIR.)

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

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

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

    b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, AQ/mm-5.1, and AQ/mm-7.1 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.3-41 through 4.3-42 of the Final EIR.)

5. **AQ Impact 8:** Off-site improvements could result in other emissions (such as those leading to odors) that may adversely affect a substantial number of people. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.3-42 through 4.3-44 of the Final EIR.)

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

    b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, and AQ/mm-7.1 are feasible, are adopted, and will further reduce air quality impacts. Accordingly, the

County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding air quality, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.3-42 through 4.3-44 of the Final EIR.)

D. BIOLOGICAL RESOURCES

1. **BIO Impact 2:** The project could directly and indirectly impact Pismo clarkia. Impacts would be significant but mitigable (Class II). (Refer to pages 4.4-54 through 4.4-57 of the Final EIR.)

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

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

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

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

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

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

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

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

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

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-2.1 through BIO/mm-2.3 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-54 through 4.4-57 of the Final EIR.)

2. **BIO Impact 3:** The project could directly and indirectly impact mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-58 through 4.4-60 of the Final EIR.)

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

      BIO/mm-3.1 Mitigation for Plants Ranked 1B (Rare or Endangered) by the California Native Plant Society. Mitigation shall seek to achieve no net loss of individual plants within affected plant populations. Due to the highly endemic nature of the plant taxa being impacted and the loss of a significant portion of occupied habitat within their limited range, mitigation to offset impacts shall include a combination of preservation of existing populations either on- or off-site at a 1:1 ratio of individuals impacted to individuals preserved and the restoration of suitable habitat at a 2:1 ratio of individuals impacted to individuals restored and/or creation of high quality habitat at a 0.5:1 ratio that contains a 1:1 ratio of individuals. Prior to issuance of the grading permit, the applicant shall secure appropriate habitat or previously disturbed land suitable for habitat creation. Appropriate mitigation areas shall provide sufficient suitable habitat to reestablish 14,000 mesa horkelia, 100 Nipomo Mesa ceanothus, and 626 sand mesa manzanita.

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

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

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

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

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

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-3.1, BIO/mm-14.1, and BIO/mm-15.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-58 through 4.4-60 of the Final EIR.)

3. **BIO Impact 5:** The project could indirectly impact monarch butterflies. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-63 through 4.4-65 of the Final EIR.)

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

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

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-5.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-63 through 4.4-65 of the Final EIR.)

4. **BIO Impact 6:** The project could directly and indirectly impact northern California legless lizards and Blainville's horned lizards. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-65 through 4.66 of the Final EIR.)

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

BIO/mm-6.1 **Special-Status Reptiles Protection and Relocation.** Prior to issuance of the grading permit, the project applicant shall develop a Special-status Reptile Relocation Plan for northern California legless lizard and Blainville's (coast) horned lizard. The goal of the relocation plan is to establish guidelines and protocols for relocating special-status reptiles out of harm's way. The relocation plan shall include an overview of prior surveys for the species, figures of known and potential habitat areas, timing of relocation efforts, and details regarding capture and relocation methods. Additionally, the relocation plan shall identify and characterize suitable on-site relocation sites for each species. The following details shall be specifically incorporated and expanded upon in the relocation plan:

1. Relocation surveys for special-status reptiles shall be conducted during appropriate times of year when the species are active and can be located. Subject to expert refinement in the relocation plan, legless lizard cover board and raking surveys shall be conducted between January and July. Because legless lizards are not expected to move back into work areas after relocation, these surveys can be done well in advance of earthwork. Horned lizard surveys shall be conducted on warm days in April through August, immediately prior to commencement of earthwork. The relocation

plan shall require a minimum of three surveys conducted during the time of year/day when each species is most likely to be observed.

2. Relocation surveys for legless lizards shall utilize a combination of cover boards and soil raking to find lizards in suitable habitat areas prior to commencement of earthwork activities. Relocation surveys for horned lizards shall be completed by pedestrian transects on warm days utilizing narrow spacing to visually search for lizards on the surface of the soil. Special-status reptiles shall be captured by hand, stored in suitable wildlife relocation bins, and immediately relocated to approved habitat.
3. The relocation plan shall identify suitable legless lizard relocation habitat as any sandy soil area with suitable leaf litter under shrub or oak tree canopy. For horned lizard, suitable relocation habitat shall be identified as that which has friable soils, a detectable prey source, and sandy barrens for burrowing and basking.
4. The Special-Status Reptile Relocation Plan shall be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife for approval no less than 60 days prior to any ground-disturbing activities within potentially occupied habitat.
5. A qualified biologist shall be present during ground-disturbing activities immediately adjacent to or within habitat that supports special-status reptiles.
6. Clearance surveys for special-status reptiles shall be conducted by a qualified biologist prior to the initiation of ground-disturbing construction each day, especially along the interface between open space and construction areas.
7. Results of the surveys and relocation efforts shall be provided to the County of San Luis Obispo and California Department of Fish and Wildlife in the annual mitigation status report. Collection and relocation of animals shall only occur with a Scientific Collecting Permit per Title 14 of the California Code of Regulations Section 650.

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-6.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-65 through 4.66 of the Final EIR.)

5. **BIO Impact 7:** The project could directly and indirectly impact special-status birds, raptors, and nesting birds. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-67 through 4.4-68 of the Final EIR.)

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

BIO/mm-7.1 Nesting Bird Preconstruction Survey and Nest Avoidance. Within 10 days prior to ground-disturbing activities, if work occurs between February 1 and September 15, nesting bird surveys shall be conducted. Surveys shall include a sufficient buffer area around the project area, as determined

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

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

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

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-7.1, BIO/mm-14.1, BIO/mm-15.1, and BIO/mm-18.4 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-67 through 4.4-68 of the Final EIR.)

6. **BIO Impact 8:** Project activities, including tree removal, have the potential to impact special-status bat species and roosting bats. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.4-68 through 4.4-69 of the Final EIR.)

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

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

   b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-8.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to page 4.4-68 through 4.4-69 of the Final EIR.)

7. **BIO Impact 9:** The proposed project could directly impact American badger. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-69 through 4.4-70 of the Final EIR.)

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

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

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

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

      To avoid disturbance and the possibility of direct impacts to adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, American badger dens determined to be

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

If a potential den is located outside of the disturbance footprint but within 500 feet of ground-disturbing activities (including staging areas), dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet from the den, designating the area an Environmentally Sensitive Area. Fencing shall be installed in a manner that allows badgers to move through the fencing at-will. No equipment, vehicles, or personnel shall be permitted within Environmentally Sensitive Areas without clear permission from a qualified biologist.

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-9.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-69 through 4.4-70 of the Final EIR.)

8. **BIO Impact 10:** The development of the North Frontage Road Extension Parcel could directly or indirectly impact special-status plant and wildlife species. Impacts would be less than significant with mitigation incorporated (Class II). (Refer to pages 4.4-70 through 4.4-71 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, and BIO/mm-9.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-70 through 4.4-71 of the Final EIR.)

9. **BIO Impact 11:** Off-site transportation, water, and wastewater improvements could directly or indirectly impact monarch butterfly, sharp-shinned hawk, Cooper's hawk, white-tailed kite, and other nesting birds. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.4-72 of the Final EIR.)

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

   b. The County finds that Mitigation Measures BIO/mm 1.1 through BIO/mm-1.6, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, and BIO/mm-12.1 are feasible, are

adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to page 4.4-72 of the Final EIR.)

10. **BIO Impact 12:** Off-site NCSD water improvements could directly or indirectly impact California red-legged frog, western pond turtle, and two-striped gartersnake. Impacts would be less than significant with mitigation incorporated (Class II). (Refer to pages 4.4-72 through 4.4-73 of the Final EIR.)

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

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

    b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 and BIO/mm-12.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-72 through 4.4-73 of the Final EIR.)

11. **BIO Impact 13:** Off-site NCSD water improvements could directly or indirectly impact least Bell's vireo and southwestern willow flycatcher. Impacts would be less than significant with mitigation incorporated (Class II). (Refer to pages 4.4-73 through 4.4-74 of the Final EIR.)

    a. Mitigation: With implementation of Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, *BIO Impact 1*), BIO/mm-7.1 (refer to Section 5.D.5, *BIO Impact 7*), and BIO/mm-13.1, potential impacts to least Bell's vireo and southwestern willow flycatcher would be less than significant (Class II):

        BIO/mm-13.1 Nesting Bird Surveys. If construction activities are proposed during the typical nesting bird season (February 1–September 15), a nesting bird survey will be conducted by qualified biologists no more than 2 weeks prior to the start of construction to determine presence/absence of nesting birds within the project area and immediate vicinity (within 100 feet of the Nipomo Creek corridor). The County of San Luis Obispo will be notified if federally

listed nesting bird species are observed during the surveys and the applicant, in coordination with the Nipomo Community Services District, will be responsible for facilitating coordination with the U.S. Fish and Wildlife Service, if necessary, to determine an appropriate avoidance strategy. Likewise, coordination with the California Department of Fish and Wildlife will be facilitated by the applicant, in coordination with the Nipomo Community Services District, if necessary, to devise a suitable avoidance plan for state-listed nesting bird species.

b. Finding: The County finds that Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-7.1, and BIO/mm-13.1 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-73 through 4.4-74 of the Final EIR.)

12. **BIO Impact 16:** Off-site NCSD water improvements could directly and indirectly impact riparian habitat and sensitive aquatic resources. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-78 through 4.4-79 of the Final EIR.)

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

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

    1. All construction-related activities must observe a 100-foot setback from the Nipomo Creek riparian corridor, as measured from the outer edge of the riparian canopy. A minimum 50-foot setback shall be observed from the ephemeral drainages and flood channels, as measured from the outer edge of riparian vegetation.
    2. If construction-related activities within the 100- or 50-foot buffers from Nipomo Creek or any other surface water resource, to the extent practicable, construction activities shall be conducted during the dry season (typically May 1–November 1), or as specified by resource agency permits and authorizations. This would reduce potential impacts to aquatic and semi-aquatic species that might be using the aquatic habitat and associated riparian vegetation as a movement/dispersal corridor.
    3. Any construction activities conducted within 50 feet of Nipomo Creek, watercourses, pond, and riparian habitat shall be monitored by a qualified biologist.
    4. If any special-status species are observed, the qualified biologist shall implement the measures described in BIO/mm-1.1 through BIO/mm 1.6 and BIO/mm-11.1.

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

potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-78 through 4.4-79 of the Final EIR.)

13. **BIO Impact 17:** Off-site NCSD water improvements will directly and indirectly impact aquatic habitats under the jurisdiction of the USACE, CDFW, and RWQCB. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-80 through 4.4-81 of the Final EIR.)

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

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

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

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

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

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

        3. Prior to construction, the applicant shall prepare and submit to the Regional Water Quality Control Board or State Water Resources Control Board a Notice of Intent and prepare a Stormwater Pollution Prevention Plan in accordance with the requirements of the State General Order related to construction projects. The Stormwater Pollution Prevention Plan shall identify the selected stormwater management procedures, pollution control technologies, spill response procedures, and other means that will be used to

minimize erosion and sediment production and the release of pollutants to surface water during construction. The applicant shall ensure that sedimentation and erosion control measures are installed prior to any ground-disturbing activities.

4. Prior to the commencement of site preparation, ground-disturbing, or construction activities, the applicant will identify required best management practices on all construction plans. These practices will be implemented prior to, during, and following construction activities as necessary to ensure their intended efficacy. Measures will include, but not necessarily be limited to, the placement of silt fencing along the down-slope side of the construction zone, on-site storage of a spill and clean-up kit at all times, and employment of both temporary and permanent erosion and sedimentation control measures (e.g., silt fencing, hay bales, straw wattles).
5. During project activities, if work occurring within stream channels is necessary, it shall be conducted during the dry season if possible (typically May 1–November 1).
6. Prior to construction, the applicant shall ensure preparation and implementation of a Spill Prevention and Contingency Plan that includes provisions for avoiding and/or minimizing impacts to sensitive habitat areas, including wetland and riparian areas and waterbodies due to equipment-related spills during project implementation. The applicant shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall ensure that the plan allows a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measure to take should a spill occur. The plan shall include the following provisions:
    a. All equipment fueling shall be conducted within the designated staging areas of the project site. Such areas shall consist of roadway or ruderal habitat. At no time shall any equipment fueling be conducted within 100 feet of any wetland and riparian habitat area or waterbody.
    b. An overview of the containment measures to appropriately store and contain all fuels and associated petroleum products during the project shall be included in the plan. This shall include provisions for equipment staging areas, such as the need for drip pans underneath parked equipment and designated storage areas for fuel dispensing.

b. Finding: The County finds that Mitigation Measures BIO/mm-17.1 through BIO/mm-17.3 are feasible, are adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-80 through 4.4-81 of the Final EIR.)

14. **BIO Impact 19:** Off-site transportation improvements and/or trenching of new water and wastewater pipelines could result in direct and indirect impacts to oak trees. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.4-96 through 4.4-97 of the Final EIR.)

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

BIO/mm-19.1 Oak Tree Monitoring. Impacts to oak trees shall be avoided where feasible. Impacts include any ground disturbance or soil compaction within the dripline or critical root zone of the trees (whichever distance is greater). A certified arborist shall determine the critical root zone for each oak tree within the path of the pipeline alignments. Ground disturbance shall be supervised by a licensed arborist if excavation is proposed within the critical root zone of an oak tree. The arborist shall supervise all trenching within the critical root zone. The arborist shall provide guidance such as temporary damaged root protection, use of air spades, timing between impact and root treatment by arborist, appropriate use of air spade or hand tools to minimize tree damage specific to the action proposed, and to treat root zone and branch damage. During and upon completion of construction, the licensed arborist shall provide treatment, as the licensed arborist determines is appropriate, to maintain and improve the health of the tree, including pruning of the broken main stem, and soil supplement and watering programs. All root pruning shall be completed with sharpened hand pruners. Pruned roots shall be immediately covered with soil or moist fabric. Damaged roots shall be treated within 24 hours by a qualified tree specialist to inhibit fungus, insects, or other disease damage. Impacted oak trees shall be monitored and, if found in decline, replaced consistent with the requirements of BIO/mm-18.1, BIO/mm-18.2, and BIO/mm-18.3. If required, a draft replacement plan with a specific receiver site such as parks in the Nipomo area shall be approved by the County of San Luis Obispo prior to trenching within the critical root zone of any oak tree.

b. Finding: The County finds that Mitigation Measure BIO/mm-19.1 is feasible, is adopted, and will further reduce impacts to biological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed Project that mitigate or avoid the potentially significant impacts of the proposed Project regarding biological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.4-96 through 4.4-97 of the Final EIR.)

E. CULTURAL RESOURCES

1. **CR Impact 1:** Off-site improvements could result in adverse effects to historical resources. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.5-17 through 4.5-18 of the Final EIR.)

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

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

b. Finding: The County finds that Mitigation Measure CR/mm-1.1 is feasible, is adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that,

pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources. (Refer to pages 4.5-17 through 4.5-18 of the Final EIR.)

2. **CR Impact 2:** Future project-related ground-disturbing activities and indirect impacts related to the use and occupation of the Specific Plan Area could result in disturbance and destruction of known archaeological resources P-40-002132, P-40-002273, and DR-001. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.5-18 through 4.5-20 of the Final EIR.)

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

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

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

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

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

7. Coordination with local tribal groups.

The Data Recovery Plan will be tailored to the level of physical disturbance at each resource (if any). As the full extent of proposed disturbance cannot be determined at this time, it is not practical to include the preparation of the Data Recovery Plan as part of this Environmental Impact Report. The Data Recovery Plan will be prepared in direct coordination with local tribal groups and shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval.

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

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

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

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

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

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

b. Finding: The County finds that Mitigation Measures CR/mm-2.1 through CR/mm-2.4 are feasible, are adopted, and will further reduce impacts to cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to tribal cultural resources. (Refer to pages 4.5-18 through 4.5-20 of the Final EIR.)

3. **CR Impact 3:** Off-site improvements could result in adverse effects to archaeological resources. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.5-20 through 4.5-21 of the Final EIR.)

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

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

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

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

reduce impacts to archeological resources. (Refer to pages 4.5-20 through 4.5-21 of the Final EIR.)

4. **CR Impact 4:** Future project-related ground-disturbing activities and indirect impacts related to the use and occupation of the Specific Plan Area could result in disturbance and destruction of unknown human remains. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.5-22 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures CR/mm-2.3 and CR/mm-2.4 are feasible, are adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources. (Refer to page 4.5-22 of the Final EIR.)

5. **CR Impact 5:** Off-site improvements could result in disturbance and destruction of unknown human remains. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.5-23 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures CR/mm-2.3 and CR/mm-2.4 are feasible, are adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources. (Refer to page 4.5-23 of the Final EIR.)

6. **CR Impact 6:** Project implementation may result in the cumulative disturbance and destruction of historic resources, including archaeological and historical resources pursuant to State CEQA Guidelines Section 15064.5, and human remains. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.5-23 through 4.5-24 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures CR/mm-1.1, CR/mm-2.1 through CR/mm-2.4, and CR/mm-3.1 are feasible, are adopted, and will further reduce impacts to archeological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to archeological resources, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to archeological resources. (Refer to pages 4.5-23 through 4.5-24 of the Final EIR.)

F. ENERGY

1. **EN Impact 1:** The project could result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.6-11 through 4.6-14 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, and TR/mm-3.1 are feasible, are adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.6-11 through 4.6-14 of the Final EIR.)

2. **EN Impact 2:** Off-site improvements could result in wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.6-14 through 4.6-15 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure AQ/mm-3.1 is feasible, is adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.6-14 through 4.6-15 of the Final EIR.)

3. **EN Impact 3:** The project could conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.6-15 through 4.6-16 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure AQ/mm-3.3 is feasible, is adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.6-15 through 4.6-16 of the Final EIR.)

4. **EN Impact 4:** Off-site improvements could conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.6-16 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure AQ/mm-3.1 is feasible, is adopted, and will further reduce impacts to energy resources. Accordingly, the County finds that,

pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project to energy resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to page 4.6-16 of the Final EIR.)

G. GEOLOGY AND SOILS

1. **GEO Impact 1:** The project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic ground shaking, or seismic-related ground failure. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.7-22 through 4.7-24 of the Final EIR.)

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

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

   1. Conventional continuous and spread footings bearing on compacted soils may be used to support the new structures. Grade beams shall also be placed across all large entrances into the buildings. Footings and grade beams shall have a minimum depth of 12 inches below lowest adjacent grade; however, footings and grade beams for commercial buildings and residential buildings two stories or greater shall have a minimum depth of 18 inches below lowest adjacent grade. All spread footings shall be a minimum of 2 square feet. Footing and grade beam dimensions shall also conform to the applicable requirements of Section 1809 of the 2019 California Building Code. Footing reinforcement shall be in accordance with the requirements of the architect/engineer; minimum continuous footing and grade beam reinforcement shall consist of two No. 4 rebar, one near the top and one near the bottom of the footing.

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

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

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

following seismic parameters are presented for use in structural design.

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

Peak Mean Ground Acceleration (PGA_M) = 0.527g

Seismic Design Criteria = D

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

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

b. Finding: The County finds that Mitigation Measure GEO/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding seismic risk. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding seismic impacts, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.7-22 through 4.7-24 of the Final EIR.)

2. **GEO Impact 5:** The project may be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.7-27 through 4.7-29 of the Final EIR.)

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

GEO/mm-5.1 Site Preparation.

1. The existing ground surface in the building and surface improvements areas shall be prepared for construction by removing existing improvements, vegetation, large roots, debris, and other deleterious material. Any existing fill soils shall be completely removed and replaced as compacted fill. Any existing utilities that will not remain in service shall be removed or properly abandoned; the appropriate method of utility abandonment will depend upon the type and depth of the utility. Recommendations for abandonment can be made as necessary.

2. Voids created by the removal of materials or utilities, and extending below the recommended overexcavation depth, shall be immediately called to the attention of the geotechnical engineer. No fill shall be placed unless the geotechnical engineer has observed the underlying soil.

GEO/mm-5.2 Grading.

1. Following site preparation, the soils in the building area for one- and two-story buildings shall be removed to a level plane at a minimum depth of 3 feet below the bottom of the deepest footing or 4 feet

below existing grade, whichever is deeper. The soils in the building area for three- and four-story buildings shall be removed to a level plane at a minimum depth of 4 feet below the bottom of the deepest footing or 5 feet below existing grade, whichever is deeper. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil.

2. In addition to the recommendations of measure 1, all cut or cut/fill transition areas shall be overexcavated such that a minimum of 5 feet of compacted fill is provided within all the building areas. Also, the minimum depth of the fill below the building area shall not be less than half of the maximum depth of fill below the building area. For example, if the maximum depth of fill below the building area is 20 feet, then the minimum depth of fill below the same building area grades shall be no less than 10 feet. In no case shall the depth of fill be less than 5 feet on the building areas.

3. Following site preparation, the soils in the surface improvement area shall be removed to a level plane at a minimum depth of 1 foot below the proposed subgrade elevation or 2 feet below the existing ground surface, whichever is deeper. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil.

4. Following site preparation, the soils in fill areas beyond the building and surface improvement areas shall be removed to a depth of 2 feet below existing grade. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil.

5. Voids created by dislodging cobbles and/or debris during scarification shall be backfilled and compacted, and the dislodged materials shall be removed from the area of work.

6. On-site material and approved import materials evaluated and approved by the geotechnical engineer pursuant to the Department of Toxic Substance Control's (DTSC's) 2001 Information Advisory Clean Imported Fill Material may be used as general fill. All imported soil shall be free of contamination and non-expansive. The proposed imported soils shall be evaluated by the geotechnical engineer before being used, and on an intermittent basis during placement on the site.

7. All materials used as fill shall be cleaned of any debris and rocks larger than 6 inches in diameter. No rocks larger than 3 inches in diameter shall be used within the upper 3 feet of finish grade. When fill material includes rocks, the rocks shall be placed in a sufficient soil matrix to ensure that voids caused by nesting of the rocks will not occur and that the fill can be properly compacted.

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

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

1. A geotechnical engineer shall be retained to provide consultation during the design phase, aid in incorporating recommendations of this report in future project design, review final plans once they are

available, interpret this report during construction, and provide construction monitoring in the form of testing and observation.

2. At a minimum, the geotechnical engineer shall be retained to provide:
    a. Review of final grading, utility, and foundation plans;
    b. Professional observation during grading, foundation excavations, and trench backfill;
    c. Oversight of compaction testing during grading; and
    d. Oversight of special inspection during grading;
3. Special inspection of grading shall be provided as per California Building Code Section 1705.6 and Table 1705.6. The special inspector shall be under the direction of the geotechnical engineer. Special inspection of the following items shall be provided by the special inspector:
    a. Stripping and clearing of vegetation
    b. Overexcavation to the recommended depths
    c. Scarification, moisture conditioning, and compaction of the soil
    d. Fill quality, placement, and compaction
    e. Utility trench backfill
    f. Retaining wall drains and backfill
    g. Foundation excavations
    h. Subgrade and aggregate base compaction and proof rolling
4. A program of quality control shall be developed prior to beginning grading. The contractor or project manager shall determine any additional inspection items required by the architect/engineer or the governing jurisdiction.
5. Locations and frequency of compaction tests shall be as per the recommendation of the geotechnical engineer at the time of construction. The recommended test location and frequency may be subject to modification by the geotechnical engineer, based on soil and moisture conditions encountered, size and type of equipment used by the contractor, the general trend of the results of compaction tests, or other factors.
6. The geotechnical engineer shall be notified at least 48 hours prior to beginning construction operations.

b. Finding: The County finds that Mitigation Measures GEO/mm-1.1 and GEO/mm-5.1 through GEO/mm-5.3 are feasible, are adopted, and will further reduce impacts regarding ground-failure. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding ground-failure impacts, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.7-27 through 4.7-29 of the Final EIR.)

3. **GEO Impact 8:** Paleontological resources could be present in geological units that underlay the Specific Plan Area, and ground-disturbing activities could damage paleontological

resources that may be present below the surface. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.7-31 through 4.7-33 of the Final EIR.)

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

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

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

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

If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the qualified paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged following the standards of the Society of Vertebrate Paleontology (2010) and curated with a certified repository.

b. Finding: The County finds that Mitigation Measures GEO/mm-8.1, GEO/mm-8.2, and GEO/mm-8.3 are feasible, are adopted, and will further reduce impacts regarding paleontological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.7-31 through 4.7-33 of the Final EIR.)

4. **GEO Impact 9:** Paleontological resources could be present in geological units that underlay the area of off-site improvements, and ground-disturbing activities could damage paleontological resources that may be present below the surface. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.7-33 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures GEO/mm-8.1, GEO/mm-8.2, and GEO/mm-8.3 are feasible, are adopted, and will further reduce impacts regarding paleontological resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to page 4.7-33 of the Final EIR.)

5. **GEO Impact 10:** The project would not result in a cumulatively considerable impact to geology and soils. Impacts would be less than cumulatively considerable and less than significant (Class III). (Refer to page 4.7-34 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures GEO/mm-1.1, GEO/mm-5.1, GEO/mm-5.2, and GEO/mm-5.3, GEO/mm-8.1, GEO/mm-8.2, and GEO/mm-8.3 are feasible, are adopted, and will further reduce cumulative impacts related to geology and soils. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding paleontological resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to page 4.7-34 of the Final EIR.)

H. GREENHOUSE GAS EMISSIONS

1. **GHG Impact 1:** The project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.8-25 through 4.8-30 of the Final EIR.)

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

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

1. To the extent practical, the proposed project shall reuse and recycle construction waste, including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard.

2. The servicing of residential development by natural gas shall be prohibited, to the extent possible. In the event that natural gas service for residential development is installed, the following measures shall be implemented:

    a. The electrical systems for single-family homes shall be designed with sufficient capacity and all prewiring necessary to accommodate the future retrofit to all-electric (e.g., such that electric space heating, water heating, drying, and cooking appliances could be installed); and

    b. A greenhouse gas-reduction plan shall be prepared. The greenhouse gas-reduction plan shall identify additional on-site and/or off-site greenhouse gas-reduction measures to be implemented sufficient to fully offset greenhouse gas emissions associated with natural gas service. The greenhouse gas-reduction plan shall be submitted to County planning staff for review and approval prior to issuance of building construction permits. Under California Environmental Quality Act Guidelines Section 15126.4(c)(3) and (c)(4), respectively, a project's greenhouse gas emissions can be reduced by off-site measures, including offsets that are not otherwise required and measures that sequester greenhouse gases. In the event that feasible on-site greenhouse gas-reduction measures are insufficient to reduce operational greenhouse gas emissions to below the greenhouse gas threshold of significance, off-site mitigation measures may be included. Off-site mitigation measures may include "Direct Reduction Activities" or the purchase of "Carbon Offset Credits" as discussed below:

        Direct Reduction Activities

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

methodology. The Project applicant (or its designee) shall then apply for issuance of carbon credits in accordance with the applicable Registry rules.

Carbon Offsets

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

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

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

b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, GHG/mm-1.1, and TR/mm-3.1 are feasible, are adopted, and will further reduce impacts regarding

GHG emissions. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding GHG emissions, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.8-25 through 4.8-30 of the Final EIR.)

2. **GHG Impact 2:** Off-site improvements could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.8-30 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure AQ/mm-3.1 is feasible, is adopted, and will further reduce impacts regarding GHG emissions. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding GHG emissions, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.8-28 through 4.8-29 of the Final EIR.)

I. HAZARDS AND HAZARDOUS MATERIALS

1. **HAZ Impact 3:** The project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.9-18 through 4.9-19 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure AQ/mm-7.1 is feasible, is adopted, and will further reduce impacts regarding routine use of hazardous materials. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding the routine use of hazardous materials, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding routine use of hazardous materials. (Refer to pages 4.9-18 through 4.9-19 of the Final EIR.)

2. **HAZ Impact 4:** Off-site improvements could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.9-19 through 4.9-20 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure AQ/mm-7.1 is feasible, is adopted, and will further reduce impacts regarding routine use of hazardous materials. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines

Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding the routine use of hazardous materials, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding routine use of hazardous materials. (Refer to pages 4.9-19 through 4.9-20 of the Final EIR.)

3. **HAZ Impact 7:** Off-site improvements would be located near a hazardous materials site pursuant to California Government Code Section 65962.5. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.9-22 through 4.9-24 of the Final EIR.)

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

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

      Worker Health and Safety

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

      Soil Contamination

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

5. Evaluation of all potentially contaminated materials encountered during project construction activities in accordance with applicable federal, state, and local regulations and/or guidelines governing hazardous waste. All materials deemed to be hazardous shall be remediated and/or disposed of following applicable regulatory agency regulations and/or guidelines. Disposal sites for both remediated and non-remediated soils shall be identified prior to beginning construction. All evaluation, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.

b. Finding: The County finds that Mitigation Measure HAZ/mm-7.1 is feasible, is adopted, and will further reduce impacts regarding hazardous materials and sites. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding hazardous materials and sites, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding routine use of hazardous materials. (Refer to pages 4.9-22 through 4.9-24 of the Final EIR.)

J. HYDROLOGY AND WATER QUALITY

1. **HYD Impact 2:** Off-site improvements could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.10-22 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures BIO/mm-17.1 through BIO/mm-17.3 are feasible, are adopted, and will further reduce impacts to water quality. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project on water quality, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to water quality. (Refer to page 4.10-22 of the Final EIR.)

2. **HYD Impact 6:** Off-site improvements could substantially alter the existing drainage pattern of the site or increase surface water runoff in a manner that would result in substantial erosion or siltation, flooding, or an exceedance of stormwater drainage systems. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.10-29 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures BIO/mm-17.1 through BIO/mm-17.3 are feasible, are adopted, and will further reduce impacts to water quality. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project on water quality, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts to water quality. (Refer to page 4.10-29 of the Final EIR.)

K. LAND USE AND PLANNING

1. **LUP Impact 4:** The project would result in an increase in regional VMT and air pollution and would generate VMT per employee above applicable thresholds and increase criteria air pollutant emissions; therefore, the project would be potentially inconsistent with Policy AQ 3.3 of the County of San Luis Obispo General Plan Conservation and Open Space Element. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.11-37 through 4.11-38 of the Final EIR.)

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

    b. Finding: The County finds that Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3, GHG/mm-1.1, TR/mm-2.1, and TR/mm-3.1 are feasible, are adopted, and will further reduce impacts to land use plan consistency. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding land use plan consistency, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding land use plan consistency. (Refer to pages 4.11-37 through 4.11-38 of the Final EIR.)

2. **LUP Impact 7:** The project could be inconsistent with policies within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), Land Use Ordinance, and South County Inland Area Plan related to preservation of rural visual character, compatibility with the natural landscape, and preservation of views of oak woodlands and other visually significant features. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.11-41 through 4.11-42 of the Final EIR.)

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

    b. Finding: The County finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2 are feasible, are adopted, and will further reduce impacts to land use plan consistency. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding land use plan consistency, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding land use plan consistency. (Refer to pages 4.11-41 through 4.11-42 of the Final EIR.)

3. **LUP Impact 8:** The project could be inconsistent with policies in the County Framework for Planning (Inland) associated with establishment of development and utility services within of existing transit corridors and/or urban reserve line/village reserve line boundaries. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.11-42 through 4.11-43 of the Final EIR.)

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

b. Finding: The County finds that Mitigation Measure PS/mm-1.1 is feasible, is adopted, and will further reduce impacts to land use plan consistency. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding land use plan consistency, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding land use plan consistency. (Refer to pages 4.11-42 through 4.11-43 of the Final EIR.)

