

APPENDIX A: NOTICE OF PREPARATION AND RESPONSES

- Part I - Notice of Preparation, January 20, 2010
- Part II - Responses Received
 - County of Santa Barbara, Michael Brown, CEO, February 25, 2010
 - Native American Heritage Commission, Katy Sanchez, January 28, 2010
 - North County Watch, Susan Harvey, February 10, 2010
 - San Luis Obispo APCD, Melissa Guise, February 22, 2010



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NOTICE OF PREPARATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET ♦ ROOM 200 ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600
Promoting the Wise Use of Land ♦ Helping to Build Great Communities

DATE: January 20, 2010

FROM: Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040
Attn: Bill Robeson, Project Manager

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE COUNTY OF SAN LUIS OBISPO – AGRICULTURAL CLUSTER SUBDIVISION AND DENSITY PROGRAM, INVOLVING REVISIONS TO THE LAND USE ORDINANCE, COASTAL ZONE LAND USE ORDINANCE, AND AGRICULTURE ELEMENT OF THE GENERAL PLAN.

The County of San Luis Obispo will be the Lead Agency and will prepare an Environmental Impact Report for the above-referenced project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Environmental Impact Report prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period, which began with your agency's receipt of the Notice of Preparation (NOP).

- 1. NAME OF CONTACT PERSON.** Bill Robeson – (805) 781-5607
976 Osos Street, Room 300
San Luis Obispo, CA 93408
- 2. PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
- 3. ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?

4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there others that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.
5. **ALTERNATIVES.** What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed above?
6. **REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS.** Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. **RELEVANT INFORMATION.** Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the Environmental Impact Report. Reference to and/or inclusion of such documents in an electronic format would be appreciated.
8. **FURTHER COMMENTS.** Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response by February 19, 2010 to Bill Robeson at the following address:

Bill Robeson, Senior Planner
Department of Planning and Building
County Government Center, Room 300
San Luis Obispo, CA 93408

PROJECT TITLE: Agricultural Cluster Subdivision Revisions – LRP2008-00010

PROJECT APPLICANT: County of San Luis Obispo

Signature: _____
Bill Robeson
Telephone: (805) 781-5607
Email: brobeson@co.slo.ca.us

Reference: California Code of Regulations, Title 14, Section 15082.

COUNTY OF SAN LUIS OBISPO
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

**AGRICULTURAL CLUSTER SUBDIVISION AND DENSITY PROGRAM,
INVOLVING AMENDMENTS TO THE AGRICULTURE ELEMENT, LAND
USE ORDINANCE, AND COASTAL ZONE LAND USE ORDINANCE**

1. PROJECT OBJECTIVES

The County has identified the following project objectives:

- **Reduce environmental impacts.** Reduce environmental impacts associated with agricultural cluster subdivisions and protect lands for continued and enhanced agricultural production.
- **Reduce vehicle miles traveled.** Reduce greenhouse gas emissions and other impacts associated with increased residential development in rural areas far removed from commercial services and employment centers.
- **Implement strategic growth policies.** Improve consistency between agricultural cluster ordinance standards and the Strategic Growth policies of the County Land Use Element, which discourage increased residential development outside of established urban reserve areas.
- **Ensure internal consistency.** Ensure consistency between ordinance standards and the County Agriculture Element.
- **Introduce program to the Coastal Zone.** Add the agricultural cluster subdivision program to the Coastal Zone.
- **Cluster development.** Encourage clustering of small, self-sustaining parcels and the long-term preservation of agricultural resources.
- **Avoid land use conflicts.** Minimize land use conflicts between residential development and existing and future agricultural operations.
- **Protect and enhance agricultural production.** Protect lands for continued and enhanced agricultural production.

2. PROJECT LOCATION

The Agricultural Cluster Subdivision and Density Program will apply to all of the unincorporated areas of the County of San Luis Obispo. Specifically, the program will affect properties within the Agriculture and Rural Lands land use categories, as identified in the General Plan. It does not affect the incorporated cities.

