

ORDINANCE NO. 3229

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, SECTION 22.112.030B AND SECTION 22.112.080G RELATIVE
TO THE DANA ADOBE

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.112.030.B of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- B. Historic Area (H) - Dana Adobe.** Development of any tourist-related facilities, residential or accessory uses at the site of the Dana Adobe (see Figure 112-6) shall be in consistent with Sections 22.112.080 G.

SECTION 2: Section 22.112.080.G(Figure 112-57 is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- G. Recreation (REC) – Dana Adobe.** The following standards apply only to the Dana Adobe properties shown in Figure 112-57.

1. Limitation on use.

- a. Prior to completion of a future access and egress for emergency responders, visitors, and occupants, land uses shall be limited to those identified as allowable, permitted, or conditional in the Residential Suburban land use category by Section 22.06.030, except for nursing and personal care, and residential care.
- b. After completion of an access and egress for emergency responders, visitors, and occupants, all land uses that are identified by Section 22.06.030 as allowable, permitted, or conditional in the Recreation land use category may be authorized in compliance with the land use permit requirements of that Section.

- 2. Permit requirement.** The initial development of any non-agricultural or non-residential uses shall be subject to Conditional Use Permit approval. The Conditional Use Permit shall identify the area to be developed, the types of uses to be established, and an architectural style compatible with the adobe and the site's interpretation and educational components. Future structures or uses not approved as part of the initial Conditional Use Permit shall comply with the requirements of Section 22.06.030 (Table 2-2) and Section 22.30 (Standards for Specific Land Uses) of the Land Use Ordinance.

3. **Subdivision requirement.** All new subdivisions on the site of the Dana adobe shall be clustered in compliance with Chapter 22.22. An area shall be located around the Dana adobe site, to be offered for dedication to the County, another agency, or appropriate caretaker organization for maintenance and improvements. Funding shall be provided to contribute to the improvement of the adobe and its site in an amount to be determined through the subdivision review process. The residential lots shall be located a compatible distance from the adobe. The architecture of structures within the subdivision shall be compatible with the adobe, through the use of deed covenants, conditions and restrictions (CC&Rs).
4. **Development requirements.** Future development proposals shall also include measures to address the following issues as appropriate:
 - a. Siting and architecture of both residential and nonresidential uses shall be visually compatible with the Dana adobe. Physical linkage with the adobe site shall be designed that encourages pedestrian travel and interpretation of the site's resources. Landscaping should be used to buffer views between the adobe and support buildings and project infrastructure such as parking lots. Should the nonprofit organization, the Dana Adobe Nipomo Amigos, cease to exist, the 30 acre site should be offered for dedication to the County, another nonprofit agency, or appropriate caretaker organization for maintenance and improvements.
 - b. Air Quality
 - (1) Measures to reduce fugitive dust emissions, operational emissions, and demolition activities, such as spraying of dirt piles, revegetation, sweepers, and covered trucks, geologic evaluation for naturally occurring asbestos, and contact with the Air Pollution Control District.
 - (2) Measures to reduce greenhouse gas emissions, such as providing bikeways, pedestrian walkways, green building materials, and energy efficient heating and lighting.
 - c. Biological Resources
 - (1) Measures to avoid or minimize impacts to special status species and sensitive habits, such as pre-construction surveys, biological monitoring, construction avoidance during wet season and nesting bird season, oak tree protection and replanting for impacted trees, and coordination with appropriate regulatory agencies.
 - d. Cultural Resources
 - (1) Measures to address potentially significant impacts to cultural resources, such as soil capping, detailed research design and data recovery, surface documentation, and archaeological monitoring.

- (2) Measures to address potentially significant impacts to paleontological resources, such as limiting the depth of excavation and monitoring by a qualified paleontologist.
- e. Geology and Soils
 - (1) Measures to reduce erosion and sedimentation and ensure water quality standards are met, such as provision of a SWPPP.
 - (2) Measures to promote groundwater recharge through the application of Low Impact Development (LID) design techniques, such as directing parking lot and roof runoff to vegetated swales and rain gardens, and maximum pervious surfacing where feasible.
- f. Noise
 - (1) Measures to reduce potential noise impacts, such as limitations on maximum noise level, duration of special events, noise monitoring, and remediation for complaints.
- g. Transportation and Circulation
 - (1) Measures to reduce impacts to roads and intersections in the area, such as adjustments to peak hour trip generation, payment of road fees, and street improvements.

SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 17th day of July, 2012, by the following roll call vote, to wit:

AYES: Supervisors

NOES: None

ABSENT: None

ABSTAINING: None

James R. Patterson
Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: Annette Ramirez
Deputy Clerk