L. NOISE

1. **N Impact 1:** The project would generate a substantial temporary or permanent increase in ambient noise levels in excess of established standards. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.13-14 through 4.13-20 of the Final EIR.)

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

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

      1. Unless otherwise provided for in a validly issued permit or approval, or as otherwise exempted under County of San Luis Obispo Land Use Ordinance Section 22.10.120(A)(7), noise-generating construction activities should be limited to between the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or legal holidays.
      2. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds should be closed during equipment operation.
      3. Equipment shall be turned off when not in use for an excess of 5 minutes, except for equipment that requires idling to maintain performance.
      4. Construction haul truck routes shall be routed away from nearby noise-sensitive land uses to the extent possible.
      5. Staging and queuing areas shall be located at the farthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.
      6. Stationary equipment (e.g., generators, compressors) shall be located at the farthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction.
      7. A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns related to construction-generated noise, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern. Where necessary, additional measures, such as equipment repairs, equipment enclosures, or temporary barriers, shall be implemented to address local concerns.

8. Signage shall be placed at the project site construction entrance(s) to advise the public of anticipated dates of construction. The signage shall include the phone number of the public liaison appointed to address construction-related noise concerns.

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

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

2. The County shall require acoustical assessments to be prepared as part of the environmental review process for future commercial land uses involving the proposed installation of exterior noise-generating equipment, including, but not limited to, back-up power generators, trash compactors, amplified public address systems, and commercial-use air conditioning condensers. The acoustical assessments shall evaluate potential noise impacts attributable to the proposed project in comparison to applicable County noise standards for stationary noise sources (refer to Table 4.13-7). The acoustical assessment shall evaluate impacts to nearby existing off-site, as well as future planned on-site, noise-sensitive land uses. Where the acoustical analysis determines that stationary-source noise levels would exceed applicable County noise standards, noise-reduction measures shall be incorporated sufficient to reduce operational noise levels to below applicable noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, hourly limitations, or equipment enclosures. The emphasis of such measures shall be placed upon site planning and project design (see Table 4.13-7 of this Environmental Impact Report for applicable County of San Luis Obispo noise standards).

b. Finding: The County finds that Mitigation Measures N/mm-1.1 and N/mm-1.2 are feasible, are adopted, and will further reduce impacts regarding an increase in noise. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in noise, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding exposure to an increase in noise. (Refer to pages 4.13-14 through 4.13-20 of the Final EIR.)

2. **N Impact 2:** Off-site improvements would generate a substantial temporary or permanent increase in ambient noise levels in excess of established standards. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.13-20 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure N/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding an increase in noise. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in noise, as identified in the EIR. Therefore, impacts are considered less than significant. Mitigation measures will further reduce impacts regarding exposure to an increase in noise. (Refer to page 4.13-20 of the Final EIR.)

M. PUBLIC SERVICES

1. **PS Impact 1:** The project would result in an increased need for fire protection services. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.15-18 through 4.15-21 of the Final EIR.)

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

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

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

      Methodology #1:

      - DRSP is responsible for 10% of the latest estimated construction cost for a new Nipomo fire station and Sheriff substation. This is because in 2040, DRSP will account for 10% of the unincorporated South County population.
      - In addition to the above, DRSP is responsible for 85% of the Sheriff portion and 80% of the Fire portion of the current PFF amount. This is because the Sheriff substation and Nipomo fire station represent 15% and 20%, respectively, of the Sheriff and Fire facilities listed in the 2019 PFF nexus study.

- In addition to the above, DRSP is responsible for the full commercial portion of the Fire and Sheriff PFF amounts, which are not population based and therefore not factored into the 10% obligation above for the two stations.
- This brings the project's updated "fair share" towards Fire and Sheriff facilities to $5,913,660.
- The difference ("supplemental PFF") between the project's calculated PFF ($3,913,733) and the updated fair share is $1,999,927.

Methodology #2:

- Updated the cost of all Fire and Sheriff facilities in the PFF nexus study based on 2020-2022 construction CPI and the current estimated cost of the Nipomo fire station and Sheriff substation.
- Distributed 9.73% of the cost to new development, consistent with the nexus study, to calculate the "New Development" share of cost.
- Distributed 28.3% of the New Development share of cost to DRSP. This is because DRSP would account for 28.3% of the 2020-2040 new unincorporated population assumed in the nexus study. This is based on DRSP population (4,555) divided by total new unincorporated population from 2020-2040 (16,087).
- This brings the project's updated "fair share" towards Fire and Sheriff facilities to $5,863,472.
- The difference ("supplemental PFF") between the project's calculated PFF ($3,913,733) and the updated fair share is $1,949,739.

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

2. **PS Impact 11:** The project could result in cumulative impacts related to public services. Cumulative impacts would be less than significant with mitigation (Class II). (Refer to pages 4.15-32 through 4.15-34 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure PS/mm-1.1 is feasible, is adopted, and will further reduce impacts regarding an increase in demand on public services. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding an increase in demand on public services, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.15-32 through 4.15-34 of the Final EIR.)

N. RECREATION

1. **REC Impact 3:** The project includes the development of recreational facilities that may have an adverse physical effect on the environment. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.16-23 through 4.16-25 of the Final EIR.)

   a. Mitigation: With implementation of Mitigation Measures AES/mm-3.1 and AES/mm-3.2 (refer to Section 5.A.1, *AES Impact 3*), AQ/mm-3.1 and AQ/mm-3.2 (refer to Section 6.A.2, *AQ Impact 3*), AQ/mm-7.1 (refer to Section 5.C.4, *AQ Impact 7*), BIO/mm-1.1 through BIO/mm-1.6 (refer to Section 6.B.1, *BIO Impact 1*), BIO/mm-2.1 through BIO/mm-2.3

(refer to Section 5.D.1, *BIO Impact 2*), BIO/mm-3.1 (refer to Section 5.D.2, *BIO Impact 3*), BIO/mm-4.1 and BIO/mm-4.2 (refer to Section 6.B.2, *BIO Impact 4*), BIO/mm-5.1 (refer to Section 5.D.3, *BIO Impact 5*), BIO/mm-6.1 (refer to Section 5.D.4, *BIO Impact 6*), BIO/mm-7.1 (refer to Section 5.D.5, *BIO Impact 7*), BIO/mm-8.1 (refer to Section 5.D.6, *BIO Impact 8*), BIO/mm-9.1 (refer to Section 5.D.7, *BIO Impact 9*), BIO/mm-14.1 (refer to Section 6.B.3, *BIO Impact 14*), BIO/mm-15.1 (refer to Section 6.B.4, *BIO Impact 15*), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, *BIO Impact 18*), CR/mm-1.1 through CR/mm-1.4 (refer to Section 5.E.1, *CR Impact 1*), GEO/mm-1.1 (refer to Section 5.G.1, *GEO Impact 1*), GEO/mm-5.1 through GEO/mm-5.3 (refer to Section 5.G.2, *GEO Impact 5*), GEO/mm-8.1 through GEO/mm-8.3 (refer to Section 5.G.3, *GEO Impact 8*), N/mm-1.1 and N/mm-1.2 (refer to Section 5.L.1, *N Impact 1*), USS/mm-3.1 (refer to Section 5.P.3, *USS Impact 3*), and WF/mm-3.1 (refer to Section 5.Q.2, *WF Impact 3*), residual impacts related to adverse physical effects on the environment would be considered less than significant with mitigation (Class II).

b. Finding: The County finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2, AQ/mm-3.1 and AQ/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-18.1 through BIO/mm-18.4, CR/mm-1.1 through CR/mm-1.4, GEO/mm-1.1, GEO/mm-5.1 through GEO/mm-5.3, GEO/mm-8.1 through GEO/mm-8.3, N/mm-1.1 and N/mm-1.2, USS/mm-3.1, and WF/mm-3.1 are feasible, are adopted, and will further reduce impacts regarding construction of new recreational facilities. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding construction of new recreational facilities, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.16-23 through 4.16-25 of the Final EIR.)

2. **REC Impact 4:** The project could result in a cumulatively considerable impact to recreational facilities. Impacts would be less than cumulatively considerable with mitigation (Class II). (Refer to pages 4.16-26 through 4.16-27 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures AES/mm-3.1 and AES/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-18.1 through BIO/mm-18.4, CR/mm-1.1 through CR/mm-1.4, HAZ/mm-7.1, GEO/mm-1.1, GEO/mm-5.1 through GEO/mm-5.3, GEO/mm-8.1 through GEO/mm-8.3, N/mm-1.1 and N/mm-1.2, USS/mm-3.1, and WF/mm-3.1 are feasible, are adopted, and will further reduce impacts regarding construction of new recreational facilities. Accordingly, the County finds that, pursuant to

PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding construction of new recreational facilities, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.16-28 through 4.16-29 of the Final EIR.)

O. TRIBAL CULTURAL RESOURCES

1. **TCR Impact 1:** Proposed development of the Specific Plan Area could directly and indirectly impact CRHR-eligible resources and resources considered by the County to be significant pursuant to PRC Section 5024.1 (DR-001, P-40-02132, and P-40-002273). Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.18-8 through 4.18-9 of the Final EIR.)

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

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

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

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

   b. Finding: The County finds that Mitigation Measures CR/mm-2.1 through CR/mm-2.4, TCR/mm-1.1, and TCR/mm-1.2 are feasible, are adopted, and will further reduce impacts to tribal cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.18-8 through 4.18-9 of the Final EIR.)

2. **TCR Impact 2:** Off-site improvements could result in adverse effects to known and unknown CRHR-Eligible Resources or resources considered by the County to be significant pursuant to PRC Section 5024.1. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.18-9 through 4.18-10 of the Final EIR.)

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

b. Finding: The County finds that Mitigation Measures CR/mm-2.3, CR/mm-2.4, and CR/mm-3.1 are feasible, are adopted, and will further reduce impacts to tribal cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.18-8 through 4.18-9 of the Final EIR.)

3. **TCR Impact 3:** Project implementation could result in the cumulative disturbance and destruction of tribal cultural resources, including known and unknown CRHR-Eligible Resources and resources considered by the County to be significant tribal cultural resources pursuant to PRC Section 5024.1. Impacts would be less than significant with mitigation (Class II). (Refer to page 4.18-10 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures CR/mm-2.1 through CR/mm-2.4, CR/mm-3.1, TCR/mm-1.1, and TCR/mm-1.2 are feasible, are adopted, and will further reduce impacts to tribal cultural resources. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding tribal cultural resources, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to page 4.18-10 of the Final EIR.)

P. UTILITIES AND SERVICE SYSTEMS

1. **USS Impact 1:** The project would require the construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications facilities. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.19-29 through 4.19-35 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-18.1 through BIO/mm-18.4, CR/mm-

1.1 through CR/mm-1.4, GEO/mm-8.1 through GEO/mm-8.3, and N/mm-1.1 are feasible, are adopted, and will further reduce impacts related to the construction of new utility infrastructure. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding the construction of new utility infrastructure, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.19-29 through 4.19-35 of the Final EIR.)

2. **USS Impact 2:** The project would require the construction of new and expanded off-site water and wastewater system improvements. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.19-35 through 4.19-37 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measures AQ/mm-3.1, AQ/mm-3.2, AQ/mm-7.1, BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-11.1, BIO/mm-13.1, BIO/mm-16.1, BIO/mm-17.1 through BIO/mm-17.3, BIO/mm-19.1, CR/mm-1.1 through CR/mm-1.4, HAZ/mm-7.1, GEO/mm-8.1 through GEO/mm-8.3, and N/mm-1.1 are feasible, are adopted, and will further reduce impacts related to the construction of new utility infrastructure. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding construction of new utility infrastructure, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.19-35 through 4.19-37 of the Final EIR.)

3. **USS Impact 3:** The project may not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.19-38 through 4.19-41 of the Final EIR.)

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

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

   b. Finding: The County finds that Mitigation Measure USS/mm-3.1 is feasible, is adopted, and will further reduce impacts related to water supply. Accordingly, the County finds that,

pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding water supply, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.19-38 through 4.19-41 of the Final EIR.)

4. **USS Impact 11:** The project could result in a cumulatively considerable impact to utilities and service systems. Cumulative impacts would be less than significant with mitigation (Class II). (Refer to pages 4.19-49 through 4.19-51 of the Final EIR.)

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

   b. Finding: The County finds that Mitigation Measure USS/mm-3.1 is feasible, is adopted, and will further reduce impacts related to cumulative utilities and service system impacts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding utilities and service systems, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.19-49 through 4.19-51 of the Final EIR.)

Q. WILDFIRE

1. **WF Impact 1:** The project could impair an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.20-12 through 4.20-14 of the Final EIR.)

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

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

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

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

      1. Location of established refuge areas
      2. Emergency entry and exit points within the community
      3. Nearest emergency entry and exit points to each specific neighborhood
      4. Family emergency planning

5. Types of emergency alerting and methods to receive emergency notifications
6. Emergency supply kit necessities
7. Care options for pets and other animals in an emergency

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

b. Finding: The County finds that Mitigation Measures PS/mm-1.1 and WF/mm-1.1 are feasible, are adopted, and will further reduce impacts related to emergency response and evacuation efforts. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding emergency response and evacuation efforts, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.20-12 through 4.20-14 of the Final EIR.)

2. **WF Impact 3:** The project could exacerbate wildfire risks due to development within a high fire hazard severity zone. Impacts would be less than significant with mitigation (Class II). (Refer to pages 4.20-15 through 4.20-18 of the Final EIR.)

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

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

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

8. The Homeowner's Association will conduct vegetation management in the open spaces, in the retention basins, on trails, and near U.S. Route101 that prevent or reduce the ability for a wildfire to spread to other properties in proximity. Methods used will provide for the protection of the open space environment.
9. Fencing or barriers adjoining the open space areas, whether owned privately or by the Homeowner's Association, will be constructed of a fire-resistive material so that it will not convey or contribute to the spread of fire from or to the open space areas (exception may include an open-type fence, such as a split-rail fence). Combustible fence material will not be used within 5 feet of structures.
10. Vegetation management will be consistent with Dana Reserve's County of San Luis Obispo-approved oak woodland habitat management plan.
11. The Homeowner's Association is authorized to enter into contracts and agreements for vegetation management in and near the open space areas that includes hand, mechanical, animal, prescribe fire, herbicide, and other methods consistent with accepted vegetation management practices.
12. The Homeowner's Association is authorized to increase assessment and fines necessary to protect and maintain the open space areas. This may include funds for the hiring of staff and contracts.
13. The Homeowner's Association is authorized to enter into agreements with agencies, land conservancies, and other organizations who also have a mutual concern for the protection of the open space areas.

b. Finding: The County finds that Mitigation Measure WF/mm-3.1 is feasible, is adopted, and will further reduce impacts related to wildfire. Accordingly, the County finds that, pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts of the proposed project regarding wildfire, as identified in the EIR. Therefore, impacts are considered less than significant. (Refer to pages 4.20-15 through 4.20-18 of the Final EIR.)

SECTION 6. SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS OF THE PROJECT FOR WHICH SUFFICIENT MITIGATION IS NOT AVAILABLE

Class I impacts are significant and unavoidable. To approve a project resulting in Class I impacts, the CEQA Guidelines require decision makers to make findings of overriding consideration that "... specific legal, technological, economic, social, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR...".

This section presents the project's significant environmental impacts and feasible mitigation measures. State CEQA Guidelines Section 15091 (14 CCR) and PRC Section 21081 require a lead agency to make one or more of the following findings for each significant environmental impact disclosed in an EIR:

1. *Changes or alterations have been required in, or incorporated into, the project to avoid or substantially lessen the significant environmental effects identified in the Final EIR;*
2. *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by that agency; or*

3. *Specific economic, social, legal, technological, or other considerations, including provision of employment opportunities for highly trained workers, make the mitigation measures or project alternatives identified in the Final EIR infeasible.*

Each of these findings must be supported by substantial evidence in the administrative record. This section identifies impacts that can be reduced, but not to a less-than-significant level, through the incorporation of feasible mitigation measures into the project, and which therefore, remain significant and unavoidable, as identified in the Final EIR. The impacts identified in this section are considered in the same sequence in which they appear in the EIR. Where adoption of feasible mitigation measures is not effective in avoiding an impact or reducing it to a less-than-significant level, the feasibility of adopting alternatives to the project is considered in Section 7 of this document.

A. AIR QUALITY

1. **AQ Impact 1:** The project would conflict with an applicable air quality plan. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.3-26 through 4.3-29 of the Final EIR.)

   a. Mitigation: With implementation of Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 (refer to Section 6.A.2, *AQ Impact 3*) and TR/mm-3.1 (refer to Section 6.F.1, *TR Impact 3*), the project would be consistent with alternative transportation and employee VMT reduction strategies included in the SLOAPCD Climate Action Plan (CAP) and PM reduction requirements of SB 656. However, the project would increase regional VMT and would be inconsistent with the jobs-to-housing balance included in the SLOPACD CAP. No mitigation has been identified that would reduce these impacts to below applicable thresholds. Therefore, impacts related to consistency with applicable air quality plans would be significant and unavoidable (Class I):

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative air quality impacts, which would remain significant and unavoidable. (Refer to pages 4.3-26 through 4.3-29 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

2. **AQ Impact 3:** The project would result in a cumulatively considerable net increase of criteria pollutants in exceedance of established SLOAPCD daily emissions thresholds. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.3-30 through 4.3-37 of the Final EIR.)

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

      AQ/mm-3.1 A Construction Activity Management Plan (CAMP) shall be prepared. The CAMP shall be submitted to the San Luis Obispo Air Pollution Control District for review and approval at least 3 months before the start of construction. The CAMP shall include a dust-control management plan, tabulation of on- and off-road construction equipment (age, horsepower, and usage rates), construction truck trip schedules, construction workday period, and construction phasing. Each subsequent developer shall provide documentation establishing consistency with the CAMP prior to the start of construction activities. If there are any changes to these assumptions after completion of the CAMP, the subsequent developer shall coordinate with the San Luis Obispo Air Pollution Control District to ensure

alterations are not detrimental to emissions reduction strategies and that revisions to the CAMP are not required. If implementation of Standard Mitigation and Best Available Control Technology measures cannot reduce project emissions to below the San Luis Obispo Air Pollution Control District's Tier 2 threshold, off-site mitigation shall be implemented in coordination with the San Luis Obispo Air Pollution Control District to reduce nitrogen oxides (NO_X) and reactive organic gas (ROG) emissions to below the Tier 2 threshold. At a minimum, the following measures shall be implemented and included in the CAMP to reduce construction generated mobile-source and evaporative emissions:

1. Maintain all construction equipment in proper tune according to manufacturer's specifications.
2. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
3. Diesel-fueled construction equipment shall meet, at a minimum, California Air Resources Board's Tier 3, or newer, certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Heavy-duty off-road equipment meeting Tier 4 emissions standards shall be used to the extent locally available.
4. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2010, or cleaner, certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation.
5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or nitrogen oxides exempt area fleets) may be eligible by proving alternative compliance.
6. Electrify equipment when feasible.
7. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
8. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
9. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the San Luis Obispo Air Pollution Control District. Such equipment may include power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the San Luis Obispo Air Pollution Control District Engineering and Compliance Division at (805) 781-5912.
10. Construction of the proposed project shall use low-volatile organic compound content paints not exceeding 50 grams per liter.
11. To the extent locally available, use prefinished building materials or materials that do not require the application of architectural coatings.

12. The following idling restrictions near sensitive receptors for both on- and off-road equipment shall be implemented:
    a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
    b. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
    c. Use of alternative fueled equipment is recommended whenever possible; and
    d. Signs that specify the no idling requirements must be posted and enforced at the construction site.
13. On-road vehicle operations shall comply with 13 California Code of Regulations Section 2485, which limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles:
    a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and
    b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.
14. Signs shall be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf.
15. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use Off-Road Diesel regulation available at: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

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

1. Reduce the amount of disturbed area where possible.
2. Use water trucks, San Luis Obispo Air Pollution Control District-approved dust suppressants (see Section 4.3 in the California Environmental Quality Act Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall require the use of a San Luis Obispo Air Pollution Control District-approved dust

suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the California Environmental Quality Act Air Quality Handbook.

3. All dirt stockpile areas should be sprayed daily as needed.
4. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities.
5. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established.
6. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District.
7. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
8. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between the top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
10. Install wheel washers at the construction site entrance/exit, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other San Luis Obispo Air Pollution Control District - approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways.
11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
12. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the San Luis Obispo Air Pollution Control District prohibited developmental burning of vegetative material within San Luis Obispo County. For more information, contact the San Luis Obispo Air Pollution Control District Engineering and Compliance Division at (805) 781-5912.
13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and prevent the transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.

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

1. Install electric fireplaces in place of U.S. Environmental Protection Agency-certified Tier 2 residential wood-burning appliances.
2. Provide a pedestrian-friendly and interconnected streetscape with good access to/from the development for pedestrians, bicyclists, and transit users to make alternative transportation more convenient, comfortable, and safe. Features may include appropriate signalization and signage, safe routes to school, linking cul-de-sacs and dead ends, orienting buildings toward streets with automobile parking in the rear, etc.
3. For all commercial and multi-family residential land uses, provide shade (e.g., through tree plantings or built structures) over 50% of parking spaces to reduce evaporative emissions from parked vehicles, excluding areas where increased shade would affect the performance of solar photovoltaic systems.
4. Reduce fugitive dust from roads and parking areas with the use of paving or other materials.
5. Use a San Luis Obispo Air Pollution Control District-approved suppressant on private unpaved roads leading to the site, unpaved driveways, and parking areas applied at a rate and frequency that ensures compliance with San Luis Obispo Air Pollution Control District Rule 401: Visible Emissions and that off-site nuisance impacts do not occur.
6. Incorporate traffic calming modifications to project roads to reduce vehicle speeds and increase pedestrian and bicycle usage and safety.
7. Work with San Luis Obispo Council of Governments to create, improve, or expand an on-site or nearby Park and Ride lot with car parking, and bike lockers, and electric vehicle (EV) charging stations in proportion to the size of the project. The Park and Ride lot proposed as part of the Dana Reserve Specific Plan could meet the requirements of this measure, if upon review of final design plans, the County and San Luis Obispo Council of Governments concur that the on-site Park and Ride lot is in proportion to the size of the Dana Reserve Specific Plan project.
8. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment.
9. Require future commercial land uses to provide employee lockers and showers to promote bicycle and pedestrian use. One shower and five lockers for every 25 employees is recommended.
10. Increase bicycle accessibility and safety in the vicinity of the project; for example, provide interconnected bicycle routes/lanes or construction of bikeways.
11. Provide on-site bicycle parking: both short-term racks and long-term lockers, or a locked room with standard racks and access limited to bicyclists only.
12. If the project is located on an established transit route, provide improved public transit amenities (e.g., covered transit turnouts, direct pedestrian access, bicycle racks, covered bench, smart signage, route information displays, lighting, EV charging stations, etc.).

13. Encourage commercial land uses to provide a bicycle-share program.
14. Require 15% of fleet vehicles owned by commercial land uses to be zero-emission vehicles (ZEVs). This requirement shall apply to commercial land uses and fleets based on-site within the Specific Plan Area and not on a larger scale for commercial operations that occur at multiple locations.
15. Encourage neighborhood electric vehicles/car-share program for the development.
16. Provide dedicated parking for carpools, vanpools, and/or high-efficiency vehicles to meet or exceed California Green Building Standards Tier 2 for nonresidential land uses.
17. Work with SLO Regional Rideshare to educate occupants with alternative transportation and smart commute information (e.g., transportation board, electronic kiosk, new hire packets, web portal, newsletters, social media, etc.)
18. Encourage nonresidential land uses to implement and promote programs to reduce employee vehicle miles traveled (e.g., incentives, SLO Regional Rideshare trip reduction program, vanpools, on-site employee housing, alternative schedules (e.g., 9/80s, 4/10s, telecommuting, satellite work sites, etc.).
19. Community event centers (i.e., amphitheaters, theaters, and stadiums) shall provide free valet bicycle parking.
20. Meet or exceed applicable building standards at the time of development for providing electric vehicle charging infrastructure.
21. Meet or exceed applicable building standards at the time of development for building energy efficiency with a goal of achieving zero net energy (ZNE) buildings.
22. Implement a “No Idling” vehicle program, which includes signage enforcement, etc.
23. Meet or exceed applicable building standards at the time of development for utilizing recycled content materials.
24. Meet or exceed applicable building standards at the time of development for reducing cement use in the concrete mix as allowed by local ordinance and conditions.
25. Meet or exceed applicable building standards at the time of development for the use of greywater, rainwater, or recycled water.
26. Meet or exceed applicable building standards at the time of development for water conservation (e.g., use of low-flow fixtures, water-efficient irrigation systems, drought-tolerant landscaping).
27. Meet or exceed applicable building standards at the time of development for using shading, trees, plants, cool roofs, etc. to reduce the “heat island” effect.
28. All built-in appliances shall comply with California Title 20, Appliance Efficiency Regulation.
29. Utilize on-site renewable energy systems (e.g., solar, wind, geothermal, biomass and/or biogas) sufficient to exceed applicable building standards at the time of development with a goal of achieving zero net energy (ZNE) buildings.

30. Design roof trusses to handle dead weight loads of standard solar-heated water and photovoltaic panels.

a. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1 through AQ/mm-3.3 and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative air quality impacts, which would remain significant and unavoidable. A statement of overriding considerations for this impact is made in Section 12.

3. **AQ Impact 9:** The project would result in cumulatively considerable impacts related to air quality. Cumulative impacts would be significant and unavoidable (Class I). (Refer to pages 4.3-44 through 4.3-45 of the Final EIR.)

a. Mitigation: Cumulative impacts related to exposure of sensitive receptors to substantial pollutant concentrations and/or objectionable odors, including NOA, would be less than significant with implementation of identified project-specific mitigation; no additional mitigation is needed to avoid or minimize these potential cumulative impacts. However, implementation of the project would contribute to a cumulative net increase in daily criteria pollutant emissions during operation and would generate growth in a manner that would be inconsistent with VMT reduction measures and would further divide the jobs-to-housing ratio. Mitigation Measures AQ/mm-3.3 (refer to Section 6.A.2, *AQ Impact 3*) and TR/mm-3.1 (refer to Section 6.F.1, *TR Impact 3*) have been included to reduce project-specific impacts; however, residual cumulative impacts would continue to be significant and unavoidable (Class I).

b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.3 and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative air quality impacts, which would remain significant and unavoidable. (Refer to pages 4.3-44 through 4.3-45 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

B. BIOLOGICAL RESOURCES

1. **BIO Impact 1:** The project could directly or indirectly impact special-status plant and wildlife species. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.4-50 through 4.4-53 of the Final EIR.)

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

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

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

6. Outlining actions to be taken in the event of non-compliance.

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

BIO/mm-1.2 **Worker Environmental Training Program.** Prior to implementation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend a training to facilitate worker environmental awareness. The Worker Environmental Training shall be conducted by a County-approved qualified biologist to help workers recognize special-status plants and animals to be protected in the project area. The training program shall include:

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

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

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

BIO/mm-1.3 **Cover Excavations.** During construction, all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and 2 or more feet deep shall be covered when workers or equipment are not actively working in the excavation. If any such excavations remain uncovered, they shall have an escape ramp of earth or a non-slip material with a 1:1 (45 degree) slope or flatter. All excavated areas shall be inspected for wildlife before backfilling.

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

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

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

b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. (Refer to pages 4.4-50 through 4.4-53 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

2. **BIO Impact 4:** The project could directly and indirectly impact CRPR 4 and Watch List plant species, including California spineflower, sand buck brush, and sand almond. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.4-60 through 4.4-62 of the Final EIR.)

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

   BIO/mm-4.1 **Mitigation for Plants Ranked CRPR 4 (Limited Distribution – Watch List) by the California Native Plant Society.** Restoration and/or enhancement of habitat suitable for California spineflower, sand buck brush, and sand almond shall occur to mitigate for impacts to plant populations at a 1:1 ratio above the 10% impact threshold. If conservation of existing habitat is pursued as an alternative or complementary mitigation strategy, a ratio of 2:1 above the 10% impact threshold shall be employed. For California spineflower, the applicant may accomplish adequate mitigation using these ratios through a combination of on-site and off-site

mitigation involving (1) the successful planting of 500,000 plants on the project site sufficient to achieve thriving sustainable habitat conditions or (2) the purchase of a conservation easement over an off-site property capable of supporting a dense population. Prior to issuance of the grading permit, one or more plans to conserve, enhance, and/or restore on-site and/or off-site habitat for California spineflower, sand buck brush, and sand almond shall be prepared. The plan(s) shall be prepared by a qualified individual acceptable to the Director of Planning and Building and approved prior to implementation. The plan(s) shall include purchase for conservation of land containing impacted species and/or restoration of habitat with high microsite suitability for California spineflower, sand buck brush, and sand almond. The applicant may fund Public Benefit restoration efforts on conserved land to be implemented and monitored by organizations such as The Nature Conservancy, The Land Conservancy of San Luis Obispo County, Greenspace, or Cambria Land Trust. The funds would be used to pay for mitigation planting, maintenance, and long-term monitoring in perpetuity.

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

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

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

b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-4.1, BIO/mm-4.2, BIO/mm 14.1, and BIO/mm 15.1 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. (Refer to pages 4.4-60 through 4.4-62 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

3. **BIO Impact 14:** The project will directly impact Burton Mesa chaparral. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.4-74 through 4.4-76 of the Final EIR.)

   a. Mitigation: With implementation of Mitigation Measures BIO/mm-3.1 (refer to Section 5.D.2, *BIO Impact 3*) and BIO/mm-14.1, impacts to Burton Mesa chaparral would be mitigated. However, due to the limited range of this vegetation type and the limited availability of off-site mitigation parcels, implementation at a full 2:1 ratio may not be feasible. The applicant is proposing to establish Burton Mesa chaparral in native gardens around the periphery of the proposed development, which could total between 8.75 to 15

acres of on-site mitigation and would be required to mitigate impacts to Burton Mesa chaparral to avoid any net loss in habitat quality as described above. However, these smaller isolated patches would not provide the same habitat value as what is currently onsite. This is because it is the combined habitat matrix of Burton Mesa chaparral, coast live oak woodland, and California perennial grassland that supports the special-status plant and wildlife species that are present. It is also significantly less than the 70 acres of habitat needed to offset impacts at a 2:1 ratio. Given the limited availability of off-site mitigation parcels and the limited on-site opportunities to restore and maintain the ecological integrity of this ecosystem, potential impacts would be significant and unavoidable (Class I).

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

Conservation/enhancement/restoration of habitat areas contiguous with protected/restored Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera) habitat shall be prioritized over isolated patches of mitigation. Areas contiguous with other protected maritime chaparral or oak woodland shall also be prioritized over isolated patches of mitigation. Where restoration is proposed, a restoration and enhancement plan approved by the California Department of Fish and Wildlife shall be submitted to the County prior to issuance of the Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces. A conservation easement over protected habitat shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include, but are not limited to, The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, Cambria Land Trust, or the California Department of Fish and Wildlife. The County of San Luis Obispo shall review and approve additional analysis prior to final approval of any proposed conservation area.