3. PROJECT DESCRIPTION

The proposed project consists of amendments to Titles 22 and 23 of the County Code (Land Use Ordinance and Coastal Zone Land Use Ordinance), Coastal Plan Policies, and the North Coast Area Plan.

Amendments to the Land Use Ordinance (Title 22)

The Land Use Ordinance (LUO), Title 22 of the County Code, is the primary ordinance concerning land use in the inland portion of the County. The following amendments are proposed to the Land Use Ordinance:

- **Reduce residential density on existing agricultural parcels.** Removing LUO Section 22.30.480A, which allows two primary dwellings on parcels in the Agriculture land use category that are larger than 20 acres.
- **Eliminate the distinction between major and minor clusters.** Combining the Major Agricultural Cluster Ordinance (LUO Section 22.22.152) and Minor Agricultural Cluster Ordinance (LUO Section 22.22.154) into a single ordinance (LUO Section 22.22.150) with one set of standards for all eligible properties.
- **Eliminate agricultural cluster subdivision as an option in Rural Lands.** Allowing the agricultural cluster program to be used only in the Agriculture land use category.
- **Allow clusters only within 2 miles of urban areas.** Modifying agricultural cluster eligibility criteria to include only parcels within the Agriculture land use category that are within two miles of the Urban Reserve Line (URLs) of Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, and Paso Robles.
- **Eliminate the density bonus.** Modifying the method for calculating the allowable number of residential cluster parcels and eliminating the residential density bonus.
- **Increase the minimum cluster parcel size.** Establishing a 2.5 acre minimum size for residential cluster parcels, which would allow each cluster parcel to accommodate individual on-site well and septic systems.
- **Add design standards.** Adding various site design and development standards to reduce impacts associated with agricultural cluster subdivisions and to protect agricultural lands. Some examples of design provisions include the following:
 - Requiring that cluster lots be physically contiguous to each other.
 - Requiring that clusters be located in a single cluster area (or up to two if environmental conditions warrant this).
 - Clarifying that roads and other residential infrastructure be counted towards the 5 percent developable area.
- **Add application requirements.** Modifying and expanding application content requirements.
- **Clarify agricultural buffer requirements.** Establish that required agricultural buffers be located on the residential parcels, consistent with the County's agricultural buffer policy.

- **Update section references.** Updating section references throughout.

Amendments to the Coastal Zone Land Use Ordinance (Title 23)

The Coastal Zone Land Use Ordinance (CZLUO), Title 23 of the County Code, is the primary ordinance concerning land use in the coastal portion of the County. The CZLUO is one component of the County's Local Coastal Program (LCP), which has been certified by the California Coastal Commission. The proposed project would add a new section to Chapter 23.04, which would allow for agricultural lands clustering in the Coastal Zone. This new section would be consistent with the proposed amendments to Title 22; however, the maximum allowed number of residential cluster parcels would be limited to the number of existing underlying lots.

Amendments to the Agriculture Element of the County General Plan

The following amendments are proposed to Chapter 2 of the Agriculture Element of the County General Plan:

- Modifying *Agriculture Policy 5: Residential Density* to specify that agricultural parcels are allowed one primary residence.
- Modifying *Agriculture Policy 20: Agricultural Land Divisions* to specify that the creation of residentially sized parcels and the bonus agricultural parcel provide an incentive to landowners to choose the cluster approach as an alternative to a conventional subdivision.
- Modifying *Agriculture Policy 22: Major Agricultural Cluster Projects* to achieve consistency between the Agriculture Element and Agricultural Lands Clustering Ordinance.
- Eliminating *Agriculture Policy 23: Minor Agricultural Cluster Projects*.
- Updating section references throughout.