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

A combination of preservation and restoration at a 2:1 ratio would allow for a no-net-loss of cover by Burton Mesa chaparral constituent elements and maintain species diversity within the county. In the event the applicant believes mitigation per the above requirements is not feasible, the applicant shall provide a report documenting the efforts taken to achieve the above standard, the reasons compliance is infeasible, and documentation that sufficiently establishes no additional reasonable mitigation options are feasible. The reasonableness of potential mitigation shall be interpreted in conformance with the standards of "rough proportionality" and "essential

nexus" as established in the long-standing United States Supreme Court cases of Nollan v. Coastal Commission (1987) 483 U.S. 825, and Dolan v. City of Tigard (1994) 512 U.S. 374. This report shall be subject to the review and approval of the County of San Luis Obispo based on factors such as but not limited to cost, lack of availability of land, and lack of comparable habitat matrix that can be obtained. In the event the County agrees a combination of preservation and restoration at a 2:1 ratio would be infeasible as defined above, then the applicant shall, at a minimum, mitigate impacts to Burton Mesa chaparral to achieve a performance standard of no net loss of habitat quality. The performance standard shall be achieved through a combination of conserving, enhancing, restoring, and/or re-creating Burton Mesa chaparral removed by the project at the following mitigation ratios:

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

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

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

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

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

unavoidable. (Refer to pages 4.4-74 through 4.4-76 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

4. **BIO Impact 15:** The project will directly impact coast live oak woodland. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.4-76 through 4.4-78 of the Final EIR.)

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

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

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

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures

identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-3.1 and BIO/mm-15.1, in conjunction with BIO/mm-18.1 through BIO/mm-18.4 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. (Refer to pages 4.4-76 through 4.4-78 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

5. **BIO Impact 18:** The project will result in direct and indirect impacts to coast live oak woodland, coast live oak forest, and individual oak trees. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.4-83 through 4.4-96 of the Final EIR.)

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

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

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

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

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

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

         A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, generally 1.5 times the average canopy radius (distance from trunk to edge of drip line). For example, a tree with a 24-foot-diameter canopy would have a 36-foot critical root zone, or approximately 18 feet from the trunk.

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

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

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

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

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

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

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

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

which retain their leaves year-round, are generally dormant July through October.)

i. Class 1 pruning emphasizes aesthetics, removal of dead, dying, and decaying weak branches and selective thinning to lessen wind resistance.

ii. Class 2 pruning is for structural integrity and tree health concerns. It consists of removal of dead, dying, decaying, interfering, obstructing, and weak branches and selective thinning to lessen wind resistance.

iii. Class 3 pruning is conducted for safety considerations and hazardous conditions.

iv. Class 4 pruning includes crown-reduction pruning, such as reduction of tops, sides, or individual limbs.

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

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

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

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

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

i. Grading within the Critical Root Zone. Grading shall not encroach within the critical root zone unless authorized by the grading permit. Grading shall not disrupt the normal

drainage pattern around the trees. Fills shall not create a ponding condition and excavations shall not leave the tree on a rapidly draining mound. Any exposed roots shall be covered the same day they were exposed if possible. If left exposed for more than a day, roots must be covered with burlap or another suitable material and wetted down two times per day until reburied.

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

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

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

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

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

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

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

    c. Chip Mulch. All impacted areas within the critical root zone of the trees shall receive a 4- to 6-inch layer of chip mulch

to retain moisture, retain soil structure, and reduce the effects of soil compaction.

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

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

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

7. **Arborist Supervision and Treatment of Impacted Trees.** A licensed arborist shall supervise all ground disturbances within the tree protection zone and activities that may impact branches. The arborist shall provide guidance such as temporary damaged root protection, use of air spades, timing between impact and root treatment by arborist, appropriate use of air spade or hand tools to minimize tree damage specific to the action proposed, and to treat root zone and branch damage.

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

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

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

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

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

11. **Prepare and Implement On-Site Oak Tree Protection, Replacement, and Habitat Restoration Plan.** Prior to recordation of a Final Map for a land division on the property, the developer shall submit a Tree Protection Plan, Tree Replacement Plan (BIO/mm-18.2), and Oak Woodland Habitat Restoration Plan (BIO/mm-18.3) for the review and approval by the County of San Luis Obispo Planning and Building Director. The Oak Tree Protection, Replacement, and Habitat Restoration Plan will be approved by the County of San Luis Obispo and provided to all contractors and subcontractors that work within or adjacent to the critical root zone of native trees. Provisions of the Oak Tree Protection, Replacement, and Habitat Restoration Plan shall be included in the Worker Environmental Training Program to confirm that workers and supervisors are trained in maintaining fencing, protecting root zones, and conforming to all tree protection goals. Each contractor must sign and acknowledge the plan. Any future changes (within the critical root zone) will need project arborist review and implementation of potential mitigation measures before proceeding.

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

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

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

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

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

1. **Mitigation for Removed Trees.** Oak trees removed from habitat types not mapped as oak woodland or oak forest in Figure 4.4-2, shall be mitigated for by planting replacement trees at a 4:1 ratio (four trees for each tree removed, e.g., 120 oaks planted for 30 removed).
2. **Mitigation for Impacts to Preserved Trees.** Per Section 12 of BIO/mm-18.1, damage that occurs to protected retained trees located outside habitat types mapped as oak woodland or oak forest in Figure 4.4-2 resulting from construction activities shall be mitigated at the following ratios:
    a. Indirect impacts to less than 25% of a tree's critical root zone and canopy shall be monitored, tracked, and health reported for at least 2 years following impact.
    b. Trees impacted over 25% of a trees critical root zone shall be monitored for 7 years. Trees in very poor health after 7 years as determined by a certified arborist shall be replanted at a 2:1 ratio (plant two trees for each tree impacted).
3. **Criteria for Replacement Trees:**
    a. Mitigation trees may be planted to enhance the on-site oak woodland and/or included in the landscape planting plan but are not allowed in the preserved oak forest habitat.
    b. Replacement trees within 100 feet of structures shall be planted with the intention that their mature canopies will be maintained over 6 feet above ground level. Within 30 feet of structures, canopies will maintain a minimum separation of 10 feet.
    c. A minimum of 25% of the oak trees planted in mitigation areas and in on-site restoration areas shall be propagated from acorns collected from on-site oak trees, preferably from those proposed to be removed.
    d. All other mitigation trees must be from Central Coast acorns. All replacement trees shall be at least 1 year old and preferably propagated in tall tree pots that are 12 to 18 inches deep.
    e. Mitigation trees shall be maintained and monitored for a minimum of 7 years and must have reached a minimum height of 6 feet prior to certification of completion.

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

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

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

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

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

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

Recommended Native Plant Species for Landscaping

Scientific Name	Common Name	Special Status
Shrubs – 12 Native Taxa		
Artemisia californica	California sagebrush	--
Ceanothus impressus var. *nipomensis*	Nipomo Mesa ceanothus	CRPR 1B.2
Ceanothus cuneatus var. *fascicularis*	Sand buck brush	CRPR 4.2
Cercocarpus betuloides var. *betuloides*	Birch-leaf mountain-mahogany	--
Frangula californica	California coffee berry	--

Scientific Name	Common Name	Special Status
Heteromeles arbutifolia	Toyon	--
Prunus ilicifolia	Hollyleaf cherry	--
Prunus fasciculata var. *punctata*	Sand almond	CRPR 4.3
Rhamnus crocea	Spiny redberry	--
Salvia mellifera	Black sage	--
Sambucus nigra ssp. *caerulea*	Blue elderberry	--
Symphoricarpos mollis	Creeping snowberry	--
Forbs – Annual and Perennial Native Taxa		
Acmispon americanus	American bird's foot trefoil	--
Acmispon glaber	Deer weed	--
Anaphalis margaritacea	Pearly everlasting	--
Asclepias eriocarpa	Kotolo	--
Cirsium occidentale	Cobweb thistle	--
Clarkia purpurea ssp. *viminea*	Wine cup Clarkia	--
Claytonia parviflora ssp. *parviflora*	Miner's lettuce	--
Corethrogyne filaginifolia	Common tansyaster	--
Dichelostemma capitatum ssp. *capitatum*	Blue dicks	--
Diplacus aurantiacus	Sticky monkeyflower	--
Helianthemum scoparium	Broom rose	--
Hesperocnide tenella	Western nettle	--
Heterotheca grandiflora	Telegraph weed	--
Horkelia cuneata var. *puberula*	Mesa horkelia	CRPR 1B.1
Lupinus bicolor	Miniature lupine	--
Lupinus nanus	Sky lupine	--
Lupinus truncatus	Blunt leaved lupine	--
Paeonia californica	California peony	--
Pedicularis densiflora	Warrior's plume	--
Phacelia ramosissima	Branching phacelia	--
Phacelia tanacetifolia	Lacy phacelia	--
Pholistoma auritum	Fiesta flower	--
Piperia michaelii	Michael's rein orchid	CRPR 4.2
Plantago erecta	California plantain	--
Pseudognaphalium californicum	Ladies' tobacco	--
Pterostegia drymarioides	Fairy mist	--
Silene laciniata	Cardinal catchfly	--
Solanum americanum	Common nightshade	--
Solanum xanti	Chaparral nightshade	--

BIO/mm-18.3 Protect On-Site Oak Woodland Resources Intended to be Retained and Preserved On-Site. Prior to issuance of a grading permit for any future development within the Specific Plan Area, the applicant shall submit an Oak Woodland Protection and Restoration Plan to be reviewed and approved by the County of San Luis Obispo Planning and Building Department. Coast live oak forest, woodland, and retained trees within 50 feet of development shall be shown on all grading and development plans. The plan shall be prepared by a qualified individual acceptable to the

County of San Luis Obispo Director of Planning and Building. The plan shall specify short- and long-term management actions necessary to preserve and enhance the on-site biological open space and will include sections for (1) habitat protection, (2) monitoring during project construction, (3) reporting, (4) oak tree replacement planting, (5) rare plant mitigation planting and protection, and (6) wildlife habitat protection. The plan shall include (7) a fuel management component that provides measures to protect native understory vegetation and downed woody debris in a manner that optimizes wildlife habitat protection and reduces fire risk to neighborhoods. The plan shall (8) maximize the protection of large oak trees (greater than 12 inches in diameter as measured at breast height) during all construction activities.

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

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

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

a. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-18.1 through BIO/mm-18.4 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. (Refer to pages 4.4-83 through 4.4-96 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

6. **BIO Impact 20:** The project would have cumulatively considerable impacts related to biological resources. Cumulative impacts would be significant and unavoidable (Class I). (Refer to pages 4.4-97 through 4.4-99 of the Final EIR.)

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, BIO/mm-11.1, BIO/mm-12.1, BIO/mm-13.1, BIO/mm-14.1, BIO/mm-15.1, BIO/mm-16.1, BIO/mm-17.1 through BIO/mm-17.3, BIO/mm-18.1 through BIO/mm-18.4, and BIO/mm-19.1 are feasible and have been adopted. However, no additional feasible mitigation is available for biological impacts, which would remain significant and unavoidable. (Refer to pages 4.4-97 through 4.4-99 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

C. GREENHOUSE GAS EMISSIONS

1. **GHG Impact 3:** The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.8-31 through 4.8-32 of the Final EIR.)

   a. Mitigation: Implementation of Mitigation Measures AQ/mm-3.1, AQ/mm-3.3 (refer to Section 6.A.2, *AQ Impact 3*), GHG/mm-1.1 (refer to Section 5.H.1, *GHG Impact 1*), and TR/mm-3.1 (refer to Section 6.F.1, *TR Impact 3*) would reduce potential impacts related to operational GHG emissions from the proposed project. However, the project would generate VMT in a manner that would be inconsistent with SLOCOG's 2019 RTP/SCS and the effectiveness of the identified mitigation to reduce this impact below applicable thresholds is not certain. Therefore, with implementation of identified mitigation, potential impacts would be significant and unavoidable (Class I).

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, GHG/mm-1.1, and TR/mm-3.1 are feasible and have been adopted. However, no

additional feasible mitigation is available for GHG emissions, which would remain significant and unavoidable. (Refer to pages 4.8-31 through 4.8-32 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

2. **GHG Impact 5:** The project would result in a cumulatively considerable impact to greenhouse gas emissions. Cumulative impacts would be significant and unavoidable (Class I). (Refer to pages 4.8-32 through 4.8-33 of the Final EIR.)

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measures AQ/mm-3.1, AQ/mm-3.3, GHG/mm-1.1, and TR/mm-3.1 are feasible and have been adopted. However, no additional feasible mitigation is available for cumulative GHG emissions, which would remain significant and unavoidable. (Refer to pages 4.8-32 through 4.8-33 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

D. LAND USE AND PLANNING

1. **LUP Impact 3:** The project would adversely affect the local jobs-to-housing ratio within the project area and would be inconsistent with Land Use Planning Policy L-3 of the San Luis Obispo County Clean Air Plan. Impacts would be significant and unavoidable (Class I). (Refer to page 4.11-37 of the Final EIR.)

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No feasible mitigation is available to ensure consistency with Land Use Planning Policy L-3 of the San Luis Obispo County Clean Air Plan, which would remain significant and unavoidable. (Refer to page 4.11-37 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

2. **LUP Impact 5:** The project would result in the net loss of CRPR 4 and Watch List plant species, native oak woodland, and sensitive habitats; therefore, the project would be potentially inconsistent with goals and policies of the County of San Luis Obispo General Plan Conservation Open Space Element pertaining to preservation of biological resources and Policy 3.8 of the Parks and Recreation Element. Impacts would be signification and unavoidable (Class I). (Refer to pages 4.11-38 through 4.11-39 of the Final EIR.)

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Implementation of Mitigation Measures BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-4.1, BIO/mm-15.1, BIO/mm-16.1, BIO/mm-

18.1 through BIO/mm-18.4, and BIO/mm-19.1 are feasible and have been adopted. However, no additional feasible mitigation is available to ensure consistency with goals and policies of the County COSE pertaining to preservation of biological resources and Policy 3.8 of the County Parks and Recreation Element, which would remain significant and unavoidable. (Refer to pages 4.11-38 through 4.11-39 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

3. **LUP Impact 10:** The project would result in cumulative impacts associated with inconsistency with goals and policies identified within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), Land Use Ordinance, and South County Area Plan regarding preservation and no net loss of sensitive biological resources and preservation of rural visual character. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.11-44 through 4.11-45 of the Final EIR.)

   a. Mitigation: Even with implementation of Mitigation Measures AES/mm-3.1 and AES/mm-3.2 (refer to Section 5.A.1, *AES Impact 3*), BIO/mm-2.1 through BIO/mm-2.3 (refer to Section 5.D.1, *BIO Impact 2*), BIO/mm-4.1 (refer to Section 6.B.2, *BIO Impact 4*), BIO/mm-15.1 (refer to Section 6.B.4, *BIO Impact 15*), BIO/mm-16.1 (refer to Section 5.D.12, *BIO Impact 16*), BIO/mm-18.1 through BIO/mm-18.4 (refer to Section 6.B.5, *BIO Impact 18*), and BIO/mm-19.1 (refer to Section 5.D.14, *BIO Impact 19*), residual cumulative impacts associated with inconsistency with goals and policies of the County COSE pertaining to preservation of biological resources would be significant and unavoidable (Class I).

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Implementation of Mitigation Measures AES/mm-3.1 and AES/mm-3.2, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-4.1, BIO/mm-15.1, BIO/mm-16.1, BIO/mm-18.1 through BIO/mm-18.4, and BIO/mm-19.1 are feasible and have been adopted. However, no additional feasible mitigation is available to ensure consistency with local plans and policies, which would remain significant and unavoidable. (Refer to pages 4.11-44 through 4.11-45 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

E. POPULATION AND HOUSING

1. **PH Impact 1:** The project would induce substantial unplanned population growth in the Nipomo area. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.14-23 through 4.14-27 of the Final EIR.)

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No additional feasible mitigation is available to avoid substantial unplanned population growth. (Refer to pages 4.14-23 through 4.14-27 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

2. **PH Impact 5:** The project would result in a cumulatively considerable impact related to substantial and unplanned population growth. Impacts would be significant and unavoidable (Class I). (Refer to page 4.14-29 of the Final EIR.)

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No additional feasible mitigation is available

to avoid substantial unplanned population growth. (Refer to page 4.14-29 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

F. TRANSPORTATION

1. **TR Impact 3:** Buildout of the Specific Plan Area would exceed the County VMT thresholds and therefore would not be consistent with State CEQA Guidelines Section 15064.3(b). VMT per employee would be incrementally reduced compared to existing conditions; however, the project-related increase in residential VMT per capita and overall VMT would exceed the County VMT thresholds. Impacts would be significant and unavoidable (Class I). (Refer to pages 4.17-39 through 4.17-43 of the Final EIR.)

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

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

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

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

   b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measure TR/mm-3.1 is feasible and has been adopted. No additional feasible mitigation is available to avoid an increase in VMT. (Refer to pages 4.17-39 through 4.17-43 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

2. **TR Impact 9:** The project would result in a cumulatively considerable impact to transportation and traffic. Cumulative impacts would be significant and unavoidable (Class I). (Refer to pages 4.17-48 through 4.17-49 of the Final EIR.)

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

b. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. Mitigation Measure TR/mm-3.1 is feasible and has been adopted. No additional feasible mitigation is available to avoid an increase in VMT. (Refer to pages 4.17-48 through 4.17-49 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

G. GROWTH-INDUCING IMPACTS

3. **GI Impact 1:** The project would result in substantial growth inducement associated with the proposed project's population as well as the potential to induce additional spatial, economic, or population growth in a geographic area. Impacts would be significant and unavoidable (Class I). (Refer to page 6-1 through 6-4 of the Final EIR.)

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

   d. Finding: The County finds that specific economic, social, legal, technological, or other considerations make infeasible any additional mitigation measures beyond the measures identified in the Final EIR and adopted herein. No feasible mitigation is available to reduce growth-inducing impacts, which would remain significant and unavoidable. (Refer to page 6-1 through 6-4 of the Final EIR.) A statement of overriding considerations for this impact is made in Section 12.

SECTION 7. FINDINGS REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

State CEQA Guidelines §15126.2(c) requires a discussion of any significant irreversible environmental changes that would be caused by the proposed project should it be implemented. Such significant irreversible environmental changes may include the following:

- *Use of non-renewable resources during the initial and continued phases of the project that would be irreversible because a large commitment of such resources makes removal or non-use unlikely;*
- *Primary impacts and, particularly secondary impacts (such as highway improvement that provides access to a previously inaccessible area) that generally commit future generations to similar uses; or*
- *Irreversible damage which may result from environmental accidents associated with the project.*

The project would allow for the future development of residential and commercial uses within the currently undeveloped project site, the construction of which would irreversibly commit construction materials and non-renewable energy resources (e.g., fossil fuels, wood, etc.). Nonrenewable resources utilized during construction for the development within the DRSP area would no longer be utilized for other purposes. Consumption of building materials and energy is associated with all development projects in the region, and these commitments of resources are not unique or unusual to the project. Construction of residential and commercial structures would be subject to the California Building Code (CBC), which regulates the method of use, properties, performance, and types of building materials used in construction. Construction equipment would be subject to state and local fuel efficiency standards and idling restrictions.

The buildout of the project would also result in an incremental contribution to the long-term consumption of energy resources associated with the establishment of residential and commercial uses within the DRSP area. Future residential development would be serviced by the Pacific Gas and Electric Company (PG&E), which supplies 25% of its energy mix from renewable resources, 45% from nuclear energy, 28% from large hydrological energy sources, and 2% from nuclear gas (PG&E 2020). The Southern California Gas Company (SoCalGas) is the primary provider of natural gas for urban and rural communities within San Luis Obispo County. SoCalGas has committed to replacing 20% of its traditional natural gas supply with renewable natural gas by 2030. The project would meet or exceed the requirements of the CBC and California Title 24 in effect at the time of construction. Compliance with these standards would include implementation of water conservation measures, energy- and water-efficient appliances, and energy-efficient heating and cooling systems. These sustainable building features would reduce new energy demand and the consumption of water and nonrenewable fossil fuels to a level consistent with or better than other development within the project vicinity. Therefore, the commitment of these resources for project development has been planned for and impacts associated with commitment of resources would be less than significant.

SECTION 8. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(d) requires that EIRs discuss the potential for projects to induce population or economic growth, either directly or indirectly. CEQA also requires a discussion of ways in which a project may remove obstacles to growth. Generally speaking, a project may be considered growth inducing if it results in one or more of the five conditions identified below:

1. *Induces population growth;*
2. *Induces economic expansion;*
3. *Establishes a precedent setting action (e.g., an innovation, a radical change in zoning or general plan designation);*
4. *Results in development or encroachment in an isolated or adjacent area of open space (i.e., being distinct from "infill" development); or*
5. *Removes an impediment to growth (e.g., the establishment of an essential public service or the provision of new access to an area).*

The evaluation below is based on buildout of the project which includes: the DRSP, General Plan Amendment, Ordinance Amendment, Vesting Tentative Tract Map, Conditional Use Permit for oak tree removal and grading/drainage, and a Development Agreement for the 288-acre project site. The project has been designed with a mixture of residential, non-residential, and open space/recreational uses. While the project is consistent with the vision of urban development for the La Cañada Ranch area described in the County's South County Area Plan (Part III of the Land Use and Circulation Element [LUCE] of the County's General Plan), the DRSP proposes to change the mix of land uses envisioned in the LUCE by prioritizing residential over commercial development in response to the current countywide and State housing supply shortage. Amendments are described in Section 2, Project Description, of the Draft EIR, and Chapter 11, Supplemental Analysis of 2024 DRSP, of the Final EIR.

The proposed project would result in up to 1,370 residential units ranging from single-family to multi-family and Village Commercial and Flex Commercial land use categories that would support up to 110,000-203,000 square feet of non-residential use. Development of the project would add an estimated 4,392 residents to the South County area (1,214 market-rate single family and multi-family dwelling units x 3.16 people/unit + 152 Accessory Dwelling Units (ADUs) x 1.5 people/unit + 156 deed-restricted units x 2.1 people/unit). The County's General Plan development potential described in Appendix B of the LUCE describes an estimated build-out capacity population of 37,323 persons in the South County Planning Area.

The proposed project includes residential development and non-residential development. Village Commercial would allow for development of retail commercial and service establishments to meet

daily shopping needs of residents and visitors and provide opportunities for community gathering and meeting spaces while Flex Commercial would allow for development of commercial, office, and light manufacturing uses to support local job-generating business, provide areas for highway traveler services and uses associated with tourists and vacationers on collectors within urban areas, and provide areas for development of public facilities and/or educational/training facilities to meet public needs. As such, the proposed project would contribute to economic growth by providing additional space for business within the south county and Nipomo area. Additionally, residential development may indirectly contribute to local economic growth as a result of the additional population increasing demand on the local economy for general goods. Increased demand for economic services would be accommodated by existing businesses in the south county and Nipomo area and could result in growth for certain types of economic activity related to residential development (such as food service and other retail uses). The physical effects of any new commercial development that occurs in the region would depend upon the size, type, and location of such development.

The proposed project would require discretionary approvals from the County including the DRSP, General Plan Amendment, Ordinance Amendment, Vesting Tentative Tract Map, Conditional Use Permit for oak tree removal and grading/drainage, and a Development Agreement. The DRSP, as a long-term land use plan, is intended to reduce the potential for future uncontrolled growth from specific development proposals and associated environmental impacts of such growth. Since the project would introduce new land use designations that would allow for development of residential development at higher densities than what is envisioned for the DRSP area in the County's General Plan, it could set a precedent that would have new growth-inducing impacts in the area. Development of high-density uses within the specific plan area could increase the attractiveness of surrounding rural residential land for future residential development at similarly higher densities, including construction of ADUs and/or subdivisions and future commercial development. Development of high-density uses within the DRSP area would also influence the baseline for future development density and visual character of surrounding areas, which may make the demand for future higher-density development in the project vicinity increase, compared to existing conditions.

Development of open space is considered growth-inducing when it occurs outside urban boundaries or in isolated locations instead of infill areas. Development of the site would occur in an area of South County/Nipomo that is bordered to the south and west by existing residential suburban development, to the north by residential rural development, and to the east by US 101. As shown in the DRSP, approximately 22 percent, or about 63 acres, of the project area is preserved for recreational and open space uses. The recreational and open space uses would increase the public's access to parkland and are dispersed throughout the DRSP area. Therefore, the project would not result in the establishment of open space/vacant land in isolated areas that could induce growth at the Nipomo's periphery.

The project would not result in the removal of an impediment for growth within the Nipomo area, as adequate access and services are already available for the adjacent and surrounding areas within the Nipomo Urban Reserve Line (URL). The southern and western DRSP boundaries are contiguous to urban land uses within the Nipomo URL, while the northern portion of the site borders scattered single-family residences outside the Nipomo URL. The project would facilitate a planned mixture of uses on the last remaining large sites and DRSP area identified for urban expansion in the Nipomo area in the County's LUCE. As such, the project would reduce the potential for uncontrolled piecemeal growth in the region and reduce the pressure for urban sprawl beyond the existing urban limits. In addition, by focusing development within areas already envisioned for urban development, it is anticipated that implementation of the project would reduce growth pressure in undeveloped areas at the periphery of Nipomo and in other portions of the South County Planning Area that are not envisioned for urban development. This would be expected to reduce the potential for impacts relating to such issues as biological resources, regional traffic, and air quality as compared to development on lands beyond urban boundaries.

Wastewater, potable and recycled water, and stormwater collection would be provided to the DRSP area through the extension of Nipomo Community Services District (NCSD) infrastructure. Access to the DRSP area would be primarily from existing roadways adjacent to the project site.

However, the project would also extend North Frontage Road through the DRSP area connecting Willow Road to West Tefft Street.

Extending existing NCSD infrastructure to undeveloped areas outside of the NCSD service area would remove a potential obstacle to development in these areas. Lands to the southeast and southwest of the DRSP area are within the NCSD service area, and while not adjacent to the site, the NCSD service area also includes areas to the north and west of the DRSP area. Water and wastewater services do not currently serve as a direct constraint on development in the Nipomo area. Therefore, extension of NCSD infrastructure to the project site would not remove an impediment to future unplanned growth in the project vicinity or provide an essential public service that could induce additional population growth. Expansion of existing NCSD infrastructure capacity would be designed to serve existing NCSD customers, the population induced by the project, and future planned population growth within the NCSD service area. Therefore, annexation of the DRSP area into the NCSD service area and implementation of associated water and wastewater system improvements would not have a substantial growth-inducing effect on surrounding land uses beyond the project's direct population growth.

No additional utility infrastructure or facilities beyond those necessary to accommodate anticipated buildout of Nipomo consistent with the County's General Plan would be implemented through this proposed project. Therefore, future development outside of the Nipomo URL and NCSD service area would still be required to construct any infrastructure required to support such development, and the County as the lead agency would be required to review the potential environmental effects of any such development consistent with the requirements of CEQA.

Overall, the project would not remove any existing impediment to growth, would not drive unplanned economic expansion and growth, and would not develop or encroach into an isolated area or one adjacent to open space. However, because the project would constitute establishment of a precedent-setting action, impacts would be *significant and unavoidable*.

A statement of overriding considerations for this impact is made in Section 12.

SECTION 9. FINDINGS FOR ALTERNATIVES TO THE PROJECT

A. INTRODUCTION

As identified in Section 6 of this document, the project will result in the following significant and unavoidable environmental impacts:

- *AQ Impact 1: Conflicts with an air quality plan*
- *AQ Impact 3: Daily operational emissions*
- *AQ Impact 9: Cumulative air quality impact*
- *BIO Impact 1: Impacts to special-status plant and wildlife species*
- *BIO Impact 4: Impacts to California Rate Plant Rank 4 and Watch List species*
- *BIO Impact 14: Impacts to Burton Mesa chaparral*
- *BIO Impact 15: Impacts to coast live oak woodland*
- *BIO Impact 18: Impacts to coast live oak woodland, coast live oak forest, and individual oak trees*
- *BIO Impact 20: Cumulative biological impact*
- *GHG Impact 3: Conflicts with a greenhouse gas emission reduction plan, policy, or regulation*
- *GHG Impact 5: Cumulative greenhouse gas emissions*
- *LUP Impact 3: Increase in the local jobs-to-housing ratio*
- *LUP Impact 5: Inconsistencies with the County Conservation and Open Space Element*

- *LUP Impact 10: General Plan inconsistencies related to biological resources and visual character*
- *PH Impact 1: Substantial unplanned population growth*
- *PH Impact 5: Cumulative population growth*
- *TR Impact 3: VMT in excess of County VMT thresholds*
- *TR Impact 9: Cumulative traffic and transportation impacts*
- *GI Impact 1: Substantial growth inducement*

Because the project will result in significant and unavoidable environmental impacts as identified above, the County must consider the feasibility of any environmentally superior alternatives to the project, as proposed. The County must evaluate whether one or more of these alternatives could substantially lessen or avoid the unavoidable significant environmental effects.

Specifically, where significant impacts are identified, State CEQA Guidelines Section 15126.6(a) requires EIRs to consider and discuss alternatives to the proposed actions:

> (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

State CEQA Guidelines Section 15126.6(b) states the purpose of the alternatives analysis:

> (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (PRC Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

State CEQA Guidelines Section 15126.6(c) describes the selection process for a range of reasonable alternatives:

> (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

With regard to project alternatives, "[t]he issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR and (2) during the agency's later consideration of whether to approve the project." (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal. App. 4th 957, 981 (*CNPS*), citing *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 489 (*Mira Mar*).) "But 'differing factors come into play at each stage.'" (*CNPS*, *supra*, 177 Cal.App.4th at p. 981.) "For the first phase—inclusion in the EIR—the standard is whether the alternative is *potentially* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489 [italics original]; CEQA Guidelines, § 15126.6, subd. (a).) "By contrast, at the second phase— the final decision on project approval—the decision-making body evaluates whether the alternatives are *actually* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981 [italics original], citing CEQA Guidelines, § 15091, subd. (a)(3).) "At that juncture, the decisionmakers may reject as infeasible alternatives that were identified in the EIR as potentially feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 981, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.)

"While it is up to the EIR preparer to identify alternatives as potentially feasible, the decision making body 'may or may not reject those alternatives as being infeasible' when it comes to project approval." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, quoting *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1504.) "Rejection by the decision makers does not undermine the validity of the EIR's alternatives analysis." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489.) "Like mitigation measures, potentially feasible alternatives 'are suggestions which may or may not be adopted by the decisionmakers.'" (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, quoting *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241, 256.)

"When it comes time to decide on project approval, the public agency's decision making body evaluates whether the alternatives are *actually* feasible." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing *Mira Mar*, *supra*, 119 Cal.App.4th at p. 489, and CEQA Guidelines, § 15091, subd. (a)(3).) "While staff may draft the necessary findings, the decision making body is responsible for the ultimate determination of feasibility, which cannot be delegated." (*CNPS*, *supra*, 177 Cal.App.4th at p. 999, citing CEQA Guidelines, §§ 15025, subd. (b)(2), § 15091, subd. (a)(3).) "At this final stage of project approval, the agency considers whether "[s]pecific economic, legal, social, technological, or other considerations ... make infeasible the mitigation measures or alternatives identified in the environmental impact report." (*CNPS*, *supra*, 177 Cal.App.4th at p. 1000, citing Pub. Resources Code, § 21081, subd. (a)(3).) "Broader considerations of policy thus come into play when the decision-making body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives." (*CNPS*, *supra*, 177 Cal.App.4th at p. 1000.) Thus, "it does not subvert the CEQA environmental review process for the ultimate decision maker to reject as infeasible alternatives identified in the EIR." (*Ibid*.)

At the decision-making stage, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego*, *supra*, 133 Cal.App.3d at p. 417; *CNPS*, *supra*, 177 Cal.App.4th at p. 1001; *San Diego Citizenry Group v. County of San Diego*, *supra*, 219 Cal.App.4th at p. 17.) Relatedly, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*Sierra Club v. County of Napa*, *supra*, 121 Cal.App.4th at pp. 1506-1509; *CNPS*, *supra*, 177 Cal. App. 4th 957, 1001; *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 (*Sequoyah Hills*); and *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 43 Cal.4th at pp. 1165, 1166.) In addition, a proposed alternative may also be *legally infeasible*. (*Sequoyah Hills*, *supra*, 23 Cal.App.4th at p. 715 [proposed reduced housing alternative would have violated Government Code section 65589.5, the Housing Accountability Act].)

In light of the foregoing, the environmental superiority and actual feasibility of each alternative to the project is considered in this section. The project objectives are set forth in Section 2.A above. Specifically, this section evaluates the effectiveness of these alternatives in reducing the significant and unavoidable impacts of the project.

B. ALTERNATIVES CONSIDERED BUT REJECTED FROM DETAILED ANALYSIS

As required by State CEQA Guidelines Section 15126.6(c), the selection of alternatives for this EIR included a screening process to determine a reasonable range of alternatives, which could reduce significant effects but also feasibly meet project objectives. Alternatives that do not clearly provide any environmental advantages compared to the project, do not meet basic project objectives, or do not achieve overall lead agency policy goals, have been eliminated from further consideration. The factors that may be considered when addressing the feasibility of alternatives include site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

The following alternatives were considered but eliminated from further analysis by the County due to one or more of these factors:

- *Burton Mesa chaparral avoidance*
- *Residential Rural development*
- *Exclusively commercial/retail development*
- *Alternative location*

These alternatives would either relocate the proposed development or significantly reduce development on the project site. However, these alternatives would fail to achieve most of the basic project objectives related to providing new residential development to implement general plan land use element goals, providing a range of housing opportunities, and developing the specific plan area with integrated pedestrian and bicycle connections and neighborhood design, including contextually appropriate architectural styles, landscaping, open spaces, recreational opportunities, and other amenities. Additionally, several of these alternatives would fail to avoid significant environmental impacts or would increase the potential for certain significant environmental impacts. As a result of these considerations, these alternatives were considered and rejected, consistent with State CEQA Guidelines Section 15126.6(c).

C. DESCRIPTION OF THE ALTERNATIVES

The Final EIR for the project evaluates the following six alternatives to the project: (1) a no project alternative; (2) an Applicant preferred alternative; (3) a La Cañada Ranch Specific Plan alternative consistent with the County's General Plan vision for the project site; (4) a Residential Rural cluster subdivision alternative; (5) an alternative where development is located only on non-native grasslands; and (6) an alternative that provides a gradual transition between the specific plan development and existing residential development.

1. **No Project Alternative**. Consistent with the State CEQA Guidelines (Section 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 none of the proposed entitlements are implemented, and the DRSP area is not developed, even consistent with the existing Residential Rural land use designation. As a result, this alternative assumes no development would happen either onsite or offsite and no physical impacts would occur.
2. **Alternative 1: Applicant Preferred**. This alternative would reconfigure the DRSP by relocating NBD 10 and reducing the public park. Additionally, Collector A would be moved to reduce impacts on oak trees.
3. **Alternative 2: General Plan La Cañada Ranch**. This alternative would develop the project site consistent with the County's General Plan requirements for La Cañada Ranch, which would include primarily light industrial and commercial development, with a decrease in residential development and open space/recreation uses. Residential development would be limited to 190 single-family units and 535 multi-family units.

4. **Alternative 3: Residential Rural Cluster Subdivision**. This alternative would result in a concentrated "cluster" development with no commercial land uses. Residential development, based on minimum parcel sizes and utility availability, would be 78-390 single-family units.
5. **Alternative 4: Development on Non-Native Grassland**. This alternative would increase open space and reduce residential, commercial, and recreational development. Residential development would be limited to 1,100 residential units, including 680 four-story multifamily units and 420 two-story single-family units.
6. **Alternative 5: Gradual Transition Along the Fringe**. This alternative would reduce residential density along the project site boundaries to provide a more gradual transition between surrounding rural residential development and the proposed denser residential development in the DRSP Area. Residential development would be limited to 1,135 units.

D. EFFECTIVENESS OF ALTERNATIVES IN AVOIDING SIGNIFICANT PROJECT IMPACTS

This section evaluates the effectiveness of the alternatives in reducing the significant and unavoidable impacts of the project.

1. **Significant and Unavoidable Air Quality Impacts.** The project would result in significant and unavoidable project-level and cumulative impacts related to long-term, operational emissions of criteria pollutants and consistency with air quality plans. Under the No Project Alternative, no development would occur and no uses would be established on the project site. Therefore, this alternative would avoid the significant and unavoidable air quality impacts identified for the project.

   Under Alternative 1, one of the residential neighborhoods would be relocated to another part of the project site in order to avoid impacts to oak trees. Because the land use mix and intensity under this alternative would be substantially similar to the project, operational air pollutant emissions would require similar mitigation to the project and this alternative would result in similar impacts to air quality. However, this alternative would not avoid the significant and unavoidable air quality impacts identified for the project.

   Alternative 2 would result in fewer residential units and more non-residential development in the Specific Plan area, leading to less population growth and VMT than the proposed project. However, it may introduce new sources of pollutant emissions from light industrial and commercial land uses that were not evaluated for the proposed project. Mitigation measures would still be required to ensure operational emissions do not exceed SLOAPCD significance thresholds. Alternative 2 would also balance the jobs-to-housing ratio, reducing VMT by providing job centers near existing residences. Alternative 2 would decrease and avoid the significant and unavoidable air quality impacts identified for the project.

   Alternative 3 would result in a significantly reduced population density with no commercial land uses. While VMT would be subsequently reduced as compared to the proposed project, it would still facilitate some level of population growth that would generate VMT within the region and increase the jobs-to-housing imbalance. Although Alternative 3 would reduce emissions and be more in line with the SLOAPCD CAP, this alternative would continue to result in significant impacts related to air quality associated with increases in VMT and inconsistencies with the SLOAPCD CAP. This alternative would not avoid significant and unavoidable air quality impacts identified for the project.

   Alternative 4 would have a slightly reduced number of residential units (1,100) than the project. Because the land use mix and intensity under this alternative would be substantially similar to the project, operational air pollutant emissions would require similar mitigation to the project and this alternative would result in similar impacts to air quality. This alternative would not avoid the significant and unavoidable air quality impacts identified for the project.

   Alternative 5 would have a slightly reduced number of residential units (1,135) than the project. Because the land use mix and intensity under this alternative would be substantially similar to the project, operational air pollutant emissions would require similar mitigation to the project

and this alternative would result in similar impacts to air quality. This alternative would not avoid the significant and unavoidable air quality impacts identified for the project.

2. **Significant and Unavoidable Biological Resources Impacts.** The project would result in significant and unavoidable impacts related to special-status plant and wildlife species, California Rare Plant Rank 4 and Watch list species, Burton Mesa chaparral habitat, coast live oak woodland, coast live oak forest, and individual coast live oaks. Under the No Project Alternative, no development would occur and no uses would be established on the project site. Therefore, this alternative would avoid impacts to the significant and unavoidable biological resources identified for the project.

   Under Alternative 1, one of the residential neighborhoods would be relocated to another part of the project site in order to avoid impacts to oak trees. Because the intensity of development under this alternative would be substantially similar to the project, the project site would experience a similar level of development as compared to the project. While relocation of Neighborhood 10 and Collector A would retain some oak woodland habitat, it would not retain enough oak woodland to lessen the significance of the impact on the remaining oak woodland. This alternative would not avoid the significant and unavoidable impacts to biological resources identified for the project.

   Alternative 2 would have similar potential to disturb special-status plant and wildlife species and would be required to implement mitigation to reduce the significance of these potential impacts. Under Alternative 2, approximately 137 acres of land would be retained for open space, reducing the number of impacted oak trees and the amount of other impacted native habitat (i.e., Burton Mesa chaparral) at the project site. However, since this alternative would continue to facilitate development of residential and commercial land uses at the project site, oak woodland and Burton Mesa chaparral habitat on-site could continue to be removed and would be subject to compensatory mitigation requirements identified for the proposed project. Based on the significantly reduced development footprint, if properly situated, Alternative 2 could largely avoid direct removal and impacts to oak woodland and Burton Mesa chaparral. In the event these habitat areas could not be entirely avoided, the number of acres impacted would be greatly reduced and the amount of required mitigation through on- or off-site preservation or restoration would similarly be substantially reduced, significantly increasing the feasibility of mitigating the impact. Therefore, Alternative 2 would decrease and avoid the significant and unavoidable impacts to biological resources identified for the project.

   Because Alternative 3 would result in a significantly reduced population and development footprint as compared to the project, it would be able to site development in a manner to avoid special-status plant and wildlife species, Burton Mesa chaparral, oak woodlands, and oak forest. Alternative 3 would decrease and avoid the significant and unavoidable impacts to biological resources identified for the project.

   Alternative 4 would site development off of native grasslands present in the project site. Because buildout would be predominantly limited to areas of non-native grassland, the potential to disturb special-status plant and wildlife species would be substantially reduced compared to the proposed project; however, minimized impacts to special-status plant and wildlife species and natural communities, including oak woodland and Burton Mesa chaparral, would continue to occur, but could be mitigated. Therefore, Alternative 4 would decrease and avoid significant and unavoidable impacts to biological resources identified for the project.

   Alternative 5 would result in a reduced density along the fringe areas of the project site. Because the intensity of development under this alternative would be substantially similar to the project, the project site would experience a similar level of development as compared to the project, with slightly less development along the fringe areas. While Alternative 5 would avoid some oak and special status species habitat, it would not avoid enough to lessen the significance of the impact on the remaining species and habitat. This alternative would not avoid the significant and unavoidable impacts to biological resources.

3. **Significant and Unavoidable Greenhouse Gas Emission Impacts.** The project would result in significant and unavoidable impacts related to greenhouse gas emissions due to VMT

above per capita thresholds. Under the No Project Alternative, no development would occur, and no uses would be established on the project site, which would result in no VMT being generated. Therefore, this alternative would avoid the significant and unavoidable impacts to greenhouse gas emissions identified for the project.

Under Alternative 1, the proposed scale of development, types of land uses, and associated growth would be similar to the proposed project. Since the number of residential units would be consistent with the proposed project, this alternative would be expected to generate the same level of VMT and require the same amount of energy consumption as the proposed project. Similar to the proposed project, this alternative would be required to implement mitigation to reduce VMT and operational energy use and associated GHG emissions. This alternative would facilitate population growth and generate VMT in a manner that is consistent with the proposed project and would be expected to continue to exceed applicable per capita VMT thresholds. Alternative 1 would not avoid significant and unavoidable impacts related to greenhouse gas emissions that were identified for the project.

Alternative 2 would facilitate substantially less population growth than the proposed project, which would also result in a reduction of VMT as compared to the project. Under Alternative 2, buildout would result in retail commercial, service commercial, and light industrial uses in close proximity to existing residential land uses, which has the potential to reduce existing VMT within the region by reducing the distance needed to reach these services elsewhere. The provision of additional jobs within the community would be anticipated to contribute to a reduction in existing regional VMT by generating new employment opportunities in a community with a shortage of employment opportunities compared to the available housing supply, which would reduce VMT generated by commuters. Based on the scale of proposed development, this alternative would be required to incorporate mitigation to further reduce operational VMT to ensure VMT generated by this alternative would fall below established thresholds. Therefore, Alternative 2 would decrease and avoid the significant and unavoidable impacts related to GHG emissions identified for the project.

Alternative 3 proposes up to 390 rural homes which would result in fewer GHG emissions during construction and long-term emissions from vehicle use and energy consumption. VMT-reduction strategies are not feasible without commercial development, but pedestrian, bicycle, and equestrian trails would still be included with this alternative. Mitigation would be required to reduce VMT and operational energy use, but overall impacts related to GHG emissions would still be lower compared to the proposed project. Alternative 3 would decrease and avoid the significant and unavoidable impacts related to GHG emissions identified for the project.

Alternative 4 proposes the construction of 1,100 homes and commercial development. During construction, there will be short-term GHG emissions generated by equipment and vehicles. Like the proposed project, Alternative 4 would need to implement mitigation measures to reduce GHG emissions during construction. Long-term GHG emissions would be generated by vehicle trips and energy consumption. Though this alternative would generate slightly less VMT and require less energy consumption due to the reduced number of residential units, it would still require mitigation measures to reduce VMT and operational energy use to lower GHG emissions. This alternative would still allow for substantial population growth, generate VMT, and have similar impacts related to GHG emissions as the proposed project. Alternative 4 would not avoid significant and unavoidable impacts related to GHG emissions identified for the project.

Under Alternative 5, the proposed scale of development, types of land uses, and associated growth would be similar to the proposed project. Since the number of residential units would be generally consistent with the proposed project, this alternative would be expected to generate the same level of VMT and require the same amount of energy consumption as the proposed project. Similar to the proposed project, this alternative would be required to implement mitigation to reduce VMT and operational energy use and associated GHG emissions. This alternative would facilitate population growth and generate VMT in a manner that is consistent with the proposed project and would be expected to continue to exceed

applicable per capita VMT thresholds. Alternative 1 would not avoid significant and unavoidable impacts related to greenhouse gas emissions that were identified for the project.

4. **Significant and Unavoidable Land Use and Planning Impacts**. The project would result in impacts related to an increase in the region's jobs-to-housing ratio, which can lead to increased VMT, energy consumption, and GHG emissions, and would conflict with several goals and policies of the County's General Plan, including those related to biological resources. Under the No Project Alternative, no development would occur, and no uses would be established on the project site. This would result in no VMT being generated, no GHG emissions, no energy consumption, and no impacts to biological resources. Therefore, this alternative would avoid the significant and unavoidable land use and planning impacts identified for the project.

   Alternative 1 would continue to be inconsistent with applicable policies adopted to avoid impacts to the jobs-to-housing balance and associated impacts related to VMT, biological resources, and parks and recreational facilities. This alternative would not avoid the significant and unavoidable land use and planning impacts identified for the project.

   Alternative 2 would be consistent with policies intended to protect the jobs-to-housing balance, reduce VMT, and preserve sensitive biological resources. Development under Alternative 2 would also be consistent with the existing County LUO and General Plan (South County Area Plan - Inland) standards for development of the La Cañada Ranch property, as opposed to the Dana Reserve Specific Plan, which provides an alternative vision for the mix of uses on the subject property. Therefore, this alternative would decrease and avoid the significant and unavoidable land use and planning impacts identified for the project.

   Alternative 3 would result in a substantially smaller number of residential units, which would allow for development at a lower density than the proposed project. This alternative would continue to adversely affect the jobs-to-housing balance in the community and VMT-reduction strategies but would substantially reduce impacts associated with conflicts with policies intended to protect visual resources, biological resources, and other sensitive resources. This alternative may be inconsistent with COSE Policy OS 4.6, which discourages the creation or expansion of small-lot rural designations in rural areas to maintain a well-defined urban boundary. Alternative 3 is also inconsistent with policies in the Housing Element and Framework for Planning (Part I of the Land Use and Circulation Elements) that encourage development to provide a range of housing types. Alternative 3 would decrease and avoid the significant and unavoidable land use and planning impacts identified for the project.

   Alternative 4 would continue to be inconsistent with applicable policies adopted to avoid impacts to the jobs-to-housing balance and associated impacts related to VMT, biological resources, and parks and recreational facilities. This alternative would not avoid the significant and unavoidable land use and planning impacts identified for the project.

   Alternative 5 would continue to be inconsistent with applicable policies adopted to avoid impacts to the jobs-to-housing balance and associated impacts related to VMT, biological resources, and parks and recreational facilities. This alternative would not avoid the significant and unavoidable land use and planning impacts identified for the project.

5. **Significant and Unavoidable Population and Housing Impacts**. The project would result in project-level and cumulative significant unplanned population growth in the Nipomo area. Under the No Project Alternative, no development would occur and no population growth would occur. This alternative would avoid the significant and unavoidable population growth impacts identified for the project.

   Alternative 1 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. Therefore, this alternative would result in similar population and housing impacts as the proposed project and would also induce a similar level of unplanned population growth as the proposed project. Alternative 1 would not avoid significant and unavoidable population and housing impacts identified for the project.

Under Alternative 2, population growth would be less than the proposed project because there would be substantially fewer new residents and new employment opportunities could be filled by the local workforce since in an effort to balance the jobs-to-housing ratio in the community. This alternative would be consistent with the growth envisioned in the General Plan for the Inland South County Planning Area. This buildout scenario would also aid the County in balancing the jobs-to-housing ratio within the region. However, since residential development would be more limited, Alternative 2 would be less effective at helping the County reach its housing development allocation goals per the County Regional Housing Needs Allocation (RHNA) required by state law. In addition, due to the reduced number of proposed residential units, this alternative may be infeasible due to its inability to meet the La Cañada Ranch requirements that housing be affordable based on the average wages of the new jobs being provided. Alternative 2 would decrease and avoid the significant and unavoidable population and housing impacts identified for the project.

Alternative 3 would result in a significantly reduced population density with no commercial land uses. Because this alternative would reduce the number of new residents within the community and be consistent with the General Plan land use designation and planned growth projections for the site, Alternative 3 would not result in unplanned population growth. However, since this alternative does not envision a land donation to a non-profit affordable housing developer, this alternative would not help the County reach its housing development allocation goals per the County RHNA required by state law to the same extent as the proposed project. Alternative 3 would decrease and avoid the significant and unavoidable population and housing impacts identified for the project.

Alternative 4 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. Therefore, this alternative would result in similar population and housing impacts as the proposed project and would also induce a similar level of unplanned population growth as the proposed project. Alternative 4 would not avoid significant and unavoidable population and housing impacts identified for the project.

Alternative 5 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. Therefore, this alternative would result in similar population and housing impacts as the proposed project and would also induce a similar level of unplanned population growth as the proposed project. Alternative 5 would not avoid significant and unavoidable population and housing impacts identified for the project.

6. **Significant and Unavoidable Transportation Impacts.** The project would result in impacts associated with project-level and cumulative residential VMT per capita and overall VMT in exceedance with County VMT thresholds. Under the No Project Alternative, no development would occur and no VMT would be generated. This alternative would avoid the significant and unavoidable transportation impacts identified for the project.

   Alternative 1 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. Therefore, this alternative would result in similar VMT impacts as the proposed project. Alternative 1 would not avoid significant and unavoidable transportation impacts identified for the project.

   Alternative 2 would facilitate less population growth than the proposed project, which would result in a reduction of VMT. Under this alternative, buildout would result in retail commercial, service commercial, and light industrial uses in close proximity to existing residential land uses, which has the potential to reduce existing VMT within the region by reducing the distance needed to reach these services elsewhere. In addition, the provision of additional jobs within the community could contribute to a reduction in existing regional VMT by generating new employment opportunities, reducing VMT generated by commuters, and helping to balance the jobs-to-housing ratio within the region. Therefore, this alternative is anticipated to generate less VMT than the proposed project. Since this alternative would generate less VMT than the proposed project, with implementation of mitigation to reduce operational VMT (if needed), this alternative would be expected to fall below established per

capita thresholds. Therefore, this alternative would decrease and avoid the significant and unavoidable transportation impacts identified for the project.

Alternative 3 would result in a significantly reduced population density with no commercial land uses. While a reduced population would help reduce the projects residential VMT per capita, the preclusion of commercial development would make VMT-reduction strategies infeasible. Because this alternative would continue to provide housing that would further contribute to an existing jobs-to-housing ratio in the region, and would not provide any job-generating uses, impacts associated with transportation and traffic would be similar to those associated with the proposed project. Alternative 3 would not avoid significant and unavoidable transportation impacts identified for the project.

Alternative 4 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. This alternative would facilitate substantial population growth, and while slightly reduced, it would still generate VMT in a manner that is consistent with the proposed project. As such, it is expected that the VMT generated by this alternative would continue to exceed applicable per capita thresholds. Therefore, this alternative would result in similar VMT impacts as the proposed project. Alternative 4 would not avoid significant and unavoidable population and housing impacts identified for the project.

Alternative 5 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. Therefore, this alternative would result in similar VMT impacts as the proposed project. Alternative 5 would not avoid significant and unavoidable transportation impacts identified for the project.

7. **Significant and Unavoidable Growth Inducing Impacts**. The project would result in growth-inducing impacts associated with the establishment of new higher-density residential development, recreational amenities, and educational facilities within the DRSP area that may increase the attractiveness of surrounding rural residential land for future residential development at similarly higher densities. Additionally, development of high-density uses would influence the baseline for future development density and visual character of surrounding areas, which may make the demand for future higher-density development in the vicinity increase. Under the No Project Alternative, no development would occur and no growth inducing impacts would occur. This alternative would avoid the significant and unavoidable growth inducing impacts identified for the project.

   Alternative 1 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. Therefore, this alternative would result in similar growth inducing impacts as the proposed project. Alternative 1 would not avoid significant and unavoidable growth inducing impacts identified for the project.

   Alternative 2 would facilitate less population growth than the proposed project, consistent with the growth anticipated in the County's General Plan requirements for the project site. Under this alternative, residential density would be limited 190 single-family and 535 multi-family units, which would be similar to the density experienced by the surrounding Residential Suburban and Rural Residential development. Therefore, this alternative would result in fewer growth-inducing impacts as the proposed project. Alternative 2 would avoid significant and unavoidable growth-inducing impacts identified for the project.

   Alternative 3 would result in a significantly reduced population density with no commercial land uses. Under this alternative, residential density would be limited to 78-390 clustered single-family units, which would be similar to the density experienced by the surrounding Residential Suburban and Rural Residential development. Therefore, this alternative would result in fewer growth-inducing impacts as the proposed project. Alternative 3 would avoid significant and unavoidable growth-inducing impacts identified for the project.

   Alternative 4 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. This alternative would facilitate substantial population growth, and while slightly reduced, it would still generate residential development at a higher density than envisioned for the project site by the County General

Plan and the surrounding community. Therefore, this alternative would result in similar growth-inducing impacts as the proposed project. Alternative 4 would not avoid significant and unavoidable growth-inducing impacts identified for the project.

Alternative 5 would have a similar land use mix and intensity as the proposed project and would anticipate a similar population as the proposed project. This alternative would facilitate substantial population growth, and while slightly reduced, it would still generate residential development at a higher density than envisioned for the project site by the County General Plan and the surrounding community. The more gradual transition of residential densities along the project site boundaries would lessen some of the surrounding development pressure, but not in a significant manner. Therefore, this alternative would result in similar growth-inducing impacts as the proposed project. Alternative 5 would not avoid significant and unavoidable growth-inducing impacts identified for the project.

E. FEASIBILITY OF PROJECT ALTERNATIVES

No Project Alternative.

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

b. **Ability to Achieve Project Objectives:** This Alternative would fail to meet all project objectives.

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

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

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

County Budget Priorities: On November 1, 2022, the Board of Supervisors identified housing (along with homelessness and behavioral health) as a “First Tier” budget priority for Fiscal Year 2023-24.

Housing Element Goal: The Housing Element of the County General Plan has one goal: Achieve an adequate supply of safe and decent housing that is affordable to all residents of the unincorporated county.

Land Use Element - Strategic Growth Principle #6: Create a range of housing opportunities and choices.

Land Use Element - The South County Inland Area Plan Land Use Goals and Objectives: Expand the Nipomo URL to provide a mix of commercial uses and workforce housing.

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

The proposed project would create increased housing supply at all levels. The project would provide deed-restricted affordable apartments for very low- and low-income households; market rate multi-family units at rents or sales prices affordable (by design) to moderate and workforce households; entry level homes for working middle-income families; and larger lot units for higher income levels.

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

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

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

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

Alternative 1: Applicant Preferred Alternative.

a. **Environmental Effects:** Under the Applicant Preferred Alternative (Alternative 1), buildout of the project site would be consistent with the scale and proposed land use types included under the proposed project. As a result, impacts under this alternative would be

generally consistent with impacts associated with the proposed project. However, this alternative would change the alignment of Collector A and would move a proposed neighborhood from the northeastern portion of the site, which would substantially reduce the number of impacted oak trees, though not enough to avoid a significant and unavoidable impact related to the loss of oak trees.

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

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

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

Alternative 2 (La Cañada Ranch Specific Plan).

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

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

g. **Potential Feasibility:** This alternative was properly included in the EIR because the alternative is potentially legally, technologically, and socially feasible pursuant to State CEQA Guidelines Section 15126.6(f)(1). This Alternative would be located on the same project site as the proposed project and would be potentially consistent with the existing zoning, General Plan land use, and planned development envisioned in the County's General Plan for La Cañada Ranch. This Alternative would provide a less intense

development than the proposed project, would require less infrastructure, and would place less strain on existing services. However, this alternative would reduce the number of residential units, ultimately reducing the number of affordable units and affordability of market rate units.

h. **Finding on Actual Feasibility:** Under Alternative 2, buildout of the project site would result in an increase in light industrial and commercial development and a decrease in residential development. This alternative would also substantially increase the amount of land designated for open space and eliminate recreational land uses. As a result, impacts related to air quality, biological resources, GHG emissions, population and housing, and transportation would be reduced. However, this alternative would increase impacts related to recreation and would ultimately reduce the number of affordable units and affordability of market rate units. The Board of Supervisors rejects this alternative as (actually) infeasible because the alternative fails to meet several basic project objectives. As noted above, because of the substantial reduction in the number of proposed units under this alternative, the number of affordable units and affordability of market rate units would be significantly decreased in order to provide funding for site development and other improvements.

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

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

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

Alternative 3 (Residential Rural Cluster Subdivision).

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

alternative may preclude annexation into the NCSD due to infrastructure costs; therefore, this alternative would potentially increase impacts related to utilities and service systems.

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

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

d. **Finding on Actual Feasibility:** Under Alternative 3, no commercial development would occur, and the density of residential development would be limited, resulting in a smaller scale of buildout as compared to the proposed project. Based on the reduction of proposed residential units, this alternative would reduce population growth in comparison to the proposed project and impacts related to aesthetics, air quality, GHG emissions, population and housing, and transportation would also be reduced. However, this alternative would increase impacts related to recreation and would ultimately reduce the number of affordable units and affordability of market rate units. The Board of Supervisors rejects this alternative as (actually) infeasible on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet several basic project objectives, and (2) the alternative would not eliminate the significant unavoidable impacts of the project and would increase some impacts. As stated in section 5.5 of the EIR, Alternative 3 would not meet the stated project objectives of providing a mix of land uses that offer a range of amenities accessible to residents and community members or to create new employment and job training opportunities for the community and broader south San Luis Obispo County area. Although this alternative would help the County reach its housing development allocation goals per the County Regional Housing Needs Allocation (RHNA) required by state law, the alternative, because of its clustered development and other site constraints, risks not meeting project goals for the provision of affordable market rate housing units. Moreover, as explained on page 5-51 of the Final EIR, the residential land use category created under this alternative, assuming reclassification as Residential Single Family, would be limited to approximately 78 to 390 rural residential units (plus associated ADU development). Alternative 3 would thus be far less effective than the proposed project in meeting the project's primary underlying purpose to provide a range of housing types, including affordable housing and market-rate workforce housing. The County Board of Supervisors also incorporates by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

Alternative 4 (Development on Non-Native Grassland).

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

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

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

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

Alternative 5 (Gradual Transition along the Fringe).

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

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

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

d. **Finding on Actual Feasibility:** Under Alternative 5, the density of residential development would be reduced along the perimeter of the project site to support a more

gradual transition from surrounding rural residential land uses. Based on the slight reduction of proposed residential units, this alternative would marginally reduce population growth in comparison to the proposed project. However, buildout of this alternative would still constitute a substantial increase in growth within the community and impacts related to air quality, biological resources, greenhouse gas emissions, land use and planning, population and housing, and transportation would be generally consistent with the proposed project. This alternative is considered potentially feasible; however, it will likely reduce the affordability of housing within the Specific Plan Area and may conflict with the basic project objective of providing a mix of affordable housing options. The Board of Supervisors rejects this alternative as (actually) infeasible on the following grounds, each of which provides sufficient justification for rejection of this alternative: (1) the alternative fails to meet several basic project objectives; and (2) the alternative would not eliminate the significant unavoidable impacts of the project. As noted on page 5-69 of the Final EIR, this alternative would facilitate the development of 1,135 residential units, including 677 residential single-family units and 388 residential multi-family units. In contrast, as noted in Chapter 11 of the Final EIR, the project as proposed would facilitate up to 1,370 single- and multi-family residential units. Of this total, 458 of the units would be multifamily units. (Final EIR, p. 2-3 [Table 2-1].) Because Alternative 5 would have fewer residential units overall than the proposed project, and would have fewer multifamily units, Alternative 5 would be less effective than the proposed project in meeting the project's primary underlying purpose to provide a range of housing types, including affordable housing and market-rate workforce housing. The County Board of Supervisors also incorporates by reference the financial feasibility analysis prepared by Economic & Planning Systems, Inc. (March 22, 2024), which provides an economic feasibility analysis of the evaluated project alternatives.

F. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

State CEQA Guidelines Section 15126.6(e)(2) indicates that an analysis of alternatives to a proposed Project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR. Based on the alternatives analysis contained within the Draft EIR, the Residential Cluster Subdivision Alternative (Alternative 3) is identified as the Environmentally Superior Alternative.

SECTION 10. FINDINGS ON MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to State CEQA Guidelines Section 15091(a)(1), the County finds that implementation of the mitigation measures and project design standards specified in the Final EIR would substantially lessen the significant environmental effects resulting from the implementation of the project. These mitigation measures and design features have been required in or incorporated into the project. In accordance with State CEQA Guidelines Sections 15091(d) and 15097, which require a public agency to adopt a program for reporting or monitoring required changes or conditions of approval to substantially lessen significant environmental effects, the Mitigation Monitoring and Reporting Program provided in the Final EIR is hereby adopted as the mitigation monitoring and reporting program for this preferred project. Nevertheless, as discussed in Section 7.1, even with implementation of the mitigations as presented in the EIR and the mitigation monitoring and reporting program (MMRP), impacts related to air quality, biological resources, greenhouse gas emissions, land use and planning, population and housing, transportation, and include growth-inducing impacts, would remain significant and unavoidable.

SECTION 11. FINDINGS ON CHANGES TO THE DRAFT EIR AND RECIRCULATION

In response to comments from the public and other public agencies, the proposed project has incorporated changes subsequent to publication of the Draft EIR. All of the changes incorporated into the 2023 DRSP are discussed in Chapter 10, *Supplemental Information and Final Project Details*, of the Final EIR.

Pursuant to CEQA, on the basis of the review and consideration of the Final EIR, the County finds:

1. Factual corrections and minor changes have been set forth as clarifications and modifications to the Draft EIR;
2. The factual corrections and minor changes to the Draft EIR are not substantial changes in the Draft EIR that would deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the proposed project, a feasible way to mitigate or avoid such an effect, or a feasible project alternative;
3. The factual corrections and minor changes to the Draft EIR will not result in new significant environmental effects or substantially increase the severity of the previously identified significant effects disclosed in the Draft EIR;
4. The factual corrections and minor changes in the Draft EIR will not involve mitigation measures or alternatives which are considerably different from those analyzed in the Draft EIR that would substantially reduce one or more significant effect on the environment; and
5. The factual corrections and minor changes to the Draft EIR do not render the Draft EIR so fundamentally inadequate and conclusory in nature that meaningful public review and comment would be precluded.

Thus, none of the conditions set forth in CEQA requiring recirculation of a Draft EIR have been met. Incorporation of the factual corrections and minor changes to the Draft EIR into the Final EIR does not require the Final EIR be circulated for public comment.

SECTION 12. STATEMENT OF OVERRIDING CONSIDERATIONS

A. INTRODUCTION

Pursuant to CEQA Section 21081(b) and State CEQA Guidelines Section 15093, the County has balanced the benefits of the proposed project against the unavoidable adverse impacts associated with the proposed project and has adopted all feasible mitigation measures. The County has also examined alternatives and has determined that adoption and implementation of the project, is the most desirable, feasible, and appropriate action.