ISSUES TO BE DISCUSSED IN THE EIR

Section 1: The EIR Document

The proposed Agricultural Cluster Subdivision and Density Program will be evaluated through a Program EIR approach, which may function as a first tier for subsequent environmental documents. The issues described below shall be addressed in the EIR. All previous environmental work shall be incorporated as appropriate.

Environmental Setting: The environmental setting section shall include, but not necessarily be limited to, discussion of the physical setting, existing land uses, existing policies already part of the Agriculture Element, Land Use Ordinance, and Coastal Zone Land Use Ordinance, and applicable policies and plans.

Structure: The EIR shall include an analysis of the Agriculture Cluster Subdivision and Density Program. The analysis shall assess all elements and issue areas that are required by CEQA including (but not limited to) the resources identified below:

- A. Agricultural Resources
- B. Air Quality
- C. Biological Resources

- D. Cultural Resources
- E. Geologic Hazards
- F. Hydrology and Water Quality
- G. Noise
- H. Public Services
- I. Traffic
- J. Visual Resources
- K. Water Resources

Section 2: Areas of Focus

There are a number of key issues related to the project which may result in potentially significant impacts and will be addressed in greater detail, including the following:

- A. Conflicts between agricultural and residential development.
- B. Preservation of agricultural land.
- C. Conversion of agricultural land to residential development.
- D. Agricultural viability.
- E. Greenhouse gas emissions.
- F. Consistency with the Clean Air Plan.
- G. Effects on biological resources, including sensitive plants, wildlife, and wildlife corridors.
- H. Effects on cultural resources, including pre-historic, historic, and paleontological resources.
- I. Erosion, sedimentation, drainage, and hydromodification impacts.
- J. Development in areas with geologic hazards, including areas prone to landslide or liquefaction and areas with seismic hazards.
- K. Effects on public services and utilities.
- L. Fire safety, including response time, fire hazard severity, and wildland/urban interface issues.
- M. Traffic and transportation-related impacts.
- N. Water availability and quality.
- O. Consistency with the County General Plan.

Section 3: Alternatives

Discussion and evaluation of project alternatives shall include, but not necessarily be limited to, the following:

No Project Alternative. Include an initial assessment of the impact(s) that may occur if the County did not adopt the proposed Agricultural Cluster Subdivision and Density Program. This analysis shall discuss the loss of potential benefits, as well as the potentially significant and insignificant adverse impacts that may be avoided.

Alternative Projects. After considering the existing information sources that are available, such as the existing county documents (see below - Section 3: Background Information), existing ordinance requirements and other pertinent information, project alternatives shall be prepared and considered. The alternatives analysis shall analyze a reasonable range of alternatives. As part of this analysis, possible strategies shall be considered that might reduce or eliminate the impacts that could result from County adoption/implementation of the Agricultural Cluster Subdivision and Density Program. The project alternatives shall be evaluated for their adverse and beneficial impacts. These alternatives would incorporate any combination of components from project, plus any additional components that the County identifies.

Section 4: Background Information

The following materials and documents contain information and standards applicable to the project. All of the documents are available at the County's Planning Department / Environmental Division, and should be reviewed:

- A. County of San Luis Obispo Framework for Planning (both Inland and Coastal Zone).
- B. County of San Luis Obispo General Plan (both Inland and Coastal Zone).
 - i. Agriculture & Open Space Element
 - ii. Coastal Plan Policies
 - iii. Conservation Element (once adopted)
 - iv. Economic Element
 - v. Housing Element
 - vi. Noise Element
 - vii. Parks & Recreation Element; and
 - viii. Safety Element.
- C. County of San Luis Obispo Land Use and Circulation Element (both Inland and Coastal Zone).
- D. County of San Luis Obispo Land Use Ordinance (both Inland and Coastal Zone).
- E. Resource Management System Annual Summary Report