The Final EIR for the project identifies the following significant and unavoidable impacts of the project:

1. *The project would conflict with an applicable air quality plan, resulting in a significant impact. Implementation of the proposed project would further divide the jobs-to-housing balance within the project area and would be inconsistent with regional vehicle miles traveled (VMT)-reduction efforts.*
2. *The project would result in a cumulatively considerable net increase of criteria pollutants in exceedance of established San Luis Air Pollution Control District (SLOAPCD) daily emissions thresholds, resulting in a significant impact. During operation, maximum daily operational air pollutant emissions would exceed SLOAPCD's operational significance thresholds. Annual emissions of reactive organic gases (ROG) and nitrogen oxides (NOx) would also exceed SLOAPCD's recommended operational significance thresholds.*
3. *The project would conflict with an applicable air quality plan and would result in a cumulatively considerable net increase of criteria pollutants in exceedance of established SLOAPCD daily emissions thresholds, resulting in a significant cumulative impact.*
4. *The project could directly or indirectly impact special-status plant and wildlife species, resulting in a significant impact. Project activities, including tree removal, grading, demolition, utility installation, paving, etc., could result in impacts to special-status species and their habitat.*

5. *The project could directly and indirectly impact California Rare Plant Rank (CRPR) 4 and Watch List plant species, including California spineflower, sand buck brush, and sand almond.*
6. *The project will directly impact Burton Mesa chaparral, resulting in a significant impact. The project would result in the loss of 35 acres of Burton Mesa chaparral habitat on-site.*
7. *The project will directly impact coast live oak woodland, resulting in a significant impact. The project would result in the loss of approximately 75 acres of coast live oak woodland habitat on-site.*
8. *The project will result in direct and indirect impacts to coast live oak woodland, coast live oak forest, and individual oak trees, resulting in a significant impact.*
9. *The project would have cumulatively considerable impacts related to biological resources, resulting in a significant cumulative impact.*
10. *The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, resulting in a significant impact. The project would generate VMT above existing per capita thresholds, which would conflict with the San Luis Obispo Council of Governments (SLOCOG) 2019 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) intended to reduce greenhouse has (GHG) emissions through VMT-reduction strategies.*
11. *The project would result in a cumulatively considerable impact to greenhouse gas emissions, resulting in a significant cumulative impact.*
12. *The project would adversely affect the local jobs-to-housing ratio within the project area and would be inconsistent with Land Use Planning Policy L-3 of the San Luis Obispo County Clean Air Plan (CAP), resulting in a significant impact.*
13. *The project would result in the net loss of CRPR 4 and Watch List plant species, native oak woodland, and sensitive habitats; therefore, the project would be potentially inconsistent with goals and policies of the County of San Luis Obispo General Plan Conservation Open Space Element pertaining to preservation of biological resources and Policy 3.8 of the Parks and Recreation Element, resulting in a significant impact. The project would be potentially inconsistent with County COSE Goal BR 1, Policy 1.2, BR Policy 1.4, BR Policy 1.9, Policy BR 2.6, Goal BR 3, Policy BR 3.1, Policy BR 3.2, Policy BR 3.3, and several Implementation Strategies set forth in the County COSE.*
14. *The project would result in cumulative impacts associated with inconsistency with goals and policies identified within the County of San Luis Obispo General Plan Conservation and Open Space Element, Framework for Planning (Inland), LUO, and South County Area Plan regarding preservation and no net loss of sensitive biological resources and preservation of rural visual character, resulting in a significant impact.*
15. *The project would induce substantial unplanned population growth in the Nipomo area, resulting in a significant impact.*
16. *The project would result in a cumulatively considerable impact related to substantial and unplanned population growth, resulting in a significant cumulative impact.*
17. *Buildout of the Specific Plan Area would exceed the County VMT thresholds and therefore would not be consistent with State CEQA Guidelines Section 15064.3(b). VMT per employee would be incrementally reduced compared to existing conditions; however, the project-related increase in residential VMT per capita and overall VMT would exceed the County VMT thresholds, resulting in a significant impact.*
18. *The project would result in a cumulatively considerable impact to transportation and traffic, resulting in a significant cumulative impact.*
19. *The project would result in substantial growth inducement associated with the proposed project's population as well as the potential to induce additional spatial, economic, or population growth in a geographic area.*

For projects which would result in significant environmental impacts that cannot be avoided, CEQA requires that the lead agency balance the benefits of these projects against the unavoidable environmental risks in determining whether to approve the projects. If the benefits of these projects outweigh the unavoidable impacts, those impacts may be considered acceptable (State CEQA Guidelines Section 15093[a]). CEQA requires that, before adopting such projects, the public agency adopt a Statement of Overriding Considerations setting forth the reasons why the agency finds that the benefits of the project outweigh the significant environmental effects caused by the project. This statement is provided below.

B. REQUIRED FINDINGS

1. *Environmental Determination. The Board of Supervisors hereby certifies that the Final EIR adequately identifies the project's potentially significant impacts, alternatives to the project, and recommended mitigation measures.*

2. *Final EIR Findings. Based upon all the evidence, the Board of Supervisors makes the following findings in certifying the Final EIR.*

    a. The Final EIR has been completed in compliance with CEQA and was considered by the County prior to any approvals of the project.

    b. The Final EIR reflects the independent judgment of the County.

    c. For most of the significant effects identified in the Final EIR, the approved mitigation measures contained in the Final EIR will avoid or substantially lessen the identified adverse environmental impacts of the project to a level where they are not significant and have been incorporated into the project.

    d. Not all significant effects identified in the Final EIR can be mitigated to a level where they are not significant. The significant effects related to air quality, biological resources, greenhouse gas emissions, land use and planning, population and housing, transportation, and include growth-inducing impacts, will not be fully mitigated to a degree where they are not significant with the incorporation of all of the identified feasible mitigation measures contained in the Final EIR. However, the Board of Supervisors finds that the adverse environmental effects are acceptable and makes a statement of overriding considerations for those significant and unavoidable environmental impacts.

3. *Statement of Overriding Considerations. The Board of Supervisors has identified a number of overriding economic, social, and other public benefits of the project that, in the Board's judgment, make the significant and unavoidable impacts identified in the Final EIR acceptable. These benefits are described below. The substantial evidence supporting the enumerated benefits of the Project can be found in the preceding findings, in the Project itself, and in the record of proceedings as defined herein, including the County's General Plan. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval. Thus, if a court were to find that any particular benefit is not supported by substantial evidence, the Board of Supervisors would rely on whatever benefit(s) that the court did find were supported by substantial evidence. The overriding benefits of the Project include the following:*

    a. The California Legislature has found and declared that "The availability of housing is of vital statewide importance." (Gov. Code § 65580.) The California Legislature has required that every city and county "designate and zone sufficient vacant land for residential use with appropriate standards, in relation to zoning for nonresidential use, and in relation to growth projections of the general plan to meet housing needs for all income categories as identified in the housing element of the general plan." (Gov. Code § 65913.1.) The Governor of California has declared that the shortage of housing for residents of California is a crisis.[1] In February 2019, SLOCOG accepted the California's Department of Housing

[1] California Governor Gavin Newsom State of the State Address, Feb. 19, 2020, available at https://www.gov.ca.gov/2020/02/19/governor-newsom-delivers-state-of-the-state-address-on-homelessness/

and Community Development's RHNA allocation of 10,810 additional housing units for the 10-year planning cycle.[2] The RHNA is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan.

Under the housing allocation adopted by SLOCOG in February 2019, the County is to contribute 3,256 new dwelling units over the course of the 10-year planning cycle.[3] The project will assist the County in meeting its housing allocation targets under state law and consistent with Housing Element Objective HE-2.0. If approved the project will provide 156 deed-restricted affordable housing units available to very-low- and lower-income households in two separate neighborhoods (10A and 10B). The Applicant would install improvements to the lots, including utilities stubbed to the property lines, mass grading, and installation of all frontage improvements, including curb/gutter/sidewalks, drainage and stormwater compliance associated with perimeter street runoff, sidewalks, streetlights, water mains, sewer mains, and dry utilities.

b. CEQA Guidelines Section 15021 points to housing specifically as a factor to be considered when balancing a variety of public objectives. Section 15021(d) states:

> "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment."

c. Housing Element Objective HE-2.00 states the County will facilitate the development and preservation of housing that is affordable to households of moderate-income or lower, households of workforce-income, and seniors. The proposed project will help the County achieve this objective by providing 383 multi-family units in NBDs 1 and 2 that, although subject to market trends, are expected to be affordable by design at the moderate and workforce income levels based on market studies conducted by the Applicant.

d. The DRSP provides for a variety of housing types and costs to meet the needs of renters and buyers with a variety of income-levels, including single-family, townhomes, and multi-family options, consistent with Housing Element Objective HE-1.00.

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

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

[2] SLOCOG, Staff Report, Feb. 6, 2019, available at https://www.dropbox.com/sh/e5ne5fbfxta4yxg/AAD3IKc7WLZjxRkJ12GGq3Mpa/February%202019/Agendas%20%26%20Reports?dl=0&preview=A-2+RHNA_Distribution+Methodology.pdf&subfolder_nav_tracking=1

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

approximately 76 low income and 76 moderate income units to the unincorporated county's housing supply.

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

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

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

j. The DRSP will designate approximately 21 percent, or about 62 acres, of the DRSP area for recreational and open space uses, including a 4.8-acre privately maintained public park for residents of the DRSP area and the County, a 1-acre equestrian trailhead for residents of the DRSP and the County, semi-public and private recreational amenities, approximately 3.3 miles of publicly-accessible equestrian trails, and approximately 3.8 miles of publicly-accessible off-street pedestrian trails, consistent with Parks and Recreation Element Policy 2.5, Objective C, Policy 3.12, and Policy 3.13, and the goals of the South County Area Plan. The project would also provide needed funding for enhancement of existing offsite park and recreational facilities through payment of Quimby fees.

k. The DRSP would offer for dedication an open space and conservation easement on a 388-acre property known as Dana Ridge (Assessor Parcel Numbers 090-031-003 and 090-031-004) located approximately 2.1 miles east of the DRSP Area for the permanent conservation of approximately 288 acres of coast live oak woodland that is intermixed with approximately 120 acres of chamise chaparral, 7.5 acres of manzanita scrub, and 20 acres of grassland. The area to be permanently protected at Dana Ridge includes approximately 14,000 mature oak trees, rare Santa Margarita manzanita, and other rare plant species.

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

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

n. The DRSP includes pedestrian and bicycle paths and multi-modal boulevards separated by landscaped medians throughout the DRSP area, providing pedestrians and bicyclists with off-street circulation options that connect open space and recreational areas with housing and commercial areas, consistent with County's LUCE Goals 3, 4, 9, and 11.

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

p. Consistent with the goals of the South County Area Plan, the DRSP would provide a variety of commercial and industrial uses to generate local business activities, increase sales and property tax revenues, and provide for the functional needs of the community.

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

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

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

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

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

4. *The Mitigation Monitoring Program, attached as Exhibit B, has been reviewed by the Board of Supervisors in conjunction with its review of the Final EIR, and is hereby adopted. It shall be carried out by the responsible parties by the identified deadlines.*

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

Dated: _____, 2024

Supervisor Debbie Arnold,

Chair of the Board of Supervisors

CHAPTER 7. MITIGATION MONITORING AND REPORTING PROGRAM

7.1 STATUTORY REQUIREMENTS

When a Lead Agency makes findings on significant environmental effects identified in an Environmental Impact Report (EIR), the agency must also adopt a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment" (Public Resources Code Section 21081.6(a) and State CEQA Guidelines Sections 15091(d) and 15097). The Mitigation Monitoring and Reporting Program (MMRP) is implemented to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Therefore, the MMRP must include all changes in the proposed project either adopted by the project proponent or made conditions of approval by the Lead or Responsible Agency.

7.2 ADMINISTRATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The County of San Luis Obispo (County) is the Lead Agency responsible for the adoption of the MMRP. The applicant, Dana Reserve, LLC and NKT Development, LLC, collectively, is responsible for implementation of the MMRP, in coordination with other identified entities. According to State CEQA Guidelines Section 15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. The County may delegate responsibility for verifying and documenting compliance with the MMRP to the applicant as coordinator of the project and its construction, and the applicant will be responsible for compliance. However, until mitigation measures have been completed, the County as the Lead Agency remains responsible for ensuring that the implementation of the measure occurs in accordance with the program.

7.2.1 Mitigation Measures

Table 7-1 is structured to enable quick reference to mitigation measures and the associated monitoring program based on the environmental resource. The numbering of mitigation measures correlates with numbering of measures found in Chapter 4, *Environmental Impacts Analysis*, of this EIR.

Table 7-1. Mitigation Monitoring and Reporting Program

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Aesthetics					
Specific Plan Area Cumulative	AES/mm-3.1	The Dana Reserve Specific Plan shall create a U.S. Route 101 Visual Screening Zone along the length of the project adjacent to the utility easement and U.S. Route 101, for the purpose of reducing visibility of the development and minimizing visual impacts to the vegetated visual character of the site and its surroundings as seen from the highway. The U.S. Route 101 Visual Screening Zone shall be a minimum width of 20 feet. The screening zone shall be in addition to the minimum 20-foot width of the utility easement, totaling a minimum width of 40 feet for the U.S. Route 101 Visual Screening Zone. Existing trees in this zone shall be preserved. Where no trees exist in this zone, oak trees and native shrubs shall be planted. This screening zone shall be implemented as part of the first phase of project development. Plantings shall achieve a minimum of 50% visual screening of the development as seen from U.S. Route 101 within 10 years of planting. Trees planted in this zone shall be subject to the following container sized: 45% of the replacement trees shall be a minimum of 15-gallon container size, 45% of the replacement trees shall be a minimum of 24-inch box container size, and 10% of the replacement trees shall be a minimum of 48-inch container size.	The Visual Screening Zone shall be printed on final project plans.	Final project plans with the Visual Screening Zone shall be submitted to the County prior to issuance of building permits. Compliance to be verified following construction of subsequent developments.	County Planning and Building Department
Specific Plan Area Cumulative	AES/mm-3.2	Replacement trees shall be planted within the “on-site” project boundaries in areas that maximize their visibility from public roadways and common areas. Replacement trees shall be planted from the following container sizes: 20% of the replacement trees shall be a minimum of 15-gallon container size, 20% of the replacement trees shall be a minimum of 24-inch box container size, and 10% of the replacement trees shall be a minimum of 48-inch container size. All replacement trees shall be maintained in perpetuity.	The location and number of replacement trees shall be printed on final project plans and for each subsequent development.	Final project plans with the location and number of replacement trees shall be submitted to the County prior to issuance of building permits. Compliance to be verified following construction of subsequent developments. The success of each planting shall be verified through County inspection.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Air Quality					
Specific Plan Area Off-Site Improvements	AQ/mm-3.1	A Construction Activity Management Plan (CAMP) shall be prepared. The CAMP shall be submitted to the San Luis Obispo Air Pollution Control District for review and approval at least 3 months before the start of construction. The CAMP shall include a dust-control management plan, tabulation of on- and off-road construction equipment (age, horsepower, and usage rates), construction truck trip schedules, construction workday period, and construction phasing. Each subsequent developer shall provide documentation establishing consistency with the CAMP prior to the start of construction activities. If there are any changes to these assumptions after completion of the CAMP, the subsequent developer shall coordinate with the San Luis Obispo Air Pollution Control District to ensure alterations are not detrimental to emissions reduction strategies and that revisions to the CAMP are not required. If implementation of Standard Mitigation and Best Available Control Technology measures cannot reduce project emissions to below the San Luis Obispo Air Pollution Control District's Tier 2 threshold, off-site mitigation shall be implemented in coordination with the San Luis Obispo Air Pollution Control District to reduce nitrogen oxides (NO_X) and reactive organic gas (ROG) emissions to below the Tier 2 threshold. At a minimum, the following measures shall be implemented and included in the CAMP to reduce construction generated mobile-source and evaporative emissions: 1. Maintain all construction equipment in proper tune according to manufacturer's specifications. 2. Fuel all off-road and portable diesel-powered equipment with California Air Resources Board-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road). 3. Diesel-fueled construction equipment shall meet, at a minimum, California Air Resources Board's Tier 3, or newer, certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation. Heavy-duty off-road equipment meeting Tier 4 emissions standards shall be used to the extent locally available. 4. Use on-road heavy-duty trucks that meet the California Air Resources Board's 2010, or cleaner, certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation. 5. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g., captive or nitrogen oxides exempt area fleets) may be eligible by proving alternative compliance. 6. Electrify equipment when feasible. 7. Substitute gasoline-powered in place of diesel-powered equipment, where feasible.	Measures shall be printed on all grading and building plans. Measures shall be adhered to during construction.	Measures shall be printed on plans prior to issuance of grading and building permits. Compliance to be verified during construction activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		8. Use alternative-fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel. 9. When applicable, portable equipment, 50 horsepower (hp) or greater, used during construction activities shall be registered with the California statewide portable equipment registration program (issued by the California Air Resources Board) or be permitted by the San Luis Obispo Air Pollution Control District. Such equipment may include power screens, conveyors, internal combustion engines, crushers, portable generators, tub grinders, trammel screens, and portable plants (e.g., aggregate plant, asphalt plant, concrete plant). For more information, contact the San Luis Obispo Air Pollution Control District Engineering and Compliance Division at (805) 781-5912. 10. Construction of the proposed project shall use low-volatile organic compound content paints not exceeding 50 grams per liter. 11. To the extent locally available, use prefinished building materials or materials that do not require the application of architectural coatings. 12. The following idling restrictions near sensitive receptors for both on- and off-road equipment shall be implemented: a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; b. Diesel idling within 1,000 feet of sensitive receptors is not permitted; c. Use of alternative fueled equipment is recommended whenever possible; and d. Signs that specify the no idling requirements must be posted and enforced at the construction site. 13. On-road vehicle operations shall comply with 13 California Code of Regulations Section 2485, which limits diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. It applies to California- and non-California-based vehicles. In general, the regulation specifies that drivers of said vehicles: a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation. 14. Signs shall be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: www.arb.ca.gov/msprog/truck-idling/2485.pdf. 15. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use Off-Road Diesel regulation available at: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.			
Specific Plan Area Off-Site Improvements	AQ/mm-3.2	The following measures shall be implemented to reduce construction-generated fugitive dust. These measures shall be shown on grading and building plans: 1. Reduce the amount of disturbed area where possible. 2. Use water trucks, San Luis Obispo Air Pollution Control District-approved dust suppressants (see Section 4.3 in the California Environmental Quality Act Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo Air Pollution Control District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall require the use of a San Luis Obispo Air Pollution Control District-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the California Environmental Quality Act Air Quality Handbook. 3. All dirt stockpile areas should be sprayed daily as needed. 4. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities. 5. Exposed ground areas that are planned to be reworked at dates greater than 1 month after initial grading should be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established. 6. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District. 7. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be	Measures shall be printed on all grading and building plans. Measures shall be adhered to during construction.	Measures shall be printed on plans prior to issuance of grading and building permits. Compliance to be verified during construction activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		laid as soon as possible after grading unless seeding or soil binders are used. 8. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site. 9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least 2 feet of freeboard (minimum vertical distance between the top of load and top of trailer) in accordance with California Vehicle Code Section 23114. 10. Install wheel washers at the construction site entrance/exit, wash off the tires or tracks of all trucks and equipment leaving the site, or implement other San Luis Obispo Air Pollution Control District - approved track-out prevention devices sufficient to minimize the track-out of soil onto paved roadways. 11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible. 12. The burning of vegetative material shall be prohibited. Effective February 25, 2000, the San Luis Obispo Air Pollution Control District prohibited developmental burning of vegetative material within San Luis Obispo County. For more information, contact the San Luis Obispo Air Pollution Control District Engineering and Compliance Division at (805) 781-5912. 13. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and prevent the transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the San Luis Obispo Air Pollution Control District Compliance Division prior to the start of any grading or earthwork.			
Specific Plan Area Cumulative	AQ/mm-3.3	The following mitigation measures shall be implemented, to the extent possible, to minimize long-term operational emissions: 1. Install electric fireplaces in place of U.S. Environmental Protection Agency-certified Tier 2 residential wood-burning appliances. 2. Provide a pedestrian-friendly and interconnected streetscape with good access to/from the development for pedestrians, bicyclists, and transit users to make alternative transportation more convenient, comfortable, and safe. Features may include appropriate signalization and signage, safe routes to school, linking cul-de-sacs and dead ends, orienting buildings toward streets with automobile parking in the rear, etc. 3. For all commercial and multi-family residential land uses, provide shade (e.g., through tree plantings or built structures) over 50% of	Measures shall be shown on final site plans and construction permits.	Measures shall be printed on plans prior to issuance of grading and building permits. Compliance to be verified prior to occupancy.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		parking spaces to reduce evaporative emissions from parked vehicles, excluding areas where increased shade would affect the performance of solar photovoltaic systems. 4. Reduce fugitive dust from roads and parking areas with the use of paving or other materials. 5. Use a San Luis Obispo Air Pollution Control District-approved suppressant on private unpaved roads leading to the site, unpaved driveways, and parking areas applied at a rate and frequency that ensures compliance with San Luis Obispo Air Pollution Control District Rule 401: Visible Emissions and that off-site nuisance impacts do not occur. 6. Incorporate traffic calming modifications to project roads to reduce vehicle speeds and increase pedestrian and bicycle usage and safety. 7. Work with San Luis Obispo Council of Governments to create, improve, or expand an on-site or nearby Park and Ride lot with car parking, and bike lockers, and electric vehicle (EV) charging stations in proportion to the size of the project. The Park and Ride lot proposed as part of the Dana Reserve Specific Plan could meet the requirements of this measure, if upon review of final design plans, the County and San Luis Obispo Council of Governments concur that the on-site Park and Ride lot is in proportion to the size of the Dana Reserve Specific Plan project. 8. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment. 9. Require future commercial land uses to provide employee lockers and showers to promote bicycle and pedestrian use. One shower and five lockers for every 25 employees is recommended. 10. Increase bicycle accessibility and safety in the vicinity of the project; for example, provide interconnected bicycle routes/lanes or construction of bikeways. 11. Provide on-site bicycle parking: both short-term racks and long-term lockers, or a locked room with standard racks and access limited to bicyclists only. 12. If the project is located on an established transit route, provide improved public transit amenities (e.g., covered transit turnouts, direct pedestrian access, bicycle racks, covered bench, smart signage, route information displays, lighting, EV charging stations, etc.). 13. Encourage commercial land uses to provide a bicycle-share program. 14. Require 15% of fleet vehicles owned by commercial land uses to be zero-emission vehicles (ZEVs). This requirement shall apply to commercial land uses and fleets based on-site within the Specific			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		Plan Area and not on a larger scale for commercial operations that occur at multiple locations. 15. Encourage neighborhood electric vehicles/car-share program for the development. 16. Provide dedicated parking for carpools, vanpools, and/or high-efficiency vehicles to meet or exceed California Green Building Standards Tier 2 for nonresidential land uses. 17. Work with SLO Regional Rideshare to educate occupants with alternative transportation and smart commute information (e.g., transportation board, electronic kiosk, new hire packets, web portal, newsletters, social media, etc.) 18. Encourage nonresidential land uses to implement and promote programs to reduce employee vehicle miles traveled (e.g., incentives, SLO Regional Rideshare trip reduction program, vanpools, on-site employee housing, alternative schedules (e.g., 9/80s, 4/10s, telecommuting, satellite work sites, etc.). 19. Community event centers (i.e., amphitheaters, theaters, and stadiums) shall provide free valet bicycle parking. 20. Meet or exceed applicable building standards at the time of development for providing electric vehicle charging infrastructure. 21. Meet or exceed applicable building standards at the time of development for building energy efficiency with a goal of achieving zero net energy (ZNE) buildings. 22. Implement a “No Idling” vehicle program, which includes signage enforcement, etc. 23. Meet or exceed applicable building standards at the time of development for utilizing recycled content materials. 24. Meet or exceed applicable building standards at the time of development for reducing cement use in the concrete mix as allowed by local ordinance and conditions. 25. Meet or exceed applicable building standards at the time of development for the use of greywater, rainwater, or recycled water. 26. Meet or exceed applicable building standards at the time of development for water conservation (e.g., use of low-flow fixtures, water-efficient irrigation systems, drought-tolerant landscaping). 27. Meet or exceed applicable building standards at the time of development for using shading, trees, plants, cool roofs, etc. to reduce the “heat island” effect. 28. All built-in appliances shall comply with California Title 20, Appliance Efficiency Regulation. 29. Utilize on-site renewable energy systems (e.g., solar, wind, geothermal, biomass and/or biogas) sufficient to meet or exceed			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		applicable building standards at the time of development with a goal of achieving zero net energy (ZNE) buildings. 30. Design roof trusses to handle dead weight loads of standard solar-heated water and photovoltaic panels.			
Specific Plan Area	AQ/mm-5.1	The following mitigation measures shall be implemented to reduce long-term exposure to localized pollutant concentrations: 1. Sensitive land uses, including, but not limited to, residential dwellings, childcare facilities, and convalescent care facilities, shall be oriented as far from U.S. Route 101 as possible and shall not be located within 500 feet of the edge of pavement of U.S. Route 101 (see Figure 2 of Environmental Impact Report Appendix D). In the event future development proposals include sensitive land uses within the 500-foot buffer from U.S. Route 101, those sensitive land uses shall be disallowed unless a detailed Health Risk Assessment, approved by the County and San Luis Obispo Air Pollution Control District, documents that health risks associated with proximity to U.S. Route 101 would be within acceptable thresholds in effect at the time development is proposed.	Compliance shall be shown on final site plans. or A detailed Health Risk Assessment shall be submitted to the County and the SLOAPCD for review and approval.	Final site plans shall be submitted for approval prior to issuance of building permits for subsequent development. or A detailed Health Risk Assessment shall be submitted for review and approval at the time of building permit applications.	County Planning and Building Department; SLOAPCD
Specific Plan Area Off-Site Improvements	AQ/mm-7.1	Prior to any grading activities, a geologic evaluation shall be conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is not present, an exemption request must be filed with the San Luis Obispo Air Pollution Control District. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to: 1. Development of an Asbestos Dust Mitigation Plan, which must be approved by the San Luis Obispo Air Pollution Control District before operations begin; and 2. Development and approval of an Asbestos Health and Safety Program (required for some projects).	A Geologic Evaluation shall be conducted and submitted to the County and the SLOAPCD. If NOA is present, an Asbestos Dust Mitigation Plan shall be submitted to the County and the SLOAPCD and measures shall be printed on all construction and grading plans.	The Geologic Evaluation shall be submitted to the County and SLOAPCD prior to issuance of grading permits. If NOA is present, an Asbestos Dust Mitigation Plan shall be submitted to the County and SLOAPCD prior to issuance of grading permits. Compliance to be verified during construction activities.	County Planning and Building Department; SLOAPCD

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Biological Resources					
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-1.1	**Environmental Monitor.** Prior to permit issuance for any future development within the project area (including within the Specific Plan Area and off-site improvement areas), the applicant shall retain an environmental monitor for all measures requiring environmental mitigation. The monitor shall be responsible for: 1. ensuring that procedures for verifying compliance with environmental mitigations are implemented; 2. establishing lines of communication and reporting methods; 3. conducting compliance reporting; 4. conducting construction crew training regarding environmentally sensitive areas and protected species; 5. maintaining authority to stop work; and 6. outlining actions to be taken in the event of non-compliance. Monitoring shall be conducted full time during the initial disturbances (site clearing) and be reduced to monthly following initial disturbances.	The Applicant shall retain an environmental monitor for all measures requiring environmental mitigation.	Prior to permit issuance for any future development within the project site. Compliance to be verified during construction activities.	Applicant; County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-1.2	**Worker Environmental Training Program.** Prior to implementation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend a training to facilitate worker environmental awareness. The Worker Environmental Training shall be conducted by a County of San Luis Obispo-approved qualified biologist to help workers recognize special-status plants and animals to be protected in the project area. The training program shall include: 1. Identification of relevant sensitive species and habitats. 2. Description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area. 3. Consequences for non-compliance. 4. Fact sheet with information covered in training for distribution to all contractors and other personnel involved with construction of the project. 5. Web-link to maps showing locations of special-status taxa on-site, and literature and photographs or illustrations of sensitive plants, animals, and habitats. 6. Documentation of each employee's participation in trainings and information presented. 7. Annual renewal training for the duration of the project. The contractor shall set aside time for the project biologist to provide the Worker Environmental Training for all contractor's and subcontractor's	Construction personnel shall attend a worker awareness training and documentation of participation.	Prior to implementation of construction activities (including staging and mobilization). Compliance to be verified through submittal of documentation of each employee's participation to the County prior to construction activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		employees that will be on-site regarding resource protection. Topics will include regulatory framework and best practices to avoid and minimize impacts to protected plants, protected animals, and their habitats. Approximately 30 minutes shall be allocated for training. Each group of new personnel or individuals shall be provided with an environmental briefing by the project biologist. This training may be virtual. During morning safety briefings, the project biologist may provide updates related to environmental conditions affected by scheduled actions. Contractor's and subcontractor's employees will be given a pocket-sized booklet by the project biologist in digital and/or paper format summarizing the Worker Environmental Training. The booklet prepared by the project biologist will include points of contact and protocol regarding emergencies and protected resource matters. Contractor's and subcontractor's employees shall be familiar with the information in the booklet and shall follow all rules and directions in the booklet while performing work for the project. Contractor's and subcontractor's employees shall always have a copy of the booklet while on the project site.			
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-1.3	**Cover Excavations.** During construction, all trenches, holes, and other excavations with sidewalls steeper than a 1:1 (45 degree) slope and 2 or more feet deep shall be covered when workers or equipment are not actively working in the excavation. If any such excavations remain uncovered, they shall have an escape ramp of earth or a non-slip material with a 1:1 (45 degree) slope or flatter. All excavated areas shall be inspected for wildlife before backfilling.	Environmental monitor shall monitor compliance with excavation covers.	During construction activities. Compliance to be verified during construction activities.	County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-1.4	**Biodegradable Erosion Control.** During construction, use erosion control products made of natural fiber (biodegradable) to prevent wildlife from getting ensnared or strangled by monofilament, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products.	Environmental monitor shall monitor compliance with biodegradable erosion control measures.	During construction activities. Compliance to be verified during construction activities.	County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-1.5	**Public Education Program.** In support of the mitigation measures listed above, public education shall be provided to homeowners, commercial facility owners, and investors regarding protected plants, protected animals, and their habitat. A colorful booklet shall be distributed to homeowners, commercial owners, and occupants. Information in the booklet shall also be made available as an interactive website provided to the County of San Luis Obispo and the Homeowners' Association(s). Information shall include descriptions of sensitive plant and animal habitats impacted, protected, and mitigations implemented. Diagnostic information for sensitive plant and animal taxa and their habitats shall be provided in a reader-friendly format. Booklet and website text shall be prepared by technical experts and produced in cooperation with professional graphic artists and publication specialists.	Public education shall be provided to homeowners, commercial facility owners, and investors regarding protected plants, animals, and their habitat.	At the time of occupancy of subsequent developments.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-1.6	**Prohibition of Invasive Plants.** The landscape architect shall provide a signed statement on the landscape plans that the planting plan does not include any plant that occurs on the California Exotic Pest Plant Council and the California Invasive Plant Council (Cal-IPC) Lists 1, 2, and 4. Plants considered to be invasive by the California Exotic Pest Plant Council and the Cal-IPC shall not be used on-site.	Landscape plans shall be submitted to the County.	Prior to issuance of building permits. Compliance to be verified following installation of landscaping.	County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-2.1	**Incidental Take Permit.** Prior to any ground or vegetation disturbance that would impact Pismo clarkia (e.g., nearby tree removal, grading), the project applicant shall obtain all necessary approvals from the California Department of Fish and Wildlife. Concurrence shall be provided by the California Department of Fish and Wildlife that the project would result in take of a state-listed species and that an Incidental Take Permit, Conservation Easement, and Habitat Management Plan are required prior to disturbance under California Fish and Game Code Section 2081. A conservation easement over the Pismo clarkia habitat will include the California Department of Fish and Wildlife as a third-party beneficiary and may also include the County of San Luis Obispo.	Obtain all necessary approvals from CDFW and provide evidence of concurrence.	Prior to any ground or vegetation disturbance that would impact Pismo clarkia.	CDFW; County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-2.2	**Avoidance.** Pismo clarkia patches identified on-site during 2019 and 2020 surveys shall be avoided to the maximum extent practicable. Immediately prior to construction, appropriately timed surveys will be conducted by a qualified biologist to determine the extent of the distribution of plants during the construction year. The extant population boundaries mapped in 2019 and 2020, plus any expansions observed during surveys conducted in the year of construction, will be flagged by a qualified biologist.	Preconstruction surveys for Pismo clarkia. Avoidance of Pismo clarkia patches.	Immediately prior to construction activities and during construction activities.	County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-2.3	**Mitigation.** Impacts to Pismo clarkia shall be mitigated at a 3:1 ratio of reoccupied habitat to occupied habitat impacted. The population extent and number of plants impacted will be equal to or will not exceed 0.02 acre and/or 40 individuals when seasonal climate conditions are similar to 2020 climate conditions. Additional surveys shall be conducted in 2022 and in the year immediately prior to construction to determine population size and the extent of impacts. In years less favorable than 2020 (appropriately timed and sufficient rainfall and temperature), the areal extent will remain the same. Impacts to individual Pismo clarkia plants will occur after seed collection. On-site seed collection of remaining populations used to reestablish additional populations shall be limited to no more than 10% of each remaining patch. The topsoil of impacted patches will be collected prior to site grading in order to preserve the seed bank. Topsoil will be relocated to suitable unoccupied habitat areas to promote the expansion of occupied habitat. Using seeds collected from the impacted population and preserved populations on-site, additional patches of the plant shall be reestablished at a 3:1 ratio along appropriate boundaries of preserved oak woodland habitat areas.	Pismo clarkia shall be reestablished at a 3:1 ratio along appropriate boundaries of preserved oak woodland habitat areas.	Following construction activities. Compliance to be verified until replanted pismo clarkia are successfully established onsite.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		A protective conservation easement shall be placed over on-site habitats that contain occupied and unoccupied habitat suitable for Pismo clarkia. Genetic analysis will be conducted to determine the similarity or difference between the population of Pismo clarkia on the Dana Reserve with at least two other populations in the Arroyo Grande region. This research and findings will be submitted to a peer reviewed journal and be part of the public record during the mitigation monitoring period.			
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-3.1	**Mitigation for Plants Ranked 1B (Rare or Endangered) by the California Native Plant Society.** Mitigation shall seek to achieve no net loss of individual plants within affected plant populations. Due to the highly endemic nature of the plant taxa being impacted and the loss of a significant portion of occupied habitat within their limited range, mitigation to offset impacts shall include a combination of preservation of existing populations either on- or off-site at a 1:1 ratio of individuals impacted to individuals preserved and the restoration of suitable habitat at a 2:1 ratio of individuals impacted to individuals restored and/or creation of high quality habitat at a 0.5:1 ratio that contains a 1:1 ratio of individuals. Prior to issuance of the grading permit, the applicant shall secure appropriate habitat or previously disturbed land suitable for habitat creation. Appropriate mitigation areas shall provide sufficient suitable habitat to reestablish 14,000 mesa horkelia, 100 Nipomo Mesa ceanothus, and 626 sand mesa manzanita. The applicant shall also prepare and begin implementation of a Habitat Mitigation and Monitoring Plan to preserve and expand patches of mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita on- and off-site. The Habitat Mitigation and Monitoring Plan shall be prepared by a qualified individual acceptable to the Director of Planning and Building and shall conform to California Native Plant Society mitigation guidelines (California Native Plant Society 1998). Habitat Mitigation and Monitoring Plan implementation must demonstrate a trajectory toward successful mitigation (i.e., meeting annual performance criteria) prior to occupancy of the last phase. To meet the County of San Luis Obispo's policy of No Net Loss, any enhanced and/or created habitat would need to confirm establishment of individuals and suitable/occupied habitat such that there is no net loss of plant populations. Maintenance, monitoring, and reporting to the County of San Luis Obispo would be required until the enhanced/created habitat has successfully established individuals at the required 2:1 ratio. Measures within the Habitat Mitigation and Monitoring Plan shall include salvaging plant and seed material from impacted populations, habitat protection, herbicide avoidance, fencing, and propagation of pollinator plants appropriate to support native bees associated with pollination of these plants. Prior to grading, plant and seed material shall be salvaged and used to enhance or establish populations in protected habitat areas. This should include the excavation and relocation of the root burls of sand mesa	Prepare and begin implementation of an off-site HMMP and preservation and restoration of impacted individuals.	Maintenance, monitoring and reporting to the County would be required until the enhanced/ created habitat has successfully established individuals at the required 2:1 ratio.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		manzanita where practical since they are known resprout from burls as well as from seed. The Habitat Mitigation and Monitoring Plan shall also establish a mitigation receptor site for the long term storage of salvaged material. In addition to direct habitat preservation and/or creation, the applicant may also fund Public Benefit restoration efforts on conserved land to be implemented and monitored by organizations such as The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, or Cambria Land Trust. The fee would be used to pay for mitigation planting, maintenance, and long-term monitoring in perpetuity. Material salvaged on-site should be incorporated into these mitigation planting efforts where possible. Measures to protect and expand mesa horkelia, Nipomo Mesa ceanothus, and sand mesa manzanita within protected oak woodland shall also be incorporated in the On-Site Oak Woodland Habitat Protection and Management Plan.			
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-4.1	**Mitigation for Plants Ranked CRPR 4 (Limited Distribution – Watch List) by the California Native Plant Society.** Restoration and/or enhancement of habitat suitable for California spineflower, sand buck brush, and sand almond shall occur to mitigate for impacts to plant populations at a 1:1 ratio above the 10% impact threshold. If conservation of existing habitat is pursued as an alternative or complementary mitigation strategy, a ratio of 2:1 above the 10% impact threshold shall be employed. For California spineflower, the applicant may accomplish adequate mitigation using these ratios through a combination of on-site and off-site mitigation involving (1) the successful planting of 500,000 plants on the project site sufficient to achieve thriving sustainable habitat conditions or (2) the purchase of a conservation easement over an off-site property capable of supporting a dense population. Prior to issuance of the grading permit, one or more plans to conserve, enhance, and/or restore on-site and/or off-site habitat for California spineflower, sand buck brush, and sand almond shall be prepared. The plan(s) shall be prepared by a qualified individual acceptable to the Director of Planning and Building and approved prior to implementation. The plan(s) shall include purchase for conservation of land containing impacted species and/or restoration of habitat with high microsite suitability for California spineflower, sand buck brush, and sand almond. The applicant may fund Public Benefit restoration efforts on conserved land to be implemented and monitored by organizations such as The Nature Conservancy, The Land Conservancy of San Luis Obispo County, Greenspace, or Cambria Land Trust. The funds would be used to pay for mitigation planting, maintenance, and long-term monitoring in perpetuity. If restoration and/or enhancement are employed, sand buck brush and sand almond shall be planted at a ratio over 1:1 to achieve a no-net loss after 5 years. If conservation is employed as an alternative or complementary strategy, the required ratio shall be 2:1. California spineflower shall be seeded in habitat managed by mowing or grazing in a manner than supports	Prepare a plan to conserve and/or restore off-site habitat for California spineflower, sand buck brush, and sand almond to be submitted to the County.	Prior to issuance of grading permits. Compliance to be verified until habitat restoration is successfully established.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		spineflower reproduction in normal rainfall years. Plant material shall be derived from sources on the Nipomo Mesa. Habitat protection and long-term maintenance shall be funded by an endowment sufficient to monitor and maintain habitat appropriate to attempt reestablishment or expansion of California spineflower on the restoration site. If any plants required to be mitigated by this section are delisted, mitigation requirements shall no longer apply.			
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-4.2	**Michael's Rein Orchid.** Measures to avoid and protect Michael's rein orchid in on-site oak woodland areas proposed for protection shall be incorporated into an on-site Habitat Mitigation and Monitoring Plan. Since all observed individuals of Michael's rein orchid are located directly south of Pismo clarkia Patch 3, this species shall incidentally benefit from being included in Mitigation Measure BIO/mm 2.3. Construction workers and biological monitors shall also be made aware of and instructed to avoid this orchid during monitoring for Pismo clarkia (Mitigation Measures BIO/mm-2.1 and BIO-mm/2.2).	Measures to avoid and protect Michael's rein orchid in on-site oak woodland areas shall pe included on final construction and grading plans.	Prior to issuance of grading permits. Compliance to be verified during construction activities.	County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-5.1	**Monarch Butterfly Preconstruction Survey.** Preconstruction surveys of potential monarch butterfly overwintering habitat on site or adjacent to the site shall be conducted by a qualified monarch butterfly biologist beginning October 1 and continuing through February. If site disturbance is proposed within 200 feet of potential monarch butterfly overwintering locations during the aggregation season (October 1–February), surveys shall be conducted from the Dana Reserve and/or public roads for three mornings at least 1 week prior to planned disturbance. If clustering monarch butterflies are observed, site disturbance and construction activity within 200 feet of monarch butterfly overwintering habitat shall be prohibited while monarch butterflies are in an overwintering aggregation. A 200-foot buffer shall be installed with T-posts and rope and labelled as Environmentally Sensitive Habitat every 75 to 100 feet. If monarch butterflies are observed in overwintering aggregation, monitoring shall be conducted during daily active construction visits to document numbers and assure that no disturbance of the aggregation is caused by construction	Conduct preconstruction monarch butterfly surveys.	Prior to construction activities between late October through February.	County Planning and Building Department
Specific Plan Area Off-Site Improvements Cumulative	BIO/mm-6.1	**Special-Status Reptiles Protection and Relocation.** Prior to issuance of the grading permit, the project applicant shall develop a Special-status Reptile Relocation Plan for northern California legless lizard and Blainville's (coast) horned lizard. The goal of the relocation plan is to establish guidelines and protocols for relocating special-status reptiles out of harm's way. The relocation plan shall include an overview of prior surveys for the species, figures of known and potential habitat areas, timing of relocation efforts, and details regarding capture and relocation methods. Additionally, the relocation plan shall identify and characterize suitable on-site relocation sites for each species. The following details shall be specifically incorporated and expanded upon in the relocation plan: 1. Relocation surveys for special-status reptiles shall be conducted during appropriate times of year when the species are active and	Develop and implement a Special-Status Reptile Relocation Plan for northern California legless lizard and Blainville's (coast) horned lizard.	Prior to issuance of grading permits and during ground disturbance activities. Compliance to be verified through annual reporting.	County Department of Planning and Building; CDFW

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		can be located. Subject to expert refinement in the relocation plan, legless lizard cover board and raking surveys shall be conducted between January and July. Because legless lizards are not expected to move back into work areas after relocation, these surveys can be done well in advance of earthwork. Horned lizard surveys shall be conducted on warm days in April through August, immediately prior to commencement of earthwork. The relocation plan shall require a minimum of three surveys conducted during the time of year/day when each species is most likely to be observed. 2. Relocation surveys for legless lizards shall utilize a combination of cover boards and soil raking to find lizards in suitable habitat areas prior to commencement of earthwork activities. Relocation surveys for horned lizards shall be completed by pedestrian transects on warm days utilizing narrow spacing to visually search for lizards on the surface of the soil. Special-status reptiles shall be captured by hand, stored in suitable wildlife relocation bins, and immediately relocated to approved habitat. 3. The relocation plan shall identify suitable legless lizard relocation habitat as any sandy soil area with suitable leaf litter under shrub or oak tree canopy. For horned lizard, suitable relocation habitat shall be identified as that which has friable soils, a detectable prey source, and sandy barrens for burrowing and basking. 4. The Special-Status Reptile Relocation Plan shall be submitted to the County of San Luis Obispo and California Department of Fish and Wildlife for approval no less than 60 days prior to any ground-disturbing activities within potentially occupied habitat. 5. A qualified biologist shall be present during ground-disturbing activities immediately adjacent to or within habitat that supports special-status reptiles. 6. Clearance surveys for special-status reptiles shall be conducted by a qualified biologist prior to the initiation of ground-disturbing construction each day, especially along the interface between open space and construction areas. 7. Results of the surveys and relocation efforts shall be provided to the County of San Luis Obispo and California Department of Fish and Wildlife in the annual mitigation status report. Collection and relocation of animals shall only occur with a Scientific Collecting Permit per Title 14 of the California Code of Regulations Section 650.			
Specific Plan Area Off-Site Improvements	BIO/mm-7.1	**Nesting Bird Preconstruction Survey and Nest Avoidance.** Within 10 days prior to ground-disturbing activities, if work occurs between February 1 and September 15, nesting bird surveys shall be conducted. Surveys shall include a sufficient buffer area around the project area, as determined by a qualified biologist, respecting private property rights and access requirements. A sufficient buffer shall mean any area potentially affected by the project. If	Conduct preconstruction nesting bird surveys. If nesting birds are present,	Within 1 week prior to ground disturbance activities. If nesting birds are present, monitoring shall	County Planning and Building Department.

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Cumulative		surveys do not locate nesting birds, construction activities may begin. If nesting birds are located, no construction activities shall occur within 250 feet of nests or within 500 feet of raptors until chicks have fledged. The project biologist may recommend a buffer decrease depending on site conditions (such as line-of-sight to the nest and whether there are visual or acoustic barriers between the proposed activity and the nest), consideration of the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, and the birds' level of tolerance for construction activities. The biologist shall collect data on the birds' baseline behavior and their tolerance to disturbance by observing the birds at the nest prior to construction activities. If the birds are incubating, the biologist shall record how long they stay in the nest. If nestlings are present, the biologist shall record how frequently adults deliver food and visit the nest. The biologist shall also record the birds' reaction to the biologist and how close the biologist can get to the nest before the birds' behavior is altered or they show signs of stress or disturbance. The biologist shall set the reduced buffer distance based on these data. Nesting bird buffers may be reduced up to 50 feet, while raptor nest buffers may be reduced up to 250 feet. If nest buffers are reduced, the biologist shall monitor any construction activities that take place within 100 feet of nesting birds and 500 feet of raptor nests. If nesting birds show any signs of disturbance, including changes in behavior, significantly reducing frequency of nests visits, or refusal to visit the nest, the biologist will stop work and increase the nest buffer. If occupied nests of fully protected raptor are located within the Specific Plan Area or within any areas within 0.5 mile of the Specific Plan Area, a 0.5 mile no-disturbance buffer shall be implemented. Surveys of fully protected raptor outside of the Specific Plan Area shall only be required in areas the qualified biologist determines contain suitable habitat for raptor. If the 0.5-mile no-disturbance buffer cannot be implemented, the Environmental Monitor shall contact the California Department of Fish and Wildlife to identify additional avoidance measures. Preconstruction surveys for burrowing owl shall follow the California Burrowing Owl Consortium's Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993) and California Department of Fish and Wildlife's Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012). In the event a burrowing owl is located, no-disturbance buffers shall be implemented as outlined in the Staff Report on Burrowing Owl Mitigation unless a qualified biologist approved by the California Department of Fish and Wildlife verifies through non-invasive methods that (1) the birds have not begun egg laying and incubation or (2) that juveniles from the occupied burrows are foraging independently and capable of independent survival.	implement avoidance buffers and monitor the site.	occur during construction activities.	
Specific Plan Area	BIO/mm-8.1	**Bat Preconstruction Surveys and Passive Relocation.** Within 30 days of construction between April and September, structures and trees or snags to be removed or pruned that are greater than 20 inches diameter at breast height shall be inspected for bats. If a bat roost is found, the qualified biologist	Conduct preconstruction bat surveys. If present, a	Within 30 days prior to construction	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Off-Site Improvements Cumulative		shall implement passive relocation measures, such as installation of one-way valves. Bat maternity colonies may not be disturbed.	qualified biologist shall conduct passive relocation.	between April and September.	
Specific Plan Area Cumulative	BIO/mm-9.1	**Badger Den Preconstruction Survey and Relocation.** Preconstruction surveys shall be conducted within 30 days of beginning work on the site to identify if badgers are using proposed work areas. Survey results shall be submitted to the County with monthly construction update reports. If suitable American badger dens are identified within the disturbance footprint, den openings shall be monitored with tracking medium or an infrared camera for 3 consecutive nights to determine current use. If the den is not in use, the den shall be excavated and collapsed to ensure that no animals are present during construction. If the den is occupied during the non-maternity period, badgers may be relocated by first incrementally blocking the den over a 3-day period, followed by slowly excavating the den (either by hand or with mechanized equipment under the direct supervision of a qualified biologist, removing no more than 4 inches at a time) before or after the rearing season (February 15–June 30). Passive relocation of American badgers shall be conducted under the direction of a qualified biologist. If the preconstruction survey finds potential badger dens, the dens shall be inspected by the project biologist to determine whether they are occupied. If a potential badger den is too long to completely inspect from the entrance, a fiber optic scope may be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent reuse of dens during construction. If badgers occupy active dens in proposed work areas between February and July, nursing young may be present. To avoid disturbance and the possibility of direct impacts to adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, American badger dens determined to be occupied during the breeding season (February 15–June 30) shall be flagged. Between February and July, no grading or ground-disturbing activities shall occur within 100 feet of active badger dens to protect adults and nursing young. Buffers may be modified by the qualified biologist, provided the badgers are protected, and buffers only removed after the qualified biologist determines that the den is no longer in use. If a potential den is located outside of the disturbance footprint but within 500 feet of ground-disturbing activities (including staging areas), dens shall be avoided by installation of highly visible orange construction fencing a minimum of 100 feet from the den, designating the area an Environmentally Sensitive Area. Fencing shall be installed in a manner that allows badgers to move through the fencing at-will. No equipment, vehicles, or personnel shall be permitted within Environmentally Sensitive Areas without clear permission from a qualified biologist.	Conduct preconstruction badger den surveys. If present, passive relocation and/or avoidance of individuals and/or active dens.	Within 30 days prior to construction and during construction activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Off-Site Improvements Cumulative	BIO/mm-12.1	**California Red-Legged Frog, Western Pond Turtle, and Two-Striped Gartersnake Surveys and Relocation.** All work areas within 100 feet of known California red-legged frog habitat shall be surveyed by a qualified biologist each day prior to the initiation of construction activities. As necessary, the qualified biologist shall physically relocate semiaquatic, special-status species (e.g., western pond turtle, two-striped gartersnake, etc.) and common semi-aquatic species (e.g., western toad, Pacific chorus frog, etc.) to suitable habitat areas (e.g., in Nipomo Creek) located outside the construction zone(s). Exact procedures and protocols for relocation of the special-status species shall be based upon pre-project consultation with the California Department of Fish and Wildlife. In the event a California red-legged frog is identified in a work area, all work shall cease until the California red-legged frog has safely vacated the work area. At no time shall any California red-legged frog be relocated and/or affected by project operations without prior approval from the U.S. Fish and Wildlife Service. In the unlikely event a permit is needed from the U.S. Fish and Wildlife Service for California red-legged frog, the applicant shall be required to obtain such permit.	Conduct preconstruction California red-legged frog surveys and monitoring during construction activities. If present, work shall cease.	Each day prior to construction activities and during construction activities.	County Planning and Building Department; CDFW
Off-Site Improvements Cumulative	BIO/mm-13.1	**Nesting Bird Surveys.** If construction activities are proposed during the typical nesting bird season (February 1–September 15), a nesting bird survey will be conducted by qualified biologists no more than 2 weeks prior to the start of construction to determine presence/absence of nesting birds within the project area and immediate vicinity (within 100 feet of the Nipomo Creek corridor). The County of San Luis Obispo will be notified if federally listed nesting bird species are observed during the surveys and the applicant, in coordination with the Nipomo Community Services District, will be responsible for facilitating coordination with the U.S. Fish and Wildlife Service, if necessary, to determine an appropriate avoidance strategy. Likewise, coordination with the California Department of Fish and Wildlife will be facilitated by the applicant, in coordination with the Nipomo Community Services District, if necessary, to devise a suitable avoidance plan for state-listed nesting bird species.	Conduct preconstruction nesting bird surveys. If nesting birds are present, implement avoidance buffers and monitor the site.	Within 2 weeks prior to ground-disturbing activities. If nesting birds are present, monitoring shall occur during construction activities.	County Planning and Building Department; NCSD; CDFW; USFWS
Specific Plan Area Cumulative	BIO/mm-14.1	**Mitigation for Burton Mesa Chaparral (*Arctostaphylos [purissima*, *rudis]* Shrubland Special Stands).** Prior to issuance of the Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces, the applicant shall permanently protect (conserve), enhance (increase suitability of a site as habitat), and/or restore (repair damaged habitat) Burton Mesa chaparral in maritime coastal California at a 2:1 ratio of habitat preserved to habitat lost. This ratio will achieve the “no-net loss” requirement in County of San Luis Obispo Conservation and Open Space Element Policy BR 1.4 of the County of San Luis Obispo Conservation and Open Space Element. Habitat appropriate for restoration will ideally be located on the Nipomo Mesa with climatic and soil conditions that match those found on Dana Reserve. Conservation/enhancement/restoration of habitat areas contiguous with protected/restored Quercus agrifolia / Adenostoma fasciculatum – (Salvia	Protect, enhance, and/or restore Burton Mesa chaparral in maritime coastal California to avoid any net loss in habitat quality.	Prior to issuance of the CUP for Oak Tree Removal and Grading/Impervious Surfaces.	County Planning and Building Department; CDFW

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		mellifera) habitat shall be prioritized over isolated patches of mitigation. Areas contiguous with other protected maritime chaparral or oak woodland shall also be prioritized over isolated patches of mitigation. Where restoration is proposed, a restoration and enhancement plan approved by the California Department of Fish and Wildlife shall be submitted to the County prior to issuance of the Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces. A conservation easement over protected habitat shall be controlled by a qualified conservation organization approved by the County. Potential conservation organizations include, but are not limited to, The Nature Conservancy, San Luis Obispo Land Conservancy, Greenspace, Cambria Land Trust, or the California Department of Fish and Wildlife. The County of San Luis Obispo shall review and approve additional analysis prior to final approval of any proposed conservation area. If appropriate habitat is not available in San Luis Obispo County at a 2:1 ratio, the applicant may fulfill half of this mitigation requirement through restoring Burton Mesa chaparral in Santa Barbara County at an additional 2:1 ratio (e.g., if only 35 acres can be preserved/restored within San Luis Obispo County, then an additional 70 acres would be required to satisfy the mitigation if purchased in Santa Barbara County). A combination of preservation and restoration at a 2:1 ratio would allow for a no-net-loss of cover by Burton Mesa chaparral constituent elements and maintain species diversity within the county. In the event the applicant believes mitigation per the above requirements is not feasible, the applicant shall provide a report documenting the efforts taken to achieve the above standard, the reasons compliance is infeasible, and documentation that sufficiently establishes no additional reasonable mitigation options are feasible. The reasonableness of potential mitigation shall be interpreted in conformance with the standards of “rough proportionality” and “essential nexus” as established in the long-standing United States Supreme Court cases of Nollan v. Coastal Commission (1987) 483 U.S. 825, and Dolan v. City of Tigard (1994) 512 U.S. 374. This report shall be subject to the review and approval of the County of San Luis Obispo based on factors such as but not limited to cost, lack of availability of land, and lack of comparable habitat matrix that can be obtained. In the event the County agrees a combination of preservation and restoration at a 2:1 ratio would be infeasible as defined above, then the applicant shall, at a minimum, mitigate impacts to Burton Mesa chaparral to achieve a performance standard of no net loss of habitat quality. The performance standard shall be achieved through a combination of conserving, enhancing, restoring, and/or re-creating Burton Mesa chaparral removed by the project at the following mitigation ratios: 1. Conservation of currently unprotected Burton Mesa chaparral habitat in excellent condition at a 1.5:1 ratio; 2. Enhancement of protected Burton Mesa chaparral habitat in moderate to poor condition at a 2:1 ratio;			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		3. Restoration of damaged protected Burton Mesa chaparral habitat at a 0.5:1 ratio; and/or 4. Recreate high-quality Burton Mesa chaparral at a 0.25:1 ratio in appropriate habitat that has been completely disturbed (e.g., abandoned farmland). Based on the 35 acres of Burton Mesa chaparral to be removed by the project, and depending on the mitigation option(s) utilized to mitigate impacts, Burton Mesa chaparral would be mitigated through the conservation, enhancement, restoration, and/or recreation of between 8.75 acres and 70 acres of Burton Mesa chaparral, calculated as follows: 1. Conservation of unprotected Burton Mesa chaparral habitat in excellent condition at a 1.5:1 ratio (52.5 acres conserved:35 acres removed); 2. Enhancement of protected Burton Mesa chaparral habitat in moderate to poor condition at a 2:1 ratio (70 acres enhanced:35 acres removed); 3. Restoration of damaged protected Burton Mesa chaparral habitat at a 0.5:1 ratio (17.5 acres restored:35 acres removed); and/or 4. Recreate high-quality Burton Mesa chaparral at a 0.25:1 ratio in appropriate habitat that has been completely disturbed (8.75 acres recreated:35 acres removed). Other outcomes would be possible, depending on how conservation, enhancement, restoration, and recreation strategies are pursued and combined to meet the intent of this measure; however, under any scenario, final mitigation shall avoid any net loss of habitat quality. Documentation establishing an actionable plan to comply with this measure shall be provided to the County of San Luis Obispo for review and approval prior to issuance of construction permits.			
Specific Plan Area Cumulative	BIO/mm-15.1	**Off-Site Mitigation for Coast Live Oak Woodland (Quercus agrifolia / Adenostoma fasciculatum – [Salvia mellifera]).** Prior to issuance of the Conditional Use Permit for Oak Tree Removal and Grading/Impervious Surfaces, the applicant shall permanently protect (conserve), enhance (increase suitability of a site as habitat), restore (repair damaged habitat), and/or recreate (revegetate previously lost habitat) Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera) in coastal California at a 2:1 ratio within the range of Burton Mesa chaparral. A combined approach for habitat mitigation shall include the preservation of expanded contiguous habitat of protected Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera), recreate, restore, and/or enhance contiguous areas of Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera). However, to comply with Senate Bill 1334, only half the mitigation requirement for loss of coast live oak can be achieved through tree planting as a means of recreation. Where restoration is proposed, a restoration and enhancement plan shall be approved by the County of San Luis Obispo after consultation with the	Protect, enhance, restore, and/or recreate *Quercus agrifolia* / *Adenostoma fasciculatum* – (*Salvia mellifera*) in coastal California at a 2:1 ratio within the range of Burton Mesa chaparral.	Prior to issuance of the CUP for Oak Tree Removal and Grading/Impervious Surfaces.	County Planning and Building Department; CDFW