County of Santa Barbara



Michael F. Brown
County Executive Officer

105 East Anapamu Street, Suite 406
Santa Barbara, California 93101
805/568-3400 • Fax 805/568-3414
www.countyofsb.org

Executive Office

February 25, 2010

Bill Robeson, Senior Planner
Department of Planning and Building
County Government Center, Room 300
San Luis Obispo, CA 93408

Fax: (805) 781-5603
EMAIL: brobeson@co.slo.ca.us

Post-It® Fax Note	7671	Date	2-25-10	# of pages	1
To	Bill Robeson	From			
Co./Dept.	City San Luis Obispo	Co.			
Phone #		Phone #			
Fax #	781-5603	Fax #			

RE: NOP of EIR for County of San Luis Obispo - Agricultural Cluster Subdivision Revisions

Dear Mr. Robeson:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the County of San Luis Obispo – *Agricultural Cluster Subdivision and Density Program, Involving Revisions to the Land Use Ordinance, Coastal Zone Land Use Ordinance, and Agriculture Element of the General Plan.*

The County of Santa Barbara is dedicated to ensuring compatibility between residential and agricultural land uses. While the NOP has provided an outline of the potential land use impacts that will be analyzed for this project, we look forward to the opportunity to review the full analysis of these impacts in the draft EIR.

The County looks forward to continued dialogue on this and future projects. If you have any questions, feel free to contact my office directly or Derek Johnson, Director of the Office of Long Range Planning, at (805) 568-2072.

Sincerely,


Michael F. Brown
County Executive Officer

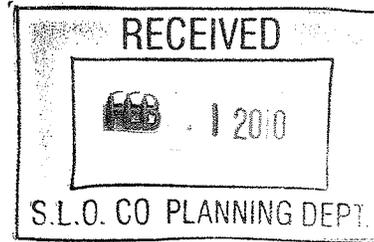
cc: Glenn Russell, Director, Planning and Development Department
Derek Johnson, Director, Office of Long Range Planning

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



January 28, 2010



Bill Robeson
San Luis Obispo County Dept of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: SCH#2010011079 Agricultural Cluster Subdivision Revisions; San Luis Obispo County.

Dear Mr. Robeson:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact
San Luis Obispo County
January 28, 2010

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fernandeño

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road Chumash
Grover Beach CA 93433
cheifmvgil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez, CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

Chumash

Diane Napoleone and Associates
Diane Napoleone
1433 Camino Trillado Chumash
Carpinteria, CA 93013
805-684-4213

Julie Lynn Tumamait
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(5) 646-6214

Chumash

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365 Chumash
Santa Ynez, CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Lei Lynn Odom
1339 24th Street
Oceano, CA 93445
(805) 489-5390

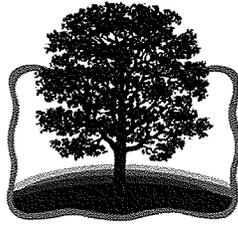
Chumash

Randy Guzman - Folkes
655 Los Angeles Avenue, Unit E
Moorpark, CA 93021
ndnRandy@gmail.com
(805) 905-1675 - cell
Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2010011079 Agricultural Cluster Subdivision Revisions; San Luis Obispo County.



North County Watch

Looking Out Today For Tomorrow

February 10, 2010

Planning Commission "Ramona Hedges" <rhedges@co.slo.ca.us>
County of San Luis Obispo
San Luis Obispo, CA 93406

Subject: Hearing Item 3
Environmental Impact Report Scoping Meeting for the
Agricultural Cluster Subdivision and Density Program

Dear Planning Commissioners:

North County Watch welcomes the opportunity to comment.

BACKGROUND

By 1973 the state mandated each jurisdiction have Open Space Zoning. Government Code §65910

In response, the county amended their General Plan to define lands in the Agricultural and Rural Lands category are open space.