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		California Department of Fish and Wildlife prior to issuance of the permit. A conservation easement over protected habitat shall be controlled by a qualified conservation organization approved by the County of San Luis Obispo. Potential conservation organizations include, but are not limited to, The Nature Conservancy, The Land Conservancy of San Luis Obispo, Greenspace, Cambria Land Trust, or the California Department of Fish and Wildlife. The County of San Luis Obispo shall review and approve additional analysis prior to final approval of the proposed off-site conservation area. Preservation and recreation would allow for a no-net-loss of cover by Quercus agrifolia / Adenostoma fasciculatum – (Salvia mellifera) constituent elements and preserve the diversity of oak woodland habitats in the County consistent with County of San Luis Obispo Conservation and Open Space Element Policy BR 3.3.1. The requirement that the County of San Luis Obispo consult with the California Department of Fish and Wildlife prior to approving a restoration and enhancement plan shall be satisfied either where California Department of Fish and Wildlife responds to the County of San Luis Obispo's request for consultation within 90 days of the request or where the County of San Luis Obispo has attempted to consult with California Department of Fish and Wildlife but California Department of Fish and Wildlife has failed to respond to the County of San Luis Obispo's request within 90 days of the placement of the request.			
Off-Site Improvements Cumulative	BIO/mm-16.1	**Riparian Habitats.** The following measures shall be implemented for any grubbing, grading, and other ground-disturbing activities conducted within 100 feet of riparian habitat along Nipomo Creek or its tributaries to avoid potential project-related impacts to these resources and special-status species that may utilize these habitats: 1. All construction-related activities must observe a 100-foot setback from the Nipomo Creek riparian corridor, as measured from the outer edge of the riparian canopy. A minimum 50-foot setback shall be observed from the ephemeral drainages and flood channels, as measured from the outer edge of riparian vegetation. 2. If construction-related activities within the 100- or 50-foot buffers from Nipomo Creek or any other surface water resource, to the extent practicable, construction activities shall be conducted during the dry season (typically May 1–November 1), or as specified by resource agency permits and authorizations. This would reduce potential impacts to aquatic and semi-aquatic species that might be using the aquatic habitat and associated riparian vegetation as a movement/dispersal corridor. 3. Any construction activities conducted within 50 feet of Nipomo Creek, watercourses, pond, and riparian habitat shall be monitored by a qualified biologist.	Measures shall be included on all grading and construction plans.	Prior to issuance of grading and construction permits. Compliance to be verified during ground disturbance activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		4. If any special-status species are observed, the qualified biologist shall implement the measures described in BIO/mm-1.1 through BIO/mm 1.6 and BIO/mm-11.1.			
Off-Site Improvements Cumulative	BIO/mm-17.1	**Wetland Delineation.** Prior to construction in any undeveloped area where surface water resources or wetland indicators are present, the applicant, in coordination with the Nipomo Community Services District, shall retain a qualified biologist to conduct a wetland delineation along the proposed alignment route, including at minimum a 50-foot buffer area and a 100-foot buffer along the Nipomo Creek riparian corridor.	A qualified biologist shall conduct a wetland delineation.	Prior to construction in any undeveloped area where surface water resources or wetland indicators are present.	County Planning and Building Department
Off-Site Improvements Cumulative	BIO/mm-17.2	Prior to construction within 50 feet of any stream or other surface water resource, the applicant, in coordination with the Nipomo Community Services District, shall prepare project-specific plans for crossings. If construction activities require any earthwork within the banks of the drainages (including beneath the bed of the channel), the applicant, in coordination with the Nipomo Community Services District, shall coordinate with the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board to obtain the appropriate permits for direct impacts to jurisdictional features. The applicant, in coordination with the Nipomo Community Services District, shall implement all pre- and post-construction conditions identified in the permits issued. The plan shall be submitted to the County and applicable agencies 60 days prior to construction.	Prepare project-specific plans for stream/surface water crossings and obtain necessary permits.	Prior to construction within 50 feet of any stream or other surface water resource. The plan shall be submitted to the County for approval prior to issuance of grading and construction permits.	County Planning and Building Department; CDFW; USACE; RWQCB
Off-Site Improvements Cumulative	BIO/mm-17.3	Prior to construction within 50 feet of any stream or other surface water resource, the applicant, in coordination with the Nipomo Community Services District, shall implement the following measures: 1. Prior to project implementation, the project area shall be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access and disturbance. Areas within the designated project site that do not require regular access shall be clearly flagged as off-limit areas to avoid unnecessary damage to sensitive habitats or existing vegetation within the project area. 2. Prior to project implementation, a project Erosion Control Plan shall be prepared. During project activities, erosion control measures shall be implemented. Silt fencing, fiber rolls, and barriers (e.g., hay bales) shall be installed to establish a minimum 25-foot setback distance between the project impact areas and adjacent wetlands and other waters. At a minimum, silt fencing shall be checked and maintained on a daily basis throughout the construction period. 3. Prior to construction, the applicant shall prepare and submit to the Regional Water Quality Control Board or State Water Resources Control Board a Notice of Intent and prepare a Stormwater Pollution Prevention Plan in accordance with the requirements of the State General Order related to construction projects. The Stormwater Pollution Prevention Plan shall identify the selected stormwater	Measures shall be included on final grading and construction plans.	Prior to construction within 50 feet of any stream or other surface water resource and during construction.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		management procedures, pollution control technologies, spill response procedures, and other means that will be used to minimize erosion and sediment production and the release of pollutants to surface water during construction. The applicant shall ensure that sedimentation and erosion control measures are installed prior to any ground-disturbing activities. 4. Prior to the commencement of site preparation, ground-disturbing, or construction activities, the applicant will identify required best management practices on all construction plans. These practices will be implemented prior to, during, and following construction activities as necessary to ensure their intended efficacy. Measures will include, but not necessarily be limited to, the placement of silt fencing along the down-slope side of the construction zone, on-site storage of a spill and clean-up kit at all times, and employment of both temporary and permanent erosion and sedimentation control measures (e.g., silt fencing, hay bales, straw wattles). 5. During project activities, if work occurring within stream channels is necessary, it shall be conducted during the dry season if possible (typically May 1–November 1). 6. Prior to construction, the applicant shall ensure preparation and implementation of a Spill Prevention and Contingency Plan that includes provisions for avoiding and/or minimizing impacts to sensitive habitat areas, including wetland and riparian areas and waterbodies due to equipment-related spills during project implementation. The applicant shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the applicant shall ensure that the plan allows a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measure to take should a spill occur. The plan shall include the following provisions: a. All equipment fueling shall be conducted within the designated staging areas of the project site. Such areas shall consist of roadway or ruderal habitat. At no time shall any equipment fueling be conducted within 100 feet of any wetland and riparian habitat area or waterbody. b. An overview of the containment measures to appropriately store and contain all fuels and associated petroleum products during the project shall be included in the plan. This shall include provisions for equipment staging areas, such as the need for drip pans underneath parked equipment and designated storage areas for fuel dispensing.			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Specific Plan Area Cumulative	BIO/mm-18.1	**Prepare On-Site Tree Protection Plan for Trees Retained.** Prior to issuance of a grading permit for any future development within the Specific Plan Area, a qualified arborist shall prepare a Tree Protection Plan designed to protect retained oaks during construction. Tree protection guidelines and a root protection zone shall be established and implemented for each retained tree over 4 inches diameter at breast height within 50 feet of site disturbance. The following criteria shall be included: 1. **Preserve Oak Forest Habitat on Dana Reserve.** Designate oak forest habitat for open space preservation where limited recreational and open space uses may be allowed. Preserve a minimum of 17 acres of oak forest habitat on-site. 2. **Map and Number Trees to be Retained.** Tree canopies and trunks within 50 feet of proposed disturbance zones shall be mapped and numbered by a County of San Luis Obispo-approved arborist or biologist and a licensed land surveyor. Data for each tree shall include date, species, number of stems, diameter at breast height of each stem, critical root zone diameter, canopy diameter, tree height, health, habitat notes, and nests observed. Impacts shall be identified for native oak trees with a diameter at breast height of 4 inches or greater, as measured at a height of 4.5 feet aboveground. Impacts include any ground disturbance within the critical root zone, trunk damage, or any pruning of branches 3 inches in diameter or greater. A qualified arborist shall determine the critical root zone for each retained tree on a case-by-case basis, generally 1.5 times the average canopy radius (distance from trunk to edge of drip line). For example, a tree with a 24-foot-diameter canopy would have a 36-foot critical root zone, or approximately 18 feet from the trunk. Where the canopy has been pruned prior to evaluation, the critical root zone may be calculated as 1.5 feet per inch of the tree's diameter at breast height. For example, an 18-inch diameter at breast height tree would be assigned a 24-foot critical root zone. The extent of the critical root zone shall be used as the basis for a tree protection zone, such as the line of encroachment for the edge of a group of trees, shown on all construction plans. 3. **Preconstruction Meeting.** On-site preconstruction meetings for each phase that affects oak trees shall be attended by the arborist(s), owner(s), Planning staff, and earth-moving team. Explicit exhibits and discussion will focus on tree protection during construction and provisions of the Tree Protection Plan. 4. **Install Protective Fencing.** Tree protection fencing shall be installed at the perimeter of the tree protection zone. At a minimum, a tree protection zone shall be delineated as a no-construction zone. Preferably, fencing shall be installed 6 feet outside the tree	Preparation and implementation of a Tree Protection Plan to protect retained oaks during construction.	Prior to issuance of a grading permit. Compliance to be verified during construction. The success of each planting shall be verified through County inspection.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		protection zone. No construction equipment shall be staged, parked, or stored within 6 feet of any oak tree dripline. The fence shall be installed with arborist field consultation before any construction or earth moving begins. The proposed fencing shall be shown on the grading plan. It must be a minimum of 4-foot-high chain-link, snow, or safety fence staked (with t-posts 8 feet on center). The owner/applicant shall be responsible for maintaining an erect fence throughout the construction period. (For trees to be protected longer than 4 months, metal fencing is preferred to minimize maintenance requirements.) The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. Weatherproof signs shall be permanently posted on the fences every 50 feet, with the following information: Tree Protection Zone. No personnel, equipment, materials, or vehicles allowed. 5. **Avoid and Minimize Tree Impacts.** Impacts to the oak canopy or critical root zone shall be avoided where feasible in light of project layout and the locations of physical structures, paved or otherwise altered surfaces, and infrastructure. Impacts include pruning branches over 3 inches in diameter, any ground disturbance or soil compaction within the dripline or critical root zone of the tree (whichever distance is greater), and trunk damage. a. No Tree Attachments. Wires, signs, and other similar items shall not be attached to the oak trees. b. Pruning. Pruning shall be implemented by, or under the direction of, a certified arborist. The purpose and type of pruning implemented shall be tracked by service date and class of pruning for each tree. A certified arborist shall direct all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned prior to any grading activities to avoid branch tearing. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months. (Coast live oaks, which retain their leaves year-round, are generally dormant July through October.) i. Class 1 pruning emphasizes aesthetics, removal of dead, dying, and decaying weak branches and selective thinning to lessen wind resistance. ii. Class 2 pruning is for structural integrity and tree health concerns. It consists of removal of			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		dead, dying, decaying, interfering, obstructing, and weak branches and selective thinning to lessen wind resistance. iii. Class 3 pruning is conducted for safety considerations and hazardous conditions. iv. Class 4 pruning includes crown-reduction pruning, such as reduction of tops, sides, or individual limbs. Removal of larger lower branches shall be minimized to avoid making tree tops heavy and more susceptible to "blow-overs," reduce large limb cuts that are susceptible to disease and infestation, retain wildlife habitat values associated with the lower branches, retain shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers), and retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (10% or less is best, 25% maximum). c. Surface Root Protection. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. d. Utility Placement. All utilities, sewer, and storm drains shall be placed down the roads and driveways and, when possible, outside of the critical root zones. The arborist shall supervise trenching within the critical root zone. All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over roots larger than 3 inches in diameter. Boring under oaks is also acceptable. e. Permeable Paving within 20 Feet of the Critical Root Zone. Paving shall be pervious material where access roads or driveways encroach within 20 feet of a retained oak tree's critical root zone. f. Trenching within the Critical Root Zone. All trenching within the critical root zone of native trees shall be hand dug or implemented with an air spade or bore. All major roots shall be avoided whenever possible. All exposed roots larger than 1 inch in diameter shall be clean cut with sharp pruning tools and not left ragged. A mandatory meeting between the arborists and grading contractor(s) must take place prior to work start.			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		g. Grading within the Critical Root Zone. Grading shall not encroach within the critical root zone unless authorized by the grading permit. Grading shall not disrupt the normal drainage pattern around the trees. Fills shall not create a ponding condition and excavations shall not leave the tree on a rapidly draining mound. Any exposed roots shall be covered the same day they were exposed if possible. If left exposed for more than a day, roots must be covered with burlap or another suitable material and wetted down two times per day until reburied. h. Equipment Operation. Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also, there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless preapproved by the arborist. i. Existing Surfaces. The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted, or impaired, unless shown on the grading plans and approved by the arborist. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. ii. Construction Materials and Waste. No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials. No waste or contaminated water shall be dumped on the ground or into any grate between the outer edge of the critical root zone and the base of the oak trees, or uphill from any oak tree where such substance might reach the roots through a leaching process. iii. No Permanent Irrigation within the Dripline of Existing Oaks. No permanent irrigation shall occur within the dripline of any existing oak tree 6. **Correct Damage to Oaks.** The applicant shall be responsible for correcting any damage to oak trees on the property in a manner specified by an arborist approved by the County at the applicant's expense. a. Impacted Root Treatment. Roots impacted during construction (e.g., trenching or grading operations) shall be treated by the arborist on a case-by-case basis using best practices, such as clean cuts accompanied by			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		application of appropriate fungicides and insecticides by a licensed pest control applicator. b. Soil Aeration Methods. Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18 inches deep, 2–3 feet apart with a 2–4-inch auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise. c. Chip Mulch. All impacted areas within the critical root zone of the trees shall receive a 4- to 6-inch layer of chip mulch to retain moisture, retain soil structure, and reduce the effects of soil compaction. d. Landscape. All landscape within the critical root zone shall consist of drought-tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise aboveground drip irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation. For this site, it is strongly recommended that drought-tolerant native landscape is used with the approval of the arborist. This includes all sidewalk/greenbelt areas. e. Fertilization and Cultural Practices. As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhizal inoculation applications that will benefit tree health. Application of mycorrhizal inoculum offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens. f. Post-Construction Tree Inspection. Prior to occupancy of each phase, a letter from the arborist(s) shall be required that verifies health/condition of all impacted trees and provides recommendations for additional mitigation. The letter shall verify that the arborist(s) or their designee were on-site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work in these areas was completed to the standards set forth above. 7. **Arborist Supervision and Treatment of Impacted Trees.** A licensed arborist shall supervise all ground disturbances within the tree protection zone and activities that may impact branches. The arborist shall provide guidance such as temporary damaged root protection, use of air spades, timing between impact and root treatment by arborist, appropriate use of air spade or hand tools to			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		minimize tree damage specific to the action proposed, and to treat root zone and branch damage. During and upon completion of construction, the licensed arborist shall provide treatment, as the licensed arborist determines is appropriate, to maintain and improve the health of the tree, including pruning of the broken main stem, and soil supplement and watering programs. All root pruning shall be completed with sharpened hand pruners. Pruned roots shall be immediately covered with soil or moist fabric. Damaged roots shall be treated within 24 hours by a qualified tree specialist to inhibit fungus, insects, or other disease damage. 8. **Report Tree Impacts.** Damage to any tree during construction shall be reported to the project arborist within 24 hours. The damage should be treated as soon as possible, as appropriate, by an arborist or his/her designee approved by the County of San Luis Obispo to prevent disease or pest infestation. Damage will be reported to the County of San Luis Obispo and applicant during each month of construction. All monitoring will be documented on the field report form, which will be forwarded to the project manager and County. 9. **Protect Replacement/Mitigation Oaks.** The following activities are not allowed within the root zone of newly planted oak trees: year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to 7 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling). 10. **Notes on Plans.** The standards in BIO/mm-18.1(1–7) shall be noted and shown on all grading and building plans, as well as an additional map sheet recorded with any Final Map in order to describe the activities prohibited outside the approved construction envelopes. All trees to be retained within 50 feet of impact areas shall be shown with tree protection zone for groups of trees and critical root zone for individual trees. 11. **Prepare and Implement On-Site Oak Tree Protection, Replacement, and Habitat Restoration Plan.** Prior to recordation of a Final Map for a land division on the property, the developer shall submit a Tree Protection Plan, Tree Replacement Plan (BIO/mm-18.2), and Oak Woodland Habitat Restoration Plan (BIO/mm-18.3) for the review and approval by the County of San Luis Obispo Planning and Building Director. The Oak Tree Protection, Replacement, and Habitat Restoration Plan will be approved by the County of San Luis Obispo and provided to all contractors and subcontractors that work within or adjacent to the critical root zone of native trees. Provisions of the Oak Tree			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		Protection, Replacement, and Habitat Restoration Plan shall be included in the Worker Environmental Training Program to confirm that workers and supervisors are trained in maintaining fencing, protecting root zones, and conforming to all tree protection goals. Each contractor must sign and acknowledge the plan. Any future changes (within the critical root zone) will need project arborist review and implementation of potential mitigation measures before proceeding. 12. **Mitigate Impacts to Preserved Trees.** Damage that occurs to protected retained trees resulting from construction activities shall be mitigated in a manner approved by the County of San Luis Obispo Planning and Building Director. Damage to trees located within habitat types mapped as oak woodland or oak forest in Figure 4.4-2 shall be mitigated through off-site preservation, consistent with BIO/mm-18.4. Damage to trees located outside habitat types mapped as oak woodland or oak forest in Figure 4.4-2 shall be mitigated pursuant to replacement tree performance criteria set forth in Section 2 of BIO/mm-18.2. Mitigation for impacted trees shall be tracked with the following information: tree tag number, location (latitude/longitude WGS84 datum), number of trunks, diameter at breast height of main trunk, proposed critical root zone impact percent, proposed mitigation ratio, actual impact percent, date of impact (month/year), document if accounted for in approved plans, actual replacement ratio, actual replacement number, date of planting (month/year), location of mitigation planting (Phase and general location), and expected year performance criteria to be met. Quarterly impact and proposed mitigation documentation shall be provided to the County during the active phases of construction. Annual reports shall be provided until the project is completed.			
Specific Plan Area Cumulative	BIO/mm-18.2	**Tree Replacement Plan.** Prior to issuance of a grading permit for any future development within the Specific Plan Area, a qualified arborist shall prepare and submit an Oak Tree Replacement Plan for the review and approval by the County of San Luis Obispo Planning and Building Director. The Oak Tree Replacement Plan will be approved by the County of San Luis Obispo and will include a plan for adding native oaks to the landscape planting plan for streets and recreational open spaces. The Oak Tree Replacement Plan shall specify the number of oak trees to be planted based on the following mitigation ratios: 1. Mitigation for Removed Trees. Oak trees removed from habitat types not mapped as oak woodland or oak forest in Figure 4.4-2, shall be mitigated for by planting replacement trees at a 4:1 ratio (four trees for each tree removed, e.g., 120 oaks planted for 30 removed).	The landscape planting plan shall include native oaks and other plants.	Prior to issuance of grading permits. Compliance to be verified prior to occupancy. The success of each planting shall be verified through County inspection.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		2. Mitigation for Impacts to Preserved Trees. Per Section 12 of BIO/mm-18.1, damage that occurs to protected retained trees located outside habitat types mapped as oak woodland or oak forest in Figure 4.4-2 resulting from construction activities shall be mitigated at the following ratios: a. Indirect impacts to less than 25% of a tree's critical root zone and canopy shall be monitored, tracked, and health reported for at least 2 years following impact. b. Trees impacted over 25% of a trees critical root zone shall be monitored for 7 years. Trees in very poor health after 7 years as determined by a certified arborist shall be replanted at a 2:1 ratio (plant two trees for each tree impacted). 3. Criteria for Replacement Trees: a. Mitigation trees may be planted to enhance the on-site oak woodland and/or included in the landscape planting plan but are not allowed in the preserved oak forest habitat. b. Replacement trees within 100 feet of structures shall be planted with the intention that their mature canopies will be maintained over 6 feet above ground level. Within 30 feet of structures, canopies will maintain a minimum separation of 10 feet. c. A minimum of 25% of the oak trees planted in mitigation areas and in on-site restoration areas shall be propagated from acorns collected from on-site oak trees, preferably from those proposed to be removed. d. All other mitigation trees must be from Central Coast acorns. All replacement trees shall be at least 1 year old and preferably propagated in tall tree pots that are 12 to 18 inches deep. e. Mitigation trees shall be maintained and monitored for a minimum of 7 years and must have reached a minimum height of 6 feet prior to certification of completion. f. The following activities are not allowed within the root zone of newly planted oak trees: Year-round irrigation (no summer watering, unless "establishing" new tree or native compatible plants for up to 7 years), grading (includes cutting and filling of material), compaction (e.g., regular use of vehicles), placement of impermeable surfaces (e.g., pavement), and disturbance of soil that impacts roots (e.g., tilling). In addition to oaks, the Oak Tree Replacement Plan shall include plants typical of Nipomo Mesa native oak woodlands in open space planting palettes, as			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party

well as herbs and shrubs that thrive near oaks, and generally require less irrigation than some of the landscaping commonly employed on the Central Coast. The table below provides appropriate plants associated with oak trees, including species found on the Dana Reserve. This list includes several with California Rare Plant Rank status. The landscape planting plan shall include common native understory species, such as western nettle and California plantain, as they may be naturally present in native landscapes and allowed to be retained by maintenance crews during restoration and site maintenance. Special-status species should be encouraged to be represented in the native plant landscape plan, especially in areas where already present or in the vicinity.

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

       Cutting or disturbing a large percentage of a tree's roots increases the likelihood of the tree's failure or death. Cutting tree roots that are more than 4 inches wide shall be avoided; roots that large are usually structural. Cutting them can destroy the stability of the tree, causing it to fall over.
    b. The project arborist and/or the arborist's designee will (1) guide contractors to minimize and avoid adverse effects on an individual tree basis where work is proposed within the critical root zone; and (2) treat damaged roots and branches with appropriate arboriculture methods.

Recommended Native Plant Species for Landscaping

Scientific Name	Common Name	Special Status
Shrubs – 12 Native Taxa		

Project Component	Mitigation Measure	Requirements of Measure			Compliance Method	Verification Timing	Responsible Party
		Artemisia californica	California sagebrush	--			
		Ceanothus impressus var. *nipomensis*	Nipomo Mesa ceanothus	CRPR 1B.2			
		Ceanothus cuneatus var. *fascicularis*	Sand buck brush	CRPR 4.2			
		Cercocarpus betuloides var. *betuloides*	Birch-leaf mountain-mahogany	--			
		Frangula californica	California coffee berry	--			
		Heteromeles arbutifolia	Toyon	--			
		Prunus ilicifolia	Hollyleaf cherry	--			
		Prunus fasciculata var. *punctata*	Sand almond	CRPR 4.3			
		Rhamnus crocea	Spiny redberry	--			
		Salvia mellifera	Black sage	--			
		Sambucus nigra ssp. *caerulea*	Blue elderberry	--			
		Symphoricarpos mollis	Creeping snowberry	--			
		Forbs – Annual and Perennial Native Taxa					
		Acmispon americanus	American bird's foot trefoil	--			
		Acmispon glaber	Deer weed	--			
		Anaphalis margaritacea	Pearly everlasting	--			
		Asclepias eriocarpa	Kotolo	--			
		Cirsium occidentale	Cobweb thistle	--			
		Clarkia purpurea ssp. *viminea*	Wine cup Clarkia	--			
		Claytonia parviflora ssp. *parviflora*	Miner's lettuce	--			
		Corethrogyne filaginifolia	Common tansyaster	--			
		Dichelostemma capitatum ssp. *capitatum*	Blue dicks	--			
		Diplacus aurantiacus	Sticky monkeyflower	--			

Project Component	Mitigation Measure	Requirements of Measure			Compliance Method	Verification Timing	Responsible Party
		Helianthemum scoparium	Broom rose	--			
		Hesperocnide tenella	Western nettle	--			
		Heterotheca grandiflora	Telegraph weed	--			
		Horkelia cuneata var. *puberula*	Mesa horkelia	CRPR 1B.1			
		Lupinus bicolor	Miniature lupine	--			
		Lupinus nanus	Sky lupine	--			
		Lupinus truncatus	Blunt leaved lupine	--			
		Paeonia californica	California peony	--			
		Pedicularis densiflora	Warrior's plume	--			
		Phacelia ramosissima	Branching phacelia	--			
		Phacelia tanacetifolia	Lacy phacelia	--			
		Pholistoma auritum	Fiesta flower	--			
		Piperia michaelii	Michael's rein orchid	CRPR 4.2			
		Plantago erecta	California plantain	--			
		Pseudognaphalium californicum	Ladies' tobacco	--			
		Pterostegia drymarioides	Fairy mist	--			
		Silene laciniata	Cardinal catchfly	--			
		Solanum americanum	Common nightshade	--			
		Solanum xanti	Chaparral nightshade	--			
Specific Plan Area Cumulative	BIO/mm-18.3	**Protect On-Site Oak Woodland Resources Intended to be Retained and Preserved On-Site.** Prior to issuance of a grading permit for any future development within the Specific Plan Area, the applicant shall submit an Oak Woodland Protection and Restoration Plan to be reviewed and approved by the County of San Luis Obispo Planning and Building Department. Coast live oak forest, woodland, and retained trees within 50 feet of development shall be shown on all grading and development plans. The plan shall be prepared by a qualified individual acceptable to the County of San Luis Obispo Director of Planning and Building. The plan shall specify short- and long-term management actions necessary to preserve and enhance the on-site biological open space and will include sections for (1) habitat protection, (2) monitoring during project construction, (3) reporting, (4) oak tree replacement planting, (5) rare plant mitigation planting and protection, and (6) wildlife			Prepare and implement an Oak Woodland Protection and Restoration Plan.	Prior to issuance of grading permits.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		habitat protection. The plan shall include (7) a fuel management component that provides measures to protect native understory vegetation and downed woody debris in a manner that optimizes wildlife habitat protection and reduces fire risk to neighborhoods. The plan shall (8) maximize the protection of large oak trees (greater than 12 inches in diameter as measured at breast height) during all construction activities. Fire fuel management shall address reduction of fire fuel loads within 100 feet of structures. The first 30 feet from residences/structures (e.g., the back of yards) shall be maintained to remove dead plant material, and trees shall be maintained to create canopy gaps. In the next 70 feet, annual grass shall be cut or grazed to a maximum average height of 4 inches. A horizontal space shall be created between patches of native shrubs. Fallen branches, twigs, and bark shall be removed to reduce total fuel load. Patches of live shrubs shall be retained, and patches of annual wildflowers shall be mowed/grazed after seeds have set. Young trees that are in shrub-form shall be shaped to minimize fuel load but allow for trees to protect their trunks during the early growth period when bark is still relatively thin. Heavy branches of mature trees at least 6 feet from the ground shall be removed per California Department of Forestry and Fire Protection's "Prepare for Wildfire" recommendations to maintain defensible space. Management of defensible space (100 feet from structures and 10 feet from roads) must protect special-status plant and wildlife taxa as specified in Mitigation Measures BIO/mm 1.1 through BIO/mm-1.1 through BIO/mm-1.6, BIO/mm-2.1 through BIO/mm-2.3, BIO/mm-3.1, BIO/mm-4.1 and BIO/mm-4.2, BIO/mm-5.1, BIO/mm-6.1, BIO/mm-7.1, BIO/mm-8.1, BIO/mm-9.1, and BIO/mm-14.1.			
Specific Plan Cumulative	BIO/mm-18.4	**Off-Site Preservation.** Prior to recordation of a Final Map for a land division over the Specific Plan Area, the applicant shall protect coast live oak forest (*Quercus agrifolia* / *Toxicodendron diversilobum* association) and coast live oak woodland (*Quercus agrifolia* / *Adenostoma fasciculatum* – [*Salvia mellifera*] association) at a ratio of 2:1 (2 acres conserved for each acre removed). A conservation easement over the protected habitat shall be controlled by a qualified conservation organization approved by the County of San Luis Obispo. Potential conservation organizations include, but are not limited to, The Nature Conservancy, Land Conservancy of San Luis Obispo County, Greenspace, or Cambria Land Trust. Applicant-Proposed Mitigation: The applicant proposes to conserve 187 acres of coast live oak woodland and 67.5 acres of coast live oak forest that is intermixed with the 95.9 acres of chamise chaparral, 19.2 acres of La Panza manzanita chaparral, and 26.4 acres of annual grassland on the Dana Ridge Ranch. This property is located southeast of Dana Reserve (see Figure 4.4-13). Habitat descriptions, a plant list, and figures associated with this off-site mitigation location are detailed in Althouse and Meade (2021). The project proposes to impact 21.7 acres of coast live oak forest and 75.3 acres of coast live oak woodland (97.0 acres total). The applicant's proposed mitigation on Dana Ridge Ranch would yield a mitigation ratio of 3.1:1 for coast live oak	The applicant shall protect coast live oak forest (*Quercus agrifolia* / *Toxicodendron diversilobum* association) and coast live oak woodland (*Quercus agrifolia* / *Adenostoma fasciculatum* – [*Salvia mellifera*] association) at a ratio of 2:1 (two acres conserved for each acre removed).	Prior to issuance of grading permits.	County Planning and Building Department; qualified conservation organization(s)

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		forest and 2.5:1 for coast live oak woodland habitats. No restoration or replacement of removed oak trees is proposed.			
Off-Site Improvements Cumulative	BIO/mm-19.1	**Oak Tree Monitoring.** Impacts to oak trees shall be avoided where feasible. Impacts include any ground disturbance or soil compaction within the dripline or critical root zone of the trees (whichever distance is greater). A certified arborist shall determine the critical root zone for each oak tree within the path of the pipeline alignments. Ground disturbance shall be supervised by a licensed arborist if excavation is proposed within the critical root zone of an oak tree. The arborist shall supervise all trenching within the critical root zone. The arborist shall provide guidance such as temporary damaged root protection, use of air spades, timing between impact and root treatment by arborist, appropriate use of air spade or hand tools to minimize tree damage specific to the action proposed, and to treat root zone and branch damage. During and upon completion of construction, the licensed arborist shall provide treatment, as the licensed arborist determines is appropriate, to maintain and improve the health of the tree, including pruning of the broken main stem, and soil supplement and watering programs. All root pruning shall be completed with sharpened hand pruners. Pruned roots shall be immediately covered with soil or moist fabric. Damaged roots shall be treated within 24 hours by a qualified tree specialist to inhibit fungus, insects, or other disease damage. Impacted oak trees shall be monitored and, if found in decline, replaced consistent with the requirements of BIO/mm-18.1, BIO/mm-18.2, and BIO/mm-18.3. If required, a draft replacement plan with a specific receiver site such as parks in the Nipomo area shall be approved by the County of San Luis Obispo prior to trenching within the critical root zone of any oak tree.	Avoid and protect oak trees.	During construction activities for off-site improvements.	County Planning and Building Department
Cultural Resources					
Off-Site Improvements Cumulative	CR/mm-1.1	**Historical Resources Evaluation.** Prior to development of off-site improvements, the applicant, in coordination with the Nipomo Community Services District, shall retain a County of San Luis Obispo-qualified architectural historian to conduct a review to determine the presence of historical resources and/or the potential for the improvements to affect historical resources and prepare a report that details the evaluation methodology, findings, and recommended mitigation measures to avoid and/or minimize potential impacts. The report shall be submitted to the Nipomo Community Services District for implementation and to the County of San Luis Obispo Planning and Building Department for verification of compliance with this measure.	A qualified architectural historian shall conduct a review to determine the presence of historical resources.	Prior to development of off-site improvements.	County Planning and Building Department
Specific Plan Area Cumulative	CR/mm-2.1	**Environmentally Sensitive Areas.** The Extended Phase I study identified areas within each resource that contain subsurface deposits, which have higher potential to yield important information. Although abundant within the project area, non-diagnostic surface artifacts generally lack significant data potential. As such, the localized portions of each respective resource that contain evidence of subsurface deposits shall be avoided.	Environmentally Sensitive Areas shall be printed on final construction and grading plans. Avoidance of	Prior to issuance of grading and construction permits and during construction activities. Compliance to be	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		These areas shall be labeled as Environmentally Sensitive Areas on construction plans for initial site preparation and infrastructure establishment, as well as construction plans for all future phases of the project. Highly visible temporary construction fencing shall be installed along the boundary and shall remain in place during initial ground disturbance. To the greatest extent feasible, no ground disturbance, construction worker foot traffic, storage of materials, or storage or use of equipment shall occur within 50 feet of the Environmentally Sensitive Areas. If an Environmentally Sensitive Area will be accessible by occupants or visitors to the development, the Environmentally Sensitive Area shall be clearly marked, and designated trails will be established to ensure that no future impacts to the Environmentally Sensitive Areas occur as a result of the project. Where feasible, native vegetation shall be planted and maintained in a way that protects off-trail activity within the Environmentally Sensitive Area(s) and minimizes impacts from planting, irrigation, and use for the life of the project.	Environmentally Sensitive Areas.	verified during construction activities.	
Specific Plan Area Cumulative	CR/mm-2.2	**Data Recovery Plan.** If a resource cannot be protected and avoided as an Environmentally Sensitive Area as described in CR/mm-2.1, the applicant shall retain a County of San Luis Obispo-qualified archaeologist to conduct and implement resource-specific data recovery prior to initial site preparation and infrastructure establishment, as well as prior to construction of all future phases of the project occurring within 50 feet of an Environmentally Sensitive Area. Prior to implementation of data recovery, a County-qualified archaeologist shall prepare a Data Recovery Plan outlining the goals and methods for conducting and reporting on the work. The Data Recovery Plan will include, but not be limited to: 1. Research design; 2. Excavation methodology; 3. Curation or repatriation plan; 4. Treatment of human remains; 5. Proposed sample size; 6. Proposed excavation locations; and 7. Coordination with local tribal groups. The Data Recovery Plan will be tailored to the level of physical disturbance at each resource (if any). As the full extent of proposed disturbance cannot be determined at this time, it is not practical to include the preparation of the Data Recovery Plan as part of this Environmental Impact Report. The Data Recovery Plan will be prepared in direct coordination with local tribal groups and shall be submitted to the County of San Luis Obispo Planning and Building Department for review and approval.	If a resource will not be protected as an Environmentally Sensitive Areas, a County-qualified archaeologist shall prepare a Data Recovery Plan.	Prior to issuance of construction and grading permits. Prior to implementation of data recovery.	County Planning and Building Department
Specific Plan Area	CR/mm-2.3	**Cultural Resources Protection Plan.** In addition to the resource-specific Data Recovery program, a County of San Luis Obispo -qualified archaeologist shall prepare a Cultural Resources Protection Plan to ensure impacts to unknown resources are avoided or minimized during all future phases of the	A County-qualified archaeologist shall prepare a	Prior to issuance of construction and grading permits	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Off-Site Improvements Cumulative		project, including off-site improvements. The Cultural Resources Protection Plan shall include, but not be limited to, the following provisions: 1. List of personnel involved in the observation and oversight activities; 2. Description of how monitoring will occur; 3. Description of how tribal monitoring will occur in coordination with the Northern Chumash Trbal Council (NCTC) and yak tityu tityu yak tiłhini (ytt); 4. Description of frequency of monitoring (e.g., full-time, part time, spot checking); 5. Description of what resources are expected to be encountered; 6. Description of circumstances that would result in the halting of work at the project site (e.g., what is considered significant archaeological resources?); 7. Description of procedures for halting work on the site and notification procedures; 8. Description of reporting procedures; and 9. Consultation with appropriate Chumash tribal representatives. The Cultural Resources Protection Plan shall outline how and when archaeological and/or tribal monitoring may occur during initial project activities. The intent of the Cultural Resources Protection Plan is to ensure avoidance of adverse impacts to resources protected as Environmentally Sensitive Areas and to ensure proper treatment in the case unknown resources are inadvertently discovered during project implementation.	Cultural Resources Protection Plan.	and during construction.	
Specific Plan Area Off-Site Improvements Cumulative	CR/mm-2.4	**Worker Awareness Training.** Prior to construction activities, the applicant shall have a County of San Luis Obispo-qualified archaeologist and a tribal representative conduct a cultural resources training for all construction personnel, including the following: 1. Review the types of archaeological artifacts that may be uncovered; 2. Provide examples of common archaeological artifacts to examine; 3. Review what makes an archaeological resource significant to archaeologists and local Native Americans; 4. Describe procedures for notifying involved or interested parties in case of a new discovery; 5. Describe reporting requirements and responsibilities of construction personnel; 6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and, 7. Describe procedures that would be followed in the case of discovery of disturbed and/or intact human burials and burial-associated artifacts.	A County-qualified archaeologist and a tribal representative shall conduct a cultural resources training for all construction personnel and participation shall be documented.	The training and documentation of participation shall be conducted and submitted prior to construction activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Off-Site Improvements Cumulative	CR/mm-3.1	**Retain Archaeologist.** Prior to development of off-site improvements, a County of San Luis Obispo-qualified archaeologist shall be retained by the applicant, in coordination with the Nipomo Community Services District, to conduct a review of California Historical Resources Information System records search data to determine the presence of known resources and determine if the off-site improvement areas have been previously subject to archaeological study, and whether the study adequately addresses the potential for archaeological resources to occur within the disturbance area associated with implementation of the project. If it is determined a study has not been conducted or existing research does not meet California Environmental Quality Act requirements for the identification and treatment of California Register of Historical Resources-eligible resources, a new study shall be conducted. The study shall identify archaeological resources that have the potential to be impacted by future development and provide mitigation measures to avoid and/or minimize potential impacts. Additional tasks, such as Native American coordination, Phase II archaeological testing, Phase III data recovery, and historic research, shall be conducted as necessary. The study shall identify cultural resources that have the potential to be impacted by future development and identify resource-specific mitigation measures to avoid and/or minimize potential impacts. The study shall be submitted to the Nipomo Community Services District for implementation prior to initiation of site preparation for off-site improvements and to the County of San Luis Obispo Planning and Building Department for verification of compliance with this measure.	A County-qualified archaeologist shall be retained to determine the presence of archaeological resources.	Prior to development of off-site improvements.	County Planning and Building Department
Geology and Soils					
Specific Plan Area	GEO/mm-1.1	**Foundations.** The following recommendations shall be incorporated into the design criteria for future development of the Specific Plan Area: 1. Conventional continuous and spread footings bearing on compacted soils may be used to support the new structures. Grade beams shall also be placed across all large entrances into the buildings. Footings and grade beams shall have a minimum depth of 12 inches below lowest adjacent grade; however, footings and grade beams for commercial buildings and residential buildings two stories or greater shall have a minimum depth of 18 inches below lowest adjacent grade. All spread footings shall be a minimum of 2 square feet. Footing and grade beam dimensions shall also conform to the applicable requirements of Section 1809 of the 2019 California Building Code. Footing reinforcement shall be in accordance with the requirements of the architect/engineer; minimum continuous footing and grade beam reinforcement shall consist of two No. 4 rebar, one near the top and one near the bottom of the footing. 2. Footings shall be designed using a maximum allowable bearing capacity of 2,000 pounds per square foot (psf) dead plus live load. The allowable bearing capacity may be increased by 200 psf for	Design recommendations shall be shown on final construction and building plans.	Prior to issuance of construction and building permits.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party

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

3. Lateral loads may be resisted by soil friction and by passive resistance of the soil acting on foundations. Lateral capacity is based on the assumption that backfill adjacent to foundations is properly compacted. A passive equivalent fluid pressure of 375 pounds per cubic foot (pcf) and a coefficient of friction of 0.39 may be used in design. No safety, load, and/or other factors have been applied to any of the values.
4. The allowable bearing capacity may be increased by one-third when transient loads, such as wind or seismicity, are included if the structural engineer determines they are allowed per Sections 1605.3.1 and 1605.3.2 of the 2019 California Building Code. The following seismic parameters are presented for use in structural design.