22.01.040 - Open Space Zoning

A. Open space provisions. The intent and purpose of each of the following provisions, together with all other applicable provisions of this Title, are consistent with the intent of the Agriculture and Open Space Element, and shall constitute the Open Space Zoning Ordinance of San Luis Obispo County in compliance with Government Code Sections 65910 et seq.:

1. The Agriculture (AG), Rural Lands (RL), Recreation (REC) and Open Space (OS) land use categories; and the Flood Hazard (FH), and Sensitive Resource Area (SRA) combining designations of the Land Use Element;
2. Chapters 22.14 (Combining Designations) and 22.22 (Subdivision Design Standards) of this Title.

B. Public access or use. In cases where the Land Use Element designates a property in the Open Space or Recreation land use categories, in the Sensitive Resource Area or Historic Area

Page 1 of 2

combining designations, or where the Land Use Element identifies a need for open space preservation through easement, contract, or other instrument, the designation does not in and of itself convey or imply any right of public use, access, trespass, or violation of privacy.

The state discourages converting Open Space Zoned lands.

§65561. The Legislature finds and declares as follows:

(b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.

SCOPING RECOMMENDATIONS

North County Watch observes that strategic growth policies and principles are mentioned in the Environmental Checklist document. We think references to the county Open Space Zoning ordinance ought to be included as well.

- Page 3-28, Initial Study Summary – Environmental Checklist, 15. Land Use, Setting/Impact
Add
Agricultural (A) and Rural Lands (RL) land use categories are Open Space zoned land and project may result in a land use inconsistency.
- Page 3-35, ISSUES TO BE DISCUSSED IN THE EIR, Section 1: The EIR Document, Structure
Add to the list
Open Space
- Page 3-36, Section 2: Areas of Focus
Add to the list
Conversion of Open Space land

North County Watch hopes you find our comments useful. Thank you.

Very truly yours,

Susan Harvey



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

February 22, 2010

Bill Robeson
San Luis Obispo County
Department of Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the SLO County Ag Cluster Program NOP Project Level. (LRP2008-00010)

Dear Mr. Robeson,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the above referenced project.

The proposed project consists of amendments to Titles 22 and 23 of the County Code (Land Use Ordinance and Coastal Zone Land Use Ordinance), Coastal Plan Policies and the North Coast Area Plan.

Amendments to the Land Use Ordinance (Title 22) are proposed as follows: reduce residential density on existing agricultural parcels; eliminate the distinction between major and minor clusters agricultural cluster subdivision; eliminate agricultural cluster subdivision as an option in Rural Lands; allow clusters only within 2 miles of urban areas; eliminate the density bonus; increase the minimum cluster parcel size; add design standards; add application requirements; clarify agricultural buffer requirements.

Amendment to the Coastal Zone Land Use Ordinance (Title 23) would add a new section to Chapter 23.04, which would allow for agricultural lands clustering in the Coastal Zone. This new section would be consistent with the proposed amendments to Title 22; however, the maximum allowed number of residential cluster parcels would be limited to the number of existing underlying lots.

Amendment to Chapter 2 of the Agricultural Element of the County General Plan would include, Agriculture Policy 5- Residential Density to specify that agricultural parcels are allowed one primary residence; Agriculture Policy 20- Agricultural Land Divisions to specify that the creation of residentially sized parcels and the bonus agricultural parcel provide an incentive to landowners to choose the cluster approach as an alternative to a conventional subdivision;

Agriculture Policy 22- Major Agriculture Cluster Projects to achieve consistency between the Agriculture Element and Agriculture Lands Clustering Ordinance; Eliminate Agriculture Policy 23- Minor Agricultural Cluster Projects; and update section references throughout.

The following are APCD comments that are pertinent to this project.

1. Contact Person:

Melissa Guise
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401
(805) 781-4667

2. Permit(s) or Approval(s) Authority:

Permits

Portable equipment used during construction activities may require statewide registration or an APCD permit. Additionally, some future developments (i.e. gas stations, auto body and paint shops, etc.) may require APCD permits and applicants will need to apply for an Authority to Construct. Please contact our Engineering Division at (805) 781-5912 prior to final permit approval of these types of projects by your agency.

3. Environmental Information:

The potential air quality impacts from construction and operational phases of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term (construction) and long-term (operational) emissions impacts (including traditional air pollutants and greenhouse gas emissions). The following is an outline of items that should be included in the analysis:

- a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information and the APCD should be consulted to determine if there is more up to date information available.

- b) A detailed quantitative air emissions analysis addressing the potential impacts from development of agricultural lands as proposes.
 - c) A qualitative analysis of the air quality impacts should also be conducted. A consistency analysis with the CAP will determine if the emissions resulting from development under the project will be consistent with the emissions projected in the CAP, as described in item 6 of this letter. The qualitative analysis should be based upon criteria such as prevention of urban sprawl and reduced dependence on automobiles. A finding of Class I impacts could be determined qualitatively. All assumptions used should be fully documented in an appendix to the DEIR.
 - To aid in the air quality analysis, the traffic study should include the total daily traffic volumes projected. The traffic study results can be used in the qualitative analysis by providing a tool for comparing trip generation between different alternatives and evaluating effectiveness of mitigation methods for reducing traffic impacts.
 - d) The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A quantitative and qualitative analysis of the air quality impacts should be generated for each of the proposed alternatives. Examples include but are not limited to:
 - Reducing the amount of agricultural land eligible for agriculture cluster development from within 2 mile of an urban area to within 1 mile of an urban area.
 - e) Assembly Bill 32, the California Global Warming Solution Act of 2006 and California Governor Schwarzenegger Executive Order S-3-05 (June 1, 2005), both require reduction of greenhouse gases in the State of California. The Governor has recognized, "mitigation efforts will be necessary to reduce greenhouse gas emissions. Greenhouse gases should be quantified and mitigation measure recommended in the DEIR.
 - f) Mitigation measures to reduce air quality impacts from construction and operational phases to a level of insignificance should be specified.
4. Permit Stipulations/Conditions:

It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the APCD web page (www.slocleanair.org) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the APCD. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

5. Alternatives:

Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3 listed above.

6. Reasonably Foreseeable Projects, Programs or Plans:

The most appropriate standard for assessing the significance of potential air quality impacts for project EIRs is the preparation of a consistency analysis where the proposed project is evaluated against the land use goals, policies, and population projections contained in the CAP. The rationale for requiring the preparation of a consistency analysis is to ensure that the attainment projections developed by the APCD are met and maintained. Failure to comply with the CAP could result in long term air quality impacts. Inability to maintain compliance with the state ozone standard could bear potential negative economic implications for the county's residents and business community. The APCD's CEQA Air Quality Handbook provides guidance for preparing the consistency analysis and recommends evaluation of the following questions:

- a) Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?
- b) Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?
- c) Have all applicable land use and transportation control measures from the CAP been included in the plan or project to the maximum extent feasible?

The land use and circulation policy areas contained in Appendix E of the APCD's CAP are crucial to the consistency analysis and should be specifically addressed in the DEIR. Implementation of these land use planning strategies is the best way to mitigate air quality impacts at the project scale.

These land use planning strategies are:

- Planning Compact Communities
- Providing for Mixed Land Use
- Balancing Jobs and Housing
- Circulation Management Policies and Programs
 - Promoting Accessibility in the Transportation System
 - Promoting Walking and Bicycling
 - Parking Management
 - Transportation Demand Management
 - Communication, Coordination and Monitoring

The formation of compact, pedestrian friendly and more economically self-sufficient communities will reduce automobile trip generation rates and trip lengths.

7. Relevant Information:

As mentioned earlier, the Handbook should be referenced in the EIR for determining the significance of impacts and level of mitigation recommended.

8. Further Comments:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Guise for".

Melissa Guise
Air Quality Specialist

MAG/arr