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

Peak Mean Ground Acceleration (PGA_M) = 0.527g

Seismic Design Criteria = D

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

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

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Specific Plan Area	GEO/mm-5.1	**Site Preparation.** 1. The existing ground surface in the building and surface improvements areas shall be prepared for construction by removing existing improvements, vegetation, large roots, debris, and other deleterious material. Any existing fill soils shall be completely removed and replaced as compacted fill. Any existing utilities that will not remain in service shall be removed or properly abandoned; the appropriate method of utility abandonment will depend upon the type and depth of the utility. Recommendations for abandonment can be made as necessary. 2. Voids created by the removal of materials or utilities, and extending below the recommended overexcavation depth, shall be immediately called to the attention of the geotechnical engineer. No fill shall be placed unless the geotechnical engineer has observed the underlying soil.	Design recommendations shall be shown on final construction and building plans.	Prior to issuance of construction and building permits.	County Planning and Building Department
Specific Plan Area	GEO/mm-5.2	**Grading.** 1. Following site preparation, the soils in the building area for one- and two-story buildings shall be removed to a level plane at a minimum depth of 3 feet below the bottom of the deepest footing or 4 feet below existing grade, whichever is deeper. The soils in the building area for three- and four-story buildings shall be removed to a level plane at a minimum depth of 4 feet below the bottom of the deepest footing or 5 feet below existing grade, whichever is deeper. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil. 2. In addition to the recommendations of measure 1, all cut or cut/fill transition areas shall be overexcavated such that a minimum of 5 feet of compacted fill is provided within all the building areas. Also, the minimum depth of the fill below the building area shall not be less than half of the maximum depth of fill below the building area. For example, if the maximum depth of fill below the building area is 20 feet, then the minimum depth of fill below the same building area grades shall be no less than 10 feet. In no case shall the depth of fill be less than 5 feet on the building areas. 3. Following site preparation, the soils in the surface improvement area shall be removed to a level plane at a minimum depth of 1 foot below the proposed subgrade elevation or 2 feet below the existing ground surface, whichever is deeper. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil. 4. Following site preparation, the soils in fill areas beyond the building and surface improvement areas shall be removed to a depth of 2	Design recommendations shall be shown on final construction and building plans.	Prior to issuance of construction and building permits.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		feet below existing grade. During construction, locally deeper removals may be recommended based on field conditions. The resulting soil surface shall then be scarified, moisture conditioned, and compacted prior to placing any fill soil. 5. Voids created by dislodging cobbles and/or debris during scarification shall be backfilled and compacted, and the dislodged materials shall be removed from the area of work. 6. On-site material and approved import materials evaluated and approved by the geotechnical engineer pursuant to the Department of Toxic Substance Control's (DTSC's) 2001 Information Advisory Clean Imported Fill Material may be used as general fill. All imported soil shall be free of contamination and non-expansive. The proposed imported soils shall be evaluated by the geotechnical engineer before being used, and on an intermittent basis during placement on the site. 7. All materials used as fill shall be cleaned of any debris and rocks larger than 6 inches in diameter. No rocks larger than 3 inches in diameter shall be used within the upper 3 feet of finish grade. When fill material includes rocks, the rocks shall be placed in a sufficient soil matrix to ensure that voids caused by nesting of the rocks will not occur and that the fill can be properly compacted. Soils are estimated to shrink by approximately 15% to 20% when prepared and graded as recommended above.			
Specific Plan Area	GEO/mm-5.3	**Project Design, Construction Observation, and Testing.** 1. A geotechnical engineer shall be retained to provide consultation during the design phase, aid in incorporating recommendations of this report in future project design, review final plans once they are available, interpret this report during construction, and provide construction monitoring in the form of testing and observation. 2. At a minimum, the geotechnical engineer shall be retained to provide: a. Review of final grading, utility, and foundation plans; b. Professional observation during grading, foundation excavations, and trench backfill; c. Oversight of compaction testing during grading; and d. Oversight of special inspection during grading; 3. Special inspection of grading shall be provided as per California Building Code Section 1705.6 and Table 1705.6. The special inspector shall be under the direction of the geotechnical engineer. Special inspection of the following items shall be provided by the special inspector: a. Stripping and clearing of vegetation	Design recommendations shall be shown on final construction and building plans.	Prior to issuance of construction and building permits.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		b. Overexcavation to the recommended depths c. Scarification, moisture conditioning, and compaction of the soil d. Fill quality, placement, and compaction e. Utility trench backfill f. Retaining wall drains and backfill g. Foundation excavations h. Subgrade and aggregate base compaction and proof rolling 4. A program of quality control shall be developed prior to beginning grading. The contractor or project manager shall determine any additional inspection items required by the architect/engineer or the governing jurisdiction. 5. Locations and frequency of compaction tests shall be as per the recommendation of the geotechnical engineer at the time of construction. The recommended test location and frequency may be subject to modification by the geotechnical engineer, based on soil and moisture conditions encountered, size and type of equipment used by the contractor, the general trend of the results of compaction tests, or other factors. 6. The geotechnical engineer shall be notified at least 48 hours prior to beginning construction operations.			
Specific Plan Area Off-Site Improvements	GEO/mm-8.1	**Preparation of a Paleontological Resources Monitoring and Mitigation Plan.** A qualified paleontologist, meeting the standards of the Society of Vertebrate Paleontology (2010), shall be retained by the applicant prior to the approval of grading permits. The qualified paleontologist shall develop a Paleontological Resources Monitoring and Mitigation Plan for all ground-disturbing activities, provide mitigation measures to reduce potential impacts when existing information indicates that a site proposed for development may contain paleontological resources, and report to the site in the event potential paleontological resources are encountered.	A qualified paleontologist shall develop a Paleontological Resources Monitoring and Mitigation Plan for all ground-disturbing activities to be submitted to the County.	Prior to the issuance of grading permits.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
Specific Plan Area Off-Site Improvements	GEO/mm-8.2	**Worker Environmental Awareness Program.** The qualified paleontologist shall conduct a Worker Environmental Awareness Program for all construction workers prior to the start of ground-disturbing activities (including vegetation removal, pavement removal, etc.). In the event construction crews are phased, additional trainings shall be conducted for new construction personnel. The training session shall focus on the recognition of the types of paleontological resources that could be encountered within the project site and the procedures to be followed if they are found. This information may be presented to contractors and their staff through the use of in-person "tailgate" meetings or other mechanisms (e.g., handouts). Documentation shall be retained demonstrating that all construction personnel attended the training.	A qualified paleontologist shall conduct a Worker Environmental Awareness Program for all construction personnel and participation shall be documented.	The training and documentation of participation shall be conducted and submitted prior to construction activities.	County Planning and Building Department
Specific Plan Area Off-Site Improvements	GEO/mm-8.3	**Paleontological Monitoring and Handling of Resources Inadvertently Discovered during Ground-Disturbing Activities.** Part-time/on-call paleontological resources monitoring shall be conducted by a qualified paleontologist who meets the standards of the Society of Vertebrate Paleontology (2010), for all ground-disturbing activities that occur in previously undisturbed sediments, as outlined in the Paleontological Resources Monitoring and Mitigation Plan prepared to satisfy Mitigation Measure GEO/mm-8.1. If required per the requirements of the Paleontological Resources Monitoring and Mitigation Plan, the qualified paleontologist shall spot check the excavation on an intermittent basis and recommend whether the depth of required monitoring shall be revised based on his/her observations. Monitors shall have the authority to temporarily halt or divert work away from exposed fossils in order to recover the fossil specimens. Any significant fossils collected during project-related excavations shall be prepared to the point of identification and curated into an accredited repository with retrievable storage as designated in the Paleontological Resources Monitoring and Mitigation Plan. Monitors shall prepare daily logs detailing the types of activities and soils observed and any discoveries. The qualified paleontologist shall prepare a final monitoring and mitigation report to document the results of the monitoring effort. If construction or other project personnel discover any potential fossils during construction, regardless of the depth of work or location, work at the discovery location shall cease in a 50-foot radius of the discovery until the qualified paleontologist has assessed the discovery and made recommendations as to the appropriate treatment. If the find is deemed significant, it shall be salvaged following the standards of the Society of Vertebrate Paleontology (2010) and curated with a certified repository.	Conduct paleontological resources monitoring and reporting.	During ground-disturbance activities. Compliance to be verified through submittal of a final monitoring report.	County Planning and Building Department
Greenhouse Gas Emissions					
Specific Plan Area	GHG/mm-1.1	The following measures shall be implemented to reduce project-generated emissions of greenhouse gases:	Measures shall be shown on final site plans and	Prior to issuance of grading and building permits. Compliance to be	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		1. To the extent practical, the proposed project shall reuse and recycle construction waste, including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard. 2. The servicing of residential development by natural gas shall be prohibited, to the extent possible. In the event that natural gas service for residential development is installed, the following measures shall be implemented: a. The electrical systems for single-family homes shall be designed with sufficient capacity and all prewiring necessary to accommodate the future retrofit to all-electric (e.g., such that electric space heating, water heating, drying, and cooking appliances could be installed); and b. A greenhouse gas-reduction plan shall be prepared. The greenhouse gas-reduction plan shall identify additional on-site and/or off-site greenhouse gas-reduction measures to be implemented sufficient to fully offset greenhouse gas emissions associated with natural gas service. The greenhouse gas-reduction plan shall be submitted to County planning staff for review and approval prior to issuance of building construction permits. Under California Environmental Quality Act Guidelines Section 15126.4(c)(3) and (c)(4), respectively, a project's greenhouse gas emissions can be reduced by off-site measures, including offsets that are not otherwise required and measures that sequester greenhouse gases. In the event that feasible on-site greenhouse gas-reduction measures are insufficient to reduce operational greenhouse gas emissions to below the greenhouse gas threshold of significance, off-site mitigation measures may be included. Off-site mitigation measures may include "Direct Reduction Activities" or the purchase of "Carbon Offset Credits" as discussed below: **Direct Reduction Activities** Directly undertake or fund activities that will reduce or sequester greenhouse gas emissions. Greenhouse gas reduction credits shall achieve greenhouse gas emission reductions that are real, permanent, quantifiable, verifiable, enforceable, in accordance with the criteria set forth in the California Air Resources Board's most recent Process for the Review and Approval of Compliance Offset Protocols in Support of the Cap-and-Trade Regulation (2013). Greenhouse gas reduction credits shall be undertaken for the specific purpose of reducing project-generated greenhouse gas emissions and shall not include reductions that would otherwise be required by law. All Direct Reduction Activities and associated	construction permits.	verified prior to occupancy.	

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		reduction credits shall be confirmed by an independent, qualified third-party. The "Direct Reduction Activity" shall be registered with an ARB-approved registry and in compliance with ARB-approved protocols. In accordance with the applicable Registry requirements, the Project applicant (or its designee) shall retain an independent, qualified third-party to confirm the greenhouse gas emissions reduction or sequestration achieved by the Direct Greenhouse Gas Reduction Activities against the applicable Registry protocol or methodology. The Project applicant (or its designee) shall then apply for issuance of carbon credits in accordance with the applicable Registry rules. **Carbon Offsets** Obtain and retire "Carbon Offsets." Carbon Offsets shall achieve greenhouse gas reductions that are real, permanent, quantifiable, verifiable, and enforceable. Carbon offsets shall be purchased from ARB-approved registries and shall comply with California Air Resources Board-approved protocols to ensure that offset credits accurately and reliably represent actual emissions reductions. If the purchase of carbon offsets is selected, offsets shall be purchased according to the San Luis Obispo Air Pollution Control District's preference, which is, in order of preference: (1) within the San Luis Obispo Air Pollution Control District jurisdictional area; (2) within the State of California; then (3) elsewhere in the United States. In the event that a project or program providing offsets to the project applicant/subsequent developer loses its accreditation, the project applicant/subsequent developer shall comply with the rules and procedures of retiring offsets specific to the registry involved and shall purchase an equivalent number of credits to recoup the loss. To the extent possible, nonresidential development shall install electrically powered appliances and building mechanical equipment in place of natural gas-fueled equipment. 3. Encourage future land uses to participate in Central Coast Community Energy as the electricity provider if it is an option that would be available at the time of occupancy. 4. The project shall provide organic waste pick up and shall provide the appropriate on-site enclosures consistent with County requirements. 5. The project shall be designed to incorporate drought-resistant and native plants.			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		6. The project shall be designed to incorporate water-efficient irrigation systems. 7. The project shall be designed to incorporate low-flow water fixtures. 8. The project shall install high-reflectance roofing materials (e.g., U.S. Environmental Protection Agency "Energy Star"-rated), to the extent practical, to reduce building heat absorption and summer energy costs. 9. The electrical systems for single-family homes shall be designed with sufficient capacity to accommodate Level 2 residential-use electric vehicle chargers. 10. All residential structures shall include photovoltaic (PV) systems consistent with state requirements. 11. Electric vehicle (EV) stations shall be provided in the multifamily units, commercial, school, and hotel uses consistent with state requirements.			
Hazards and Hazardous Materials					
Off-Site Improvements	HAZ/mm-7.1	Prior to initiation of vegetation removal, demolition activities, or any earth-moving activities within 1,000 feet of any open hazardous materials site pursuant to California Government Code Section 65962.5, the project contractor shall prepare and implement a Hazardous Materials Management Plan that details procedures that will be taken to ensure the appropriate handling, stockpiling, testing, and disposal of excavated materials to prevent the inadvertent release of contaminated soil and demolished materials to the environment during construction activities. Elements of the plan shall include, but would not necessarily be limited to, the following: **Worker Health and Safety** 1. Accident prevention measures. 2. The requirement that all construction crew members be trained regarding best practices for the appropriate handling, stockpiling, testing, and disposal of excavated materials prior to beginning work. **Soil Contamination** 1. Procedures for the proper handling, stockpiling, testing, and disposal of excavated materials in accordance with California Code of Regulations Title 14 and Title 22. 2. Soil contamination evaluation and management procedures, including how to properly identify potential contamination (e.g., soil staining, odors, buried material), the requirement that construction activities within a 50-foot radius of potentially contaminated soil be halted until the hazard has been assessed and appropriately addressed, the requirement that access to potentially contaminated areas be limited to properly trained personnel, and procedures for notification and reporting, including internal management and local	The project contractor shall prepare and implement a Hazardous Materials Management Plan to be submitted to the County.	Prior to initial ground disturbing activities for off-site improvements within 1,000 feet of any open hazardous materials site.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		agencies (e.g., California Department of Forestry and Fire Protection, County of San Luis Obispo Environmental Health Services), as needed. 3. Monitoring of ground-disturbing activities for soil contamination may include visual and organic vapor monitoring by personnel with appropriate hazardous materials training, including 40 hours of Hazardous Waste Operations and Emergency Response (HAZWOPER) training. 4. If visual and organic vapor monitoring indicates signs of suspected contaminated soil, then soil samples shall be collected and analyzed to characterize soil quality. 5. Evaluation of all potentially contaminated materials encountered during project construction activities in accordance with applicable federal, state, and local regulations and/or guidelines governing hazardous waste. All materials deemed to be hazardous shall be remediated and/or disposed of following applicable regulatory agency regulations and/or guidelines. Disposal sites for both remediated and non-remediated soils shall be identified prior to beginning construction. All evaluation, remediation, treatment, and/or disposal of hazardous waste shall be supervised and documented by qualified hazardous waste personnel.			
Noise					
Specific Plan Area Off-Site Improvements	N/mm-1.1	The following mitigation measures shall be implemented to reduce exposure to short-term construction noise. 1. Unless otherwise provided for in a validly issued permit or approval, or as otherwise exempted under County of San Luis Obispo Land Use Ordinance Section 22.10.120(A)(7), noise-generating construction activities should be limited to between the hours of 7:00 a.m. and 7:00 p.m. Noise-generating construction activities should not occur on Sundays or legal holidays. 2. Construction equipment should be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds should be closed during equipment operation. 3. Equipment shall be turned off when not in use for an excess of 5 minutes, except for equipment that requires idling to maintain performance. 4. Construction haul truck routes shall be routed away from nearby noise-sensitive land uses to the extent possible.	Measures shall be printed on final grading and building plans.	Prior to issuance of building and grading permits. Compliance to be verified during construction activities.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		5. Staging and queuing areas shall be located at the farthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction. 6. Stationary equipment (e.g., generators, compressors) shall be located at the farthest distance possible from nearby noise-sensitive land use identified in the project area at the time of construction. 7. A public liaison shall be appointed for project construction and shall be responsible for addressing public concerns related to construction-generated noise, including excessive noise. As needed, the liaison shall determine the cause of the concern (e.g., starting too early, bad muffler) and implement measures to address the concern. Where necessary, additional measures, such as equipment repairs, equipment enclosures, or temporary barriers, shall be implemented to address local concerns. 8. Signage shall be placed at the project site construction entrance(s) to advise the public of anticipated dates of construction. The signage shall include the phone number of the public liaison appointed to address construction-related noise concerns.			
Specific Plan Area	N/mm-1.2	The following mitigation measures shall be implemented to reduce long-term exposure to transportation and non-transportation noise: 1. The County of San Luis Obispo shall require acoustical assessments to be prepared as part of the County development review process for future noise-sensitive land uses located within the projected 60 A-weighted decibels Community Noise Equivalent Level noise contour of U.S. Route 101 (i.e., within 1,005 feet from the centerline of U.S. Route 101, refer to Figure 4 in Environmental Impact Report Appendix I). The acoustical assessments shall address compatibility with the County of San Luis Obispo's noise standards for transportation noise sources. Where the acoustical assessments determine that transportation noise levels would exceed applicable County noise standards, noise-reduction measures shall be incorporated sufficient to reduce operational noise levels to below applicable noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, or berms. The emphasis of such measures shall be placed upon site planning and project design. (Refer to Table 4.13-6 of this Environmental Impact Report for noise-sensitive land uses and corresponding noise standards.) 2. The County shall require acoustical assessments to be prepared as part of the environmental review process for future commercial land uses involving the proposed installation of exterior noise-generating equipment, including, but not limited to, back-up power generators, trash compactors, amplified public address systems, and commercial-use air conditioning condensers. The acoustical assessments shall evaluate potential noise impacts attributable to	Prepare acoustical analyses for future development of noise-sensitive land uses.	At the time of building permit applications for subsequent development of noise-sensitive land uses. If noise-reduction measures are necessary, compliance to be verified prior to occupancy.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		the proposed project in comparison to applicable County noise standards for stationary noise sources (refer to Table 4.13-7). The acoustical assessment shall evaluate impacts to nearby existing off-site, as well as future planned on-site, noise-sensitive land uses. Where the acoustical analysis determines that stationary-source noise levels would exceed applicable County noise standards, noise-reduction measures shall be incorporated sufficient to reduce operational noise levels to below applicable noise standards. Such measures may include, but are not limited to, the incorporation of setbacks, sound barriers, berms, hourly limitations, or equipment enclosures. The emphasis of such measures shall be placed upon site planning and project design (see Table 4.13-7 of this Environmental Impact Report for applicable County of San Luis Obispo noise standards).			
Public Services					
Specific Plan Area Cumulative	PS/mm-1.1	**Provision of Land for a New Fire Station.** The project applicant shall be required to coordinate with the County of San Luis Obispo and California Department of Forestry and Fire Protection to identify and dedicate land for the future construction and operation of a new fire station in the community of Nipomo. The dedication of land for the new fire station shall be included in the Development Agreement between the project applicant and the County of San Luis Obispo.	Dedication of land for a future fire station.	Included in the Development Agreement between the project applicant and the County prior to issuance of building permits.	County Planning and Building Department; CAL FIRE
Transportation					
Specific Plan Area Cumulative	TR/mm-3.1	A transportation demand management program or identification of transportation demand management strategies to implement would be required of any subsequent developer within the Specific Plan Area, or as appropriate for the project as a whole. The residential, commercial, education, and/or hotel development applicant in consultation with the County of San Luis Obispo and SLO Regional Rideshare will choose feasible transportation demand management strategies and tailor them to the development proposal. The applicant and/or subsequent developers shall coordinate with the Regional Transit Authority to include the Specific Plan Area as part of a serviced transit route. Potential measures to reduce vehicle miles traveled include, but are not limited to: 1. Improve or increase access to transit 2. Increase access to common goods and services 3. Incorporate affordable housing into the project 4. Orient the project towards transit, bicycle, and pedestrian facilities 5. Improve bicycle and/or pedestrian facilities and/or transit services	Measures shall be shown on final site plans and construction permits.	Prior to issuance of grading and building permits. Compliance to be verified prior to occupancy.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		6. Limit or eliminate parking supply 7. Implement or provide access to commute reduction programs 8. Provide car-, bike-, and ride-sharing programs 9. Provide transit passes 10. Provide on-site amenities at places of work Measures that relate to reducing the cost of transit through e.g., commuter benefit programs by employers and free or reduced-cost transit passes for new residents shall be prioritized to the extent feasible.			
Tribal Cultural Resources					
Specific Plan Area Cumulative	TCR/mm-1.1	**Deeded Repatriation Location.** A specific location, protected by a deed restriction, shall be dedicated to repatriate cultural materials encountered during future archaeological study, development, and occupation within the Specific Plan Area. An accessible vault, protected from the elements, and accessible to the tribes shall be constructed within the boundary of DR-001, but outside of areas known to contain surface deposits. The specific location, size, and construction methodology of the vault will be developed in direct consultation with the consulting tribes.	Dedication of a location to repatriate cultural materials.	Prior to the issuance of grading and building permits.	County Planning and Building Department
Specific Plan Area Cumulative	TCR/mm-1.2	**Project Design Considerations.** The applicant shall incorporate, to the extent feasible, themes, infrastructure, and placenames associated with local Chumash tribes into the overall project design throughout all phases of future development. These design considerations shall include, but not be limited to the following aspects: 1. Designated areas for local Chumash tribes to use for various purposes, such as ceremonial gatherings, education, and events; 2. Planting of native vegetation, specifically species varieties that have significance to the local Chumash tribes; 3. Incorporation of informative and interpretive signage; 4. Incorporation of tribal names, placenames, and phrases for appropriate project design features; and 5. Development of designated trails outside of the boundaries of known resources to limit unauthorized use and reduce potential for looting.	Measures shall be shown on final building and design plans.	Prior to issuance of building permits. Compliance to be verified prior to occupancy.	County Planning and Building Department
Utilities and Service Systems					
Specific Plan Area Cumulative	USS/mm-3.1	Prior to issuance of development permits for any project phase, the project developer shall be required to provide proof of water supply sufficient to meet the estimated water demand for proposed development based on the demand projections included in the Dana Reserve WSA. The proof of water supply shall include approval from the NCSD that they have adequate water supply to	Provide proof of water supply sufficient to meet the estimated water demand for	Prior to issuance of development permits for any project phase.	County Planning and Building Department

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		serve the development and shall be subject to review and approval by the County prior to issuance of any development permits.	proposed development.		
Wildfire					
Specific Plan Area	WF/mm-1.1	Prior to occupancy of any Dana Reserve Specific Plan neighborhoods, the master Dana Reserve Homeowner's Association shall coordinate with individual Dana Reserve Specific Plan neighborhood Homeowner's Associations and County of San Luis Obispo Fire Department to identify temporary refuge areas throughout the community. Temporary refuge areas shall be documented and available for residents and guests within the Specific Plan Area. Refuge areas may include the following: 1. Parking lots in commercial and multi-family residence areas 2. Neighborhoods parks 3. Public parks 4. Neighborhood pocket parks The master Homeowner's Association shall also coordinate with individual Dana Reserve Specific Plan neighborhood Homeowner's Associations and County of San Luis Obispo Fire Department to develop a method of public outreach to provide information regarding emergency planning and alerting within the Specific Plan Area. Information to be provided to the public shall include, but not be limited to, the following: 1. Location of established refuge areas 2. Emergency entry and exit points within the community 3. Nearest emergency entry and exit points to each specific neighborhood 4. Family emergency planning 5. Types of emergency alerting and methods to receive emergency notifications 6. Emergency supply kit necessities 7. Care options for pets and other animals in an emergency Public outreach shall be conducted annually and include any updated emergency planning information, as necessary. Compliance shall be documented with the County of San Luis Obispo.	Refuge areas shall be identified on final building and design plans.	Prior to issuance of building permits. Compliance to be verified prior to occupancy of any DRSP neighborhoods.	County Planning and Building Department; DRSP HOA; County Fire Department
Specific Plan Area	WF/mm-3.1	Prior to project occupancy, the master Homeowner's Association shall adopt Covenants, Conditions, and Restrictions that include requirements for the maintenance and protection of the open space areas that ensure that these spaces are maintained in perpetuity. Prior to adoption by the master Homeowner's Association, Covenants, Conditions, and Restrictions shall be created in coordination with the County of San Luis Obispo and the Nipomo Community Services District to ensure feasibility of open space management practices. The Covenants, Conditions, and Restrictions shall be enforced by	Adoption of Declaration of CC&Rs.	Prior to project occupancy.	County Planning and Building Department; DRSP HOA

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		the master Homeowner's Association throughout the lifetime of the project. Language regarding protection and management of open space areas as it pertains to wildfire may include, but shall not be limited to: 1. Smoking, use of cooking equipment, or any other ignition source is prohibited in the open space areas. 2. Safety precautions are required when using equipment capable of creating a spark; this includes spark arrestors. 3. All fireworks or other devices that could cause an ignition of a fire are prohibited throughout the Dana Reserve. 4. Overnight camping is prohibited. 5. Motorized vehicles are not permitted in the open space areas. (except emergency vehicles, vehicles permitted by the Homeowner's Association to conduct official business, and single-rider motorized vehicles adapted for recreational use by people with disabilities). 6. Discharging or carrying firearms, crossbows, fireworks, or projectile weapons of any kind is not permitted (except law enforcement officials) in the Dana Reserve. 7. The Homeowner's Association will maintain fire prevention signage in fire-prone areas near or on trails. 8. The Homeowner's Association will conduct vegetation management in the open spaces, in the retention basins, on trails, and near U.S. Route101 that prevent or reduce the ability for a wildfire to spread to other properties in proximity. Methods used will provide for the protection of the open space environment. 9. Fencing or barriers adjoining the open space areas, whether owned privately or by the Homeowner's Association, will be constructed of a fire-resistive material so that it will not convey or contribute to the spread of fire from or to the open space areas (exception may include an open-type fence, such as a split-rail fence). Combustible fence material will not be used within 5 feet of structures. 10. Vegetation management will be consistent with Dana Reserve's County of San Luis Obispo-approved oak woodland habitat management plan. 11. The Homeowner's Association is authorized to enter into contracts and agreements for vegetation management in and near the open space areas that includes hand, mechanical, animal, prescribe fire, herbicide, and other methods consistent with accepted vegetation management practices. 12. The Homeowner's Association is authorized to increase assessment and fines necessary to protect and maintain the open space areas. This may include funds for the hiring of staff and contracts.			

Project Component	Mitigation Measure	Requirements of Measure	Compliance Method	Verification Timing	Responsible Party
		13. The Homeowner's Association is authorized to enter into agreements with agencies, land conservancies, and other organizations who also have a mutual concern for the protection of the open space areas.			

The Dana Reserve Specific Plan Final Environmental Impact Report (SCH No. 2021060558) can be viewed at the following link:

https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Planning-Projects/Dana-Reserve-Specific-Plan/Final-Environmental-Impact-Report.aspx